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| Development Control Committee | Thursday, 30 August 2018 | Matter for Decision |
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Report Title: **The Borough of Oadby and Wigston (Land At 98 Saffron Road, South Wigston (No.2)) Tree Preservation Order 2018**

Report Author(s): **Michael Bennetto (Arboricultural Officer)**

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| Purpose of Report: | The purpose of this report is to seek a decision from the Committee to confirm or otherwise The Borough of Oadby and Wigston (Land At 98 Saffron Road, South Wigston (No.2)) Tree Preservation Order 2018 ("the Order") which was made on 10 May 2018. |
| Report Summary: | Trees at the frontage of no. 98 Saffron Road are currently protected by a County Council Area Tree Preservation Order (TPO) from 1971 ("the old Order"). As part of replacing the old Order with up-to-date Oadby and Wigston Borough Council (OWBC) Orders, a new Order was put in place provisionally, however this Order was not confirmed and lapsed ("the lapsed Order"). A replacement Order has been made ("the replacement Order"). |
| Recommendation(s): | <p>A. That The Borough of Oadby and Wigston (Land At 98 Saffron Road, South Wigston (No.2)) Tree Preservation Order 2018 be confirmed; and</p> <p>B. That the lapsed Borough of Oadby and Wigston (Land at 98 Saffron Road, South Wigston, Leicestershire, LE18 4UN) Tree Preservation Order 2016 is formally recorded as not confirmed.</p> |
| Responsible Strategic Director, Head of Service and Officer Contact(s): | <p>Anne Court (Chief Executive) (0116) 257 2606 anne.court1@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Michael Bennetto (Arboricultural Officer) (0116) 257 2697 michael.bennetto@oadby-wigston.gov.uk</p> |
| Corporate Priorities: | Balanced Economic Development (CP3) Green & Safe Places (CP4) Wellbeing for All (CP5) |
| Vision and Values: | Accountability (V1) Customer Focus (V5) |
| Report Implications:- | |
| Legal: | All legal requirements have been fulfilled and interested parties are to be informed of confirmation as soon as reasonably practicable. |

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| Financial: | There are no implications directly arising from this report. |
| Corporate Risk Management: | No corporate risk(s) identified. |
| Equalities and Equalities Assessment (EA): | There are no implications arising from this report. EA not applicable. |
| Human Rights: | There may be implications under Articles 1 and 8 of the Protocol No. 1 to the European Convention on Human Rights regarding the right of respect for the peaceful enjoyment of possessions and a person's private and family life and home. However, these issues have been taken into account in the determination of this Order. |
| Health and Safety: | There are no implications arising from this report. |
| Statutory Officers' Comments:- | |
| Head of Paid Service: | The report is satisfactory. |
| Chief Finance Officer: | The report is satisfactory. |
| Monitoring Officer: | The report is satisfactory. |
| Consultees: | All persons interested in the land affected by the Order. |
| Background Papers: | Town and Country Planning Act 1990 Part VIII, Chapter I, Trees The Town and Country Planning (Tree Preservation)(England) Regulations 2012 Protocol No. 1 to the European Convention on Human Rights |
| Appendices: | <ol style="list-style-type: none"> 1. TPO - Land at 98 Saffron Road, Wigston (Provisional) 2. TPO - Land at 98 Saffron Road, Wigston (Lapsed) 3. TPO - Land at 98 Saffron Road, Wigston (County Council) |

1. Information

- 1.1 The replacement Order was created following the request of the Leicestershire County Council's Landscape Officer, Andrew Shaw, that the old County Council Area TPO's are brought up to date with new OWBC Orders.
- 1.2 The Secretary of State's view on the matter is that Area classifications should only be used in emergencies as a temporary measure until the trees in the said area can be assessed properly and reclassified accordingly. Local Planning Authorities (LPA) have been encouraged to resurvey Area TPO's with a view to replacing them with alternative classifications for some time now.
- 1.3 The lapsed Order (TPO/0314/TREE) was previously put in place on 4 November 2016. This Order was not confirmed within 6 months and the provisional cover has therefore lapsed. Where an Order has not been confirmed by the LPA the decision must still be officially recorded.
- 1.4 The old existing County TPO is an Area Order from 1971 and covers the majority of trees in the frontage of no. 98 Saffron Road. The trees at the site have been surveyed and those in good condition that are appropriate to the location and space available have been selected to be covered by the new replacement Order.

1.5 No representations have been made in support or objection of the replacement Order.

2. Conclusions and Recommendations

2.1 For the purpose of correct procedure and record keeping, it is recommended to formally record the lapsed Order as not confirmed.

2.2 It is recommended that the replacement Order is confirmed. The County Council Area TPO can then be revoked.