



DEVELOPMENT CONTROL AND REGULATORY BOARD
3 JULY 2025

LEICESTERSHIRE COUNTY COUNCIL TREE PRESERVATION
ORDER: ROMAN WAY DAY CENTRE, MARKET HARBOROUGH.

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of the Report

1. The purpose of this report is to seek the Board's approval of the confirmation as permanent of the Tree Preservation Order (TPO) made in order to protect two mature Lime trees situated within the site of the former Roman Way Day Centre, Market Harborough, further to the Board's resolution of 21 November 2024 to make the TPO (see Appendix C).

Background

2. The property of Roman Way Day Centre is situated at Roman Way, Market Harborough, LE16 7PQ. The property is currently owned by Leicestershire County Council. It has been put on the market for sale and is currently under offer.
3. As part of the current role of Tree Officer, properties for disposal are assessed via a site visit to ascertain if any trees are worthy of protection before they leave the management of Leicestershire County Council.
4. During 2024, four sites for disposal were visited by the Tree Officer. Only the Roman Way Day Centre site had trees that met the criteria for protection and the creation of a TPO.
5. The trees were assessed using the TEMPO method (Tree Evaluation for the Making of Preservation Orders), a recognised industry standard method, and scored 18 points out of a possible 25 meriting the making of a TPO. The scoring was as follows: condition and suitability (5), remaining longevity (4), public visibility (5), other factors (1), expediency (foreseeable threat) (3). (see Appendix A).

6. At the Development Control and Regulatory Board meeting on 21 November 2024 members considered a report which recommended that Leicestershire County Council created a new TPO (Roman Way, Market Harborough) to protect T1 and T2 Lime trees from being removed. The local member at the time Mr. B. Champion CC was in support of the officer's recommendation. The Board resolved that the new TPO should be created.
7. The new TPO was made on 13 February 2025 (see Appendix E).
8. No objections to the making of the order were received during the four-week consultation period. During that period, the Council received correspondence from the owner of a property abutting the County Council's land. One of the trees is situated on the boundary of the two properties and the trees overhang the garden of the correspondent's property. The correspondence related to the future maintenance of the trees. The owner commented that whilst the Roman Way Day Centre has not been in regular use, their gardener has been maintaining the trees that overhang their property. The owner would like that maintenance to continue, both for the aesthetics of their garden and for reasons of safety. A response was provided by the Tree Officer explaining the requirement for consent to be granted in respect of any works to protected trees. No further correspondence has been received.

Tree Preservation Orders: General Information

9. 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 an 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 merits protection. A woodland classification is used for woodlands which have a defined boundary.
10. The TPO made in respect of the trees at Roman Way protects two mature lime trees specified as T1 and T2 in the TPO and shown on the Order plan (see Appendix D).

Issues

11. T1 and T2 have no other statutory protection. They do not fall within the Market Harborough conservation area and once the site is sold, the Council would not be able to enforce their protection without the TPO being in place.
12. When the decision was made by the Board on 21 November 2024, powers were not explicitly delegated to officers to confirm the TPO as permanent and so for purposes of transparency it is considered appropriate now to ask the

Board to make a further resolution for the confirmation. In future reports regarding TPOs officers intend to ask the Board to consider how they would wish to deal with confirmation if objections are, or are not, received to a TPO.

13. The current TPO has effect for up to six months (until 12 August 2025) after which it will lapse unless confirmed.

Legal Considerations

14. 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 of TPOs is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
15. County planning authorities have only limited powers, pursuant of 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.
16. Leicestershire County Council would only make an order impacting on County land, and at the point we own and manage it. The Local Planning Authorities (district and borough councils) are now the principal bodies for making new TPOs. County planning authorities only make new TPOs where:
 - a) It is 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 that County Council hold an interest.
 - d) On land in a National Park.
17. Trees that are not protected by a TPO but fall within a Conservation Area 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 and requires an application for works to the Local Planning Authority.

Circulation under Local Issues Alert Procedure

18. Dr. S. Hill CC (Market Harborough East Division).

Equity and Human Rights Implications

19. There are no discernible equity and human rights implications.

Resource and Financial Implications

20. There are no resource implications.

21. There are potential financial implications of confirmation of the TPO. The architect engaged by the County Council prior to the marketing of the site produced a design for a proposed site layout which would have necessitated the removal of one or both trees. However, the property has been offered for sale subject to the TPO and the preferred bidder for the site is aware of the TPO and the likelihood of it being made permanent. The preferred bidder was provided with a copy of the notice of making and has submitted no objection to the confirmation of the TPO (see Appendix B).

Conclusions

22. Leicestershire County Council has a duty to responsibly manage the trees under its care. This would include 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 duty. The confirmation of the TPO will protect the trees from future development when the property is no longer under the management of Leicestershire County Council. The trees will remain in position and continue to add to the amenity and ecology of the area.

Recommendation

23. That the Board resolve to approve the confirmation of the Leicestershire County Council (Roman Way, Market Harborough) Tree Preservation 2025 (No. 487).

Background Papers

National planning practice guidance

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

Report considered by Development Control and Regulatory Board 21 November 2024

<https://democracy.leics.gov.uk/documents/s186513/TPO%20Lime%20trees%20DCRB%20211124.pdf>

Appendices

Appendix A – TEMPO assessment

Appendix B – Proposed layout of development

Appendix C – Location of Tree1 and Tree2

Appendix D – Plan location of Tree1 and Tree2

Appendix E – Sealed Roman Way Tree Preservation Order

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