

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO214 – The Stables, Southend Lane, Newent

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 DFTPO214, The Stables, Southend Lane, Newent

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.

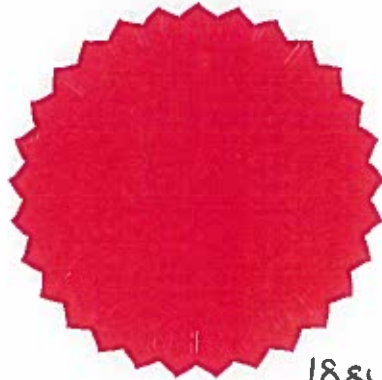
3. Application to trees to be planted pursuant to a condition

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 25th day of February 2016

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 cursive 'e' followed by a series of loops and a final upward stroke.

1884

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 4 day of July 2016

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

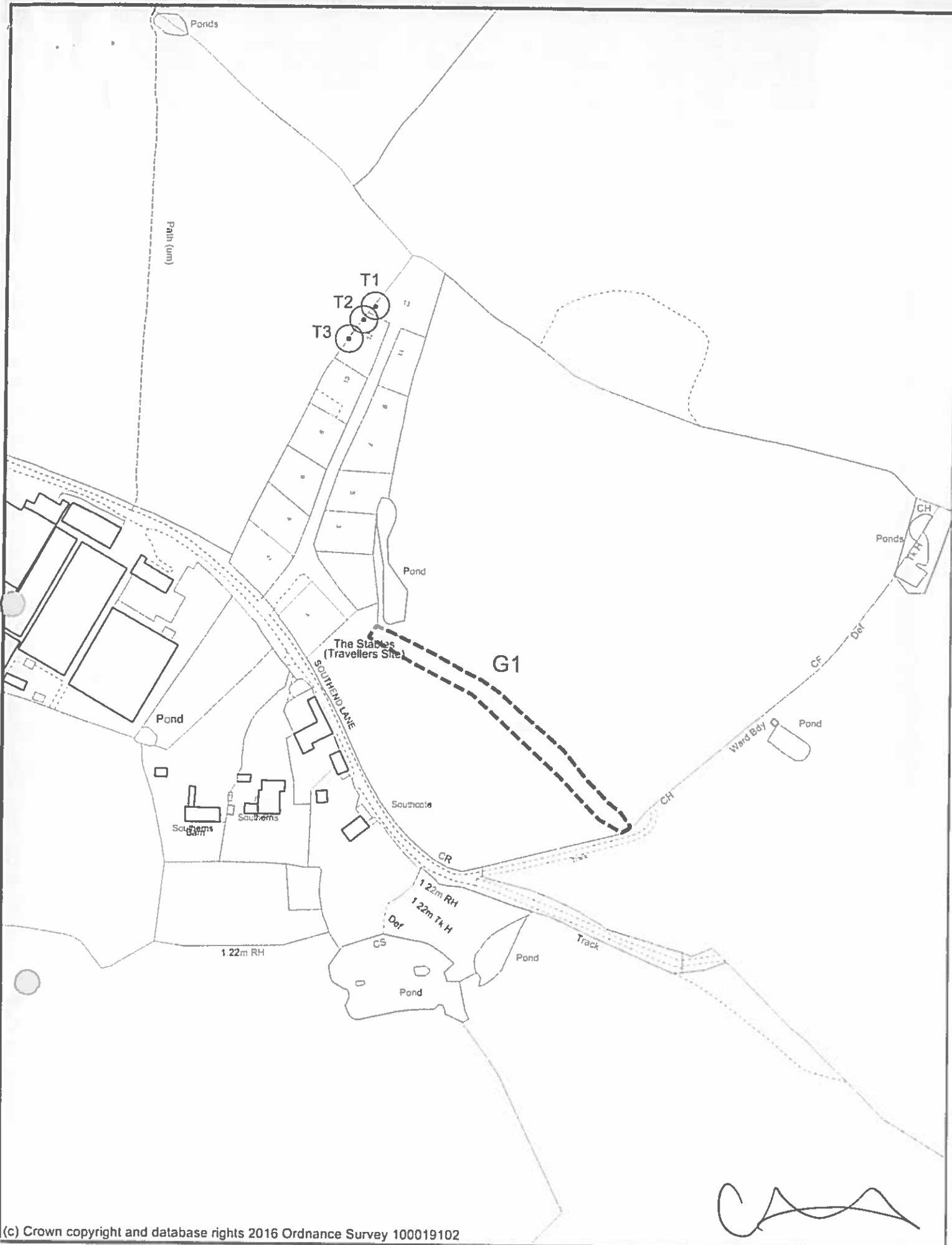
REVOCAION OF ORDER

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



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[Handwritten signature]



