



DEVELOPMENT CONTROL AND REGULATORY BOARD

10th JUNE 2021

LEICESTERSHIRE COUNTY COUNCIL **REVOCATION OF 10 COUNTY COUNCIL TREE PRESERVATION** **ORDERS IN THE BOROUGH OF OADBY AND WIGSTON**

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of Report

1. To revoke 10 County Council Tree Preservation Orders in the Borough of Oadby and Wigston.

Background

2. The County Council made 274 Tree Preservation Orders (TPOs) following their introduction in the 1947 Planning Act until 1974. After that date the power to make Orders was transferred to the District Local Planning Authorities. Planning practice guidance from the Ministry of Housing Communities and Local Government (MHCLG) published on 7 March 2014 replaces earlier guidance on the law and good practice around TPOs. As in earlier guidance this advises that authorities keep their TPOs under review, to ensure that protection is still merited and that Orders contain appropriate classifications.
3. At its meeting of 20th September 2012 this Board noted that a pilot survey and assessment of TPOs in Oadby and Wigston, as agreed with Borough Council, would be undertaken. This assessment work has been completed and the Borough Council has made 7 new Orders and agreed that none of the trees in the 3 Orders that are in the Conservation Areas were of sufficient amenity value to be require protecting with a TPO.

Issues

4. The trees in 7 of the County Orders are now protected by the 7 Oadby and Wigston Borough Council (O&WBC) Orders and the trees in the remaining 3 County Orders are subject to some statutory protection as they are in the Conservation Areas. See Appendix 1 & 2.
5. The County Council will revoke the 10 County TPOs by endorsing the original Orders with the statement that the Orders have been revoked and specifying the date of the revocation, in compliance with statutory requirements.

6. Any persons known to have a legal interest in the land affected by the Orders will be notified that the Orders have been revoked.
7. The original Orders will then be withdrawn from public inspection.

Legal Considerations

8. Planning controls relating to trees are set out in Part VIII of the Town and Country Planning Act 1990 (as amended by the Planning Act 2008) and the procedure for making, varying and revoking TPOs is set out in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.
9. County Planning Authorities have only limited powers, pursuant to the 1990 Act, to make tree preservation orders and district and borough councils are the principal bodies responsible for the making of such orders.
10. Anyone wishing to cut down, top, lop or uproot trees subject to a TPO must first apply for consent to undertake those works, except in limited circumstances such as the removal of dead branches or works required to remove an immediate risk of serious harm. Where a person intends to carry out works on a tree in a conservation area they are required to give notice, pursuant to section 211 of the 1990 Act, to the local planning authority at least six weeks before any works commence, providing the local planning authority an opportunity to consider protecting the tree with a TPO.

Equality and Human Rights Implications

11. There are no discernible equality and human rights implications.

Resource Implications

12. The costs of revoking the County orders will be covered by existing budgets for Environment and Transport. It should be emphasised that this proposal is being pursued for the reasons of improved service delivery to the public.

Conclusion

13. The survey and assessment of the County orders has been undertaken and Oadby and Wigston Borough Council has made 7 Individual and Group TPOs to protect trees included in 7 of the County orders, and has identified that trees included in the other 3 County orders are subject to protections as a result of being located within Conservation Areas. As indicated above, in the case of trees subject to TPOs consent will be required in respect of most works to these trees, and in respect of the trees situated in Conservation Areas notice must be provided to Oadby and Wigston Borough Council prior to carrying out works to those trees.
14. The review of the existing TPOs accords with planning practice guidance and the making of the new TPOs by the Borough Council is in accordance with current statutory provisions. The revocation of the 10 County Orders is to be carried out in the interests of good governance.

Recommendations

15. It is recommended that consent is granted to revoke the 10 County Tree Preservation Orders set out in Appendix 1.

Reason for Recommendations

16. The trees in 7 of the County Orders are now protected by the 7 Individual and Group O&WBC Orders and the trees in the remaining 3 County Orders are protected by the O&WBC Conservation Areas.

