



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Additional Information Report

This report sets out additional information in relation to planning applications for consideration at the Planning Committee on 23 October 2025 that was received after the agenda was published.

### S25/1679

**Proposal:** Remove dead wood (T1), remove epicormic growth from main stem and remove basal growth (T2 and T17), remove epicormic growth from main stem, remove basal growth and remove dead wood (T6, T9, T12, T16 and T18), remove epicormic growth from main stem, remove basal growth, remove dead wood and prune branch tips (T7 and T8), remove ivy, remove epicormic growth from main stem, remove basal growth, remove dead wood, crown lift to 5m (T10) (All Lime trees) (TPO-123).

**Site Address:** Land Between The Pines And Manor View, Casthorpe Road, Barrowby, Lincolnshire, NG32 1DW

**Information Received:** Additional representation on behalf of Barrowby Parish Council

#### Summary:

An additional representation has been received on behalf of Barrowby Parish Council following publication of the main officer report, which raises the following points:

#### 1. Missing and Incomplete Information

*There's no mention in the report of the relationship between the agent, Cerda Planning (for William Davis Homes), and the appointed arborist. That link is central to understanding the true purpose of this application and should be set out clearly under NPPF paragraphs 39 and 41, which require openness and transparency. Especially as the tree works application is being presented as if from the Landowner, when it has been confirmed not to be.*

*The report also omits the recent felling of the protected lime (T12/S13, TPO 123). That tree was removed without a valid or contemporaneous exemption record, by the same arborist now acting on this application. Omitting that history removes essential context - both in terms of amenity loss and cumulative impact under Regulation 24 of the TPO Regulations 2012 and Policy EN1 of the Local Plan.*

## 2. Ecological Survey

*The section on ecology (5.11) notes possible impacts on bats and nesting birds but proposes only an informative asking contractors to be “mindful of bats”. That is not sufficient.*

***The Conservation of Habitats and Species Regulations 2017 and paragraph 180 of the NPPF both require potential effects on protected species to be properly assessed before permission is granted, not left to chance on site.***

*Natural England’s own standing advice confirms that where there is any potential for roosts, a bat survey must be conditioned prior to works. Using an informative instead of a condition doesn’t meet that legal test and leaves the Council exposed if harm occurs - see R (Morge) v Hampshire CC [2011] UKSC 2.*

## 3. Statement by the Arborist

*When I spoke with Jason Humphreys (12 September 2025), he told me quite directly that “if any assurance were required as to the trees’ survival, [he] would rather withdraw the application.” I believe Members need to be aware of that statement. It calls into question the arboricultural confidence behind the proposal and suggests that the works are not being pursued for tree health, but for other (development-led) reasons. Excluding that from the report leaves Members with an incomplete picture of professional evidence, contrary to NPPF paragraph 41.*

## 4. Language and Impartiality

*The report describes the proposal as “reasonable arboricultural management” and even asserts that refusal “would be deemed as poor arboricultural practice.” In the absence of any supporting documentation (such as photographs, condition surveys, or quantified risk assessments) such statements amount to advocacy rather than impartial professional analysis. Presenting unsubstantiated opinion as expert fact risks prejudicing the Committee’s discretion, and even the appearance of bias is contrary to established case law (R (Lewis) v Redcar & Cleveland BC [2008] EWCA Civ 746).*

*Given all the above, I would respectfully suggest that the only safe and proper course is to defer the decision until:*

- 1. an up-to-date **arboricultural report** (prepared in accordance with BS 3998:2010 and BS 5837:2012) and ecological survey are completed; and*
- 2. the full procedural history of the site, including the previous felling, is presented in an updated report.*

*That would bring the process back within the expectations of NPPF paragraph 55, Local Plan policies EN1 and EN2, and recent case law (R (Mansell) v Tonbridge & Malling BC [2017] EWCA Civ 1314).*

## **Officer Evaluation**

- 1. The application form details the landowner as the applicant. During the life of the application, the applicant contacted the Council to advise of a change in agent. They have subsequently confirmed a change in agent to Mr Steven Weber of RammSanderson Ecology, who has submitted a statement (Appendix A) confirming this arrangement and that they have been commissioned by the landowner and William Davis Homes Ltd who have an option on the land.*