**Tree Preservation Order
DFTPO214
The Stables, Southend Lane**

Scale: 1:2500

23 February 2016



**SCHEDULE 1
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Oak	NNW boundary of The Stables
T2	Oak	NNW boundary of The Stables
T3	Oak	NNW boundary of The Stables

**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
G1	24 White Poplar and 1 Willow	NNE boundary of paddock adjacent to The Stables

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

Reference on map	Description	Situation
-	-	-

Report for a Tree Preservation Order

DFTPO214 The Stables, Southend Lane

Introduction

A Tree Preservation Order is recommended for three individual Oak trees and one group of Poplar and Willow trees at The Stables, Southend Lane (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – Oak

T2 - Oak

T3 - Oak

G1 – 24 White Poplar And 1 Willow

A TPO request has been received by the Council for all trees in the near vicinity of the travellers' site, The Stables on Southend Lane, Newent to prevent further mutilation of trees or make litigation possible in the event of a repeat occurrence of the mutilation of trees. The Council has received recent complaints that trees on the site have been felled and substantially cut.

Desk Based Assessment

In June 2013 an appeal was allowed for the change of use of land for the stationing of 13 gypsy caravan pitches and associated works on the site. A landscaping scheme for the site was approved in application P0077/13/DISCON showing existing trees to be retained.

A group of four Oak trees and three Ash trees are protected by TPO202 Southend Lane 2014 at the front of the site along Southend Lane. TPO202 also covers one further Oak tree just west of The Stables and two Copper Beech trees at Southend Nurseries along Southend Lane. This TPO was made further to a query from the Site Inspection Panel on the retention of two Copper Beech trees at Southend Nurseries under planning application P1877/13/OUT. Trees to the front of The Stables site were included in the TPO due to their contribution to the character of Southend Lane together with the Copper Beech trees at Southend Nurseries and neighbouring Oak and therefore other trees on The Stables site were not reviewed for inclusion in the TPO.

Tree works have since been carried out on The Stables site to fell and substantially prune some of the existing trees. A request has now been made to place a TPO on all trees in the near vicinity of the site.

An arboricultural constraints assessment (2009) was submitted with application P0038/12/FUL to include trees on and bordering The Stables site.

There are public rights of way approximately 55m to the west and 138m to the southeast of the traveller site.

Site Based Assessment

The site was viewed from PROW to the southeast and west. Western boundary hedgerows have been allowed to grow and this has increased the screening of the site. Recent tree cutting was evident to the northern end of the traveller site and it is considered that this work has had a negative effect on the amenity of the area. The public amenity value of remaining trees on site and in the adjoining paddock under the same ownership was reviewed.

A line of Poplar trees is prominent and forms a feature through the adjoining paddock between the traveller site and the PROW to the southeast. This line of trees sits on a boundary line between the paddock and adjacent field. The majority of this line of trees is not included in the approved landscaping scheme under application P0077/13/DISCON.

Three mature Oak trees standing in the northwest corner of the site have been pollard. These trees were surveyed in the 2009 arboricultural constraints assessment as category B trees under BS5837:2012 and it is considered that they maintain the future potential to be of high public amenity value, though their survival is uncertain.

Trees on the eastern boundary of the traveller site appear in decline. The canopies are very thin and they do not appear to contribute significantly to public amenity value.

It is considered that the three Oak trees to the northwest corner of the site and the line of Poplar trees with one Willow are of high amenity value or maintain the potential to be of high amenity value in the case of the Oak trees.

Consultation Responses

No consultations have been made.