Background Papers

MHCLG *Planning Practice Guidance*

Circulation Under the Local Issues Alert Procedure

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Officers to Contact

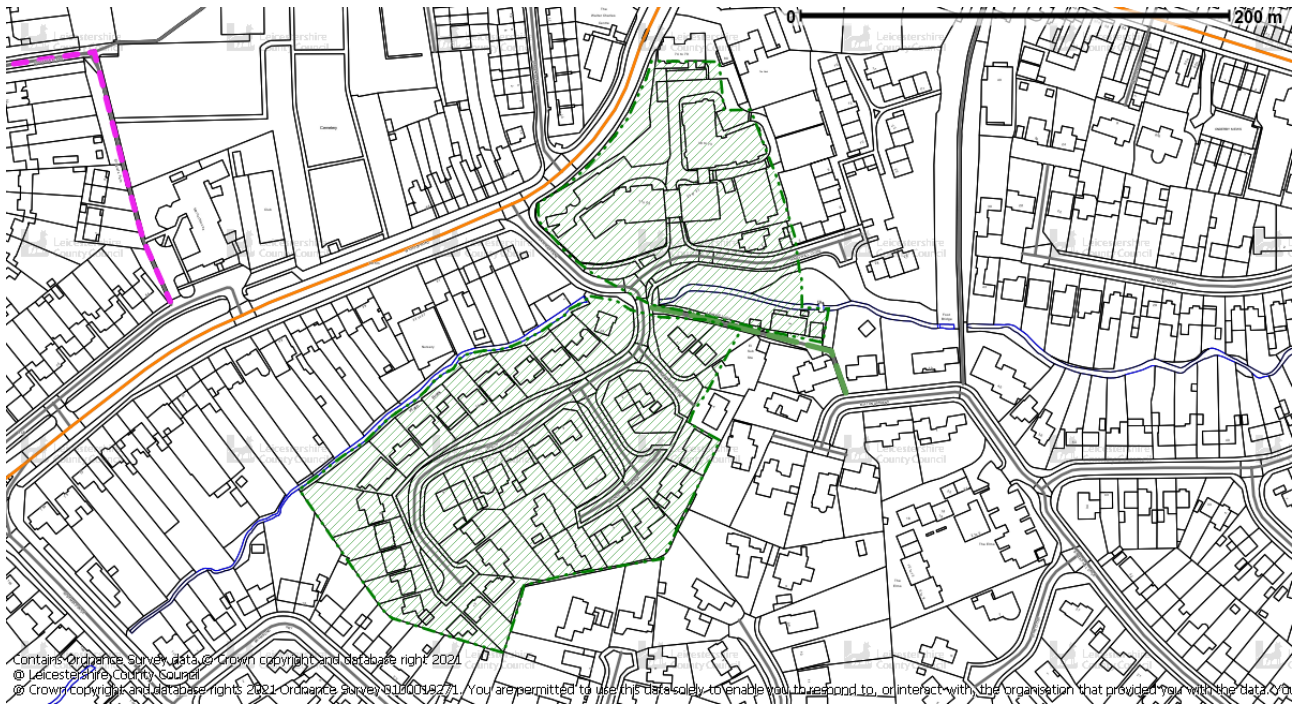
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APPENDIX 1: LIST OF 10 LCC TPOs TO BE REVOKED

