

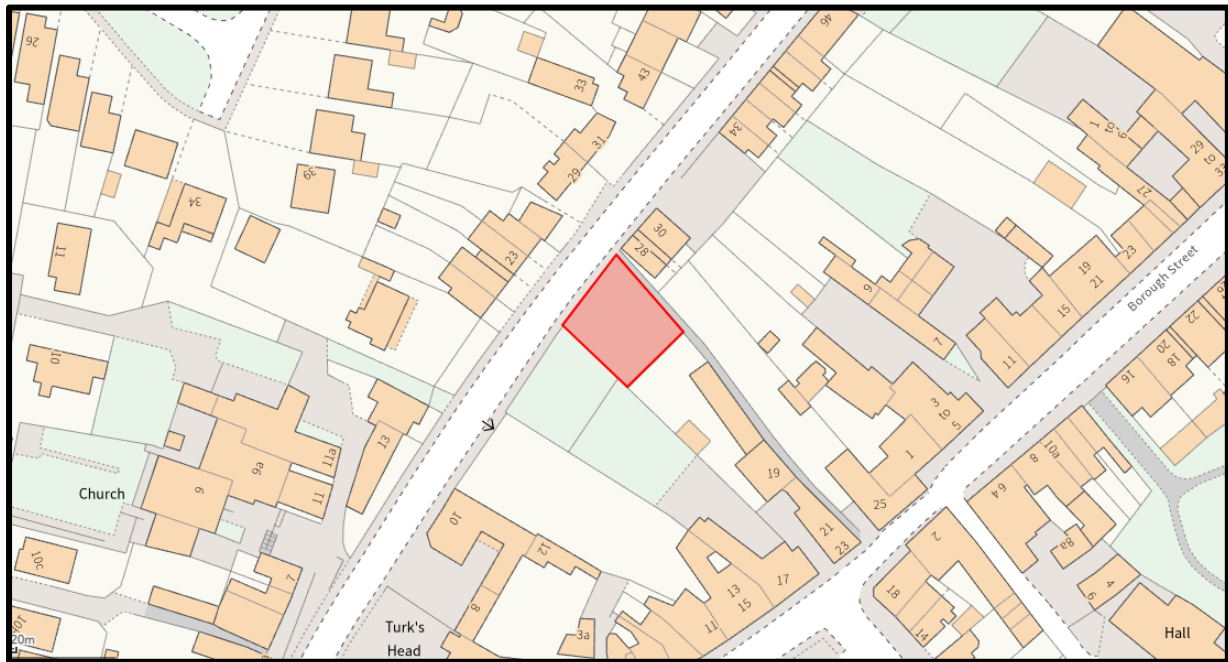
**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**PLANNING COMMITTEE – WEDNESDAY 26 NOVEMBER  
2025**



<b>Title of Report</b>	<b>PLANNING CONSIDER THE CONFIRMING OF A TREE PRESERVATION ORDER (TPO) AT LAND TO THE SOUTH OF 28 BONDGATE, CASTLE DONINGTON</b>	
<b>Presented by</b>	Dominic Waller Tree Officer	
<b>Background Papers</b>	Documents relating to application ref. no. <a href="#">25/00741/TCA</a>	<b>Public Report:</b> Yes
<b>Legal Implications</b>	None	
	<b>Signed off by the Legal Advisor:</b> Yes	
<b>Corporate Implications</b>	None	
	<b>Signed off by the Strategic Director:</b> Yes	
<b>Purpose of Report</b>	A provisional Tree Preservation Order (TPO) was made on 26 June 2025. The TPO needs to be confirmed within six months. The trees will lose their protection if the TPO is not confirmed before 26 December 2025.	
<b>Recommendations</b>	<b>IT IS THE OFFICER RECOMMENDATION THAT THE TPO BE CONFIRMED WITHOUT MODIFICATION</b>	

## SITE LOCATION



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Figure 1 Site Plan showing extent of Area Tree Preservation Order

### 1. Background

#### Site Description

- 1.1 The site is located adjacent to and south west of 28 Bondgate, Castle Donington. The site is located within the Castle Donington Conservation Area.
- 1.2 Historic maps indicate the land has been open space, gardens and a play area since at least the late 1800s and a scout hut was on the rear of the site in the 1960s. The land is currently in the ownership of Castle Donington Parish Council. Ground cover and vegetation have recently been cleared and the larger trees, predominantly Sycamore, remain. The site is bounded by brick walls and a fence, with a pedestrian entrance via a gate and steps off Bondgate.

