

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO264 – Verge Adjacent to the North West of Court Farm, Littledean

The Forest of Dean District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

1. Citation

This Order may be cited as The Tree Preservation Order DFTPO264, Verge Adjacent to the North West of Court Farm, Littledean.

Interpretation

- 1.1. In this Order “the authority” means the Forest of Dean District Council.
- 1.2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. Effect

- 2.1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- 2.2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

3. Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 30th day of January 2023

A handwritten signature in black ink, appearing to be 'C. W.', written over a horizontal line.

Authorised Signatory

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the day of

OR

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL, subject to the modifications indicated by broken black line on the map, on the day of

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the FOREST OF DEAN DISTRICT COUNCIL on the day

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the FOREST OF DEAN DISTRICT COUNCIL on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

REVOCACTION OF ORDER

This Order was revoked by the FOREST OF DEAN DISTRICT COUNCIL on the day of

Signed on behalf of the FOREST OF DEAN DISTRICT COUNCIL

.....

Authorised by the Council to sign in that behalf

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(Encircled in black on the map)

Reference on Map	Description	Situation
-	-	-

Trees specified by reference to an area
(within a dotted black line on the map)

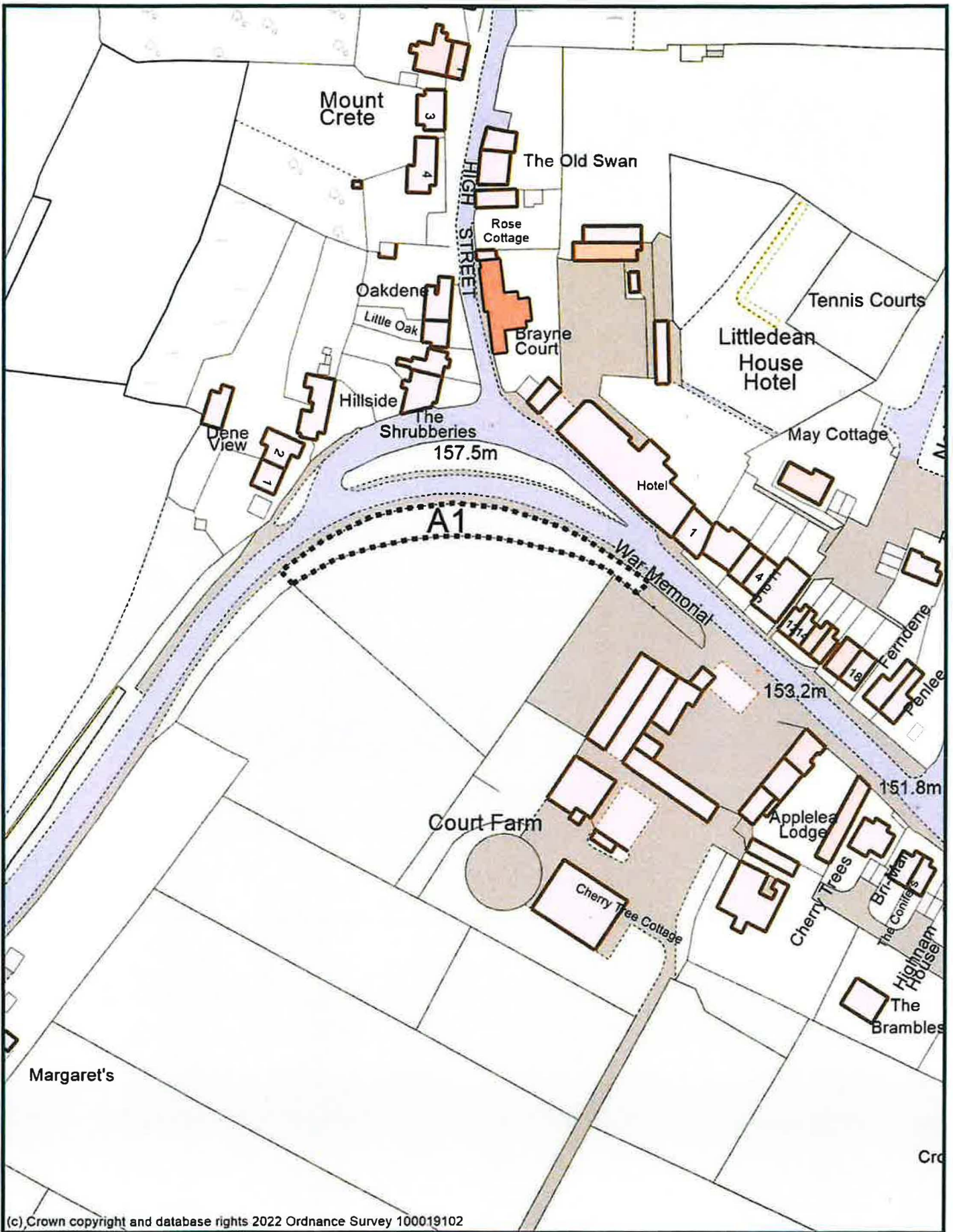
Reference on Map	Description	Situation
A1	Ash, Sycamore, Hornbeam Horse Chestnut, Holly Cypress	SO 667136 (366745, 213639)