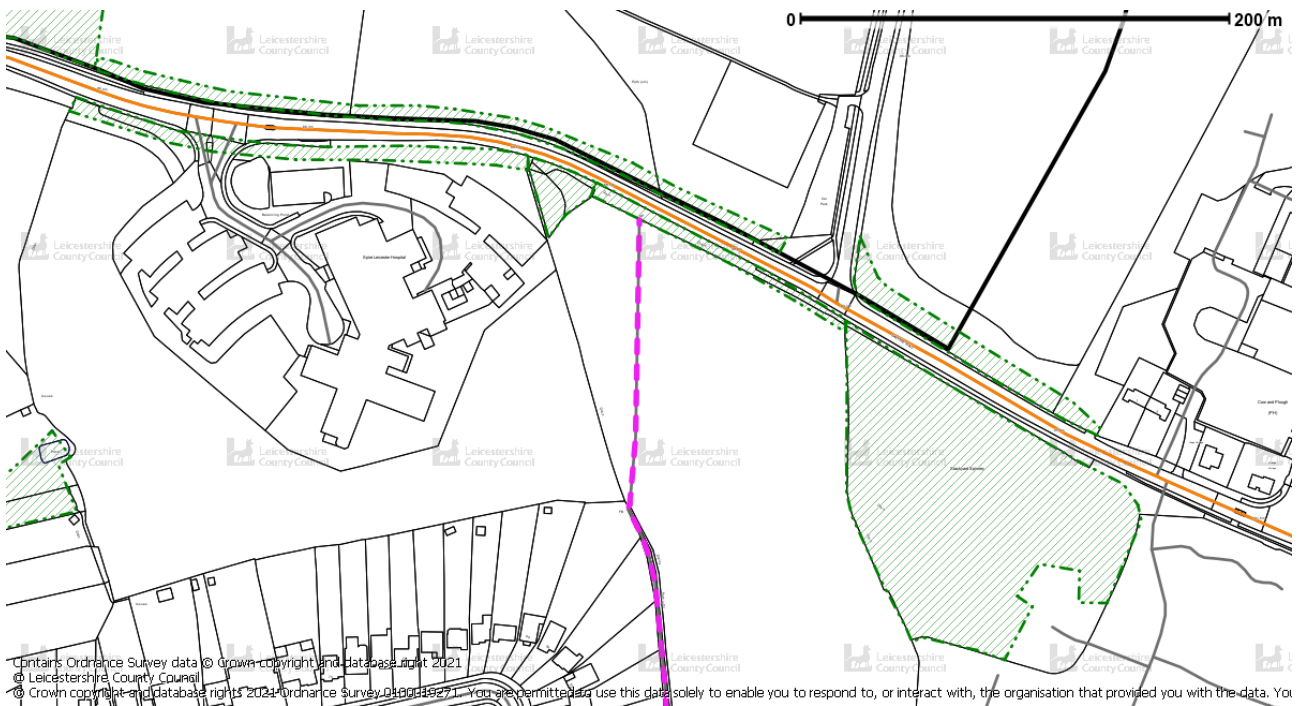
No.	LCC TPO	O&WBC TPO	Date O&WBC Order served	Date O&WBC Order confirmed
1	Oadby (The Hermitage) 1962	Situated partly in the Oadby London Road and St. Peters Conservation Area	No separate Order required	
2	Oadby (Leicestershire Golf Course) 1964	Oadby Gartree Road 2016	21/12/2016	15/06/2017
3	Oadby (Briar Walk) 1972	Oadby Briar Walk 2016	19/12/2016	15/06/2017
4	Oadby (Glebe Road) 1972	Situated in the Oadby Hill Court and Meadowcroft Conservation Area	No separate Order required	
5	Oadby (New Street) 1972	Oadby The Yews 2018	10/05/2018	30/08/2018
6	Oadby (knighton Rise) 1973	Oadby Sycamore Close & St. David's Crescent 2018	22/11/2018	23/04/2019
7	Oadby (The Oval) 1973	Oadby 11 and 12 The Oval	08/01/2021	20/05/2021
8	Oadby (Knighton Grange Road) 1974	Situated in the Oadby Hill Top Court and Meadowcourt Conservation Area	No separate Order required	
9	Oadby (Ringers Spinney) 1975	Oadby Ringers spinney 2018	22/11/2018	23/04/2019
10	Wigston (Saffron Road) 1974	Oadby 98 Saffron Lane 2018	10/05/2018	31/08/2018

