

Town and Country Planning Act 1990

**THE BOROUGH COUNCIL OF OADBY & WIGSTON (The Grange,
Highfield Drive, Wigston, Leicestershire, LE18 1PP) TREE
PRESERVATION ORDER 2017**

The Borough Council of Oadby & Wigston, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order:-

Citation

1. This Order may be cited as **The Borough Council of Oadby and Wigston (The Grange, Highfield Drive, Wigston, Leicestershire, LE18 1PP) Tree Preservation Order 2017**.

Interpretation

2. (1) In this Order "the authority" means the Borough Council of Oadby and Wigston unless the context otherwise requires.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 5, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to article 4, no person shall-
- (a) cut down;
 - (b) top;
 - (c) lop;
 - (d) uproot;
 - (e) wilfully damage; or
 - (f) wilfully destroy;
- any tree to which an order relates, or shall cause or permit the carrying out of any of the activities in sub-paragraphs (a) to (f) to such a tree, except with the written consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exceptions

4. (1) Nothing in article 3 shall prevent-
- (a) the cutting down, topping, lopping or uprooting of a tree-
 - (i) which is dead;
 - (ii) in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance;
 - (iii) by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary-
 - (aa) in the interests of the safe operation of the undertaking;
 - (bb) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker;
 - (cc) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
 - (iv) where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders or schemes);
 - (v) where that work is urgently necessary for national security purposes;
 - (vi) where that tree is cultivated for the production of fruit in the course of a business or trade and such work is in the interests of that business or trade;
 - (vii) so far as such work is necessary to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (iii)(cc), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Town and Country Planning Act 1990 (control over development), or deemed to have been granted (whether for the purposes of that Part or otherwise);

I hereby certify that this is a true copy of the original

29 MAR 2017

Legal Department, Oadby and Wigston Borough Council,
Station Road, Wigston, Leicestershire LE18 2DR

- (viii) by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995; or
 - (ix) by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" shall have the same meanings as in section 72(1) of the Land Drainage Act 1991 (interpretation);
 - (b) the removal of dead branches from a living tree;
 - (c) the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm, or to such other extent as agreed in writing by the authority prior to the works being undertaken;
 - (d) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit; or
 - (e) without prejudice to sub-paragraph (a)(ii), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989 (other powers etc of licence holders - felling and lopping of trees etc).
- (2) Where paragraphs (1)(a)(i) or (1)(c) apply, notice in writing of the proposed activities shall be given to the authority-
- (a) in the case of works urgently necessary to remove an immediate risk of serious harm, as soon as practicable after the works become necessary; and
 - (b) in any other case at least five working days prior to the date on which the works are to be commenced.
- (3) In paragraph (1), "statutory undertaker" means any of the following-
- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power;
 - (b) a relevant airport operator (within the meaning of Part V of the Airports Act 1986 (status of certain airport operators as statutory undertakers, etc));
 - (c) the holder of a licence under section 6 of the Electricity Act 1989 (licences authorising supply, etc);
 - (d) a gas transporter;
 - (e) an operator to whom the telecommunications code (set out in Schedule 2 to the Telecommunications Act 1984) applies;
 - (f) a water or sewerage undertaker;
 - (g) the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services);
 - (h) a universal postal service provider in connection with the provision of a universal postal service.

Application to trees to be planted pursuant to a condition

5. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planting permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 29 day of MARCH 2017

The Common Seal of the Borough Council of Oadby and Wigston was hereunto affixed in the presence of:-

R. Shaw

(Mayor)

Ames Egan

(Director of Services) 2



411617

~~(Head of Corporate Resources)~~

CONFIRMATION OF ORDER

This Order was confirmed by the Oadby and Wigston Borough Council at its meeting of the Development Control Committee without modification on the day of 2017

Minute Reference:

CONFIRMATION OF ORDER SUBJECT TO MODIFICATION

This Order was confirmed by the Oadby and Wigston Borough Council at its meeting of the Development Control Committee, on the day of 2017, subject to the following modifications:

Minute Reference:

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Oadby and Wigston Borough Council at its meeting of the Development Control Committee on the day of 2017.

