



DEVELOPMENT CONTROL AND REGULATORY BOARD:
21 NOVEMBER 2024

PROPOSAL FOR A NEW LEICESTERSHIRE COUNTY COUNCIL
TREE PRESERVATION ORDER: ROMAN WAY MARKET
HARBOROUGH

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of the Report

1. The purpose of this report is to propose the making of a new Tree Preservation Order (TPO) at Roman Way, Market Harborough that would protect two mature Lime trees to the frontage of the site on Roman Way.

Background

2. The site is located on Roman Way, Market Harborough, LE16 7PQ, opposite Doddridge Road. The site is currently owned by Leicestershire County Council; however, the site is now on the market for sale.
3. The Council's Tree Officer assesses properties for disposal via a site visit to ascertain if any trees are worthy of protection before they leave the management of the Council.
4. To date, in 2024, four sites for disposal have been visited by the Tree Officer and only the site at Roman Way had trees that met the criteria for protection and creation of a new TPO.
5. Trees were assessed using the recognised TEMPO method (tree evaluation for the making of preservation orders) and scored 18 points out of a possible 25, making them merit a TPO. The assessment scored the trees particularly highly on their condition, remaining longevity and relative public visibility (the scoring was as follows: condition and suitability (5), remaining longevity (4), public visibility (5), other factors (1), expediency (foreseeable threat) (3); Appendix A contains further details).
6. The Council is able to make new TPOs in specific circumstances (for further details, see paragraph 12 of this report).

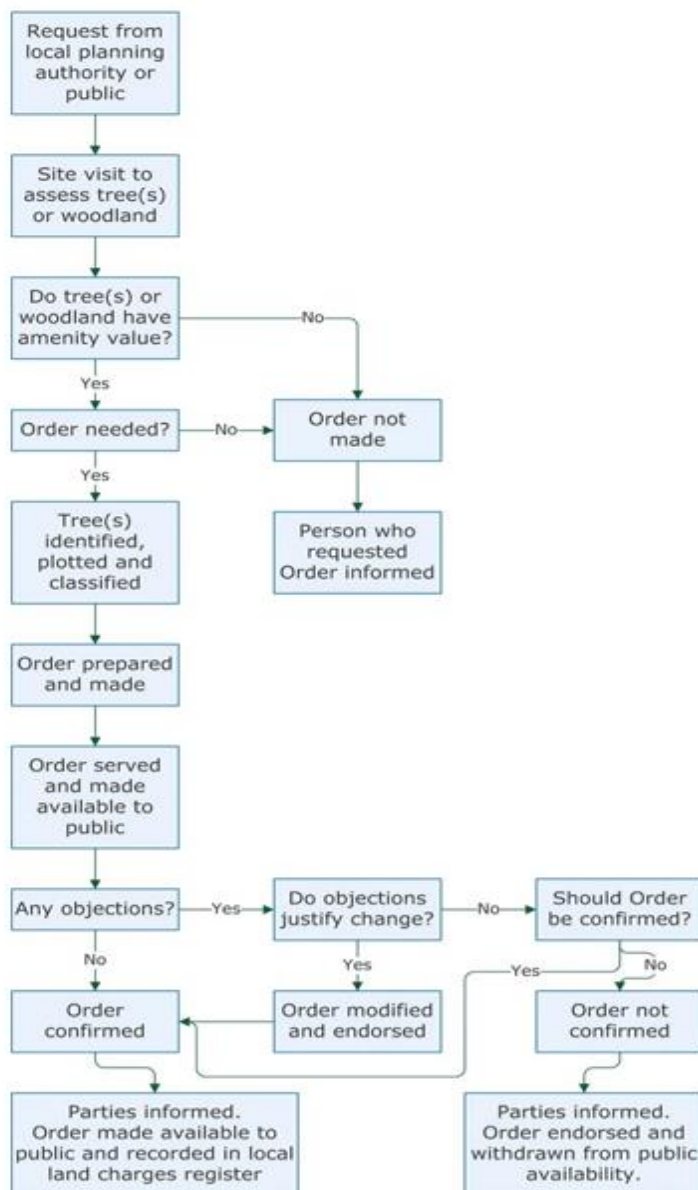
Tree Preservation Orders General Information

7. TPOs are used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the

public. Trees can be specified in a TPO either individually, by reference to area, in groups, or as woodlands. If a tree has merit in its own right, it will be specified as an individual. Area classification is used as an alternative way of specifying scattered individual trees. The group specification is used for trees whose overall impact and quality merit protection. A woodland classification is used for woodlands which have a defined boundary.

8. The new TPO would protect two mature Lime trees specified as T1 and T2 in the proposed order and as marked on the plan at Roman Way, Market Harborough (see Appendix E).

Flowchart 1: Making and confirming a Tree Preservation Order



Issues

9. T1 and T2 have no other statutory protection. They do not fall within the Market Harborough Conservation area (see Appendix C and D).
10. The Council's Strategic Property service requested an external architect draw up plans to show the sites potential usage as a residential site. The plans do not include the retention of T1 and T2 (see Appendix B). If the site is sold, the Council will no longer be able to enforce protection.

Legal Considerations

11. 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.
12. County Planning Authorities have only limited powers, pursuant to the Town and Country Planning Act 1990 to make TPOs. Leicestershire County Council as a Planning Authority has the power to make TPOs under section 198 of the Town and Country Planning Act 1990.
13. The district Local Planning Authorities are now the principal bodies for making new TPOs. County Planning Authorities may only make new TPOs where it is:
 - a) In connection to the grant of planning permission.
 - b) On land that is not wholly within the area of a single district council.
 - c) On land in which a county council holds an interest.
 - d) On land in a National Park.
14. The County Council has the authority to make the proposed TPO at the Roman Way site as the County Council holds an interest in the land (point 'c').
15. Trees in a conservation area, that are not protected by a TPO, are protected by the provisions of section 211 of the Town and Country Planning Act 1990. That provision makes it an offence to damage trees within a conservation area.

Equality Implications

16. There are no discernible equality implications arising from the content of this report.

Human Rights Implications

17. There are no discernible human rights implications arising from the content of this report.

Resource and Financial Implications

18. There are no resource implications.
19. There are possible financial implications if Leicestershire County Council was to make a new TPO for T1 and T2. The architect who developed the suggested site layout indicated that the proposed property to the north of the entrance to the Roman Way site and in close proximity to T1 and T2 would no longer be viable, which may affect the sale value of the land. The site plan, attached as Appendix B, is an indicative layout and the purchaser and developer would determine the final layout for the site as approved by the Local Planning Authority.

Conclusions

20. Leicestershire County Council has a duty of care to responsibly manage the trees under its care. This includes protecting those trees worthy of retention and that add to the amenity and ecology of specific locations. The retention of high value trees on Leicestershire County Council properties is also a demonstration of the Council meeting its strengthened biodiversity duties.
21. The making of a new TPO will protect the trees from future development when the property is no longer under the management of Leicestershire County Council.
22. The trees will remain in position and continue to add to the amenity and ecology of the area.

Recommendation

23. That Leicestershire County Council creates a new TPO (Roman Way, Market Harborough) to protect T1 and T2 Lime trees from being removed.

Background Papers

National planning practice guidance

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

Appendices

- Appendix A – TEMPO Assessment for T1 and T2 at Roman Way site
- Appendix B - Proposed layout of site development
- Appendix C - Images and location of T1 and T2
- Appendix D – Plan location of T1 and T2
- Appendix E - Draft Tree Preservation Order

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