Groups of trees
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
-	-	-

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
-	-	-



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Tree Preservation Order
DFTPO 264
Verge Adjacent to the North West of Court Farm,
Littledean

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Scale: 1:1250

30 January 2023



IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

The Town and Country Planning Act 1990

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

DFTPO264 - Verge Adjacent to the North West of Court Farm, Littledean

Notice Under Regulation 5

This is a formal Notice to let you know that on the 30th January 2023 the Forest of Dean District Council (hereafter called 'the Council') made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from carrying out activities such as the cutting down, topping or lopping any of the trees described in Schedule 1 and shown on the map without the Council's consent.

Reasons for Making the Order

The Council has made the Tree Preservation Order for the following reasons:

In the interest of public amenity

Objections

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you have any objections or other representations which you wish to make with respect to any of the trees, groups of trees or woodlands specified in Schedule 1 of the accompanying Order, then such representations must be received by the Council no later than 28th February 2023 to the following address:

Forest of Dean District Council
Council Offices
High Street
Coleford
Gloucestershire
GL16 8HG.

Any objections or representations must comply with the requirements of Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which is set out overleaf.

The Council will write to you again further when the decision whether or not to confirm the Order has been made.

Signed 

Development Manager

REGULATION 6 of the Town and Country Planning (Tree Preservation) Regulations 2012

OBJECTIONS AND REPRESENTATIONS

- (1) Subject to paragraph (2), objections and representations—
- (a) shall be made in writing and—
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and
 - (c) in the case of an objection, shall state the reasons for the objection.
- (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Report for a Tree Preservation Order

DFTPO 264 Verge Adjacent to the North West of Court Farm, Littledean

Introduction

A provisional Tree Preservation Order is proposed for a group of trees growing on a verge adjacent to the north west of Court Farm, Littledean (see Appendix A and B for location plan and photographs). The area of trees should be referred to as:

A1 – Ash, Sycamore, Horse Chestnut, Hornbeam, Holly and Cypress

A Section 211 Notice has been submitted to the Council to undertake work to these trees under planning application number P1701/22/TCA. The same trees are also subject to planning application number P0762/22/FUL, which is currently pending consideration subject to approval by the Development Management Committee.

Desk Based Assessment

The trees are situated within Littledean conservation area, on a verge adjacent to the A4151, and to the north-west corner of Court Farm. A Section 211 Notice has been submitted to coppice the ash trees, cut back the encroaching vegetation, and to reduce the height of the remaining trees. The applicant, Ringway, acting on behalf of Gloucestershire Highways, are seeking to undertake the proposed work in order to remove vegetation overhanging the pavement, increase visibility around the bend, and to give clearance to overhead BT lines.

These same trees are also a material consideration under planning application number P0762/22/FUL, which seeks permission to create a new access and associated visibility splays to Court Farm (see Appendix A for proposed layout). This will involve undertaking work to the same trees and shrubs as proposed under P1701/22/TCA.

The arboricultural method statement that was submitted as part of P0762/22/FUL, recommended the removal of 8 individual trees and one group of trees for arboricultural reasons, primarily due to the presence of Ash Dieback. The only removals recommended to facilitate the proposals, were a group of ornamental shrubs, many of which appear to less than 75mm in diameter when measured at 1.5 metres above ground level, which under the current regulations would not require permission under a TCA application.

It has not been possible to grant permission for P1701/22/TCA, due to planning application number P0762/22/FUL being subject to approval by members of the Development Management Committee. This meeting is not due to take place until after the 6 week period of the Section 211 Notice has expired. Therefore, in accordance with the regulations under the Town and Country Planning Act 1990 (as amended), a provisional TPO must be made if permission under a Section 211 Notice is not granted.