National Planning Practice Guidance advises: *“Anyone can apply for consent under an Order. The applicant will usually be the owner of the tree or trees in question or an arboricultural contractor or other person acting as the applicant’s agent.*

*Also, a person can apply to carry out work on a neighbour’s protected tree. But such an applicant is advised to first consult the tree’s owner and also notify them promptly after submitting their application. The authority may ask the applicant about their legal interest in the tree and consult the tree’s owner. If the authority grants consent it will be for the applicant to get any necessary permission (for access to the land, for example) from the owner, before carrying out the work.”*

The owner/ applicant is not a material consideration in the determination of an application for consent under a Tree Preservation Order. The relevant factors that need to be considered are the impact of the proposal on the amenity of the area and whether the proposed works are justified in arboricultural terms. Justification on the grounds of facilitating or informing potential development is not a consideration that should be afforded any weight in the determination of the application. As set-out in the main officer report, the Council’s tree officer considers that the proposed works are justified and would not result in harm to the amenity of the area.

It is not clear what the relevance of paragraphs 39 and 41 is to the point made. Paragraph 39 encourages Local Planning Authorities to approach decisions in a position and creative way and to seek to approve applications for sustainable development, where possible. Paragraph 41 encourages pre-application discussions and encourages engagement with the local community, but notes this is not a requirement.

In respect of the tree that has been removed from the site (St3), this is discussed at paragraph 5.10 within the main officer report. That tree is not part of this application and a replacement is being pursued by the Council as a separate matter.

2. The use of an informative to highlight legal responsibilities in relation to protected species on consents granted under a Tree Preservation Order is normal practice. Further, this is the approach advised by National Planning Practice Guidance. (Paragraph: 100 Reference ID: 36-100-20140306)

The proposed informative is clear that protected species, including bats, are protected by separate primary legislation. Therefore, it is not necessary to impose a condition in relation to the proposed tree works. It is the landowner’s responsibility, in addition to those conducting the works, to ensure that protected species, such as bats, have been taken into account before any actions are conducted that could disturb or harm those animals. This legislation is applicable to all of the works proposed, even those exempt (removal of deadwood) from requiring consent.

The quoted case law (R (Morge) v Hampshire CC [2011] UKSC 2) is supportive of this approach, confirming that article 12(1)(b) of the Habitats Directive is an article affording protection specifically to species and not to habitats. As the works in this case involve pruning and no trees are proposed to be removed, the majority of the habitat would remain. Therefore, the legal responsibility to ensure there would be no harm to protected species is most appropriately adhered to through an inspection prior to the works being undertaken. As set out above, that responsibility would fall on the landowner and those conducting the works.

Notwithstanding above, the statement from RammSanderson Ecology advises that ecological surveys have already been undertaken and that further surveys would be undertaken immediately prior to works taking place, in the event that consent were granted.

National Planning Policy Framework para 180 relates to flood risk and is not relevant to this application.

3. The Council’s tree officer has visited the site, assessed the proposed works and advised they would be very unlikely to result in any harm to the trees, if carried out in accordance with British Standard 3998: 2010 and European Tree pruning Standard 2024, which is required by condition.

4. The Council's tree officer is appropriately qualified to offer expert advice in relation to the proposed tree works and considers that the proposed works are justified and would not result in harm to the amenity of the area. The reason the works are supported is because refusal would deny the applicant the opportunity to undertake maintenance that represents sound arboricultural management, helping the owner to fulfil their duty of care and to minimise the risk of liability for actionable nuisance. The Committee should consider that, if the applicant were refused the opportunity to fulfil their duty of care obligations and the tree then failed causing injury or damage, a proportion of the liability could rest with the Council.

It is noted that the RammSanderson statement refers to the proposed works facilitating an assessment in accordance with BS 5837:2012 ("Trees in relation to design, demolition and construction"). The Local Planning Authority cannot consider speculative or future development proposals in determining this application. BS 5837:2012 allows stem diameters to be estimated where direct measurement is impractical due to vegetation or access constraints, provided this is recorded on the survey sheet. The standard does not require or recommend the removal of basal or epicormic growth for the purpose of measurement. The justification for the works is therefore considered only insofar as they represent reasonable arboricultural management, specifically in relation to duty of care inspections and pruning to avoid nuisance issues.

