Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

Mr D Tointon
Kingston Lodge
269 High Road
Whaplode
Spalding
PE12 6TG

TOWN AND COUNTRY PLANNING ACT 1990
WORKS TO A PRESERVED TREE

Reference: H23-0231-22 **Date of Decision:** 26th April 2022

Applicant: Mr D Tointon
Kingston Lodge
269 High Road
Whaplode
Spalding
PE12 6TG

Location: The Old Chapel Millgate Whaplode Spalding

Description: Works to Whaplode Tree Preservation Order No 8 2017

Detailed Description:

Application to remove Whaplode Tree Preservation Order No. 8 2017 from trees located in the north side of the grounds of 'The Old Chapel', Millgate, on the road frontage adjacent to Buttercup Paddock. Please see the plan accompanying the Application.

In the Applicant's own words:
'Reference Planning application H23-1339-21
Whilst considering to reapply or appeal the decision we discovered new information, there are covenants with Western Power on this land. We would like the TPOs to be removed from this area so we can work with Western Power, their under ground cables are on this plot.'

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 The situation on the site, in particular that of the field maple referred to in Application No H23-1339-21 and mentioned in relation to this Application; was discussed with a Wayleave Specialist from Western Power Distribution.

They responded: 'I can advise that although WPD would not in this case insist on the removal of the Field Maple that appears to have been planted within the recommended 3 metre exclusion zone, if we were advised at the time then it is likely that WPD would have objected based upon the grounds that the root system of the tree could potentially interfere with and damage the underground cables.
There are also maintenance issues to consider in that if the underground cables either faulted or requires repairing/replacing/renewing in the future we would have to carry out excavation to a minimum depth of 450mm in and around the root system which could also have a detrimental effect upon the root system and stability of the tree.'

Western Power therefore can not be stated for a reason to remove the Tree Preservation Order from the trees at this juncture as if the field maple is taken as an example, they currently would not insist on the trees removal due to their situation. At any point in the future should Western Power require the removal of the trees for operational reasons Tree Preservation Order works consent would be granted.



Phil Norman
Planning Manager
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:

www.planningportal.gov.uk/planning/appeals/otherappealcasework/treepreservation

Alternatively a form can be obtained by writing to The Environment Team, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0117 3728192

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:

environment.appeals@pins.gsi.gov.uk