Site Based Assessment

The trees form a continuous belt of vegetation on a verge on the inside bend of the A4151, as it enters Littledean from Cinderford. Behind the trees is a stone wall marking the boundary of Court Farm. This belt of vegetation is dominated by Ash with some Sycamore, Horse Chestnut, Hornbeam, Holly and Cypress, with smaller shrubs such as Currant and Elder forming an understorey, or where there are gaps between the trees. It is considered likely that the majority of the broadleaved species have arisen as a result of natural regeneration, with the Cypress trees presumed to have been planted.

Many of the Ash trees are showing signs of Ash Dieback disease, with squirrel damage being present in the Sycamores. The Cypress trees have multiple leading stems, which have the tendency to splay out as they mature, which can be exacerbated as a result of heavy storms or excessive snowfall, both trees are already displaying this tendency (see Appendix B). Much of the smaller shrubs and lower branches belonging to the other trees are already beginning to encroach on to the adjacent pavement.

Consultation Responses

Littledean Parish Council did not provide a consultation response in relation to P1701/22/TCA. However, in respect of planning application number P0762/22/FUL, Littledean Parish Council did raise an objection, due to concerns over the proposed access in relation to the speed and volume of the traffic and pedestrians in the area. They requested that the application be presented to the Development Management Committee to consider, but this is not due to occur until after the expiration date of the Section 211 Notice.

No consultations have been made concerning the making of the provisional TPO.

Discussion

Visibility: This belt of trees are fully visible from public viewpoints within the Conservation Area, due to being adjacent to the main road (A4151) that leads into the village of Littledean from Cinderford, Coleford and surrounding areas to the south-west.

Individual Impact: The majority of trees are young to semi-mature, and stand out as a result of being adjacent to a main road.

Wider Impact: The trees are a continuation of vegetation lining the A4151 as it approaches the village of Littledean from the south west. Further along this same road as it progresses into the centre of the village, the presence of roadside trees diminishes in connection with an increase in the built environment. As a result it is considered that they possess high amenity value, which makes a significant contribution to the character and appearance of Littledean Conservation Area.

Expediency: Notification has been given of the intention to manage this group of trees, in a Section 211 Notice. The Council has two options when considering a

Section 211 Notice: to allow the work to go ahead, or, to make a Tree Preservation Order.

Due to the expiry of the six week notice period for the Section 211 Notice, and the fact that issues relating to these trees in respect of planning application number P0762/22/FUL have not yet been resolved, it has not been possible to grant permission for the work proposed under P1701/22/TCA, therefore a TPO is considered to be expedient.

Conclusion of Discussion: As a group, these trees are considered to be of high public amenity value, and as a result are considered to merit protection. However, there are concerns over the long-term retention of these trees in their current state. As a result, some work to these trees will be necessary in the near future, to address concerns over clearance requirements in close proximity to a public highway and overhead BT lines, and issues of public safety as a result of the condition of the majority of trees present.

Alternatives to placing a Tree Preservation Order

Do nothing. The works to these trees may be carried after six weeks from the date of validation of the Section 211 Notice.

Recommendation

That provisional Tree Preservation Order DFTPO264 Verge Adjacent to North West of Court Farm, Littledean is made.

Signed: 