#### Tree Description

- 1.3 Trees within the site are a group of predominantly Sycamore with some smaller trees or other species around the site. The trees form part of a wider group located to the rear of houses that extends from Hillside in the north to Bondgate near the junction of Market Street in the south, as can be seen on the aerial photograph on the following page. The trees are clearly visible from Bondgate (as shown on the photographs below), as the site fronts directly onto the road, as well as from public footpath (L92/1) which adjoins the site's north eastern boundary and runs between Bondgate and Borough Street,



Figure 2 Aerial Photograph showing extent of Area Tree Preservation Order

- 1.4 The trees have been inspected by the Council's Tree Officer and found to be in fair to good condition and not significantly defective. A third-party arboricultural inspection, undertaken by Leicestershire County Council in July 2025, concurs with this view - there were no works recommended following their inspection. The report states that several trees on site have leaning stems, which is the result of growth patterns and not a symptom of root failure.







- 1.5 The trees provide a significant green resource in the local built environment. While some commentators may refer to Sycamore as 'weeds' or an undesirable species, this is largely a subjective cultural perception rather than one that is rational. Sycamore is a naturalised species, present in the UK for at least 400 years with both important aesthetic and ecological value.
- 1.6 The perception that Sycamore is a weed is also that it seeds and germinates readily which perhaps can be seen as an overstated annoyance for some gardeners. The same is rarely true in a public amenity setting.
- 1.7 Tree growth is dynamic, therefore, it is important to also manage trees dynamically and work with growth and change wherever possible. In an urban setting, given the difficulty in establishing mature trees, it is rarely beneficial to fell woodland or woodland groups in their entirety. Poor trees may be improved over time, and it is often better to retain and replace those trees selectively, over an extended period, rather than clear all trees and start again, particularly in such a visible site.
- 1.8 Given the connection with the wider tree setting, there is significant potential for improving this group overall to provide an important green belt of high value trees through the centre of the town and link to other tree groups beyond.

### **Development History**

- 1.9 There is no recent history of development on the site. Two older tree work applications have been submitted:
  - 21/02034/TCA - Felling of one Sycamore (Unprotected tree in a conservation area) – No Objection
  - 09/00900/TCA - Felling of 8 trees and works to other trees (Unprotected trees in a conservation area). [trees removed to allow better growth of remaining trees] – No Objection.

## **2 TPO Creation**

- 2.1 The Bondgate Community Garden Group are proposing to create a public garden with paths and planting within the site. As consequence of these proposals, an application was submitted to fell 5no. Sycamore trees and works to coppice 6no. Sycamore trees (ref. no. 25/00741/TCA).
- 2.2 Within a conservation area, upon receipt of a tree work notice, planning legislation allows the Local Planning Authority to:
  - a) Grant consent by responding to the notice;
  - b) Take no action, in which case the proposed works may proceed after six weeks from the date the notice was received; or
  - c) Serve a Tree Preservation Order (TPO) to prevent the works from taking place.
- 2.3 Works cannot be refused under this type of application.
- 2.4 Due to the contribution of the trees to the character and visual amenities of the Conservation Area and the threat of removal of the trees, and that the proposed tree works were deemed excessive and unnecessary, the trees were deemed to merit protection by a TPO. A provisional TPO was therefore created and sealed on 26 June 2025 to conserve the trees and allow for a more considered approach to the trees and tree work alongside the plans for the community garden.
- 2.5 An area TPO was made in order to cover all trees within the site with the expectation that some will be removed following a more considered approach. The area TPO, if confirmed, may be varied to a group or individual trees if works to trees are agreed by the Local Planning Authority.
- 2.6 A decision on whether the TPO should be confirmed is required before 26 December 2025.
- 2.7 Since the creation of the provisional TPO the Tree Officer has been in contact with the local community group and the Parish Council to reassure them that the TPO is there to support good arboricultural management and provide ongoing protection, so that the design of the community garden and tree works are joined up and complementary.
- 2.8 For the avoidance of doubt, where the TPO is not confirmed any tree protection under the TPO is removed for these trees. However the trees would still be protected as they are within the Conservation Area, and so a new application for works to or removal of the tree would need to be submitted to the Council.

## **3. Responses to the Conservation Area Tree Work Application**

### **Third Party Objections**

- 3.1 An objection to removal of the trees was received from Castle Donington Parish Council.

### **Third Party Neutral and Supporting Comments**

- 3.2 No neutral or supporting comments or representations were received.

