

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO235, Hanover Green, Redmarley

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 DFTPO235, Hanover Green, Redmarley.

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.

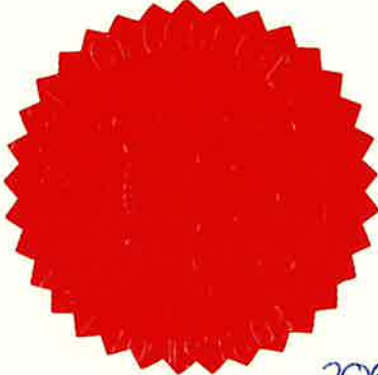
3. Application to trees to be planted pursuant to a condition

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 14 day of March 2018

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 a series of loops and a long horizontal stroke.

2064

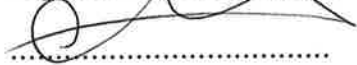
CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 10 day of July 2018

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
T1	Oak	SO 375955, 232204
T2	Oak	SO 375973, 232195
T3	Oak	SO 375992, 232188
T4	Oak	SO 376009, 232183
T5	Oak	SO 376030, 232176
T6	Oak	SO 376079, 232157

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

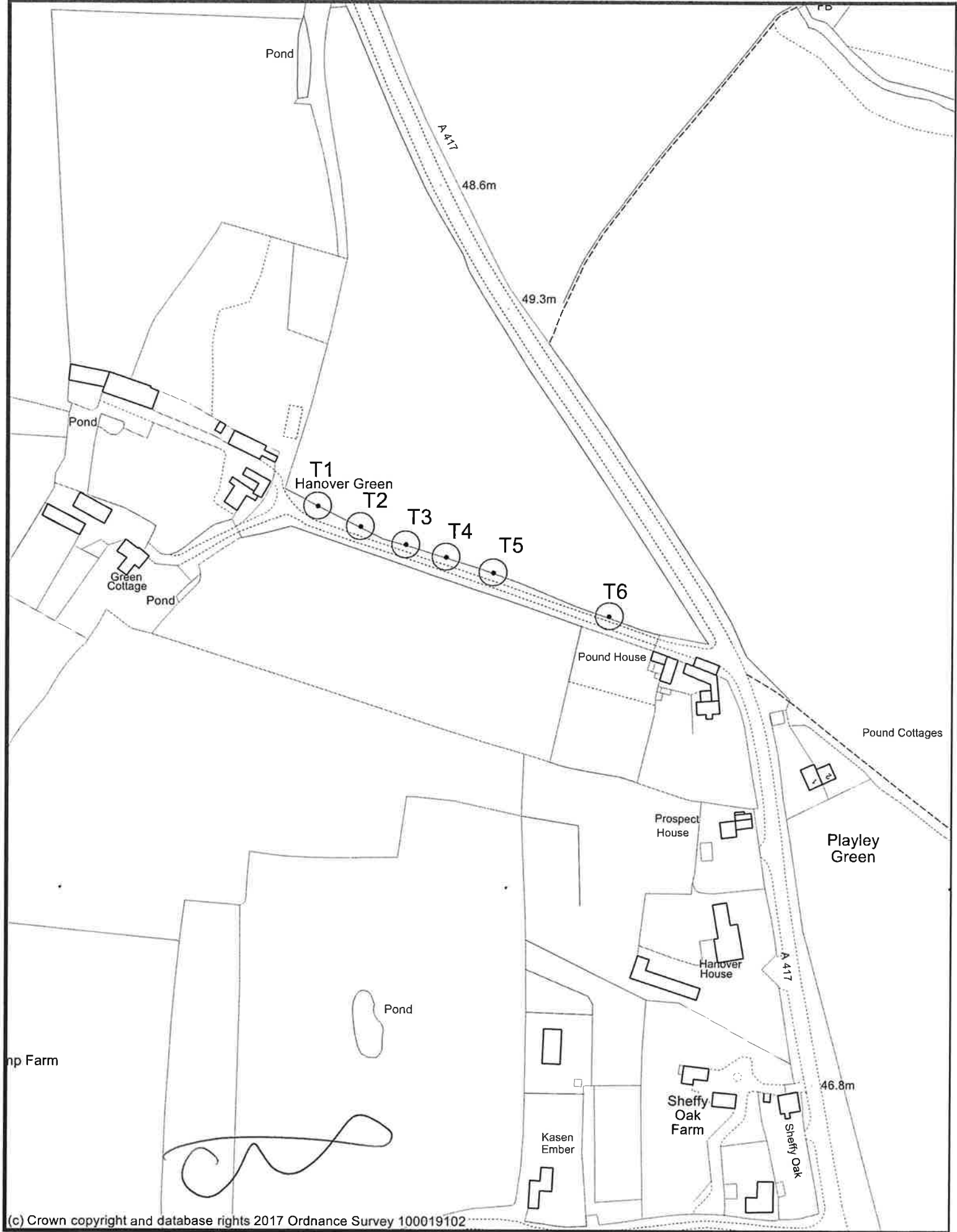
Reference on Map	Description	Situation
-	-	-