APPENDIX 2: Plans of 10 LCC TPOs shown in green hatch

1. LCC Oadby (The Hermitage) TPO 1962



2. LCC Leicestershire Golf course TPO 1964



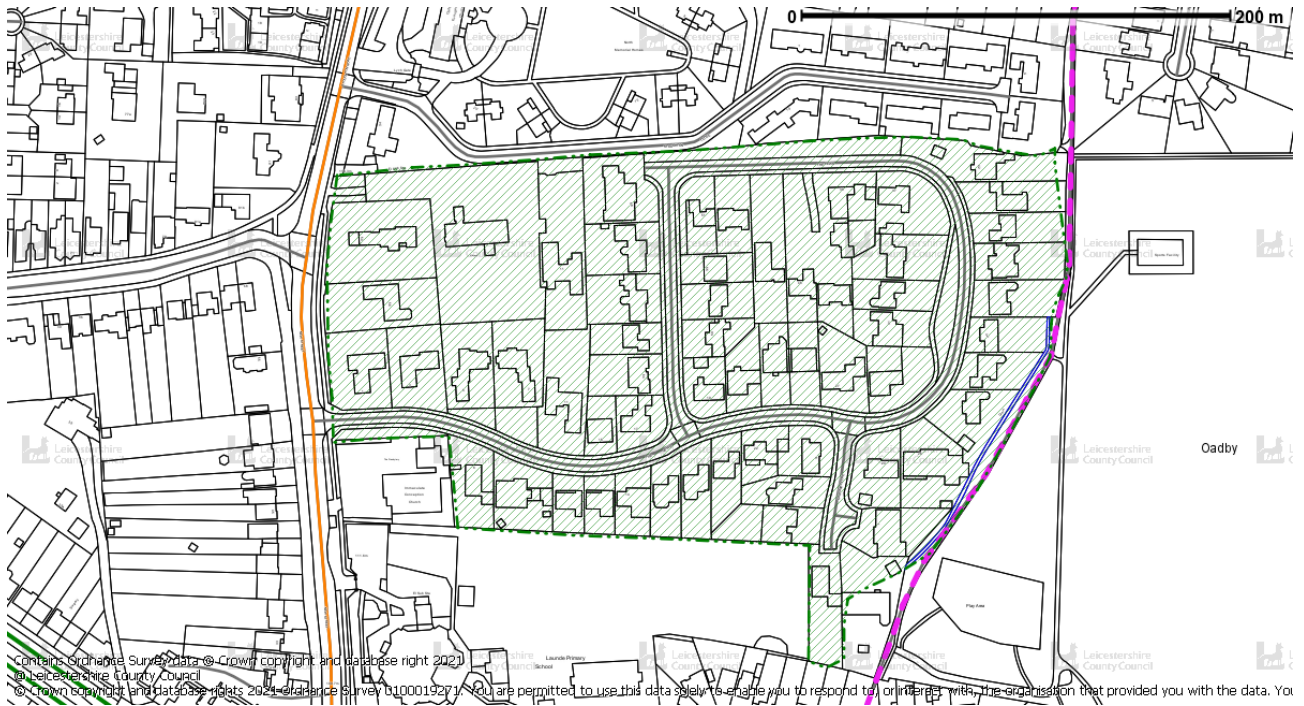
3. LCC Oadby Briar walk TPO 1972



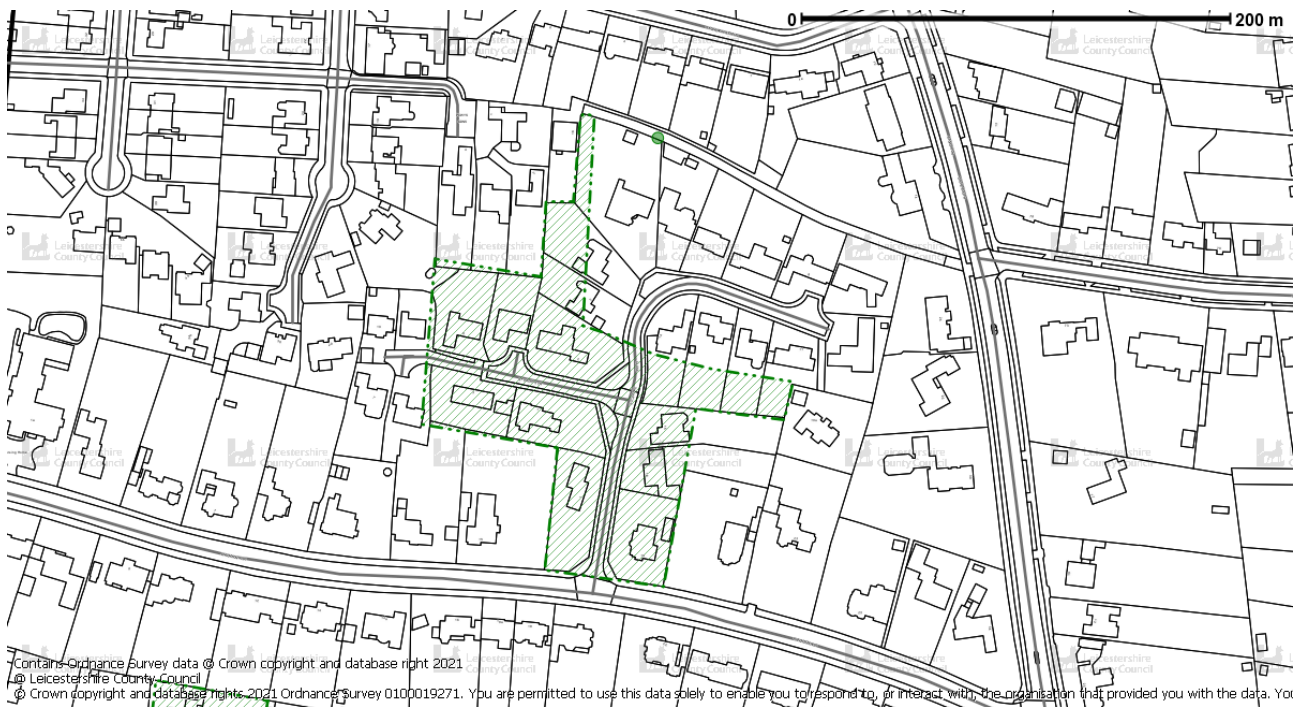
4. Oadby (Glebe Road) TPO 1972



5. Oadby (New Street) TPO 1972



6. LCC Oadby (Knighton Rise) TPO 1973



7. LCC Oadby (The Oval) TPO 1973