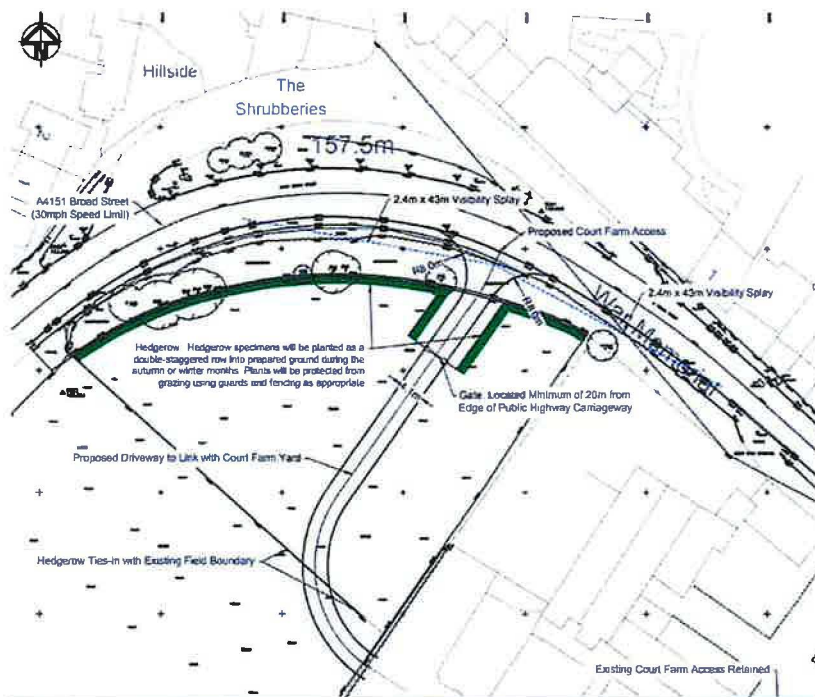
Printed: CLIVE REYNOLDS

Agree / ~~Disagree~~ Date: 26 January 2023

Appendix A – Location Plan and Proposed Access (P0762/22/FUL)



Location Plan (Area of trees subject to P1701/22/TCA shown in purple)