Discussion

Visibility: The trees are visible from public rights of way and Southend Lane.

Individual Impact: Trees T1-T3 have been pollard. These trees were identified in the 2009 arboricultural constraints assessment submitted with application P0038/12/FUL as mature trees with stem diameters of 540-550mm, categorised B2 under BS5837:2012.

The line of Poplar and one Willow in group G1 stretches from The Stables to the PROW to the southeast. These trees are tall and form a significant feature. The arboricultural constraints assessment of P0038/12/FUL identifies the Poplar trees to be White Poplar.

Wider Impact: The trees help to assimilate The Stables site into the surrounding landscape character. The site sits within the Forest of Dean Landscape Character area 6b The Severn Vale. Field and hedgerow Oaks are a key characteristic of this character area and contribute to the sense of a well treed landscape. The group of Poplar and Willow form a distinct boundary feature.

Expediency: Tree works have recently been carried out at The Stables to include felling of existing trees and significant reductions/pollards. Further to this work a TPO has been requested.

A TPO is considered expedient.

Conclusion of Discussion: Three individual Oak trees and one group of Poplar and Willow are considered to be of high public amenity value, currently or have future potential and merit protection. In the event that Oak trees T1-T3 fail as a result of the works carried out, replacement planting could be secured.

Other remaining trees at The Stables do not appear to be in good form and are not considered to significantly contribute to public amenity.

Alternatives to placing a Tree Preservation Order

Do nothing. Only a group of four Oak and three Ash trees to the front of the site will be protected by a TPO and the Council's permission will not be required prior to works to any other trees on site or on neighbouring land under the same ownership. The approved landscaping scheme states that any tree or hedge that is removed, uprooted, destroyed or dies or in the opinion of the Local Authority becomes seriously damaged or defective will be replaced by the same species and size as that originally planted unless otherwise agreed in writing by the LPA. Most of group G1 of the proposed TPO is not within the approved landscaping scheme.