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

Reference on map	Description (including number of trees in the group)	Situation
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Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
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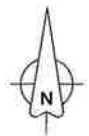


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**Tree Preservation Order
DFTPO235
Hanover Green, Redmarley**

Scale: 1:2000



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Report for a Tree Preservation Order

DFTPO235, Hanover Green

Introduction

A Tree Preservation Order is recommended for six individual trees at Hanover Green (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – oak
T2 – oak
T3 – oak
T4 – oak
T5 – oak
T6 – oak

Structural damage has occurred at Hanover Green Farm. Investigations into the damage conclude that an oak tree (T1) on neighbouring land is the cause, due to subsoil shrinkage, as a result of root growth.

A request has been made to place a TPO on this tree. As part of the request, an arboricultural report has been submitted to the authority reviewing the evidence leading to this conclusion. This report concludes that there is currently insufficient evidence to conclude that the tree is the principle cause of the damage and this may lead to unnecessary removal of the tree.

Desk Based Assessment

The submitted arboricultural report states that the tree in question is 22m away from the building with the recorded damage at Hanover Green Farm. The report recommends that further investigation is required to evidence the cause of the damage, as current reports do not sufficiently evidence that the tree is the cause.

Copies of the reports referred to in the arboricultural report have not been provided.

The tree is the western most of a line of oak trees adjacent to the drive leading to Hanover Green Farm and Hanover Green Cottage.

There are three public rights of way within 25m of the tree.

Site Based Assessment

Oak tree T1 is the last of a line of large, mature oak trees. All trees within this line are prominent features from public rights of way and Ledbury Road.

Oak T1 is the opposite side of a track to buildings at Hanover Green Farm.

Consultation Responses

A TPO has been requested, as summarised below:

- The requestor considers that the tree owner is put under pressure to remove the tree subject to unconvincing evidence written by generally under-qualified people.
- If the tree were to be protected, the investigators would be obliged to provide proper evidence that the tree is the cause of the damage rather than relying on vague, poorly thought-out or incorrect assertions
- The arboricultural report (submitted) relies to a great extent on the expertise of Dr Giles Biddle, and his book *Tree Root Damage to Buildings*
- The tree is clearly visible from the A419 which is to the east and two public footpaths pass under it.
- It is a high value tree, 22m from the property
- Would be most grateful if the authority would consider putting a TPO on the tree, anyway until such time that the insurers have provided more convincing evidence.

Discussion

Visibility: T1-T6 are prominent features from at least two public rights of way and from Ledbury Road.

Individual Impact: The trees are large, mature oak trees. Oak T1 is measured in the arboricultural report to have an estimated height of 22m, a stem diameter at breast height of 1070mm and approximately 12m crown spread on all sides, appearing to be in a generally satisfactory condition.

Wider Impact: Oak T1, the subject of the subsidence claims, is the western most tree of the line of trees, however all six mature trees comprising the line contribute significantly to public amenity and are characteristic of the surrounding landscape.

Expediency: Investigations over structural damage have led to conclusions that oak T1 is the cause and should be removed.

Given the distance of the tree from the property and the damage, it is considered that alternative actions could be explored, in the event the tree was to be the primary cause of the damage, in order for the tree to be retained.

Whilst the arboricultural report states that a root barrier was proposed as an alternative, this had not been agreed or explored further at the time of the request.

Whilst the remaining five trees adjacent to the drive to Hanover Green Farm and Hanover Green Cottage are not subject to the above subsidence investigations, their significant value, alongside T1 should also be recognised in the event that T1 is protected.

