

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO233, Land Adjacent to The Poplars, Huntley

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 DFTPO233, Land Adjacent to The Poplars, Huntley.

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.

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 on the modified Schedule 1, on the 8 day of May 2018

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

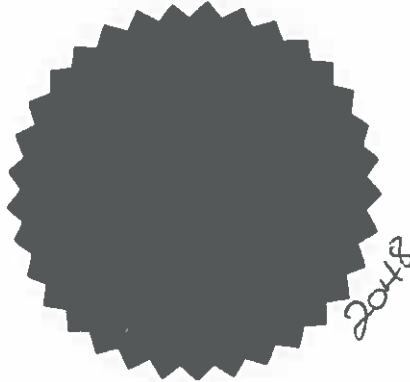
.....

Authorised by the Council to sign in that behalf

Dated this 08 day of December 2017

The Common Seal of the FOREST OF DEAN DISTRICT COUNCIL was hereunto

Affixed in the presence of

A handwritten signature in black ink, consisting of several loops and a vertical stroke, positioned to the right of the text 'Affixed in the presence of'.

**SCHEDULE 1
SPECIFICATION OF TREES**

**Trees specified individually
(Encircled in black on the map)**

Reference on Map	Description	Situation
T1	Oak	Adjacent to NW corner of Pippins
T2	Oak	SO 372631, 219637
T3	Oak	Adjacent to NE boundary of Pippins
T4	Oak	SO 372652, 219634
T5	Oak	SO 372665, 219645

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

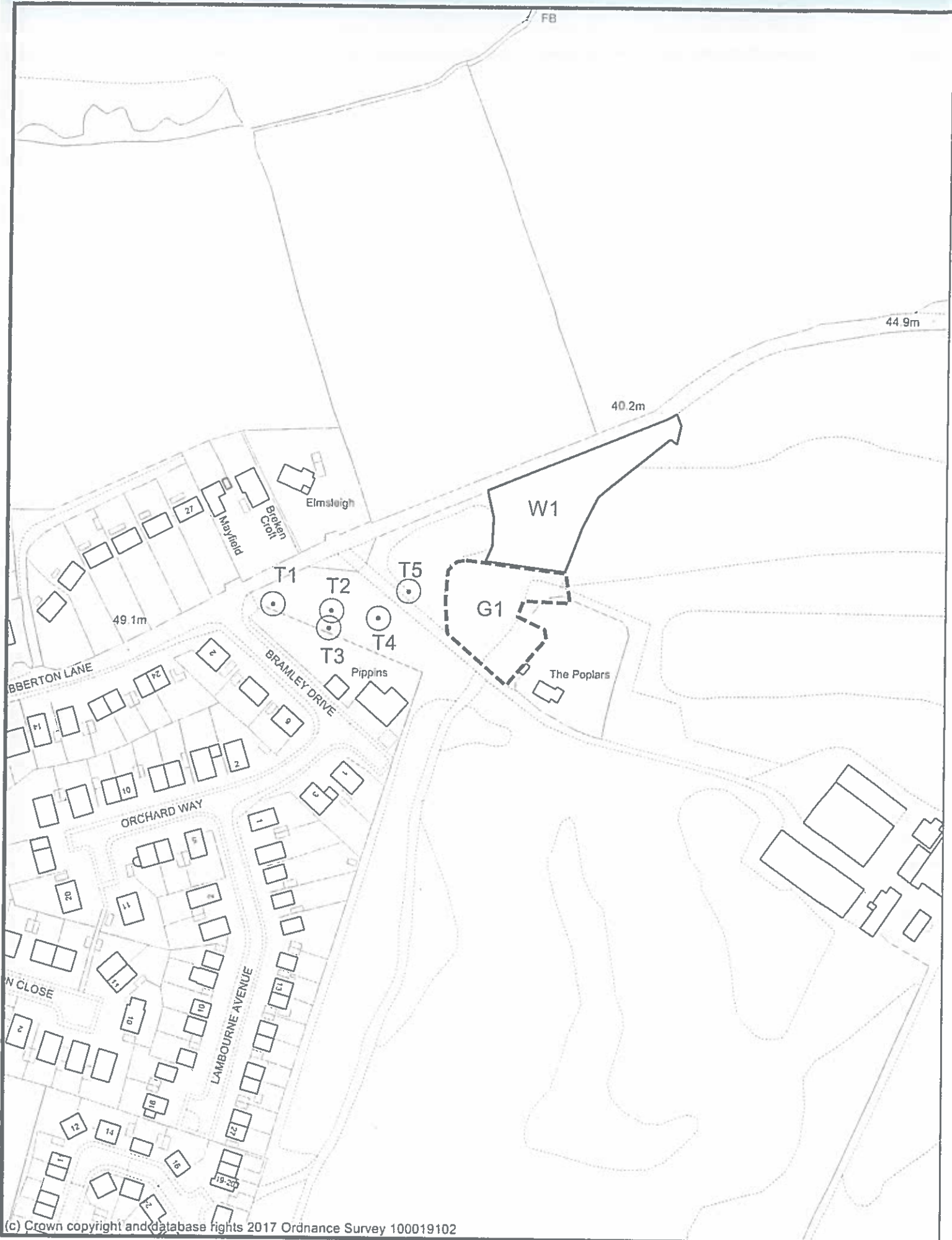
Reference on Map	Description	Situation
-	-	-

