

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

## **1. BACKGROUND**

An enquiry as to the protected status of trees at Lidgett Walk, LS8 1NW was received by the Council on 21 January 2024.

Lidgett Walk is situated at the north of the Gledhow Conservation Area. 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.

The Tree Preservation Orders and trees in conservation areas Guidance also provides guidance on the definition of amenity:

“What does ‘amenity’ mean in practice?

‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

Paragraph: 007 Reference ID: 36-007-20140306

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.

## **2. OBJECTION**

An objection to the Order was received from Ian McGovern, of 10 Lidgett Walk, who had been notified of the TPO by letter.

The objection may be summarised as follows;

- Questions regarding what prompted to Order (1-4)
- Questions regarding the ownership of the trees (5-6)

- If the trees had been assessed, and concerns regarding the safety of the trees (7-8)
- Why trees at Gledhow Sports Centre had not been included in the Order (9-10)
- Why the Council didn't consult with residents, prior to serving the Order (11-12)

### **3. COMMENTS OF THE TREE OFFICER IN RELATION TO THE OBJECTION**

1. The TPO was prompted by an enquiry, regarding the protected status of the trees. The enquirer was seeking removal of a tree on Lidgett Walk, due to concerns about tree condition.
2. After reviewing available online mapping, it became apparent that it was not clear if all trees at Lidgett Walk were within the CA.
3. LCC Officer visited site March 2024. Trees at Lidgett Walk were found to be in good condition, with amenity value.
4. As it was not clear if the trees were protected, and the Council was aware of a desire/intention to remove tree(s) at Lidgett Walk, it was considered expedient to serve a TPO in the interest of amenity.
5. At time of serving the TPO, a Land Registry check was undertaken to determine the ownership of trees at Lidgett Walk. There were no records for Lidgett Walk, and it is an unadopted road. As such, it is unclear who owns some of the trees at Lidgett Walk.
6. By making Land Registry checks and sending letters accordingly, the LCC Tree Officers have made reasonable efforts to determine ownership of the trees and identify interested/affected parties. The Council has also uploaded the TPO details to publicly available mapping ([Leeds Tree Preservation Orders \(arcgis.com\)](https://arcgis.com)).
7. The trees have been assessed on two occasions by a LCC Tree Officer. The trees were found to be in fair to good overall condition. While some had notable risk features (for example, sections of dead wood) nothing was identified at time of site visit that would suggest the trees were not suitable for a TPO.
8. The Council will continue to consider applications to prune or remove the trees under the TPO, including works proposed to mitigate the risk associated with the trees. Applications are not required for the removal of dead wood or hanging branches.

9. Trees at the east, south and west boundary of the Gledhow Sports Centre are clearly located within the Gledhow CA, and so have a basic level of protection. It is not expedient to serve a TPO on these trees, at this stage.
10. In the event that a notification for tree works under s.211 of the Town and Country Planning Act 1990 was received for trees at the Gledhow Sports Centre, it may then become expedient to serve a TPO on other trees at the site.
11. TPOs are served on a provisional basis, and affected parties are given the opportunity to comment on or object to the TPO for a minimum period of 28 days. This is detailed in the letter and Regulation 5 notice provided with all TPOs. In effect, this provisional period acts as the consultation period.
12. The Council does not typically consult with residents, prior to a TPO being served. This is because the suggestion that trees may become protected may increase the likelihood of damage to trees before a TPO is served (Village Developments plc v Tandridge District Council [2014] EWHC 1484 (Admin)).

#### **4. T6 PARTIAL FAILURE IN STORM ASHLEY**

On the evening of 20 October 2024, T6 experienced a significant partial failure following high winds in Storm Ashley. This was noted by LCC Tree Officer on 21 October 2024, and a site visit took place to assess T6 and its suitability for a TPO following the partial failure. The tree was discussed on site with the objector.

A primary branch on T6 failed. The branch was compromised by historic pruning with prominent large pruning wounds with decay on the main stem close to the branch union, and on the failed section of branch. This has resulted in a small pocket of decay on the stem, filled with soil at time of site visit.

While the branch failure is notable, visual assessment suggests that the remaining structure is in suitable condition; there is good holding material around the decay pocket, while some stem material has been lost it is largely intact, and the remaining crown structure is acceptable and in good physiological condition. The remaining canopy does not appear significantly unbalanced by the failure.

Following discussion with the Principal Tree Officer, it was agreed that T6 should still be included in the TPO, at this stage.

Crown reduction of T6, following the failure, is considered reasonable based on visual assessment from ground level. LCC Officer has advised the objector and the Sports Club of this via email, and has also provided guidance regarding potential further applications, and having the trees surveyed.

#### **5. CONCLUSION**

The Order is warranted on the grounds of amenity and expediency and therefore, the imposition of the Order is appropriate.

The Council will consider future tree works applications. Permission is not required for the removal of dead wood.

## **6. RECOMMENDATION**

The Order should be confirmed, as originally served.