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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H21-0466-24 **Date of Decision:** 18th June 2024
Applicant: Proctor Bros (Long Sutton) Ltd
Lighthouse Farm
East Bank
Sutton Bridge
Spalding
PE12 9YT
Location: Roman Lodge Mill Lane Tydd St Mary Spalding
Description: Works to Tydd St Mary Tree Preservation Order No 1 1957

Detailed Description:

Application to carry out works to nine trees 'recorded growing along the southern side of a ditch' between arable land and the southern boundary of the garden of the property known as Roman Lodge, Mill Lane, Tydd Saint Mary.

The trees are within Group Six of Tydd Saint Mary Tree Preservation Order No. 1 1957.

All the trees are in poor condition but provide potential nesting sites/homes for many species of bird such as little owls, woodpeckers and jackdaws. They also have the potential to provide roosting sites for bats.

Please see the Location Plan and Tree Report provided with the Application for details.

Please note that the Description in the Application has been slightly altered to match the Recommendations in the Tree Report following verbal instruction by the Agent on 10th June 2024.

'The application concerns 8 x black poplar trees and 2 x ash trees some or all of which are thought to be subject of tree preservation orders, the trees are on a field boundary to the south of the garden of Roman Lodge. The poplar trees are all large, extensively decayed and breaking-up with dead upper crowns. There is a severe rabbit infestation problem and Proctor Bros are in the

process of erecting a fence to protect the crops from rabbits but the poplar trees are dropping large limbs and collapsing, preventing the completion of the fence. The application is for consent to fell' all but one of 'the poplar trees,' that at the western end of the row T10 to 'Reduce branches to 4m-5m from stem' 'and to pollard one' (identified as T05) 'of the ash trees'"Could remove 2x larger limbs at 4m', 'once the birds currently nesting in the trees have left their nests.'(The other ash tree noted as T09 to have 'No action').

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

- 1 That the proposed work is carried out within two years of the date of this decision unless otherwise agreed with the District Council.
- 2 Work is to be carried out in accordance with BSI 3998 : 2010, 'Recommendations for Tree Work'.
- 3 Normally the resulting stumps of the trees should be ground out to at least 300mm below ground level, unless otherwise agreed with the District Council, to help reduce the risk of the stumps harbouring decay fungi which could infect nearby trees. (Taking care not to damage the roots of any adjacent trees.) In this instance there is evidence of larvae holes of the hornet clearwing moth (*Sesia apiformis*) at the base of the trunk, of the tree identified as T04. It may be present in others, only obscured by ivy. Please note that this is a Nationally Scarce species, rated 'B'. (Nationally Scarce B: These are species which have been recorded from 31-100 10km squares.)

These moth larvae tend to be in the bottom foot of the trunk. If such was left for them to complete their life cycles this would benefit biodiversity. Similarly if the extracted timber has evidence of considerable activity by large wood boring insects such as the grubs of stag beetles or similar, which are locally very uncommon, please consider stacking the timber at a position not in direct proximity of any mature trees. Leave it for a few years to enable the beetle grubs to complete their life cycle, before ever considering burning it. The Natural History Museum website <https://www.nhm.ac.uk/discover/stag-beetles.html> is a good reference point. Stag beetles are partially protected under Wildlife and Countryside Act 1981 (as amended).

Notes:

The necessary consent of all other interested parties should be obtained before the works proceed.

Poplar trees are prone to bleeding of sap if cut during January and through the spring months and therefore works on them at this time are best avoided.

In this case the duty of the landowner is to plant another tree, of an appropriate size and species, at the same place and as soon as reasonably possible to replace each removed.

It is recommended that the tree(s) are replaced with further poplars (ideally native black

poplars), or limes (such as small-leaved lime) or hornbeams of at least 1.5 metres high on planting as near as reasonably practicable, to the position of the original trees, within a period of twelve months. The trees will require staking (tree ties adjusting to allow for growth) and protection from rabbit damage until fully established. Watering in dry periods for at least the first two years after planting is strongly recommended to enable them to take advantage of the long day light hours of Spring and Summer re-establish their roots, instead of fighting to survive in the hot summer sun.

Modifications to the details may be agreed with the Local Planning Authority.

Please inform the Local Planning Authority as soon as replanting has taken place and indicate the position of the replacement trees. Section 207 of the Town and Country Planning Act 1990 empowers this Authority to issue a Notice formally requiring replacement trees to be planted.

Particular care must be taken to monitor the trees for Protected Species prior to works commencing, such works may require adjustment to accommodate the requirements of the Wildlife and Countryside Act 1981 (as amended).

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place, please inform Natural England on Tel: 03000 603900 before works proceed.



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

RIGHTS OF APPEAL:

Where an application is made to the Authority for consent and that consent is refused or is granted subject to conditions the applicant, if aggrieved by the decision, may appeal to the Planning Inspectorate (PiNS). Appeals must be received by the PiNS within 28 days of the Council's decision. The appeal should be made on the relevant TPO (consents) appeal form which can be obtained from PiNS. The form can be found on the Planning Portal website at:

<https://www.gov.uk/appeal-decision-about-tree-order>

Alternatively a form can be obtained by writing to Environment Appeals, Room 3A Eagle Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0303 444 5000.

If you visit the Planning Portal web site you will be able to complete the appeal form and return it to PiNS electronically via the email address:

treeandhedgeappeals@planninginspectorate.gov.uk