8. LCC Oadby (Knighton Grange Road) TPO 1974



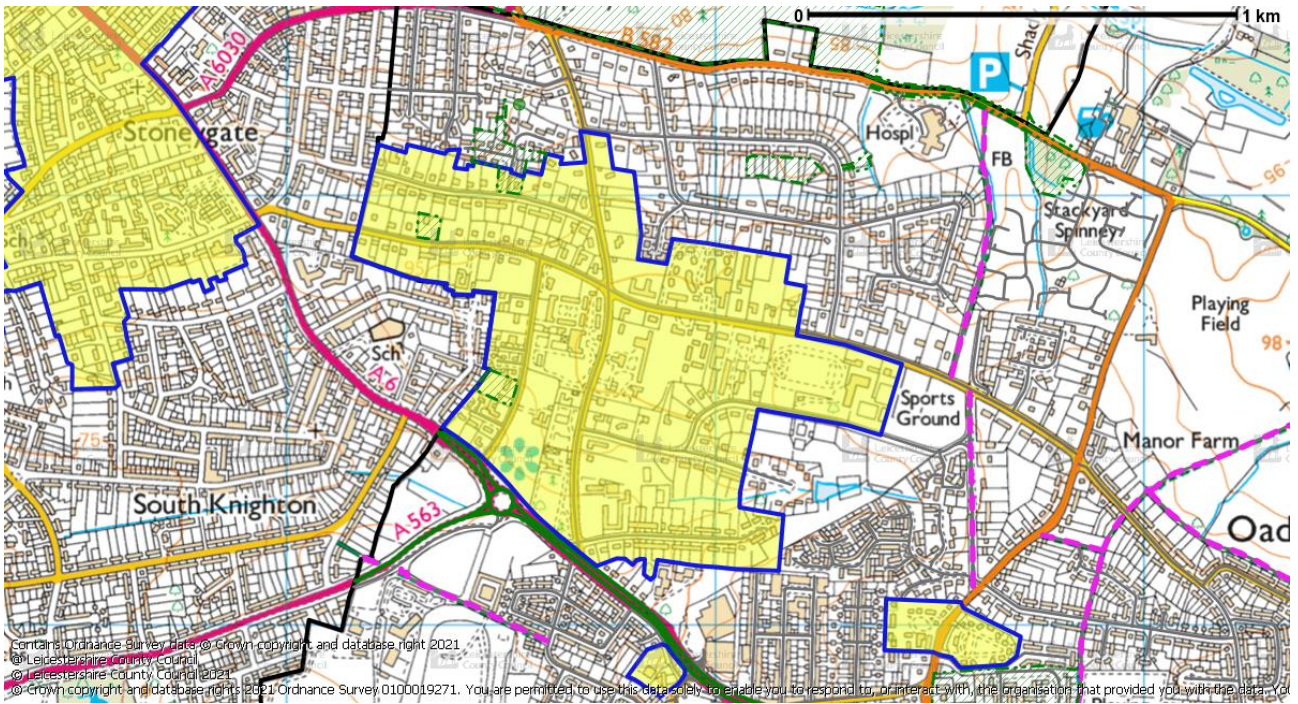
9. Oadby (Ringers Spinney) TPO 1975



10. Wigston (Saffron Road) TPO 1974



Oadby Hill Top and Meadowcourt Conservation Area shown in yellow that includes 3 LCC TPOs Glebe Road, Knighton Grange Road and Knighton Rise shown in green hatch



Oadby London Road and St. Peter's Conservation Area that includes LCC TPO The Hermitage

