

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO213 – East of Buckshaft Road, Cinderford

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 DFTPO213, East of Buckshaft Road, Cinderford

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.

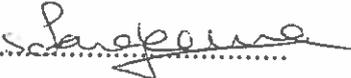
CONFIRMATION OF ORDER

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

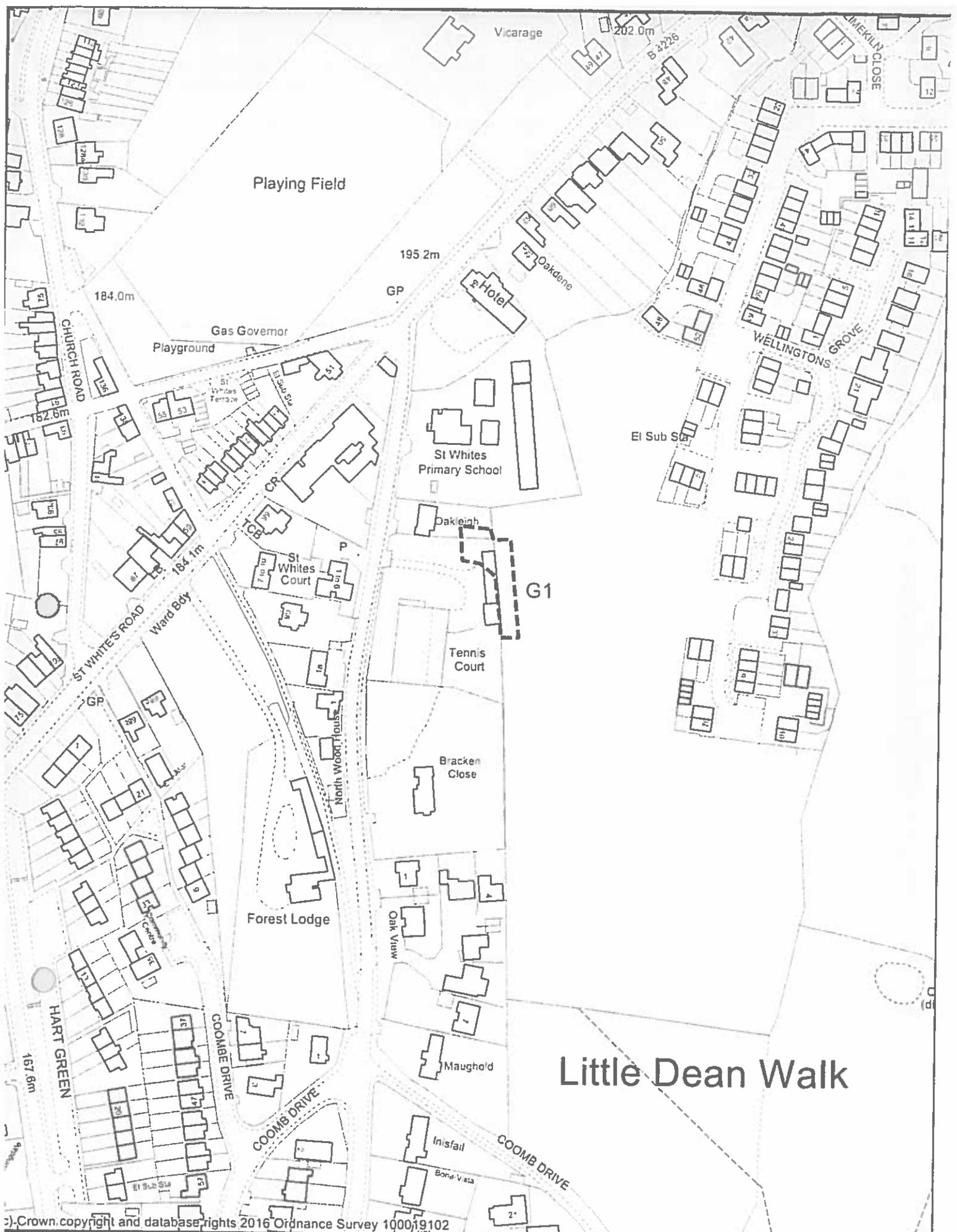
REVOCATION OF ORDER

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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**Tree Preservation Order
DFTPO213
East of Buckshaft Road**

