

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO221 – Freemans of 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 DFTPO221, Freemans of 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.

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 13 day of February 2017

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

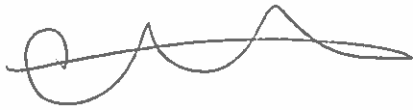
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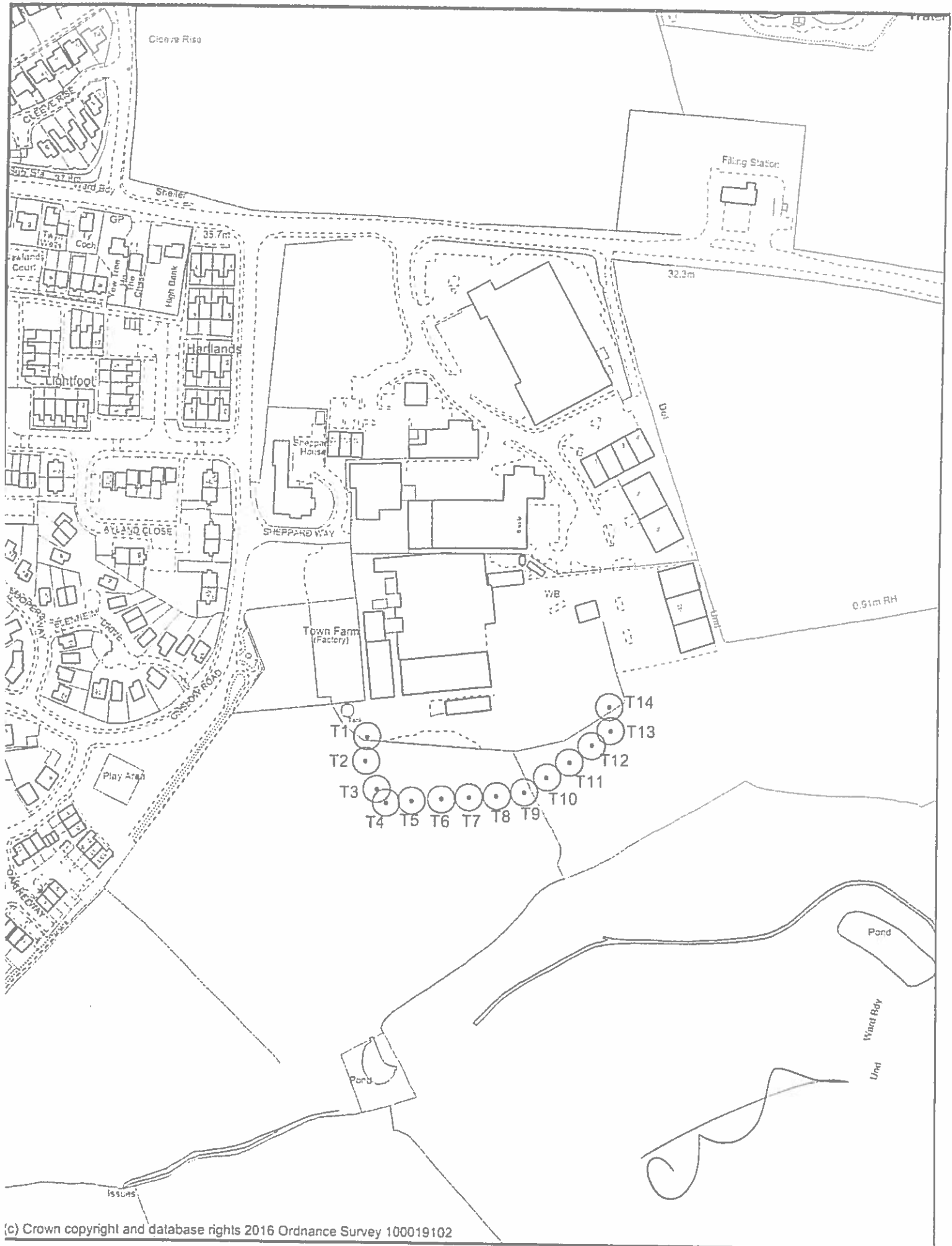
Authorised by the Council to sign in that behalf

Dated this 1 day of November 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 series of loops and a long horizontal stroke.