The officer recommendation is based on that expert advice and provides an impartial assessment of the proposed works. The decision-maker in this instance, is the Council's Planning Committee, who are required to ensure they are open minded and do have any predetermined views on the merits of the case in order to take part in the determination of the application.

In summary, it is considered that the proposed works would not harm the amenity of the area, subject to adherence with the proposed conditions. This would also ensure compliance with Local Plan Policies EN1 and EN2. These have been reviewed to ensure they sufficiently and precisely control the proposed works. Officers are satisfied that the imposition of the informative setting out the legal responsibilities in relation to protected species is appropriate and consistent with National Planning Policy Guidance.

National Planning Policy Framework para 55 is not relevant to this application, as it relates to conditions restricting permitted development rights. The quoted case law (*R (Mansell) v Tonbridge & Malling BC* [2017] EWCA Civ 1314) relates to the concept of Class Q prior approvals being a material consideration as a 'fall-back' option and officers do not consider that this has any relevance to the determination of this application for tree works.

## **Recommendation**

To authorise the Assistant Director – Planning & Growth to GRANT Consent, subject to the following conditions:

- 1) All works should be completed within two years of the date of this notice.
- 2) All works must be carried out in accordance with the British Standard BS 3998:2010 – (Tree Work – Recommendations). and the European Tree pruning Standard (2024).
- 3) Pruning cuts from the removal of epicormic growth must not exceed 50mm in diameter. Works must not exceed 10% of the total individual tree canopy coverage.

Reason: To ensure the preservation of the amenity value and health of the tree(s).

- 4) The reduction of (T7) must only include the removal of secondary and tertiary branches - no primary branches. The reduction cut, (removal of the main axis (leader) of the branch/limb) must leave a living side (lateral) branch to sustain the remaining branch with a diameter of at least 1/3 the

diameter of the pruning wound. The retained lateral branch should form a logical extension of the parent stem, avoiding significant changes in the direction of the branch axis and biomechanically unstable joints (e.g. "dog leg").

Reason: To ensure the preservation of the amenity value and health of the tree(s).

5) Seven days written notice must be given to the Council of the date of the commencement of the tree works hereby agreed.

Reason: In order to allow the work to be monitored.

6) On completion of the granted tree works an image of the completed tree works must be submitted to the Council within 7 working days.

Reason: In order to allow the work to be monitored

**Financial Implications reviewed by: Not applicable**

**Legal Implications reviewed by: Not applicable**

22 October 2025

Our Ref: RSE\_9413

Phil Jordan  
Development Management & Enforcement Manager  
South Kesteven District Council

Issued by email only

## Planning Reference: S25/1679 TPO Works Application

**Proposal:** Remove dead wood (T1), remove epicormic growth from main stem and remove basal growth (T2 and T17), remove epicormic growth from main stem, remove basal growth and remove dead wood (T6, T9, T12, T16 and T18), remove epicormic growth from main stem, remove basal growth, remove dead wood and prune branch tips (T7 and T8), remove ivy, remove epicormic growth from main stem, remove basal growth, remove dead wood, crown lift to 5m (T10) (All Lime trees) (TPO-123).

**Location:** Land Between the Pines and Manor View, Casthorpe Road, Barrowby, Lincolnshire, NG32 1DW.

### - PLANNING STATEMENT IN SUPPORT OF TPO WORKS APPLICATION S25/1679

Dear Phil,

#### 1.0 TERMS OF REFERENCE

I have been commissioned by Ms Hilary Saynor the Applicant for the above TPO Works Application and (as a developer with an option on, and interest in, the land) William Davis Homes Ltd (WDH), to produce a planning statement in support of this application. Please note that due to other commitments Mr. Jason Humphreys of Outline Trees will no longer be acting as Agent on this application, and I will now be acting as Agent.