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

Reference on map	Description (including number of	Situation trees in the group)
G1	19 Oak, 4 Larch	SO 372702, 219639

**Woodlands
(within a continuous black line on the map)**

Reference on map	Description	Situation
W1	Oak, Larch and Ash	SO 372732, 219689



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**Tree Preservation Order
DFTPO233
Land Adjacent to The Poplars**

Scale: 1:2000



Report for a Tree Preservation Order

DFTPO233, Land Adjacent to The Poplars, Huntley

Introduction

A Tree Preservation Order is recommended for one woodland, one group of trees and five individual trees at the former Huntley Golf Course car park, adjacent to The Poplars (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

W1 –oak, larch, ash
G1 – 19 oak, 1 larch
T1 – oak
T2 – oak
T3 – oak
T4 – oak
T5 - oak

Land adjacent to the Poplars, off Tibberton Lane, Huntley is allocated for housing under AP87 of the Allocations Plan (see Appendix C). A TPO request has been received from Huntley Parish Council.

A number of trees are present on the allocated land, mostly mature oak.

Desk Based Assessment

Allocations Plan Policy AP87 allocates 0.7ha of land adjacent to the Poplars, Huntley off Tibberton Lane for up to 12 dwellings and associated open space. The policy identifies that the site could normally accommodate a greater number of dwellings, however there is substantial tree cover and it is desirable to retain trees on the site in a manner that results in a sustainable and attractive development.

Tibberton Lane runs southwest-northeast past the site to the north. A public right of way runs through the allocation site from Tibberton Lane heading southeast.

Site Based Assessment

The site is characterised by mature trees and a former parking area.

The majority of the trees are oak, present as individuals and as groups, though larch, ash and pine are also present on the site.

Consultation Responses

A TPO has been requested by Huntley Parish Council, as summarised below:

- The parish council considers the area to be of significant value to the parish due to a number of mature and aesthetically pleasing trees being present around the area

- Not so much specific individual trees but more the grouping of the trees and the visual amenity they provide on the edge of the village

Discussion

Visibility: W1, G1 and T1-T5 are visible from Tibberton Lane and a public right of way, DHU/17/1. They are also visible from Bramley Drive and Orchard Way.

Individual Impact: The trees are mature. Some of the trees vary in quality individually. A small number of trees are not recommended for protection, due to their individual value.

Wider Impact: The trees are significant mature features along Tibberton Lane and public right of way DHU/17/1, on the edge of the village. They would also contribute to the maturity of any new development on the site.

Expediency: The trees are within a site allocated for housing. Whilst policy AP87 identifies the need to retain as many trees as possible and a need to protect the trees to minimise loss in the submission of a planning application, a TPO will help ensure this.

A TPO is considered expedient.

Conclusion of Discussion: One woodland area, one group and five individual trees considered to be of high amenity value are recommended for protection. W1 will protect existing and new trees within its boundaries and of a species listed. G1 and T1-T5 will protect existing trees as listed.

Alternatives to placing a Tree Preservation Order

Do nothing. The Council's permission will not be required prior to works to or the removal of trees. A felling license would be required for the removal of larger quantities of timber.

In the event of submission and consent of a planning application on the site, conditions may be imposed to safe guard the trees during construction and include them within a landscaping scheme. These may ensure short term protection of trees within the application site only, upon implementation of permission.

