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TOWN AND COUNTRY PLANNING ACT 1990
WORKS TO A PRESERVED TREE

Reference: H16-0090-25 **Date of Decision:** 25th February 2025

Applicant: South Holland District Council
Ayscoughfee Hall Museum
Churchgate
Spalding
Lincolnshire
PE11 2RA

Location: Ayscoughfee Gardens Churchgate Spalding Lincolnshire

Description: Works to Spalding Tree Preservation Order No 48 1991

Detailed Description:

Application to carry out works to remove some horse chestnut trees (T019, T020, T021,T022) which form an avenue along the roadway between Church Gate and Ayscoughfee Hall. The trees form part of Group One of Spalding Tree Preservation order No. 48 1991.

Notification to remove a dead holly (T017) located near the northern boundary to the north east of the former bowling green.

Please see the plan forming part of the Tree Report dated 1st December 2024 which accompanies the Application/Notification for the position of the trees.

'Horse chestnut x 4 - Fell to ground level and remove stump due to spindleshank and bleeding canker.
To be replaced by 2 horse chestnut and 2 sweet chestnut.

Holly - fell to ground level and remove stump. Dead specimen, due to ivy. Replant with a suitable alternative.'

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:

Please read 'Conditions' as 'Recommendations' in relation to the holly which is within Spalding Conservation Area but not the subject of a Tree Preservation Order.

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 to replace each removed, of an appropriate size and species, at the same place and as soon as reasonably possible.

It is recommended that the horse chestnut trees are to be replaced with two red horse chestnut trees (Aesculus x carnea) and two sweet chestnut trees (Castanea satvia), of at least 1.5 metres high on planting, and that the holly is replaced with a mulberry (Morus nigra); or alternatively, if no honey fungus is present, a further holly (Ilex sp.) or a free standing Southern magnolia (Magnolia grandiflora), to ideally be around 1.5 metres high on planting. All to be planted as near as reasonably practicable, to the position of the original trees, within a period of twelve months.

Modifications may be mutually agreed in writing.

Please ensure that the replacement trees are suitably protected by appropriate guards until established, and kept watered in dry periods for at least the first two years.

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.



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