I am an Associate Director at RammSanderson Ecology Ltd (RammSanderson). We are an environmental consultancy specialising in ecology, arboricultural, flood risk and other environmental services to the development industry, homeowners and statutory undertakers. I have been practicing as a professional ecologist and arboriculturist for over 18 years. I am a full member of the Chartered Institute for Ecology and Environmental Management and I am also a Professional Member of the Arboricultural Association. I hold the Lanta Qualification Certificate for Professional Tree Inspection.

#### 2.0 PLANNING BACKGROUND

The TPO Works Application was submitted by Mr. Jason Humphreys of Outline Trees in September 2025 and acknowledged by South Kesteven District Council (SKDC) on 15<sup>th</sup> September 2025. The TPO Works Application has been recommended for approval (subject to conditions) by SKDC's Tree Officer Mr. Sean Davis, however due to various objections, the application has been called in to planning committee, due to be held on 23<sup>rd</sup> October 2025. My planning statement in support of the TPO Works Application sets out a formal response to those objections. In drafting my planning statement, the Landowner and WDH has issued to me the following documents which I am led to understand summarises the key objections:

- SKDC Tree Officer's Planning Committee Report 23 October 2025 TPO Works Application S25/1679 (dated 14<sup>th</sup> October 2025).
- Undated Word document setting out objections from Barrowby Parish Council to TPO Works Application S25/1679 (issued to WDH on 20<sup>th</sup> October 2025 by email from Geoffrey Bishop, Land Agent for the Applicant (Longstaff)).

I undertook a Site visit and assessment of the trees subject to the TPO Works Application on the morning of 22<sup>nd</sup> October 2025, prior to finalising my planning statement in full. It should be noted that all trees subject to the TPO Works Application are limes.

Further to the above, in respect of the proposed planning application by WDH off Grange Paddock, I can confirm that RammSanderson has undertaken detailed ecological surveys of the Site and will be submitting an Ecological Impact Assessment report to inform the application. Further, due to other commitments, RammSanderson will also be replacing Mr. Jason Humpries of Outline Trees to produce the required arboricultural tree surveys and assessments to inform the application.

### 3.0 TPO WORKS APPLICATION PROPOSALS – SKDC TREE OFFICER COMMENTS AND RECOMMENDATIONS

Regarding the TPO Works Application, the SKDC Tree Officer's Report made the following comments on the proposals (Sections 5.5-5.8):

*5.5 With regards to the proposed works, dead wood removal from protected trees is exempt from requiring express permission.*

*5.6 It is proposed to remove epicormic basal growth to allow an unobstructed assessment from trees T2, T6 to T10, T12, T16 to T18 inclusive. The works are justified as being in the interests of reasonable arboricultural management. The removal of vegetation to allow a clear view of the trees base and main stem are an accepted requirement for the assessment. Such assessments are normal for owners of large trees and considered good practice.*

*5.7 It is proposed to prune T7 branch tips to provide 2m clearance of the building. Although not in direct contact with the building 2m clearance is suggested as reasonable. The proposed crown lifting to T10 would not result in any harm to that tree if carried out in accordance with British Standard 3998: 2010, which can be secured by condition.*

*5.8 Whilst there have been objections to the works, to refuse them would be deemed as poor arboricultural practice. Allowing the works with conditions would give control of the works to the Local Planning Authority. Further, the proposed works would not result in any harm to the health of the trees or the amenity of the area, subject to the recommended conditions to control the scope of works.*

Further to the above comments, the SKDC Tree Officer's Report recommended grant of consent for the TPO Works Application subject to conditions as set out in Section 9. In summary, the SKDC Tree Officer's recommended conditions define a detailed specification for the works in accordance with British Standard BS 3998:2010 – Tree Work 'Recommendations' and the European Tree Pruning Standard 2024.

I have advised the Applicant and WDH that the SKDC Tree Officer's recommended works specifications represent sound arboricultural practice and must be implemented in full by the tree surgeon undertaking the tree works. I have also been commissioned by the Applicant and WDH to liaise with the tree surgeon and elucidate the SKDC Tree Officer's recommended works specifications through a pre-works site meeting.

### 4.0 SPECIFICS OF MY PLANNING STATEMENT IN SUPPORT OF TPO WORKS APPLICATION S25/1679

I have set out responses below to the objections as summarised in the documents listed in Section 3.0.