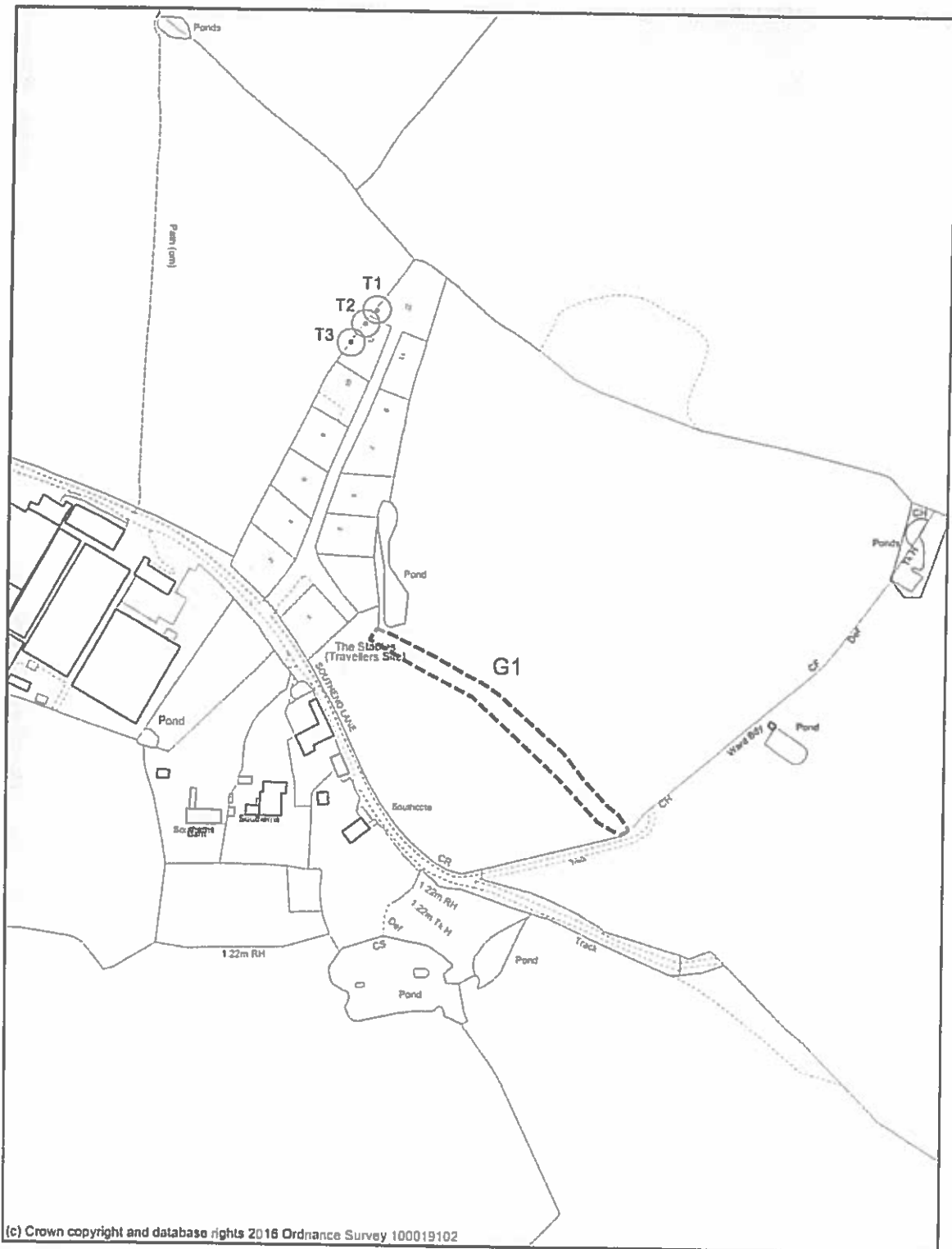
Recommendation

That provisional Tree Preservation Order DFTPO214 The Stables, Southend Lane be made.