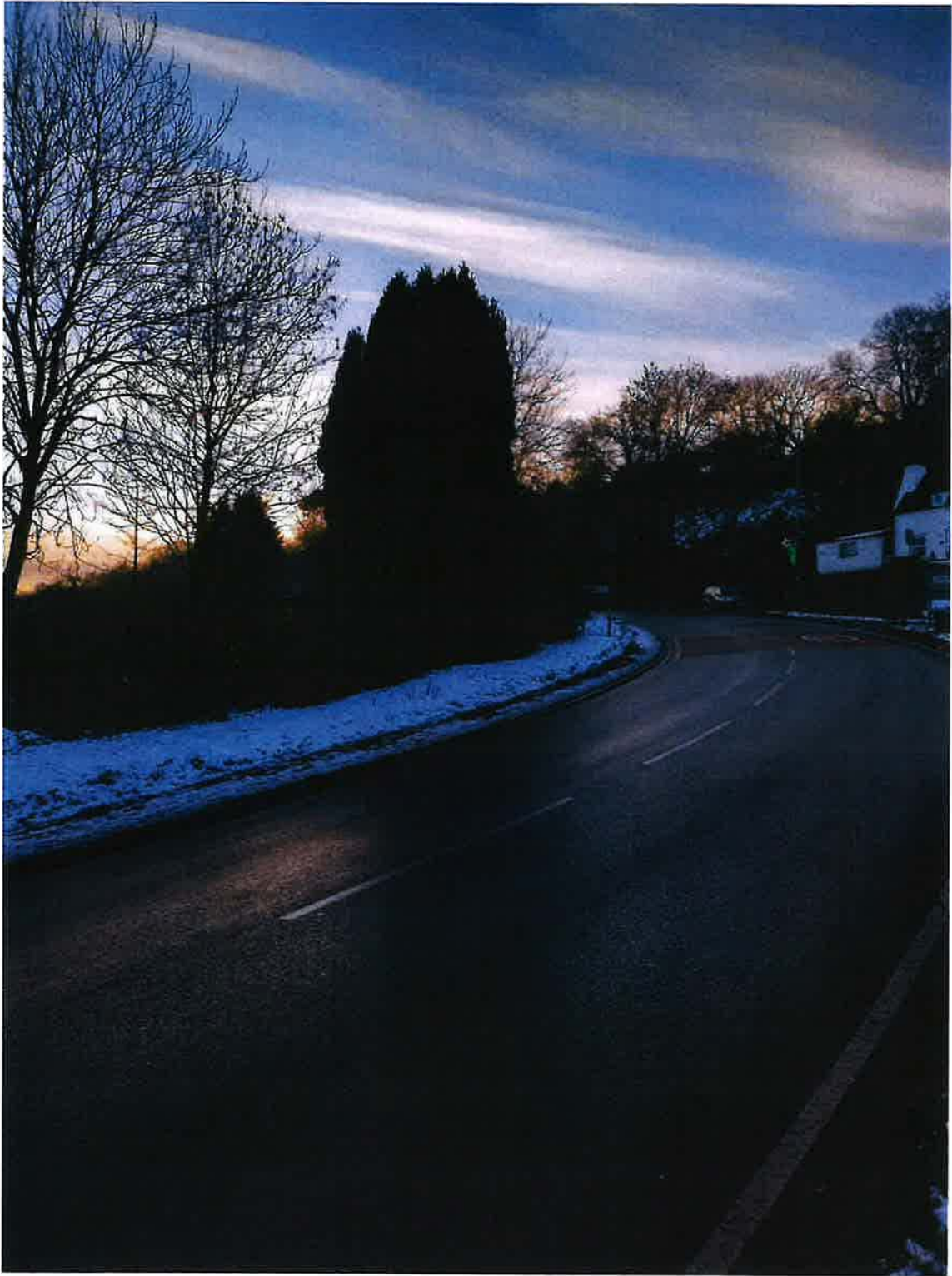


Proposed access pending consideration under P0762/22/FUL

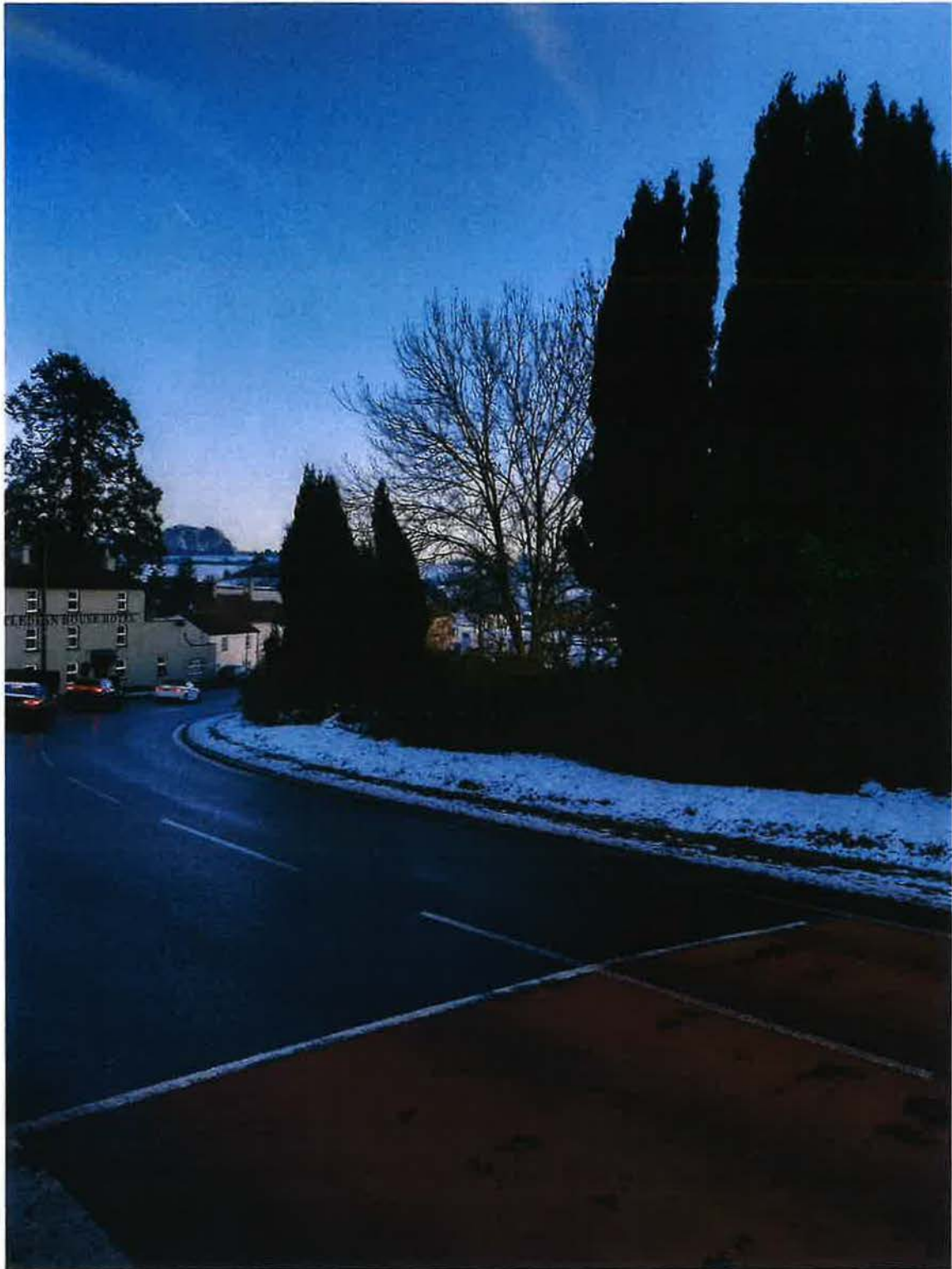
Appendix C – Photographs



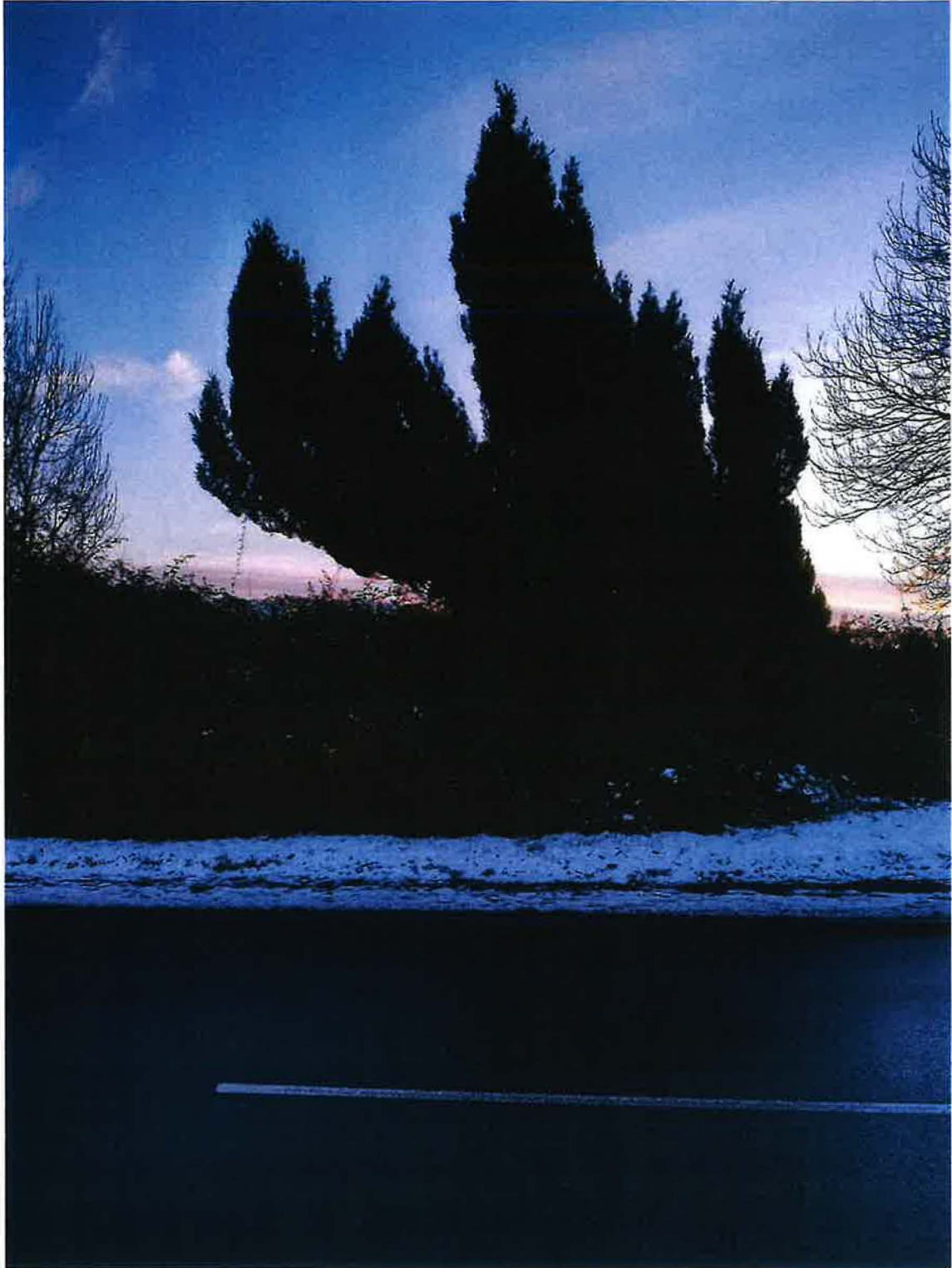
Looking east towards Littledean (area of lower shrubs proposed for removal to facilitate access pending consideration under P0762/22/FUL)



Looking west towards Cinderford



Looking north-east towards Littledean



One of the Cypress trees in the centre of the group demonstrating a tendency for weak leading shoots to splay outwards