#### 4.1 Objection: Lack Justification for the TPO Works Application

As specified within the SKDC Tree Officer's Report, the TPO Works Application largely proposed the removal 'of epicormic basal growth to allow an unobstructed assessment from trees T2, T6 to T10, T12, T16 to T18 inclusive'. This is consistent with the Supporting Statement in the TPO Works Application provided by Outline Trees in September 2025, which specified the proposed works to each lime tree.

Prior to submitting the TPO Works Application in September 2025, a BS 5837:2012<sup>1</sup> tree survey was produced by Outline Trees in 2023 and updated in August 2025, which included the lime trees subject to the TPO Works Application. The removal of epicormic growth on lime trees T2, T6 to T10, T12, T16 to T18 inclusive was recommended to allow the stem / basal areas of each lime tree to be directly inspected.

It is my professional opinion that the TPO Works Application is therefore justified for the following two reasons:

1. The removal of the epicormic growth would allow for an unobstructed assessment of the stem / basal areas of each lime tree so a detailed Tree Condition and Safety Inspection can be undertaken. The lime trees in question are located adjacent to residential gardens and properties. Therefore, the requirement for the detailed Tree Condition and Safety Inspection and thereby the TPO

<sup>1</sup> British Standards BS 5837:2012 Trees in relation to design, demolition and construction. Recommendations.

Works Application was identified under the Applicant's common law and Occupiers Liability Act 'Duty of Care' obligations, as the owner of the lime trees in question.

2. The removal of the epicormic growth would allow for an unobstructed assessment of the stem / basal areas of each lime tree so an accurate girth measurement of each stem can be undertaken for a BS 5837:2012 tree survey. The accurate girth measurements will facilitate an accurate Root Protection Area calculation, as required by BS 5837:2012, and therefore provide SKDC with full confidence that lime trees could be retained and protected as part of the development proposals. Further, in respect of correspondence from the SKDC Tree Officer in October 2025, identifying that some of the lime trees in question could be classified as 'veteran', accurate girth measurements will allow for a more detailed assessment, as girth is a critical measurement factor in determining potential veteran trees.

It is my professional opinion that appropriate justification has been provided for the TPO Works Application. SKDC's Tree Officer has recommended that the application be granted (subject to conditions). If the planning committee were minded to refuse the application, the Applicant would not be able to fulfil their 'Duty of Care' obligations as the owner of the lime trees and SKDC would have to accept an BS 5837:2012 Arboricultural Impact Assessment and Veteran Tree Assessment based on estimates of TPO lime tree girths rather than accurate measurements, should WDH submit a planning application for residential housing off Grange Paddock.

#### 4.2 Objection: Presence of a Report Indicating the Lime Trees were in Good Health

I have read the Tree Condition Report produced by AT2 Tree Surveys (AT2), the report of which is dated 29<sup>th</sup> May 2024 and was produced with respect to three of the lime trees in question now subject to the TPO Works Application. However, the report does not appear to state the date of the AT2 Tree Condition Assessment on Site, nor does it state the qualifications or experience of the surveyor / assessor. It is therefore my professional opinion that the competency of the person undertaking the AT2 Tree Condition Assessment cannot be determined.

The AT2 Tree Condition Assessment identifies the three lime trees inspected as being in fair or good condition on Page 10, but the notes below states *'Where accessible, trunks were assessed using a sounding hammer and probe. Several of the limes have extensive epicormic growth with a radial thickness of up to 2m'*. It is my professional opinion that the presence of 'extensive epicormic growth' is a clear limitation to undertaking a thorough Tree Condition Assessment which was not identified in the AT2 Tree Condition Assessment but clearly identified in the Outline Trees BS 5837:2012 Survey and TPO Works Application Supporting Statement.

Given the limitations of the AT2 Tree Condition Assessment described above, and the fact that only three of the ten lime trees in question were inspected, it is my professional opinion that the AT2 Tree Condition Assessment does not provide a sufficiently robust assessment in which the Applicant can adhere to their common law and Occupiers Liability Act 'Duty of Care' obligations, as the owner of the lime trees in question.