Scale: 1:2000

16 February 2016



**SCHEDULE 1
SPECIFICATION OF TREES**

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

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

Reference on Map	Description	Situation
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**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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G1	5 Oak	Northeast corner of Land at Bracken Close, rear of Oakleigh, western boundary of new St Whites Primary School grounds
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**Woodlands
(within a continuous black line on the map)**

Reference on map	Description	Situation
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Report for a Tree Preservation Order

DFTPO213 East of Buckshaft Road

Introduction

A Tree Preservation Order is recommended for one group of five Oak trees off Buckshaft Road (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

G1 – 5 Oak

Approval of reserved matters planning application P1836/15/APP for the erection of three dwellings and ancillary works on Land At Bracken Close is currently pending consideration. While the proposed development is not considered to directly impact the trees in question due to the submission of an arboricultural method statement, it is likely it will increase management pressures on the trees due to their locations in respect to proposed gardens.

Desk Based Assessment

An arboricultural report has been submitted with application P1836/15/APP. The report identifies that two on-site Oak trees will be retained, both categorised B in accordance with BS5837:2012, one at the site frontage with Buckshaft Road and one to the northeast corner of the site. A group of off-site trees (B category) and an off-site Apple tree (C category) are identified in the survey and report, the group comprising three Oak and one Silver Birch that stand on ground higher than the site.

The reserved matters application respects the retention of two on-site Oak trees and a tree protection plan has been submitted to ensure that these trees and the off-site group of Oak and Silver Birch are safe guarded during construction works (see Appendix C). The two on-site Oaks will be within the gardens of plots 1 and 3 where their canopies will occupy a good portion of these. The submitted arboricultural report recommends that the off-site tree group be crown lifted to 4m on their west side over the application site and crown reduced by 2m on their west side to facilitate the construction of plot 3.

Condition 05 of the outline permission P0488/15/OUT specifies that trees should be retained in accordance with the submitted plans received on the 27th March 2015 and as specified in the extended phase 1 habitat survey dated June 2015 for the application. This includes the two on-site Oak trees and one on-site Beech tree on the frontage with Buckshaft Road. The Beech tree is proposed for removal in the current application due to its poor condition as identified in the arboricultural report.

To the north of the application site is the property of Oakleigh and north of that the current St Whites School. To the east are the grounds of the replacement St Whites School. A public right of way is shown to the east of the trees however it appears that this PROW has been re-directed through the adjacent new housing development.

Site Based Assessment

The Oak tree in the northeast corner of the application site is visible together with a neighbouring Oak tree at Oakleigh and the group of off-site Oak trees identified in the arboricultural report submitted with P1836/15/APP which appears to be within the grounds of the new St Whites School. These trees are prominent from Buckshaft Road, from within the current grounds of St Whites Primary School and will also be prominent from within the new school grounds. The trees are also notable from St Whites Road and the car park of the Woodlands public house. It is not considered that the Silver Birch tree within the group of off-site trees identified in the arboricultural report contributes to the public amenity value of this group of trees.

The Oak tree to the frontage of the application site for application P1836/15/APP leans heavily towards Buckshaft Road and wires cross through the crown of the tree. The tree does not have a good form and will likely require regular maintenance to provide clearance of the wires. It is therefore not recommended that this tree be included in the recommended TPO.

It appears as though the public right of way to the rear of the application site has been redirected through the new housing development to the east.

Consultation Responses

Gloucestershire County Council

No representations received for the Oak trees within the grounds of the new St Whites School.

Discussion

Visibility: The trees are prominent from Buckshaft Road, St Whites Road and St Whites School grounds.