Minute Reference:

SCHEDULE

SPECIFICATION OF TREES

Trees specified by Group

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	8No. Populus nigra 'Italica' 1No. Pinus sylvestris	<u>13, 15, 17 and 19</u> Sandown Road Wigston, Leics, LE18 1LD

Trees specified individually

(encircled in Black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
1	Fraxinus excelsior	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
2	Acer pseudoplatanus	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
3	Fraxinus excelsior	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
4	Fraxinus excelsior	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
5	Fraxinus excelsior	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
6	Acer pseudoplatanus	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
7	Prunus domestica	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
8	Fraxinus excelsior	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
9	Prunus cerasifera 'Pissardii'	The Grange, Highfield Drive Wigston, Leics, LE18 1NN

10	<i>Fraxinus excelsior</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
11	<i>Crataegus monogyna</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
12	<i>Acer pseudoplatanus</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
13	<i>Fraxinus excelsior</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
14	<i>Prunus cerasifera</i> 'Pissardii'	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
15	<i>Prunus cerasifera</i> 'Pissardii'	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
16	<i>Cupressocyparis leylandii</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
17	<i>Cupressocyparis leylandii</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
18	<i>Aesculus hippocastanum</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
19	<i>Fraxinus excelsior</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
20	<i>Prunus cerasifera</i> 'Pissardii'	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
21	<i>Laburnum anagyroides</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
22	<i>Prunus</i> spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
23	<i>Prunus</i> spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN

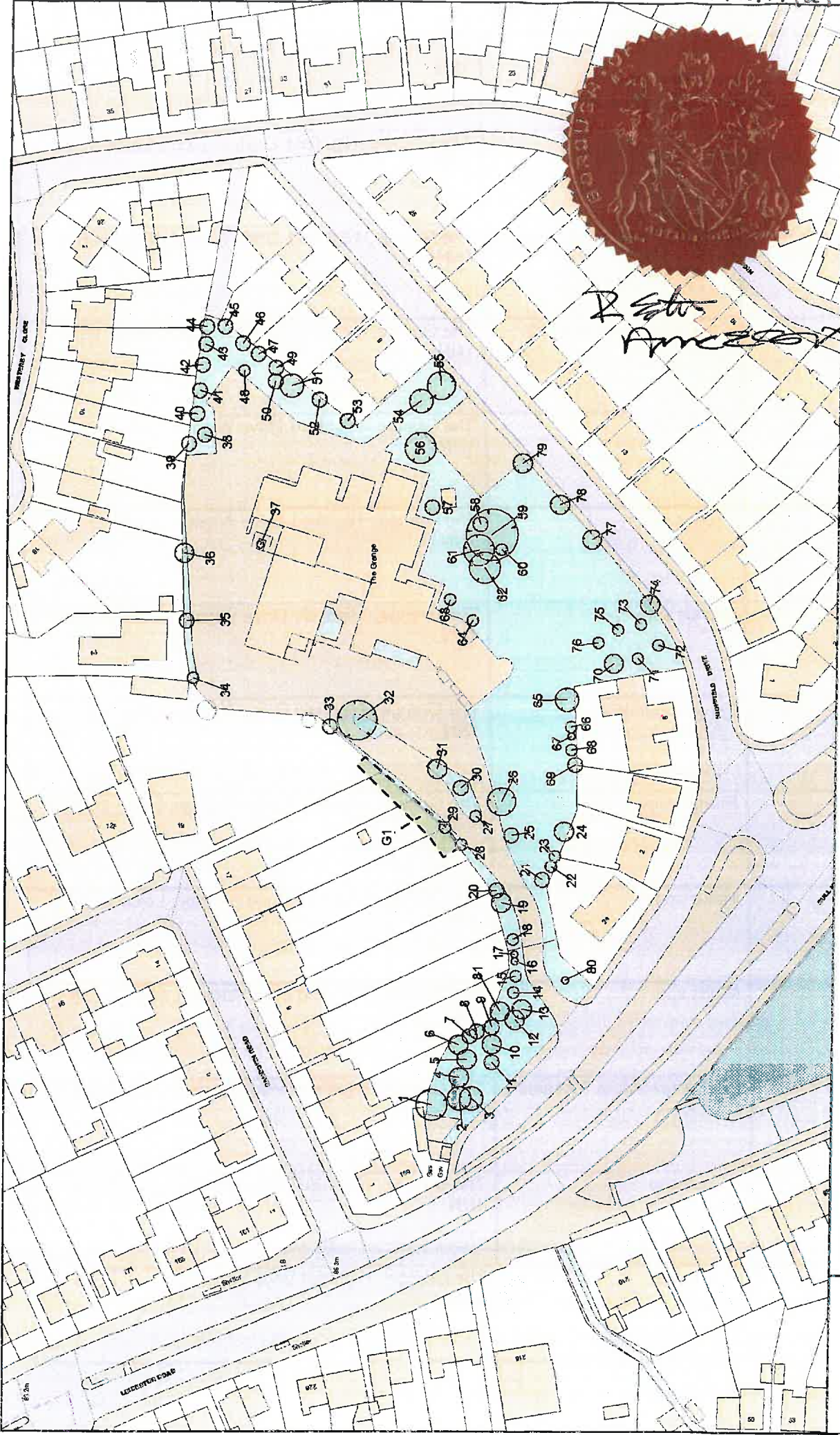
24	Prunus spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
25	Ilex aquifolium	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
26	Aesculus hippocastanum	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
27	Picea abies	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
28	Laburnum anagyroides	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
29	Laburnum anagyroides	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
30	Acer campestre	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
31	Fagus sylvatica purpurea	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
32	Aesculus x carnea	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
33	Prunus cerasifera 'Pissardii'	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
34	Betula utilis	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
35	Robinia pseudoacacia 'Frisia'	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
36	Fraxinus excelsior	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
37	Acer platanoides 'Schwedleri'	The Grange, Highfield Drive Wigston, Leics, LE18 1NN