Recommendation

That provisional Tree Preservation Order DFTPO233 Land Adjacent to The Poplars, Huntley is made.

Signed:.....

Printed:..... CLIVE REYNOLDS

Agreed / ~~Disagree~~*:..... Date: 6/12/17

Appendix A – TPO Plan



Tree Preservation Order
DFTPO233
Land Adjacent to The Poplars

Scale: 1:2000



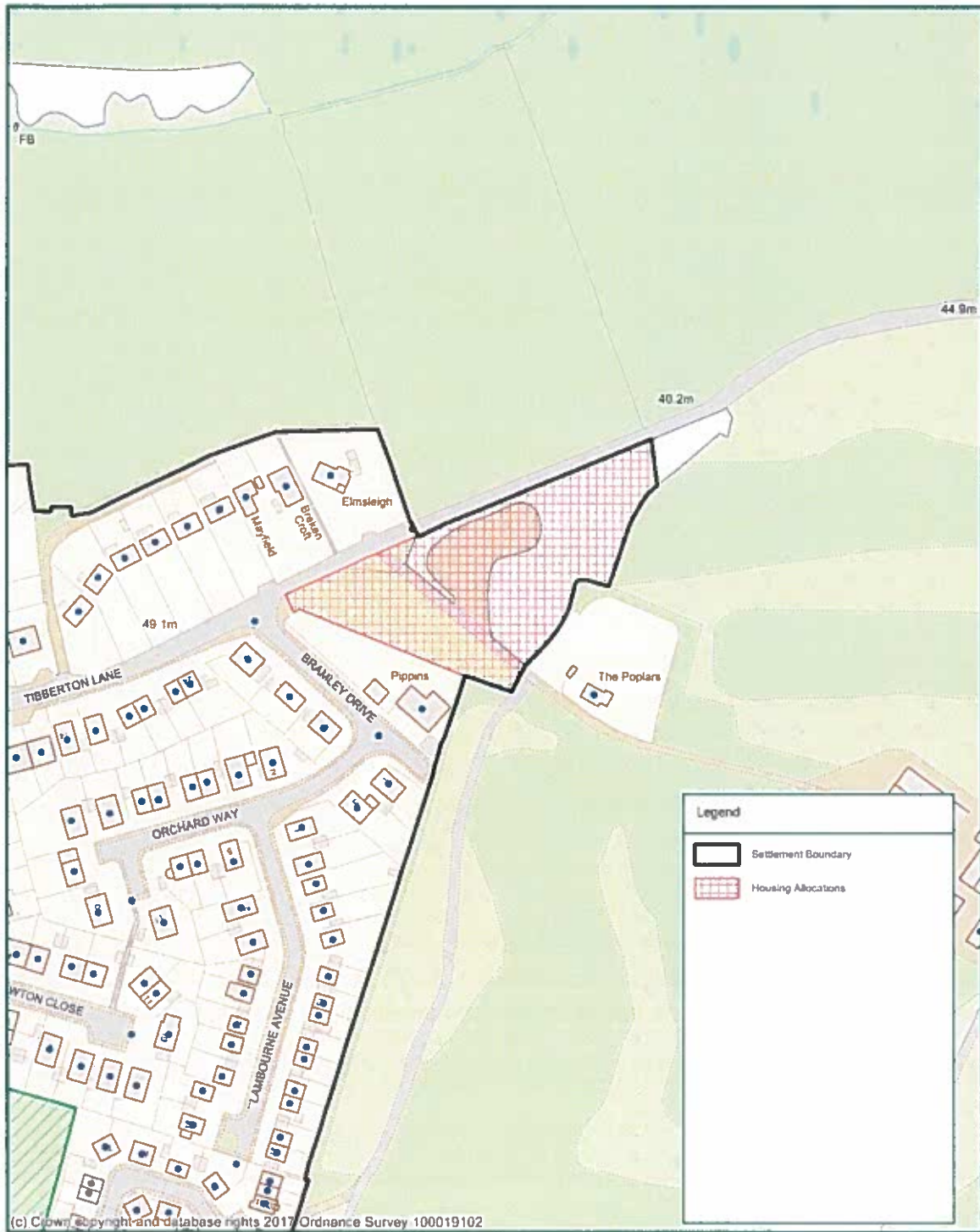
Appendix B – Photographs







Appendix C – AP87



27 November 2017

0 25 50 metres



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