A TPO is considered expedient.

Conclusion of Discussion: It is not currently evident that the removal of oak T1, of significant public amenity value, is currently justified and it is considered that alternative solutions could be explored, in the event that the tree is the cause of the damage.

The removal of a tree can also affect soil moisture content as the roots no longer uptake water.

Compensation provisions are included in the TPO Regulations and are payable by the Council in certain circumstances. These would come into play if the Council acted unreasonably in determining any application for works to a tree covered by a TPO, if the consequences of their decision resulted in foreseeable damage to property within twelve months following refusal of works, or, the consent of works subject to conditions.

The Council would not be accepting liability at the point of making an order.

The TPO would be made provisionally. This would allow time (if the TPO is to be confirmed, this must be within 6 months of making the order) for further information to be submitted to the council in relation to further justification or alternative solutions to tree removal.

Six trees are considered to be of high public amenity value and merit protection. It is considered that the amenity value of the trees outweigh current, limited liability risk.

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. Legally, the owner's permission must be obtained prior to removal.

Recommendation

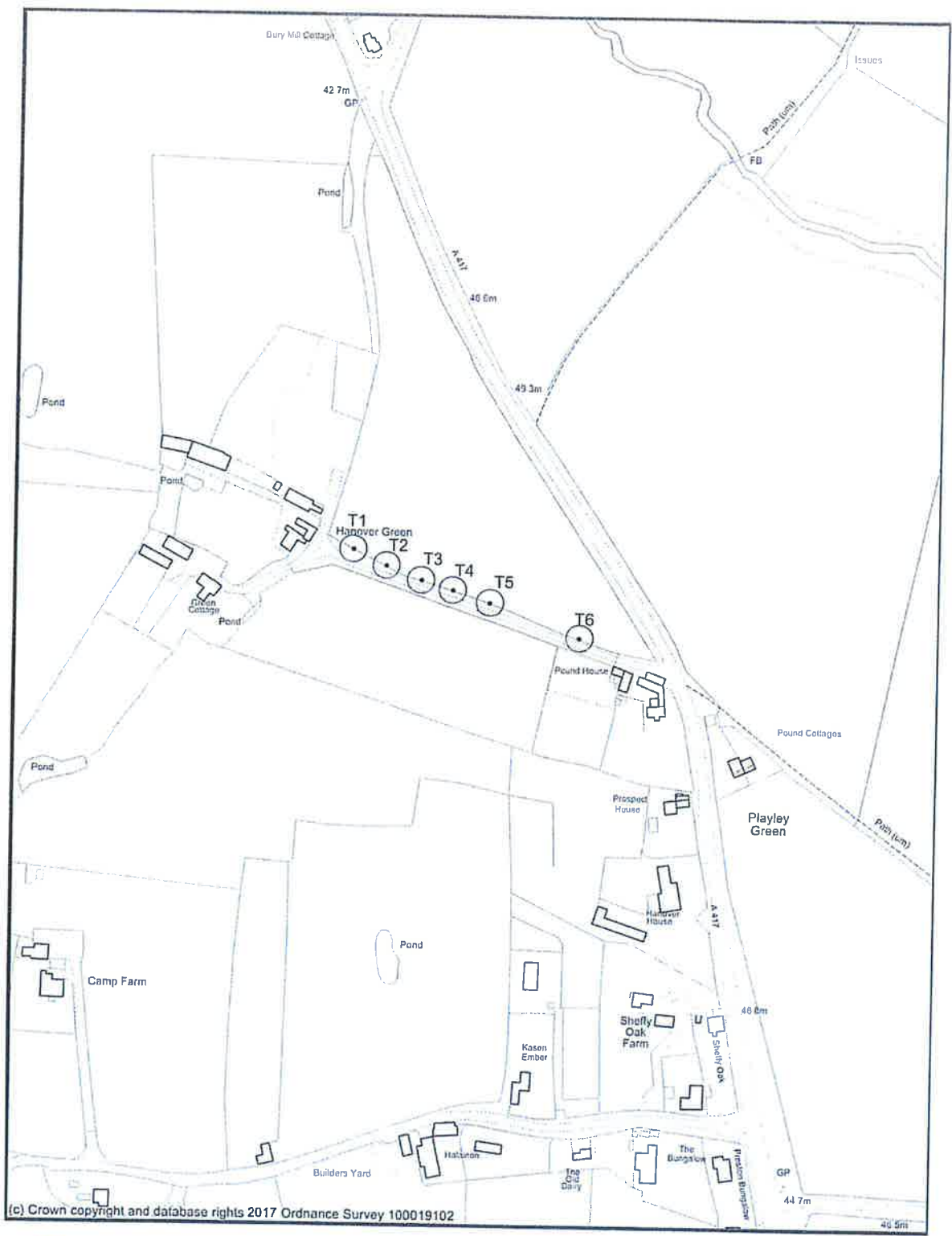
That provisional Tree Preservation Order DFTPO235 Hanover Green is made.

