

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO197 Oxenhall Canal South

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 DFTPO197, Oxenhall Canal, South

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

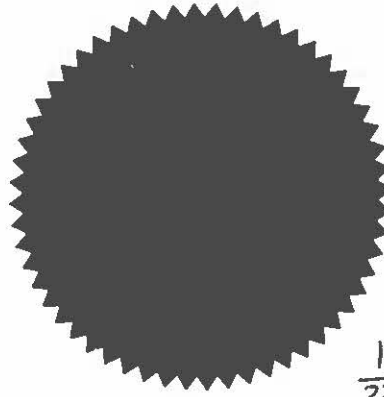
In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 22 January 2014

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

Affixed in the presence of

S. Langbaine



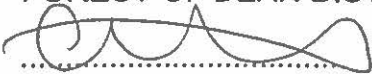
1642
22.1.14

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 by ^{deletion} , on the ^{10th June 2014} day 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

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Authorised by the Council to sign in that behalf

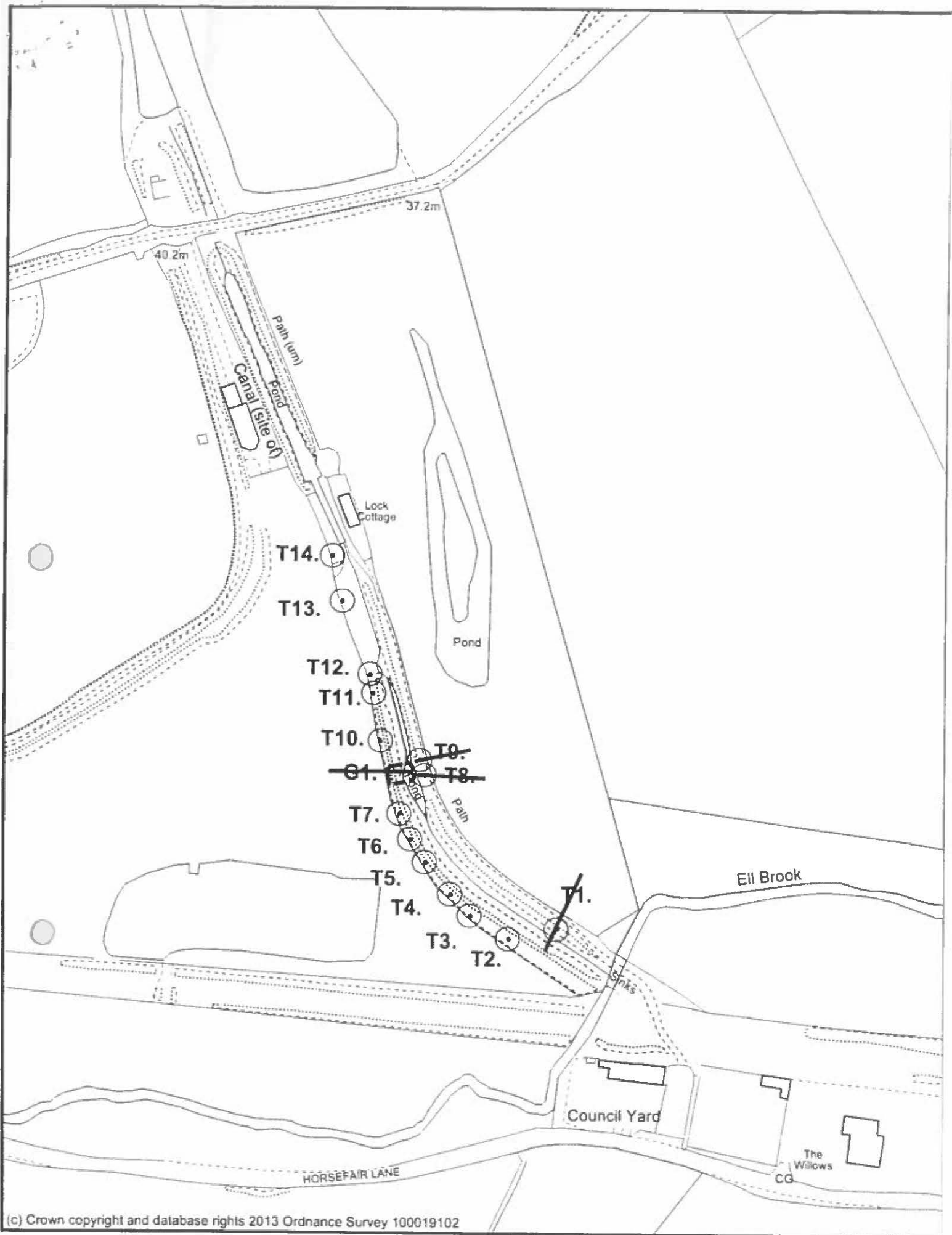
REVOCAION OF ORDER

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

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Authorised by the Council to sign in that behalf

