

Mr D Tointon
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TOWN AND COUNTRY PLANNING ACT 1990

WORKS TO A PRESERVED TREE

Reference: H23-0812-22 **Date of Decision:** 6th October 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 a Norway maple tree within the grounds of The Old Chapel, Millgate. The tree is located near the eastern boundary near the north-eastern corner. The tree is within Area One of Whaplode Tree Preservation Order No. 8 2017.

Please see the plan accompanying the Application to show the position of the tree.

In the words of the Applicant:

'Norway maple as on plan.

A tree surgeon has advised us that this tree would of been moribund before the area TPO was served. It has extensive cavities of the lower trunk/limbs, this has weakened the structure because of its years of decay. This being the case it should not have been including in this TPO.

The extensive rot/decay has gone into the remaining two limbs. Photographs have been e-mailed. We seek permission to fully remove the Norway maple as it is dangerous.'

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/removed 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.

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 species of maple of at least 1.5 metres high on planting, as near as reasonably practicable to the position of the original tree, within a period of twelve months.

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
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:

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