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**Tree Preservation Order
DFTPO221
Freemans of Newent**

Scale: 1:2500

17 October 2016



**SCHEDULE 1
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Oak sp	Grid Ref SO730255 372943, 225640
T2	Oak sp	
T3	Oak sp	
T4	Oak sp	
T5	Oak sp	
T6	Oak sp	
T7	Oak sp	
T8	Oak sp	
T9	Oak sp	
T10	Oak sp	
T11	Oak sp	
T12	Oak sp	
T13	Oak sp	
T14	Oak sp	

**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)
-	-	-

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

Reference on map	Description	Situation
-	-	-

Report for a Tree Preservation Order

DFTPO221 Freemans of Newent

Introduction

A Tree Preservation Order is recommended for 14 individual trees at Freemans of Newent (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1-T14 - Oak

G41 TPO198, made in 1972 covered a number of trees on the Town Farm site. Over the years a number of these trees have been removed. Further to application P0115/14/DISCON 14 Oak trees were planted around the southern boundary of the Freemans of Newent site. These trees are currently young and form the boundary between the site and an open field. They have the potential to form attractive landscape features and form a boundary to the development.

Desk Based Assessment

There have been a number of recent planning applications on the site. During the consideration of P0442/14/FUL it was recognised that only Oak trees T1 and T2 remain out of a number of trees protected by G41 TPO198 on site, these being surrounded by hard standing and development. A condition was placed on application P0442/14/FUL for planting along the southern site boundary further to recommendations of the Sustainability Team to plant standard Oak trees along this boundary. Application P0115/14/DISCON agreed the planting of 14 Oak trees along the southern site boundary. These trees have been planted and are referenced and shown in application P0698/16/FUL for a new car park, loading facility and link corridor. The car park was proposed in proximity to the new trees. It was not considered that the proposals would be detrimental to the health or growth of the young Oak trees. The application was granted permission.

There is a public right of way leading through the site from Onslow Road and on to open countryside to the east.

Site Based Assessment

The trees have been planted as standard trees and well supported. The public right of way leads up to the boundary on which they are planted. A post and rail fence has been erected between the trees and an area of hardstanding permitted for a car park at Freemans of Newent.

Consultation Responses

No consultations have been made for the making of a TPO at Freemans of Newent.

Discussion

Visibility: The trees recommended for protection are visible from a public right of way leading through the site.

Individual Impact: The Oak trees are young and have recently been planted. The trees appeared healthy when viewed in July 2016. They have been planted 15m apart and will be viewed as a line of individual trees around an industrial development.

Wider Impact: The trees form a boundary between industrial development and currently open fields with large boundary field trees (covered by G41 TPO198). The trees have the potential to better assimilate the site into the surrounding landscape and enhance the experience of the public right of way.

Expediency: A number of planning applications have been submitted for the site in recent years and the site has expanded to include the car park area. The majority of trees subject to G41 TPO198 have been removed or lost since the making of the order.

A TPO is considered expedient.

Conclusion of Discussion: 14 individual trees are considered to be of high potential amenity value and it is considered that these trees merit protection.

Alternatives to placing a Tree Preservation Order

The details approved in application P0115/14/DISCON require that if any of the trees die within a five year period after the date of consent die, fall or are for any reason removed, they shall be replaced with the same species. Any other works to the trees would not require the prior permission of the Council. After the expiry of the five years the Council's permission would not be required prior to the removal of the trees.