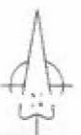


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**Tree Preservation Order
DFTPO197
Oxenhall Canal South**

Scale: 1:2000
08 May 2014



**SCHEDULE 1
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Willow	In canal
T2	Willow (pollard)	Southwest side of canal
T3	Willow (pollard)	Southwest side of canal
T4	Willow (pollard)	Southwest side of canal
T5	Willow (pollard)	West side of canal
T6	Willow (pollard)	West side of canal
T7	Ash	West side of canal
T8	Alder	Between footpath and canal
T9	Alder	Between footpath and canal
T10	Willow (pollard)	West side of canal
T11	Field Maple	West side of canal
T12	Willow (pollard)	West side of canal
T13	Ash	West side of canal
T14	Ash	West side of canal

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)
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G1	2 Alder (1 multi-stemmed, 1 single stem)	West side of canal
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Report for a Tree Preservation Order

DFTPO197 Oxenhall Canal South

Introduction

A Tree Preservation Order is recommended for 14 individual trees and one group of trees along the Hereford and Gloucester Canal between Lock Cottage and the Ell Brook aqueduct (see Appendix A-B for location and TPO plan). The trees should be referred to as in Appendix C.

The recommendation is in response to a TPO request from Oxenhall Parish Council. The trees form a waterside feature, bordering the Hereford and Gloucester Canal. Willow and Alder trees and other significant individual trees line this stretch of canal.

The request was submitted due to concerns that the trees were under threat from the proposed restoration of the canal and its preparatory works. Preparatory works are ongoing however no firm plans for the restoration have yet been provided to the Council. The restoration work will require planning permission. The recommended TPO will safe guard the trees in question at least until such time as a planning application is submitted to the Council for the canal restoration.

Desk Based Assessment

The section of the canal is a public right of way and a part of the Geopark Way. It is located to the northwest of Newent settlement boundary, in the south of Oxenhall Parish and is part of the historic route of the Hereford and Gloucester Canal. This length of canal is part of the Hereford and Gloucester Canal Key Wildlife Site.

The Hereford and Gloucester Canal Trust submitted a TPO application recently to carry out works to trees covered by TPO4 on land 265m to the East of the recommended TPO. This application was refused due to questions over the requirement for tree works at this stage and due to the requirement of a planning application for the canal restoration work.

Site Based Assessment

The public right of way and part of the Geopark Way long distance walking trail run adjacent to this stretch of the Hereford and Gloucester Canal. Willow trees line the western bank of the canal from an aqueduct over Ell Brook up to Lock Cottage and meet Alder, Ash and Field Maple trees along this stretch.

The main feature worth preserving is the line of Willow trees that help characterise this part of the canal, public right of way and Geopark Way. Other trees are also considered worthy of protection under their own merits and contribution to the locality.

Consultation Responses

No consultation has taken place.

Discussion

Visibility: The trees identified and recommended for protection are visible from public right of way GOX/23/1 and the Geopark Way.

Individual Impact: The Willow trees are characterful and contribute to a valuable feature along the Hereford and Gloucester Canal. Some of the Willow trees have been coppiced and some are multi-stemmed. Tree T1 is very prominent and marks the beginning/end of this stretch of canal. The remaining Willow trees act as a green corridor. Other trees cited are considered to be of particular amenity value due to their form and stature and their location along a well-used path.

Wider Impact: The trees act as distinct features along the PROW and canal and characterise this section of the canal.

Expediency: The Canal Trust is currently working to restore the Hereford and Gloucester Canal. Part of this restoration has involved the clearing of some trees and vegetation. Work is becoming more concentrated on this stretch of the canal, due to the TPO that is present to the East.

A TPO is therefore considered expedient.