Individual Impact: Four of the five trees are surveyed in the arboricultural report submitted with application P1836/15/APP which categorises these as category B in a BS5837:2012 survey. The survey identifies that the Oak tree in the northeast corner of the application site bifurcates at 2m, the eastern stem showing signs of dieback and that the crown of one of the off-site trees is thin for its species. A tree survey undertaken by Gloucestershire County Council in 2014 for an application for the replacement school also identifies the three Oak trees on the new St Whites School site to be category B trees. The plans for the new school proposed to retain these trees.

While the five Oak trees are not all of high amenity value individually, they contribute to public amenity as a group of trees.

Wider Impact: The area is generally well treed however this group of trees appears prominent in the wider context due to topography and the size of the trees. The trees are considered to be of high public amenity value.

Expediency: Planning application P1836/15/APP is currently pending decision for approval of reserved matters relating to application P0488/15/OUT for the erection of

three dwellings and ancillary works. The current proposals will not directly impact the trees however a number of them will be under increased management pressure upon completion of the development due to locations within and overhanging gardens. The Oak tree in the northeast corner of the application site will be within the garden of plot 3 and overhanging the garden of plot 1. The submitted arboricultural report recommends that the off-site tree group be crown lifted to 4m on their west side over the application site and crown reduced by 2m on their west side prior to development in order to facilitate the construction of plot 3 evidencing that the trees will be under increased management pressures.

A TPO is considered expedient.

Conclusion of Discussion: One group of five Oak trees is considered to be a prominent feature contributing to views from Buckshaft Road, St Whites Road and St Whites School. These trees are considered to be of high amenity value and merit protection.

Alternatives to placing a Tree Preservation Order

Do nothing. Condition 05 of permission P0488/15/OUT and conditions in previous outline permissions state that 'with the granting of this permission, no trees or shrubs shall be wilfully damaged or removed, or destroyed or uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root system or otherwise threaten the lives of the trees or shrubs until such time as the landscaping details required under condition (4) have been approved by the Local Planning Authority. Landscaping condition 04 of permission P0488/15/OUT will ensure that retaining on-site trees are retained for a period of five years or that they will be replaced upon their failure or removal within this period. This condition will only apply to one of the five trees recommended for protection by the TPO.