38	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
39	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
40	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
41	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
42	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
43	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
44	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
45	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
46	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
47	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
48	<i>Betula pendula</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
49	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
50	<i>Acer pseudoplatanus</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
51	<i>Pyrus communis</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN

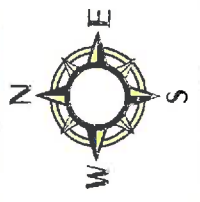
52	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
53	<i>Sorbus aria</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
54	<i>Platanus x hispanica</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
55	<i>Prunus padus</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
56	<i>Taxus baccata</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
57	<i>Acer campestre</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
58	<i>Taxus baccata</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
59	<i>Quercus cerris</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
60	<i>Crataegus monogyna</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
61	<i>Aesculus hippocastanum</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
62	<i>Aesculus hippocastanum</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
63	<i>Sorbus aucuparia</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
64	<i>Sorbus torminalis</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
65	<i>Fraxinus excelsior</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN

66	<i>Acer campestre</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
67	<i>Prunus domestica</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
68	<i>Fagus sylvatica purpurea</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
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71	<i>Prunus</i> spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
72	<i>Prunus</i> spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
73	<i>Pyrus communis</i>	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
74	<i>Prunus</i> spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
75	<i>Malus</i> spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
76	<i>Malus</i> spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
77	<i>Prunus cerasifera</i> 'Pissardii'	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
78	<i>Prunus</i> spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN
79	<i>Prunus</i> spp.	The Grange, Highfield Drive Wigston, Leics, LE18 1NN

4/16/17 (a)



R. Stone
Amended



THE BOROUGH COUNCIL OF OADBY & WIGSTON (The Grange, Highfield Drive, Wigston, Leicestershire, LE18 IPP) TREE PRESERVATION ORDER 2017	
Scale	1:1250
Date	29/03/2017
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