Conclusion of Discussion: The trees are a valuable feature alongside a historic canal route, adjacent to a well-used public right of way. They characterise this length of the canal and footpath from Lock Cottage to the aqueduct that crosses Ell Brook.

Oxenhall Parish Council requested that 22 trees and further Hawthorn trees be protected in this area. 15 of these and one additional tree are recommended for protection under DFTPO197 due to their significant public amenity value and the present threat of tree removal in this area. Hawthorn trees, an Ash tree and some Field Maple trees within the request are not recommended for protection as it is considered that these do not have outstanding amenity value or significantly contribute to the feature we are looking to protect. Many of the Hawthorn trees requested for protection are situated within a countryside hedgerow. Hedgerows should not be subject to Tree Preservation Orders and are protected by the Hedgerow Regulations.

Alternatives to placing a Tree Preservation Order

Do nothing. The trees are not located within a Conservation Area and so works could be carried out on the trees without the Council's permission and could be felled, subject to the works being under the limit for which a felling license is required.

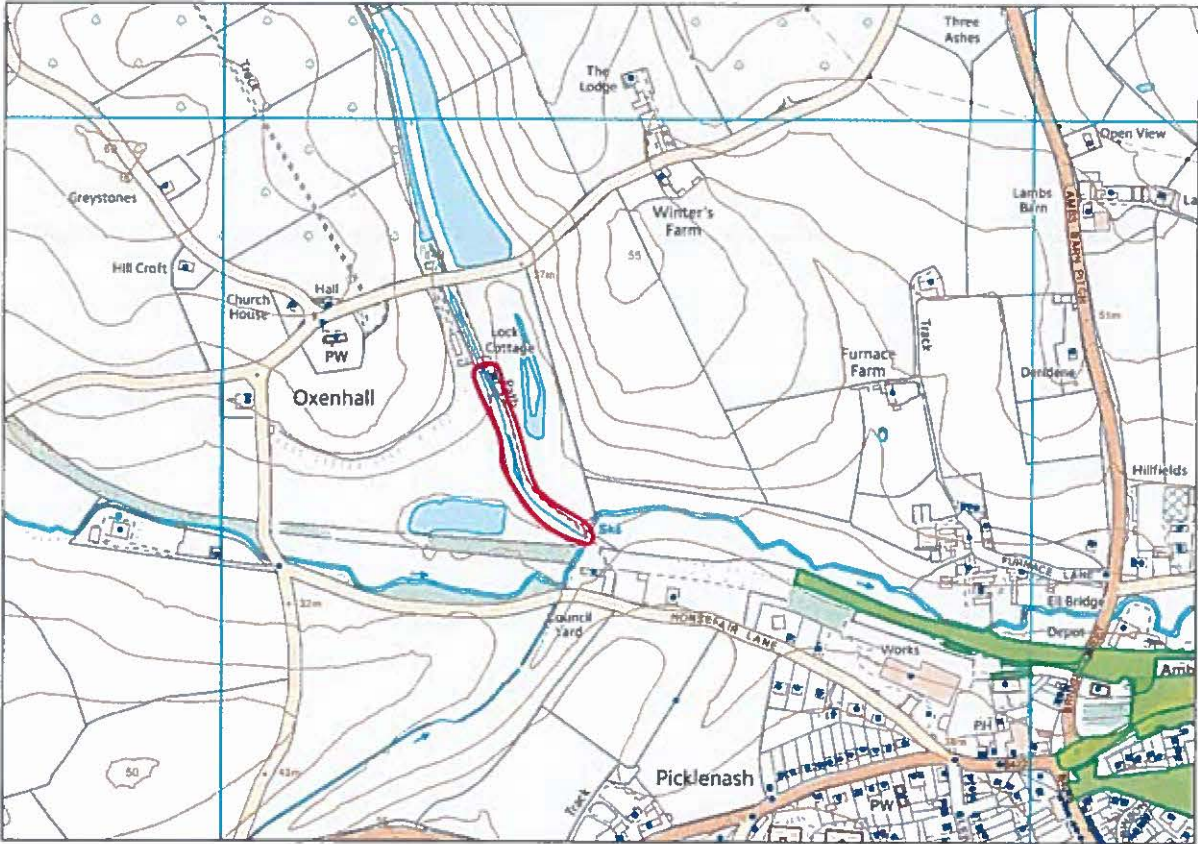
Recommendation

That Tree Preservation Order DFTPO197 Oxenhall Canal South be made.