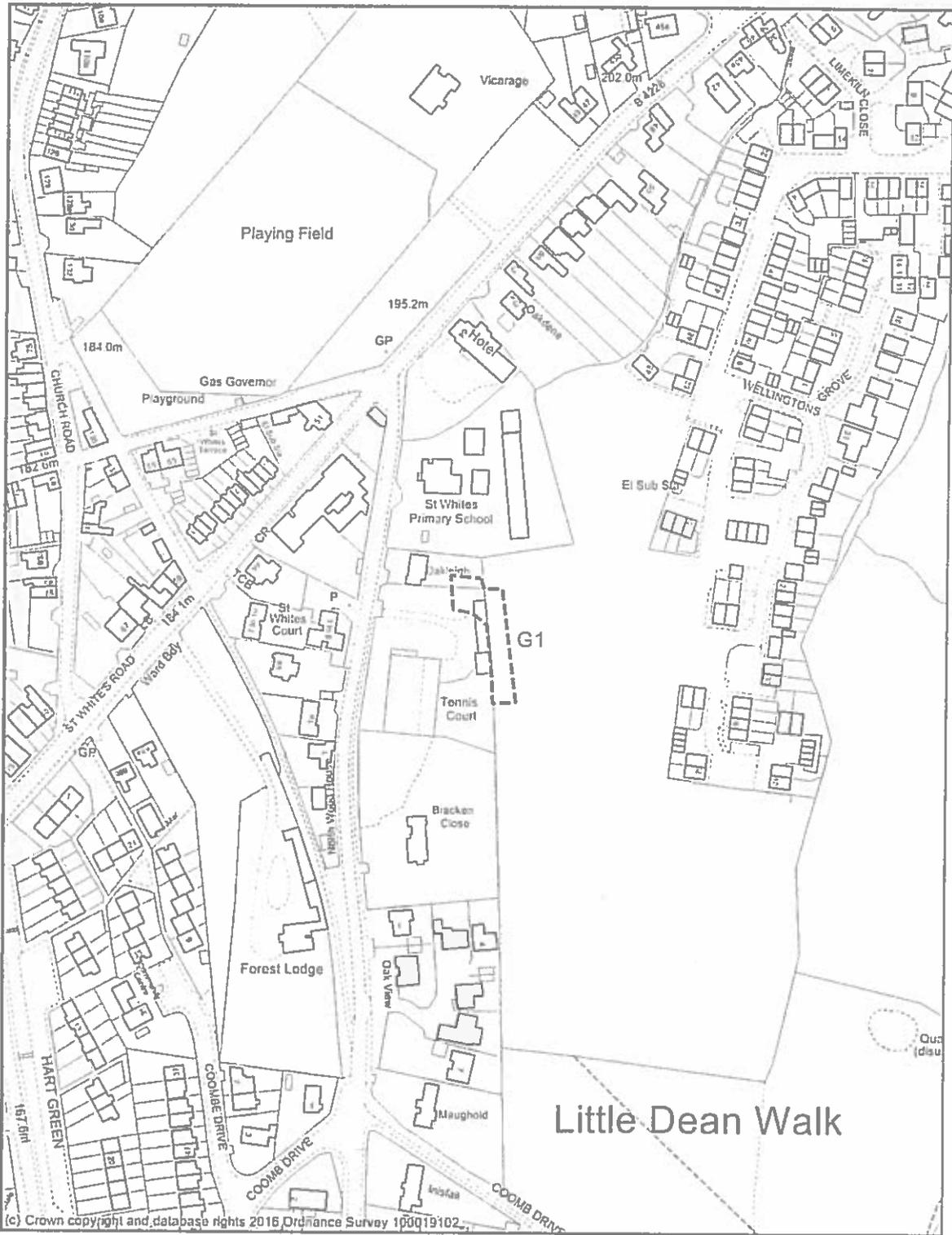
Recommendation

That provisional Tree Preservation Order DFTPO213 East of Buckshaft Road be made.

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

Agreed / ~~Disagree~~*:..... Date:.....*10.2.2016*.....

Appendix A – TPO Plan



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**Tree Preservation Order
DFTPO213
East of Buckshaft Road**