#### 4.3 Objection: Negative Impacts to Tree Health

All trees subject to the TPO Tree Works Application are common limes (*Tilia x europaea*).

The SKDC Tree Officer has confirmed that the TPO Works Application *'would not result in any harm to the health of the trees subject to the recommended conditions to control the scope of works'*. I agree with this statement. Lime trees are typically planted in urban areas as they are tolerant to pollution and respond well to pruning, typically resulting in vigorous regrowth (Lonsdale, 2016)<sup>2</sup>. Dense epicormic growth at the base of common lime trees is a trait of this species and in the case of street trees is typically removed in regular cutting cycles with negligible impact to the physiological and structural health of the trees.

#### 4.4 Objection: Negative Impacts to Wildlife

The proposed tree works will be undertaken outside of the breeding season for birds therefore no nesting birds will be impacted. If the proposed tree works must be undertaken within the breeding season for birds (typically recognised as March to August inclusive), RammSanderson ecologists will undertake pre-works nesting bird checks. If evidence of nesting birds is identified within the lime trees, the tree works will not be permitted to begin until RammSanderson have completed monitoring checks of the nests and confirmed that the nests are no longer in use / being built.

RammSanderson ecologists have undertaken bat surveys of the lime trees in question to inform WDH's planning application for residential housing off Grange Paddock. This comprised the following surveys undertaken in accordance with the Bat Conservation Trust's: Bat Surveys for Professional Ecologists: Good Practice Guidelines 4<sup>th</sup> Edition 2023:

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<sup>2</sup> Lonsdale, D. Principles of Tree Hazard Assessment and Management: Research For Amenity Trees No 7, Arboricultural Association.



- Daytime Ground Level Tree Inspections on 23<sup>rd</sup> April 2025.
- Aerial Tree Climbing Inspections on 15<sup>th</sup> August 2025, 8<sup>th</sup> September 2025 and 29<sup>th</sup> September 2025.

The bat surveys of the lime trees in question identified no evidence of roosting bats and a very limited number of Potential Roosting Features (PRFs). The PRFs could be accessed for direct inspection by ladder. Immediately prior to undertaking the proposed tree works subject to the TPO Works Application, the PRFs on the lime trees will be reinspected by RammSanderson ecologists. If evidence of bats is identified during the RammSanderson reinspection of the PRF's, the need and scope for licencing will be determined by the professional expertise of RammSanderson and the July 2024 Advice Note produced by Natural England (Advice Note: Guidance on bat disturbance and appropriate licensing approaches). Following reinspection of the lime trees, a Compliance Report will be drafted by RammSanderson and issued to SKDC for their records. Should evidence of roosting bats be identified within the lime trees proposed for works, the Compliance Report issued to SKDC will provide details of and justification for the licencing approach before any further tree works are undertaken.

#### **4.6 Objection: Negative Impacts to the Visual Amenity of the Area**

The SKDC Tree Officer has confirmed that the TPO Works Application 'would not result in any harm to the amenity of the area subject to the recommended conditions to control the scope of works'. I agree with this assessment and would further add that the lime trees and associated epicormic growth will recover quickly from the proposed tree works.

#### **4.6 Objection: Enforcement of Removed Tree not Resolved / Tree Not Replaced**

The SKDC Tree Officer's Report makes the following comments on the enforcement of the remove tree:

*'A tree to the frontage of the site (St3) was removed following storm damage and a request from Lincolnshire County Council (as Local Highway Authority) in January 2024. There remains a 2m stump where the tree stood, however, it is the view of the Council that the works undertaken constitute removal of the tree. That tree is not part of this application and a replacement is being pursued by the Council as a separate matter'.*

As SKDC have confirmed that matters relating to the enforcement of the removed tree are not part of the TPO Works Application and are being perused as a separate matter, I will make no comment in this regard in my planning statement.

I trust my planning statement provides the planning committee with appropriate and balanced evidence on which to inform their decision on TPO Works Application S25/1679. I can confirm that I will be attending the planning committee on 23<sup>rd</sup> October 2025 at 1pm and I will be happy to answer any questions committee members may have.

Yours sincerely,

**Steven Weber**



For and on behalf of RammSanderson Ecology Ltd.