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TOWN AND COUNTRY PLANNING ACT 1990
WORKS TO A PRESERVED TREE

Reference: H13-0040-25 **Date of Decision:** 25th February 2025

Applicant: Moulton Parish Council
Bellevue Farm
Elm Lane
Low Fulney
Spalding
PE12 6EQ

Location: All Saints Church 2 High Street Moulton Spalding

Description: Works to Moulton Tree Preservation Order No 7 1986

Detailed Description:

Application to remove two trees from the Churchyard of All Saints Church, Moulton.

Both trees are within Area One of Moulton Tree Preservation Order No 7 1986.

Please see the plan accompanying the Application with regard to the position of the trees. One tree is a horse chestnut located adjacent to the garden of the Manor House, the other is next to the southern boundary near the south eastern corner of the Churchyard. The latter was in such an advanced state of decay, riddled with tier after tier of Ganoderma sp. fungi and smothered with ivy growth, that it was hard to conclusively determine the species.

'Removal of dead horse chestnut tree to the left of the Church overhanging a neighbouring property. Also removal of dead tree with limbs starting to fall (back right side of Churchyard). This has clearly been dead for a while.'

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 stumps of the trees 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 stumps harbouring decay fungi which could infect nearby trees.

Notes:

The necessary consent of all other interested parties should be obtained before the works proceed, both felling and replacement planting.

In this case the duty of the landowner is to plant another tree to replace each felled of an appropriate size and species, at the same place and as soon as reasonably possible.

It is recommended that the horse chestnut tree is replaced with a further tree of the horse chestnut (Aesculus) Family, either the same species or different, and the other tree with either a further horse chestnut or a lime tree (Tilia sp.); both to be at least 1.5 metres high on planting. To be planted as near as reasonably practicable (bearing in mind the fungi), to the position of the original trees, 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 trees. 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.

Great care will need to be taken when the ivy covered tree is removed, as it would be an ideal place for song thrushes or black birds to nest, the former start nesting mid-February, second brood blackbirds can be as late as September.



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