Scale: 1:2000

08 February 2016



Appendix B – Photographs



Above and below: From Buckshaft Road





Above and below: views from St White Primary School





Above and below: views from St Whites Primary School





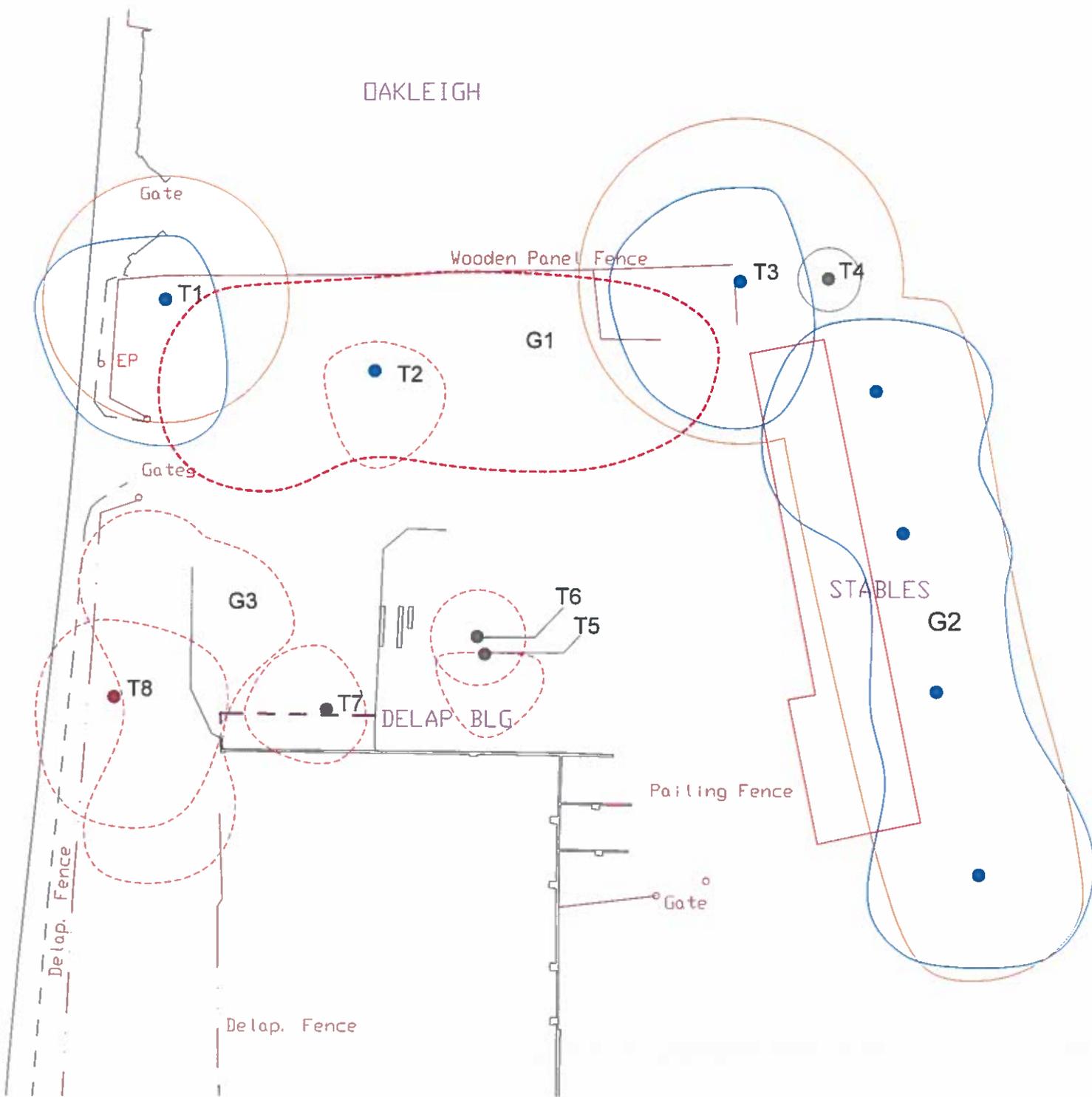
Above: View from St Whites Road

Appendix C – Tree survey and tree constraints/tree protection plans within the arboricultural report submitted with P1836/15/APP

APPENDIX 2: Tree schedule

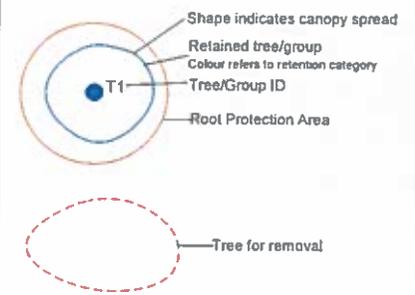
Tree ID	Species	Ht (m)	Stem Dia. (mm)	Spread (m)				Avg. Canopy Height (m)	Life Stage	Health & vitality	Struct. cond.	General Observations	Preliminary Recommendations	Estimated safe useful life expectancy (Years)	BS5837: 2012 Category
				N	E	S	W								
1	English oak	13	650	4	3	9	8	2	Mature	Good	Fair	Main stem leans to south with large lateral southern bough extending over main driveway. Power lines pass through crown.	-	40+	B1
G1	Willow, birch and hazel	12	390					1	Early-mature	Fair	Fair	Densley planted group comprising of 30% Goat willow, 10% birch and 60% hazel	-	20+	C2
2	Silver birch	11	390	2	4	6	3	3	Mature	Fair	Fair	Ivy encroaching into crown. Main stem trifurcates at 2m.	Sever ivy	20+	B1
3	English oak	20	860	6	4	9	8	2	Mature	Good	Fair	Bifurcates at 2m. Eastern stem showing signs of dieback.	-	40+	B1
4	Apple	7	200	2	2	2	2	2	Early-mature	Fair	Fair	Off site tree. Position and diameter estimated.	-	20+	C1
G2	3 x oak, 1 x silver birch	20	500						Mature	Fair	Good	Off site trees. Positions and diameters estimated. Standing on higher ground than site. Middle oak has sparse crown for species type.	Crown lift to 4m on west side over site. Reduce crown on east side by 2m to facilitate build	40+	B2
5	Goat willow	11	340	0	3	5	3	3	Early-mature	Fair	Fair	Growing together with T6		20+	C3