Signed: *Anthony J Pope*

Printed: ANTONY J POPE

Agreed / ~~Disagreed~~ Date: 9/2/2018

Appendix A – TPO Plan



Sustainability B&W Map

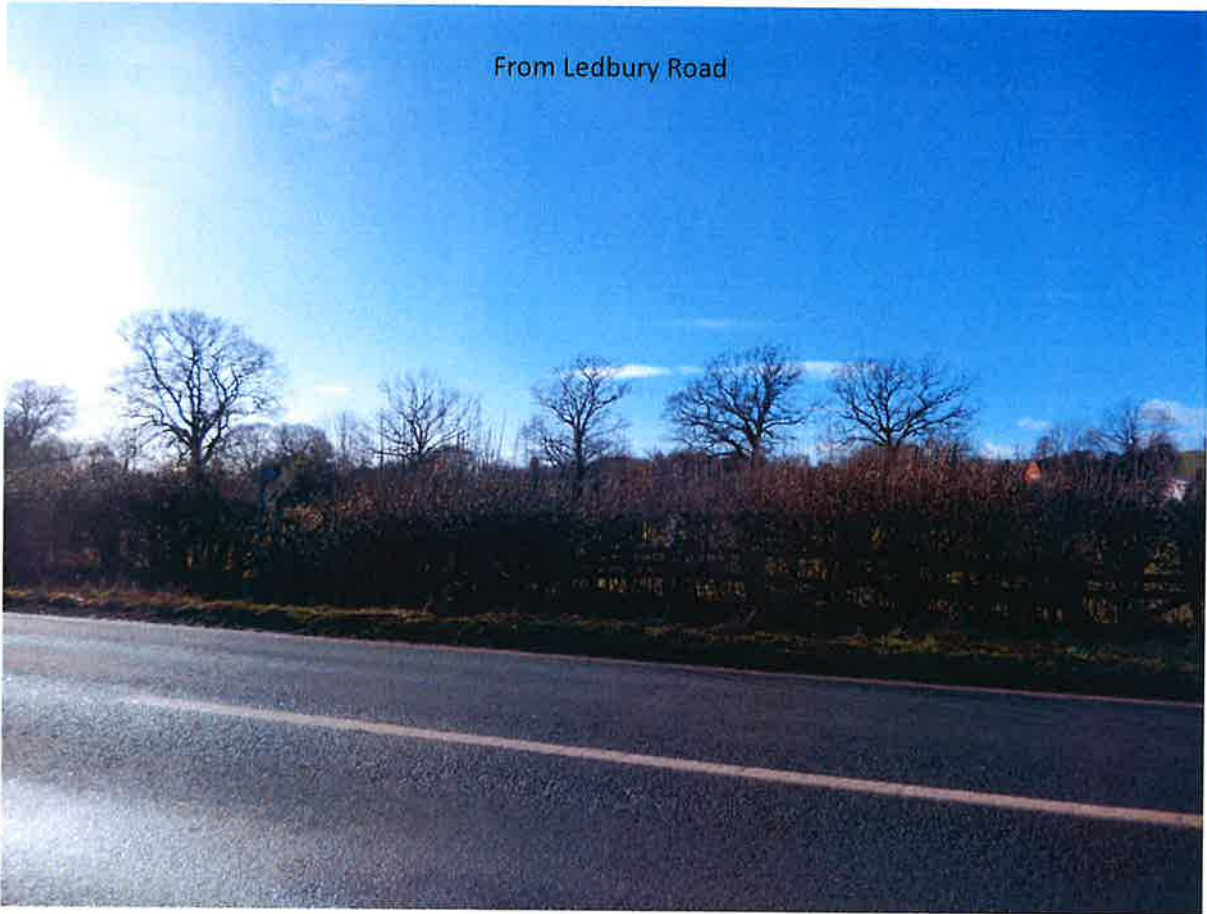
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Appendix B – Photographs



