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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H21-0774-24 **Date of Decision:** 28th October 2024

Applicant: Savills
Olympic House
Doddington Road
Lincoln
Lincolnshire
LN6 3SE

Location: Tydd St Mary Recreational Ground Rectory Road Tydd St Mary Spalding

Description: Works to Tydd St Mary Tree Preservation Order No 2 1978

Detailed Description:

Please see the plan accompanying the Application/Notification.

a. Application to remove a lime tree on the Southern side of the entrance to Tydd St Mary Recreational Ground, Rectory Road.

The tree is within Area One of Tydd St Mary Tree Preservation Order No 2 1978.

'Felling of T879 (Lime tree) situated at the entrance to the playing field due to a large wound cavity with extensive decay in the main stem at various points.'

b. Notification of the proposed removal of selective hybrid black poplar trees (mainly adjacent to dwellings) and the pollarding of the remainder on the western boundary of the Recreation Ground.

'Some trees to the west of the field situated in the cluster of 20 Hybrid poplar trees and tagged T886 may fall under the Conservation Area.

Trees marked pink on site have been highlighted to be felled at ground level due to structurally weak unions and their proximity to residential housing, where as the remaining should be pollarded.'

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 If the lime tree is completely removed, 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.

Please note that although some trees bordering the Recreational Ground are the subject of Conservation Area restrictions, those on the Western and Northern boundary are not.

(Whilst inspecting the trees on 7/10/24 it was noted that the tree directly to the north of that tagged as 888 had a basal cavity, as did that immediately south of the footbridge to Marley Close; the pollarding should improve their safety.)

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.

The lime already contained a noticeable large cavity in 2004. Recently a tawny owl has been regularly noted in the trees at the entrance to the Recreational Ground and it is quite probable depending on the extent of the cavity, that it could live within the tree concerned; this needs to be taken into account when works proceed.

If the lime could be made to an acceptable level of safety for its situation and retained with some wildlife value, such as being heavily reduced but left with a hole for a tawny owl to live in, this option deserves consideration. Alternatively should it have to be removed; it is suggested that a tawny owl box or even a section of the hollow shaft of the lime tree is installed elsewhere on site to make a nest 'box', further from the Highway.

Should the lime tree be removed due to its condition, 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 lime tree, of at least 1.5 metres high on planting as near as reasonably practicable, to the position of the original tree (within Area One of the Order), within a period of twelve months. (Ideally arrange for it to be watered in dry periods for at least the first two years to enable its roots to become fully

established).

The replacement tree will be subject of the original Order.

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.

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