Tree ID	Species	Ht (m)	Stem Dia. (mm)	Spread (m)				Avg. Canopy Height (m)	Life Stage	Health & vitality	Struct. cond.	General Observations	Preliminary Recommendations	Estimated safe useful life expectancy (Years)	BS5837: 2012 Category
				N	E	S	W								
6	Goat willow	10	370	3	3	3	3	5	Early-mature	Good	Fair	Growing together with T5		20+	C3
7	Goat willow	11	790	4	2	3	5	4	Mature	Fair	Fair	Abutting derelict building. Slightly sparse upper crown for species type.		20+	C1
8	Beech	14	680	5	7	8	5	3	Mature	Fair	Poor	Main stem leans to west. Basal damage on west (tension) side. <i>Kretzchmaria deusta</i> evident at unions at 2.5m. Long heavy stems supported from these unions.	Remove	<10	U
G3	Hazel, birch, goat willow, apple	11	300					2	Semi-mature	Fair	Fair	Densely planted group forming a screen for the site.		20+	C2



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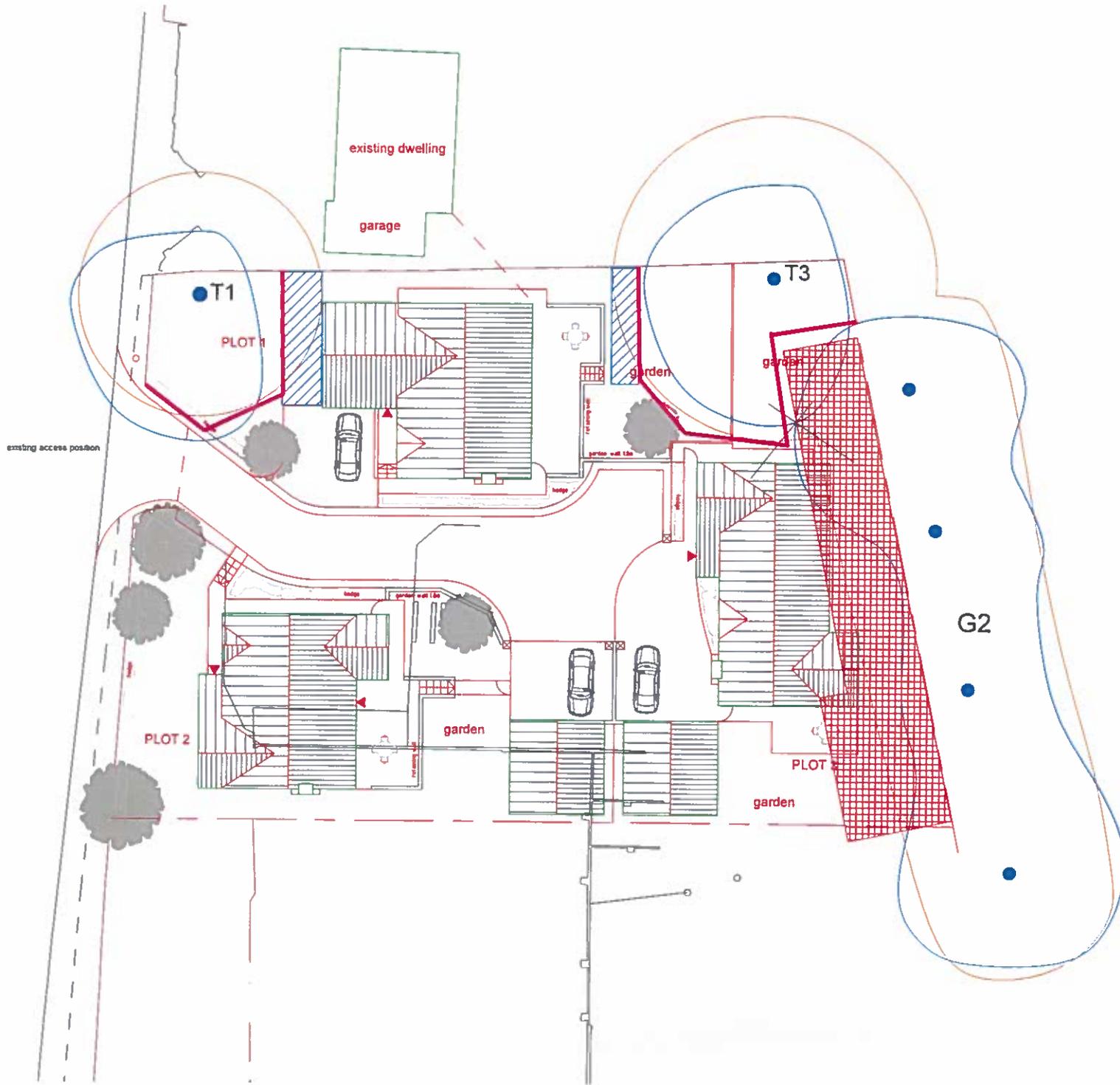


