

Delegated Report

Planning Reference 26/00648/TPO
Applicant Severn Trent Water Ltd
Ward Groby



Hinckley & Bosworth
Borough Council

Application Site Footpath R118, Groby

Proposal T206 - Common Ash (*Fraxinus excelsior*): Remove to ground level, including stump removal, to facilitate installation of the Hallgates to Elms Farm water mains pipeline. The tree is in decline, exhibiting crown dieback, reduced vigour and deadwood associated with ash dieback disease.

Mitigation: Plant two heavy standard pedunculate oak (*Quercus robur*) trees as close as practicable to the original location, with maintenance and replacement of failures for a period of five years in accordance with BS 8545:2014.

Case Officer Rudi Simpson (Technical Planning Assistant)

1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this Report.

2. Planning Application Description

2.1. This application seeks consent to remove protected Common Ash tree T206, including stump removal at land southeast of the A46 and adjacent to Public Footpath R118, Groby. The Applicant proposes to replace the tree with two heavy standard pedunculate oak (*Quercus robur*) trees as close as practicable to the original location.

2.2. The Applicant has stated the proposed works are required because the tree is in decline, exhibiting crown dieback, reduced vigour and deadwood associated with ash dieback disease, and the proposed removal would help to facilitate the installation of the Hallgates to Elms Farm water mains pipeline.

3. Description of the Site and the Surrounding Area

- 3.1 This application relates to a protected Ash Tree ('T206') located adjacent to Public Footpath R1118 on land southeast of, and within the buffer of, the Leicester Western Bypass ('A46') to the east of Groby in the designated open countryside in the Rothley Brook Meadow Green Wedge. The tree is protected by the Borough Council of Hinckley and Bosworth Groby (Glebe Farm) Tree Preservation Order 1975 (75/00006/TPORD).
- 3.2 The Tree Preservation Order ('TPO') offers protection to multiple trees within two separate sections, which includes a small group of trees ('G1') that are to the north of Cowpen Spinney, and a significantly larger area of trees ('A1'), which protects the remaining trees. The tree subject to this application is located within the A1 of the TPO.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

5. Publicity

- 5.1 Sections 16 and 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 does not include any requirement to consult third parties on applications for consent under a Tree Preservation Order and therefore no publication took place for this application

6. Consultation

- 6.1 The Council's Arboricultural Officer raised no objection to the removal of the tree and is in support of the replanting specification.
- 6.2 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 9: Rothley Brook Meadow Green Wedge

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2026)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Local Authority Guidance:

- The Rothley Brook Meadow Green Wedge (2020)
- The Rothley Brook Meadow Green Wedge Review (2025)

8. Appraisal

8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified

8.1 NPPF Policy DP3 confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings. NPPF Policy N2 requires development proposals to conserve and enhance existing natural features of visual historic or nature conservation value (such as established trees and hedgerows) where possible.

8.2 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.3 Policy DM4(i) and (iv) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, and where it protects the rule and function of a Green Wedge. Policy 9 of the adopted Core Strategy requires development in the Rothley Brook Meadow Green Wedge ('Green Wedge') to retain the visual appearance of the area.

- 8.4 The affected tree is subject to a Tree Preservation Order ('TPO') and is therefore considered to have a high level of amenity value.
- 8.5 The Applicant (Severn Trent Water) is a statutory undertaker with a duty of care to maintain public infrastructure. The proposal is therefore justified, and the works deemed necessary in order to successfully facilitate the installation of a new mains water pipeline. Given the valuable contribution the tree makes to the surrounding area, a replanting condition is considered expedient to mitigate any long-term adverse impact upon the overall amenity of the site.
- 8.6 The Council's Arboricultural Officer has assessed the application and supports the proposal to remove the Ash tree and replant with two heavy standard pedunculate oak trees. The proposed works would therefore be considered to be acceptable as long as they are carried out in accordance with BS 3998:2010.
- 8.7 By virtue of the above it is considered that the work would not have a significant impact upon public amenity, or the character of the surrounding area, the designated open countryside, or the Rothley Brook meadow Green Wedge. The scheme would therefore be in accordance with NPPF Policies DP3 and N2, Policies DM4 and DM10 of the SADMP, and Policy 9 of the adopted Core Strategy.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 In conclusion, the proposed works are considered to be acceptable and therefore in accordance with national decision-making policies DP3 and N2 of the National Planning Policy Framework (2026), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Policy 9 of the adopted Core Strategy (2009), subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant consent** subject to conditions at the end of this Report.

11.2 Conditions and Reasons

1. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. The approved works shall only be carried out in accordance with British Standards Recommendations for Tree work - BS 3998:2010.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the tree in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The proposed works shall be restricted to the removal of the common Ash tree (T206) only.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the trees in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. Within one month of the removal of the Ash Tree (T206); details of the replacement Pedunculate Oak Trees (*Quercus robur*), including its size, location and maintenance requirements shall be submitted to, and approved in writing by, the Local Planning Authority. The replacement tree shall be planted in accordance with the approved details during the next available planting season (October to March).

Reason: To ensure that a replacement tree is planted on site in the interests of protecting the amenity of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant

1. The Applicant is advised that the consent hereby granted is only valid for a period of two years commencing from the date permission is granted. The works for this consent may only be carried out once unless stated otherwise by condition.
2. This permission does not affect any private property rights and does not authorise the Applicant to carry out work on land outside of their control. The Applicant is therefore required to obtain the landowners consent prior to commencing any works.
3. It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore, if the tree is mature and has hollow cavities, is covered with ivy, or has a suitable habitat in which bats may roost, the affected tree(s) should be surveyed for bats before any work is carried out.
4. The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. All works to trees should therefore be done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by

a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.

5. You are advised that if a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of Section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.