#### **4. Tree Evaluation Method for Tree Preservation Orders (TEMPO)**

- 4.1 A TEMPO is a field-based method used to help decide whether trees should receive protection under a TPO.
- 4.2 Collectively the Tree Officer's assessment of the trees using TEMPO is as follows (scores in brackets):
- Condition - Good (5)
  - Retention Span – 40-100 (4)
  - Visibility - Large trees, or medium trees clearly visible to the public (4)
  - Other factors - Trees with none of the above additional redeeming features (inc. those of indifferent form) (1)

**Part 1 total – 14**

**Part 2 Expediency** - Immediate threat to tree inc. s.211 Notice (5)

**Part 3 decision guide – Total score – 19 Definitely Merits TPO.**

- 4.3 The TEMPO therefore is considered to comfortably support the Tree Officer's observations that a TPO is merited.

#### **5. Representations to the Creation of the TPO**

- 5.1 Comments have been received from two neighbours and the community group that are summarised as follows:
- The trees are not in good condition and are competing for light and space – this is argued to make the trees in poor condition.
  - Self-seeded and two large trees are leaning and on a slope, being potentially unsafe.
  - Concerns about tree leaning towards house on the other side of the alleyway in particular when windy due to a tree having fallen in windy weather a few years ago.
  - The TPO has been created in a 'reactionary' manner to the proposals by the community group to fell some of the more dangerous trees.
  - Land and trees have been neglected and now there are proposals for improvement the interest from the Council feels cynical.
  - Sycamore trees on the site are in need of reduction as they block a significant amount of sunlight from nearby properties and move significantly in adverse weather.

#### **6. Conclusion**

- 6.1 The trees are in fair to good condition and not significantly defective, clearly visible and prominent in public locations and form part of a wider group of trees in the locality.
- 6.2 The question of whether the TPO should be confirmed comes down to enforceability, suitability and to a lesser extent proportionate fairness and this is considered in below.

### Enforceability

- 6.3 A substantive objection is that a TPO is not enforceable. If works would be enabled by exception under regulation 14 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012, by default, then the TPO is unlikely to be enforceable. In this case, as the trees are not considered to be causing an actionable nuisance and are not clearly dangerous and so do not meet this exception, the TPO is enforceable in its current form. Therefore, at the first instance of whether a TPO can be made, confirmed and enforced, there are no administrative grounds for objection.

### Suitability

- 6.4 This relates to whether there are any reasonable grounds for objection based on the local planning authority's error in the need to protect amenity. The Tree Officer's assessment above shows that the TPO is merited and the TEMPO assessment supports this view. The making of the TPO is therefore considered reasonable in general and suitable for these trees.

### Proportionate Fairness

- 6.5 The local planning authority should assess whether making a TPO is proportionate, practical and fair. Trees are both an asset but can also be a burden. However, TPOs by their very nature are to prevent tree removal or damage where an owner or neighbour often does not want the tree, or the tree is likely to be at risk in the future. As such a TPO will often receive some level of resistance or objection. A balance is therefore needed between a real problem created by the trees (as opposed to preference by those that have commented) and the value of the trees to the wider community.
- 6.6 In this case, the Tree Officer has taken into account the representations and considers that the comments received are not considered sufficiently substantive to justify withholding confirmation of the TPO. The Tree Officer considers that there are no unmanageable issues that mean that six trees need to be removed. On balance, the Tree Officer considers that the benefits of the TPO outweigh the representations and removal of trees as proposed under the application. In taking this view it should be remembered that a TPO is made to control works and ensure trees are replaced, not simply to prevent works altogether. On this basis, in the Tree Officer's view, the TPO is considered to be proportionate.

## **7. Recommendation**

- 7.1 A more justifiable argument around selective felling and replacement, reasonable pruning and maintenance is needed. This can only be controlled with the TPO being confirmed.
- 7.2 The Tree Officer considers there is no substantive reason not to confirm the TPO. Consequently, it is concluded by officers that the TPO should be confirmed and works to the trees will be reasonably assessed on the merits of each application in future.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Looking after the environment we live in
Policy Considerations:	List any relevant policies
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	The landowner or any other party will need to apply to the Local Planning Authority for consent to carry out tree works.
Economic and Social Impact:	Trees have been shown to enhance mental wellbeing and by mitigating the urban heat island, reduce energy costs.
Environment, Climate Change and zero carbon:	A TPO will help protect the local natural environment and as trees absorb carbon dioxide and filter pollutants from the atmosphere it will support Council policy on climate change. A TPO will also retain a habitat which contributes to the District's biodiversity.
Consultation/Community Engagement:	People with a legal interest in the land affected by the TPO have been consulted, along with adjacent properties. Members of the public were consulted by the placing of a site notice.
Risks:	None
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