- Retention Categories**
- A High quality
 - B Moderate quality
 - C Low quality
 - U Unsuitable for retention

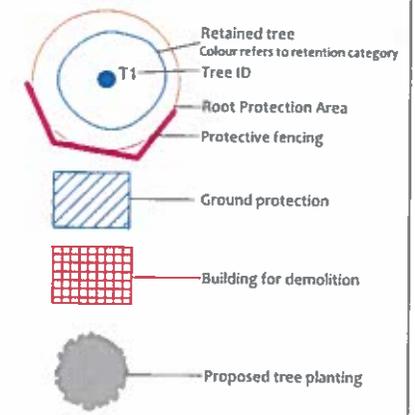
Project: Land at Bracken Close
 Buckshead Road
 Ruspidge
 Cinderford
 GL14 3DL

Title: Tree removal/retention plan

TCad Ref	WTC_157.04	Number	Rp
Scale @ A3	1:250 @ A3	Drawn	PD



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Retention Categories

- A High quality:** Green circle
- B Moderate quality:** Blue circle
- C Low quality:** Grey circle
- U Unsuitable for retention:** Red circle

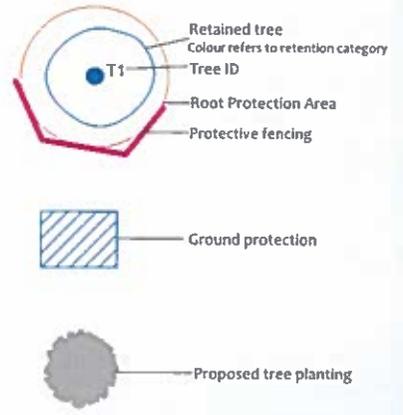
