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## TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

**Reference:** H21-0737-23 **Date of Decision:** 5th September 2023

**Applicant:** Mrs Shea  
The Meadows  
Lowgate  
Tydd St Mary  
Spalding  
PE13 5QP

**Location:** The Meadows Lowgate Tydd St Mary Spalding

**Description:** Works to Tydd St Mary Tree Preservation Order No. 6 1995

### Detailed Description:

Application to remove an ash tree growing in the grounds of the 'The Meadows', Lowgate.

The tree is identified as T1 of Tydd Saint Mary No. 6 1995.

The accompanying Tree Report states:

'This tree is approximately 18 metres tall with a 6-metre canopy spread and a 900mm trunk diameter. The canopy looks in fair condition, with minor cavities on stem. However, there are signs of the tree suffering from Inonotus brackets, this is a fungus that eats away at the heart wood of the tree and can make them prone to sudden limb failure. (Please see picture attached below)

### Recommendations

Due to this we would recommend this tree is removed in its entirety. The client has informed us that the tree officer has been out and has also recommended removal.'

**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 The resulting stump of the tree 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 stump harbouring decay fungi which could infect nearby trees. (Take care not to damage the roots of adjacent trees in the process).

#### Notes:

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

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.

It is recommended that the tree is replaced with a further ash (*Fraxinus excelsior*) or other native deciduous tree of at least 1.5 metres high on planting, which will grow to a medium or large sized tree when mature. The tree to be planted as near as reasonably practicable, to the position of the original tree, within a period of twelve months. (Ideally the newly planted tree will require protecting with a suitable tree guard/shelter while it becomes established, to discourage voles and other mammals from damaging the bark. In dry periods for at least the first, ideally the second year, the young tree will require watering. This to enable it to take advantage of the long daylight hours of spring and summer to re-establish its roots, rather than 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 tree. Section 207 of the Town and Country Planning Act 1990 empowers this Authority to issue a Notice formally requiring replacement trees to be planted.

All cavities should be thoroughly monitored prior to works taking place.

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.

Should the removal of the tree result in the loss of several suitable nesting holes, it is encouraged where possible to provide nest boxes, with similar sized holes nearby; to compensate for the loss of natural habitat.



**Phil Norman**  
**Head of Planning**  
**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](mailto:treeandhedgeappeals@planninginspectorate.gov.uk)