Planning and Housing Group Manager:..... *P.M. Dinn*

Agreed / ~~Disagree~~*:..... Date: *25.2.2016*

Appendix A – TPO Plan



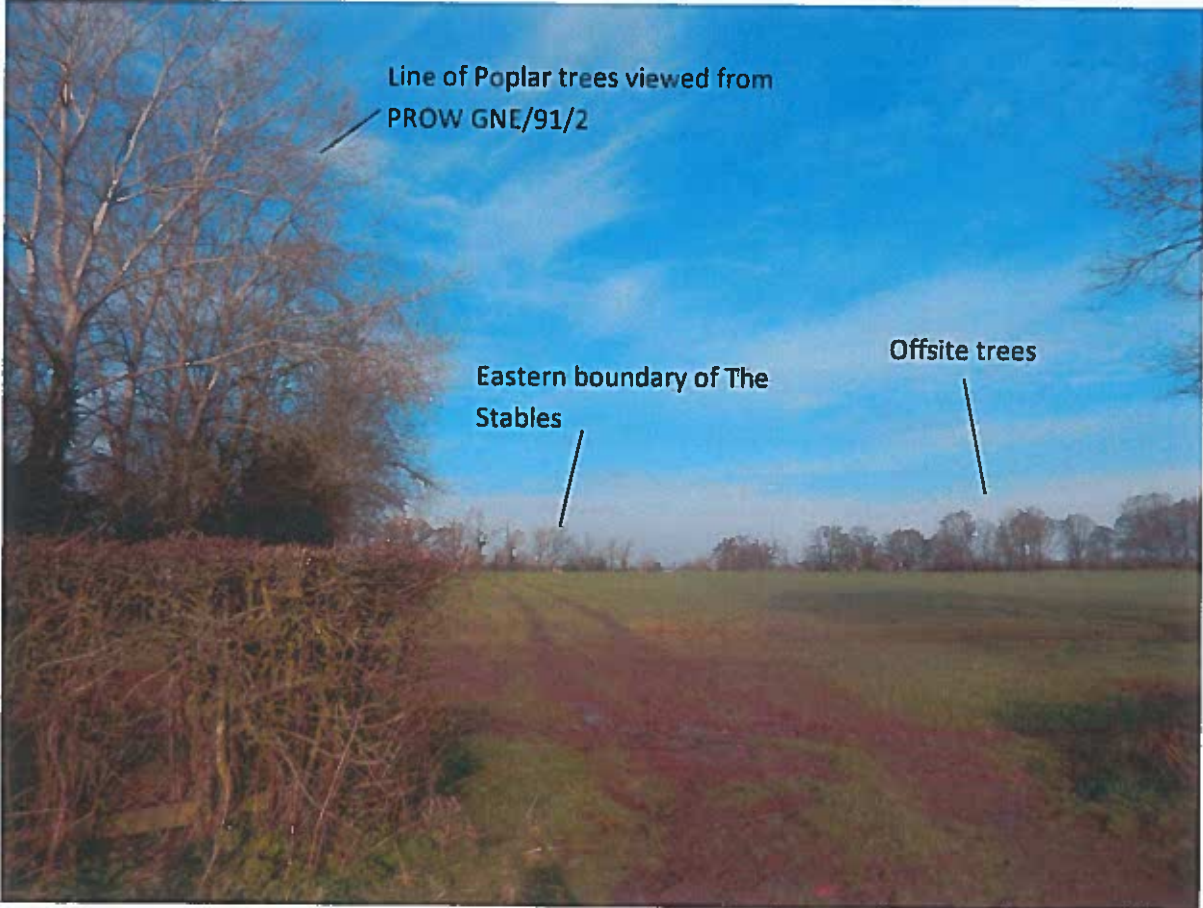