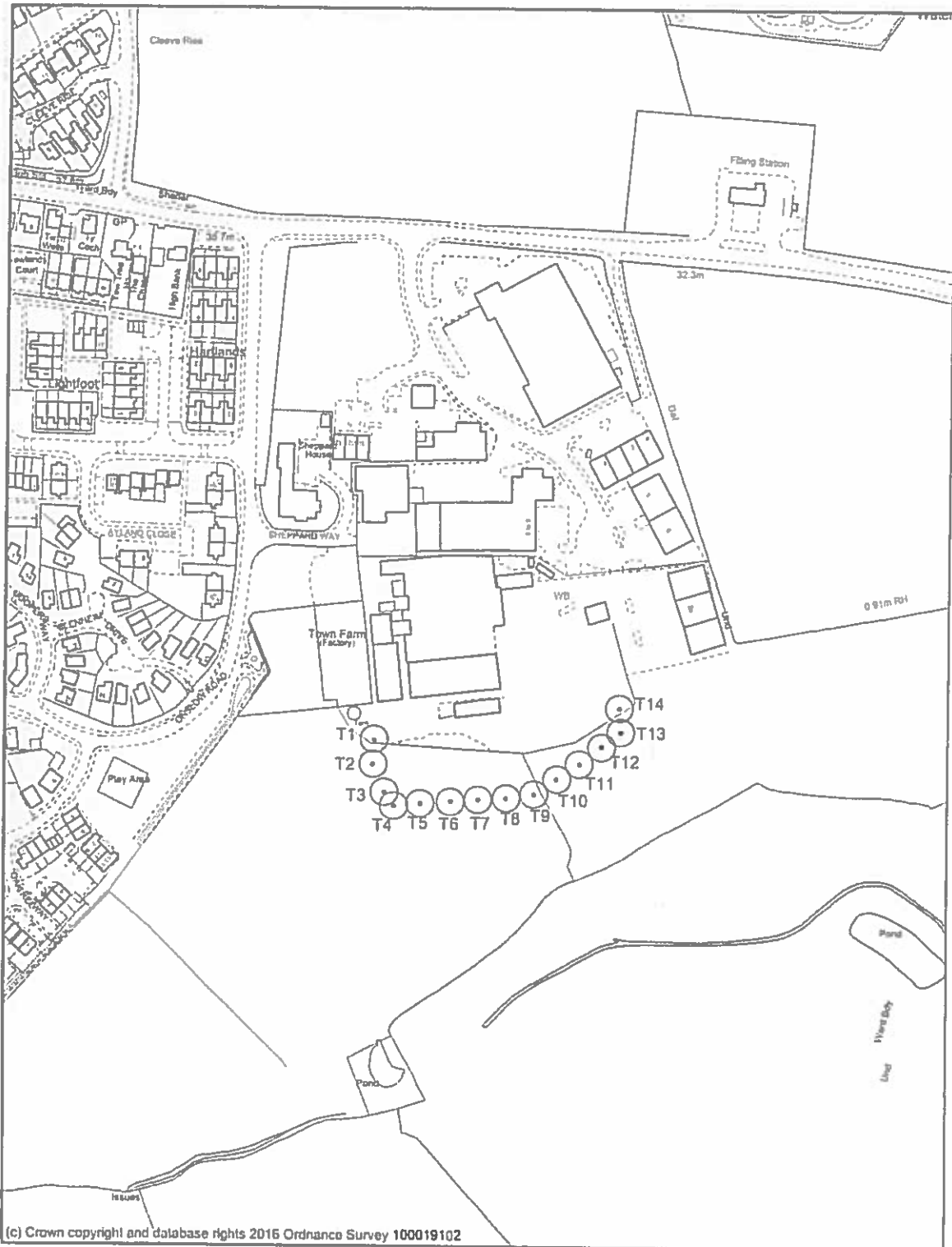
Recommendation

That provisional Tree Preservation Order DFTPO221 Freemans of Newent be made.

PP Planning and Housing Group Manager.....

Agreed / Disagree*..... Date: 19/10/16

Appendix A – TPO Plan



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Appendix B – Photographs



17th October 2016