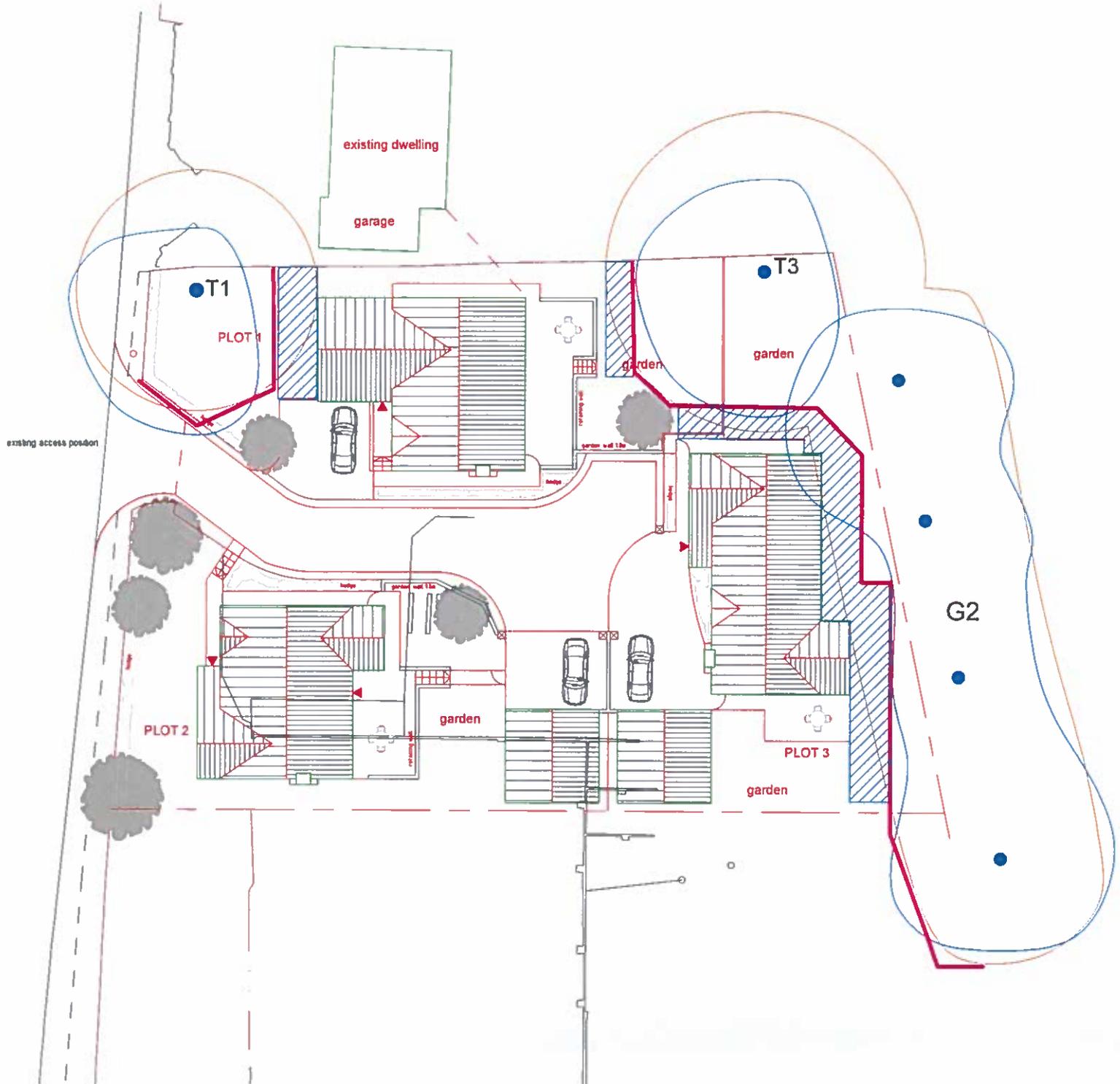
Project
 Land at Bracken Close
 Buckshaft Road
 Ruspidge
 Cinderford
 GL14 3DL

Title
 Tree Protection Plan
 Phase 1

TCad Ref	WTC_157.03_phase1	Number	Rev.
Scale @ A3	1:250 @ A3	Drawn	PD
Date	2nd December 2014	Approved	



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- Retention Categories**
- A High quality
 - B Moderate quality
 - C Low quality
 - U Unsuitable for retention

Project
Land at Bracken Close
Buckshaft Road
Ruspidge
Cinderford
GL14 3DL

Title
Tree Protection Plan
Phase 2

TCad Ref	WTC_157.03_phase2	Number	Rev.
Scale @ A3	1:250 @ A3	Drawn	PD