From Ledbury Road



From PROW GRA/25/1

T3

T2

T1

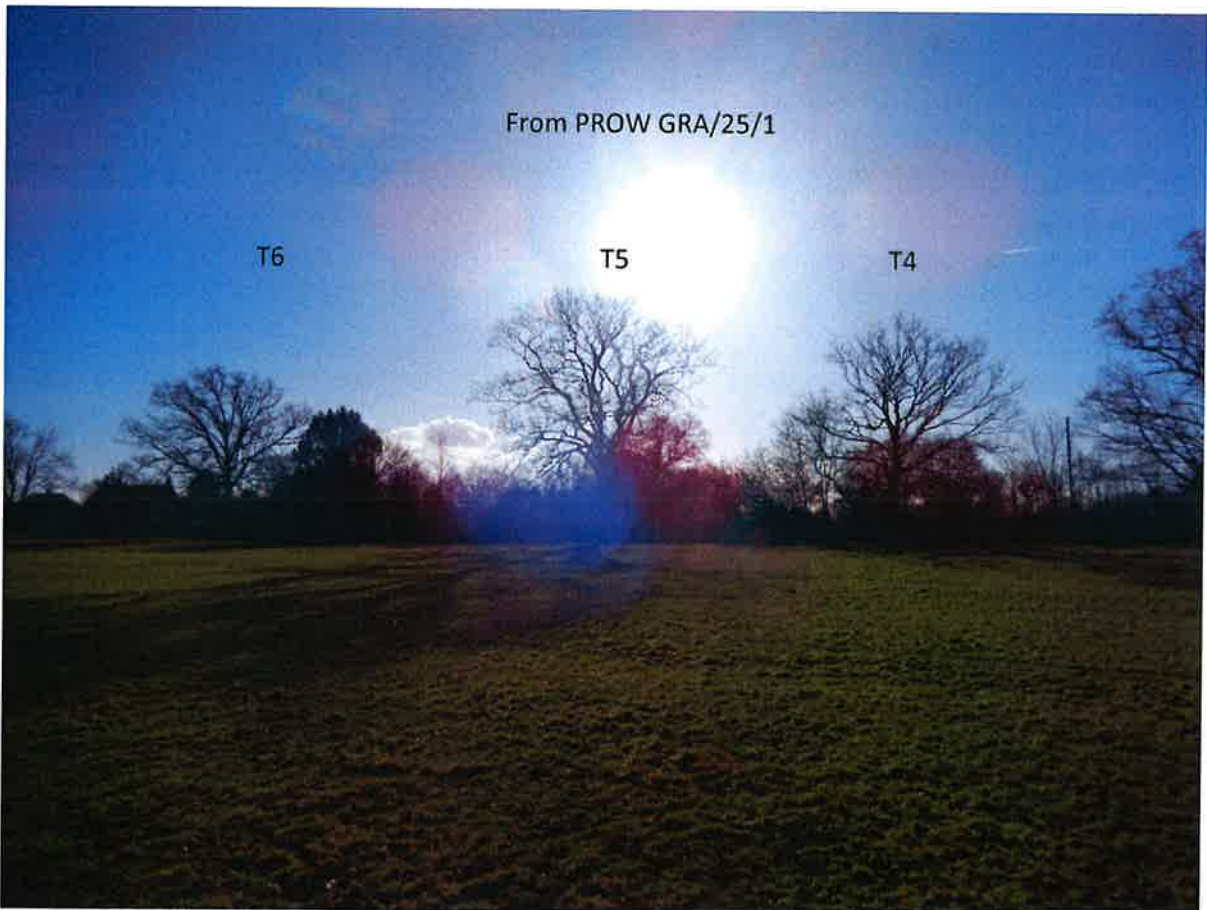


From PROW GRA/25/1

T6

T5

T4



T1 – T6 from PROW GRA/28/1