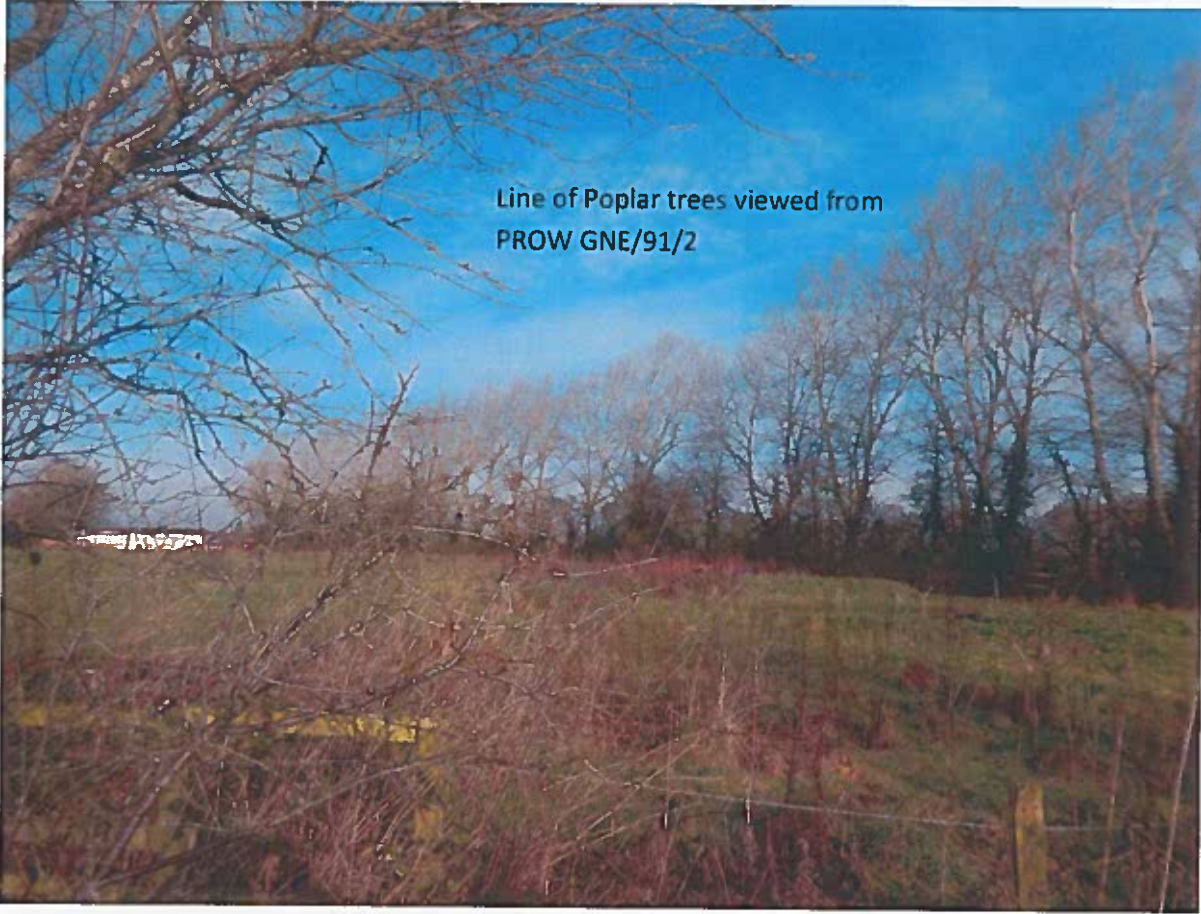
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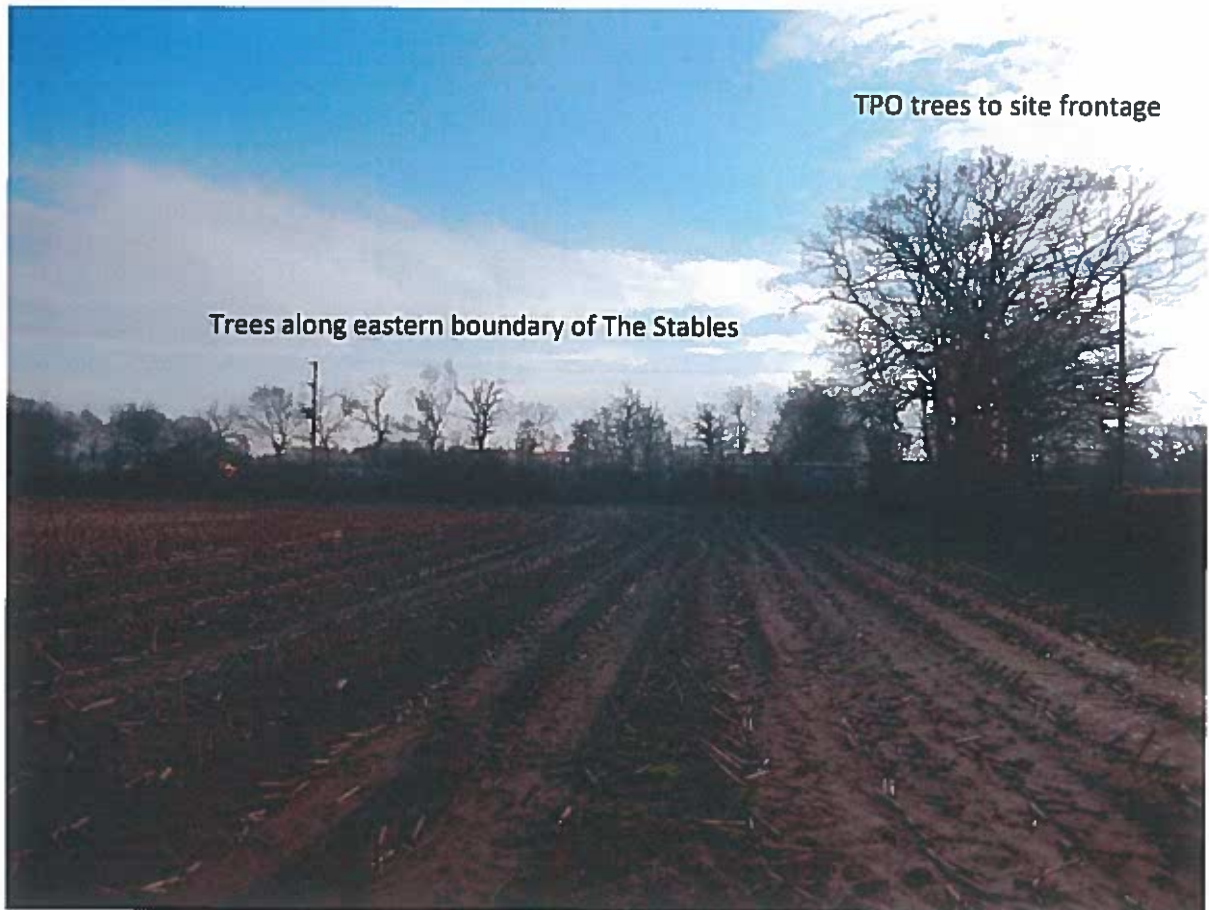
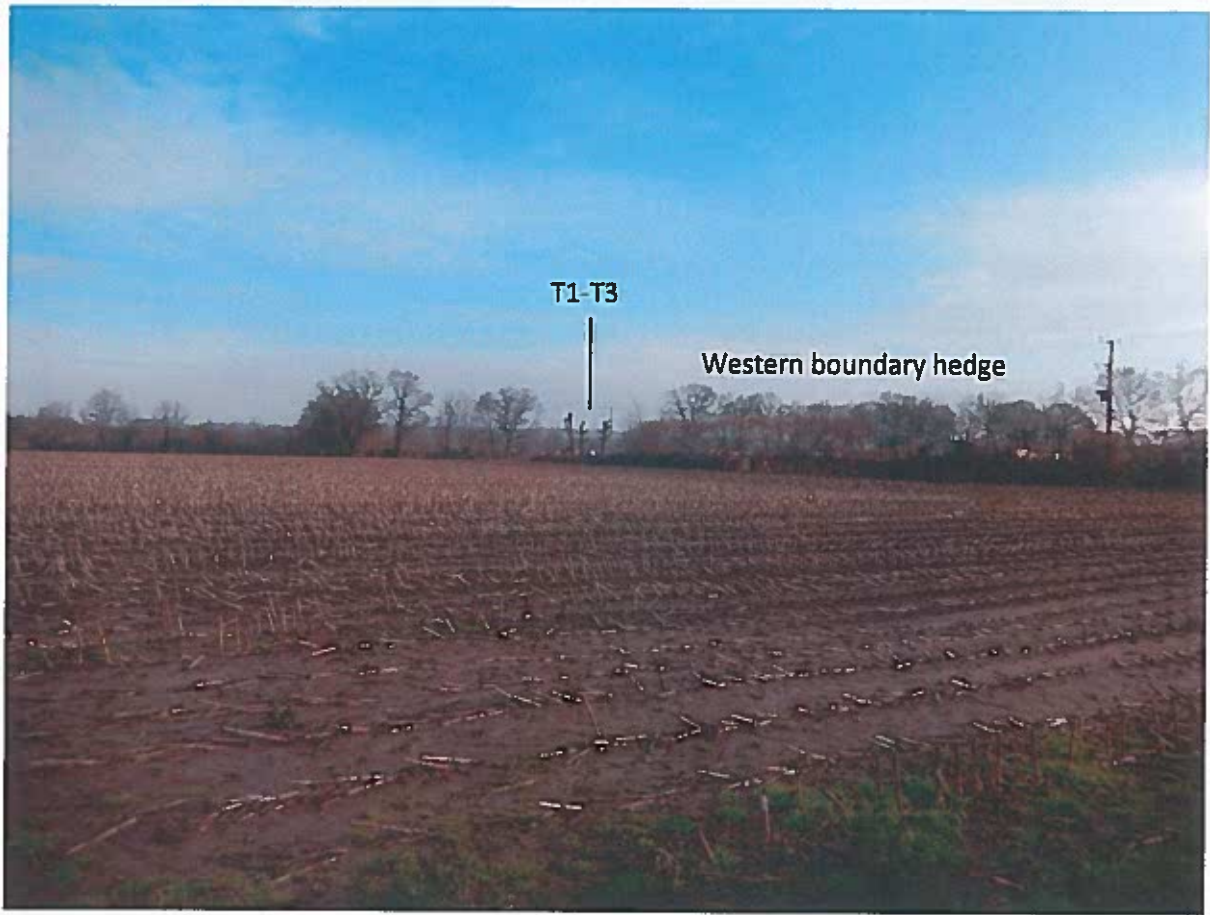
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23 February 2016



Appendix B – Photographs







**Line of Poplar and one Willow
viewed from Southend Lane**

