



Ms Helen Gibbs
Savills UK Limited
Savills
Stuart House
St Johns Street
Peterborough
PE1 5DD

TREES IN A CONSERVATION AREA SECTION 211 NOTICE

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Tree Preservation) England Regulation 2012

Dear Sir/Madam

Application No:	S24/1430
Date Received:	19th August 2024
Applicant:	Talisman Investments Ltd
Proposal:	Section 211 notice to remove upper branches on holly tree to provide at least 2m clearance from the property.
Location:	Temple Farm Temple Road Aslackby Lincolnshire NG34 0HJ
Decision/Date:	Work Allowed 30th September 2024

I refer to the Section 211 Notice described above.

This authority has no objection to the proposed works as specified in the notice and you can proceed as notified.

The proposed works must be carried out within two years of the receipt of the Section 211 Notice.

I enclose for your attention the following information:-

- 1 Notes on wildlife issues.
- 2 A copy of the Council's officer report is available to view at <http://www.southkesteven.gov.uk/index.aspx?articleid=8170&application=SK#/>

Yours faithfully

Emma Whittaker
Assistant Director Of Planning
30th September 2024

WILDLIFE

1. Prior to starting work, it is necessary to be satisfied that the proposals will not harm protected species including bats, nesting birds or other species as specified.
2. All proposals should have regard to the **Wildlife & Countryside Act 1981** (as amended) and the **Conservation (Natural Habitats, &c.) Regulations 1994** and the **European Habitats Directive**. This relates to all European Protected Species (EPS) including bats and nesting birds.

This legislation makes it illegal to intentionally or recklessly* kill, injure, or disturb any bat, or destroy their breeding places. If bats are disturbed during tree management operations, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

*It is for the courts to decide what is intentional or reckless

You may also need to seek specialist Ecological advice before implementing the work and should consult with Natural England's standing advice available on their website at <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

3. Nesting birds are protected by the Wildlife and Countryside Act (1981) as amended. It is an offence to intentionally or recklessly* kill, injure or take, damage or destroy its nest whilst in use or being built: and/or take or destroy its eggs. Normally it is good practice to avoid tree work during the period 1st March to 31st August in any year, although birds can nest either side of this period. Prior to starting work a survey should be undertaken to establish that nesting birds are not present.

It would be the responsibility of the tree contractor and landowner to ensure that this aspect is fully addressed. You can locate Ecological Consultants under the appropriate page in the Yellow Pages or by typing this into a Web Search Engine.

GENERAL DEVELOPMENT PROCEDURE ORDER 1995 (AMENDED)
TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) ENGLAND REGULATIONS
2012

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed tree works or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same, or substantially the same, land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of the service of the enforcement notice **or** within six months of the date of this notice (whichever period expires earlier).

If you want to appeal, then you must do so within 28 days of the date of the Council's decision, or any later date set out in it; or within 28 days from the date upon which the Council's 8 week determination period expires (if they have failed to make a decision) using a form from the Planning Inspectorate. The completed appeal form and supporting documents must be submitted to The Environment Team, Room 4/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0117 372 8192

Email: environment.appeals@pins.gsi.gov.uk

Website: -<https://www.gov.uk/planning-inspectorate>

Or www.planningportal.gov.uk/pes

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Compensation

If you suffer any loss or damage as a result of this refusal of consent, you may be entitled to recover compensation from the Council. If you wish to make a claim you must do so within 12 months of the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of that decision). Claims should be made in writing to South Kesteven District Council.