

**CITY OF LEEDS TREE PRESERVATION ORDER (NO.29) 2024
TPO 2024 29 (LIDGETT WALK GLEDHOW LEEDS LS8 1NW)**

Date: 22 October 2024

Report of: Tree Officer for City Development

Report to: Chief Planning Officer

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

- An enquiry as to the protected status of trees at Lidgett Walk, LS8 1NW was received by the Council on 21 January 2024. The enquirer wished to have a tree removed or pruned due to concerns regarding its condition.
- It was According to the Conservation Area (CA) appraisal documents produced in 2006, the boundary of the CA includes Lidgett Walk. However, according to the publicly available interactive online map, Lidgett Walk is situated to the north of the CA boundary. This created confusion with members of the public as to whether or not the trees were protected.
- A Leeds City Council (LCC) Tree Officer visited the site March 2024 to assess the trees. The trees on and adjacent to Lidgett Walk were in good overall condition, with amenity value.
- In order to prevent unsuitable work or removal of prominent trees with amenity value, it was deemed expedient for the Council to serve a Tree Preservation Order ('TPO') on the site, which was made on 23 April 2024.
- Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order will expire if it has not been determined within 6 months of the date of making.
- An objection to the Order were submitted by a resident at 10 Lidgett Walk on 20 May 2024. The objection was based on matters including the ownership of trees, the assessment of the trees and the extent of the TPO. The objection also queried what prompted the TPO being served. This was responded to via email, with subsequent correspondence being received from the resident on 17 July 2024 and final correspondence on 11 October 2024.
- T6 experienced a partial failure on 20 October 2024, during Storm Ashley. The tree was reassessed by LCC Officer on 21 October 2024. T6 was considered to be in suitable condition to merit inclusion in the TPO, based on visual assessment from ground level.
- The Chief Planning Officer is requested to determine whether or not the Order should be confirmed, or alternatively confirmed subject to modification, in light of the objection.

Recommendations

- a) Having carefully considered the grounds of objection raised by the homeowner, on balance it is considered that the Tree Preservation Order is warranted on the grounds of amenity and expediency.
- b) That the Order be confirmed, as originally served.

What is this report about?

- 1 To set out the background to the making of the provisional Tree Preservation Order and to note the fact objections to the Order has been submitted to the Council.
- 2 To seek a determination from the Chief Planning Officer that the Order be confirmed.

What impact will this proposal have?

- 3 It will assist in protecting the distinctive green character of the city, amenity in the vicinity and assist in combating climate change by protecting the trees from unauthorised tree works or felling.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 4 Trees play a valuable role in helping to meet the City Council's wider ambitions by improving the liveability of places, especially in urban areas, including the link between greenspaces and trees as part of the wider determinants of health and well-being. They also promote the City as a place to invest in and live by creating attractive natural urban environments. In light of the Climate Emergency recently declared by the Council, it is important to recognise the value of existing trees, in terms of carbon storage and their year-on-year carbon sequestration (in addition to public amenity and bio-diversity value). The retention of existing trees wherever possible, is a positive factor in combatting climate change (as well as contributing to the improvement of Biodiversity in Leeds). By way of comparison, it will take at least 30 years for newly planted trees planting to make a similar contribution.

What consultation and engagement has taken place?

Wards affected: Roundhay

Have ward members been consulted?

Yes

No

- 5 Tree Preservation Orders are served on landowners on a provisional basis any other party holding an interest in the land other parties and adjoining landowners where any trees overhang their boundary.
- 6 A minimum statutory objection period of 28 days applies in respect of any Order made.

What are the resource implications?

- 7 There are no resource implications

What are the key risks and how are they being managed?

- 8 The objectors raise perceived potential risks of height, falling branches and debris. The TPO does not prevent this responsible management and maintenance from occurring and the tree owner would be recommended to engage a qualified arboriculture expert to advise on how to manage overhanging growth and associated nuisance. Otherwise the trees will be managed according to Leeds City Council policy.

What are the legal implications?

- 9 The Chief Planning Officer is authorised to take the decision whether to determine Tree Preservation Orders under Part 3 Section 2A of the Constitution (Council non-executive functions).
- 10 It is necessary to balance the rights of the landowners against the public interest in the protection of trees provided for by the statutory provisions. Local Planning Authorities have the powers to make Tree Preservation Orders if it appears to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.
- 11 The amenity of the tree(s) is considered on balance to justify the making confirmation of a Tree Preservation Order and to outweigh the rights of the property owner(s) to manage trees without local authority control.
- 12 The exempt appendices are exempt under Access to Information Rule 10.4(2).

Options, timescales and measuring success

What other options were considered?

- 13 None

How will success be measured?

- 14 The trees identified for retention within the Order, make a significant contribution to the "green" character of the street and to the local quality of the surroundings.

What is the timetable and who will be responsible for implementation?

- 15 The Tree Preservation Order will be confirmed, as soon as possible, and by 23 October 2024, at the latest, should the Chief Planning Officer determine that the Order should be confirmed on this basis.

Appendices

- Objections of Mr McGovern (email trail dating 02.05.2024 til 11.10.2024) **(Exempt under Access to Information Rule 10.4(2))**
- Correspondence with Mr McGovern and Gledhow Sports Club following T6 partial failure in Stom Ashley **(Exempt under Access to Information Rule 10.4(2))**
- Response of the Tree Officer to the objection
- A copy of the Order

- EDCI Screening

Background papers

- N/A