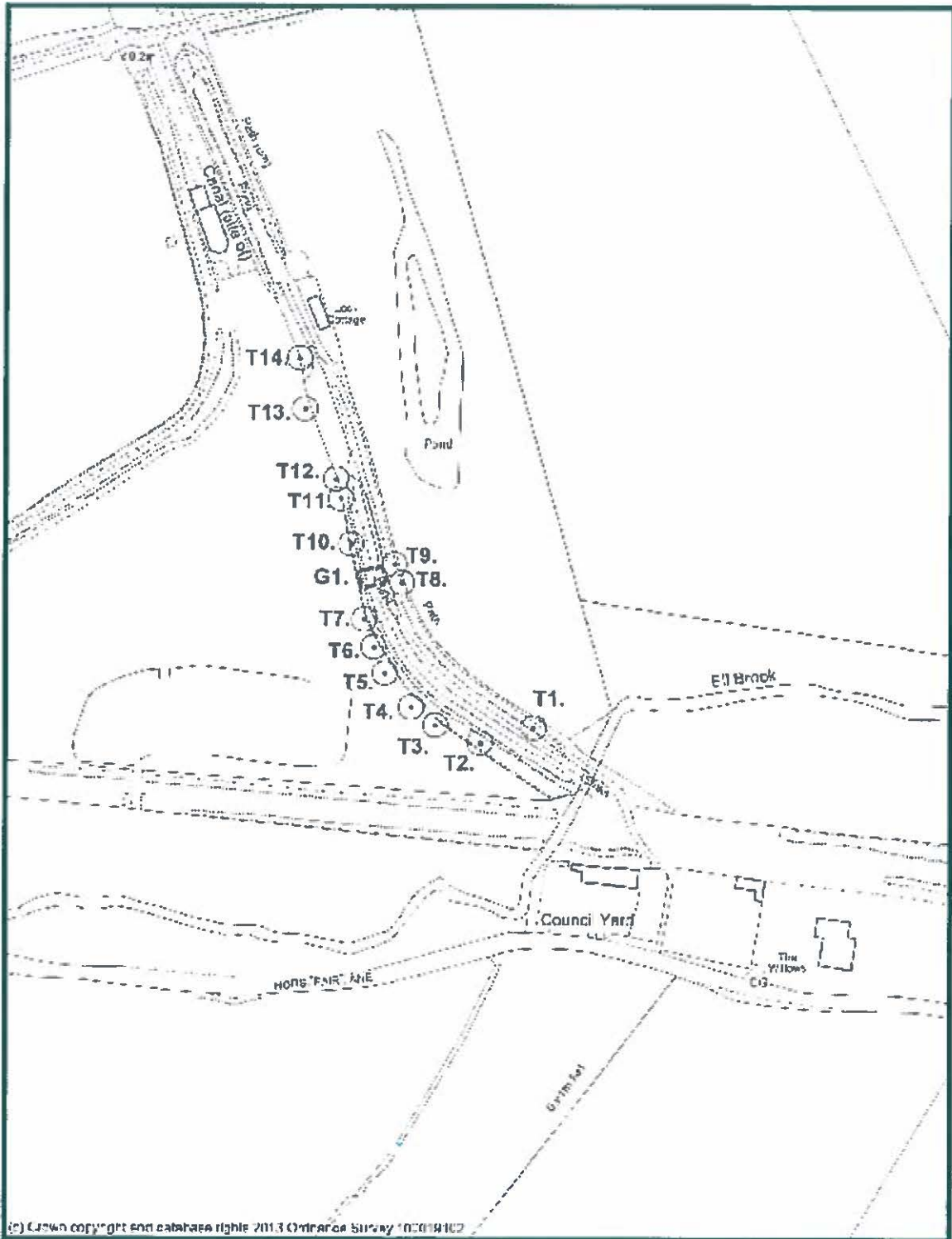
Planning and Housing Group Manager:.....*P. M. Williams*.....

Agreed / ~~Disagree~~..... Date: *17.12.2013*.....

Appendix A – Location Plan



Appendix B – TPO Plan



**Tree Preservation Order
DFTPO197 Land From Lock Cottage to Eli Brook
Aqueduct, Oxenhall**

Scale: 1:2000

10 December 2013



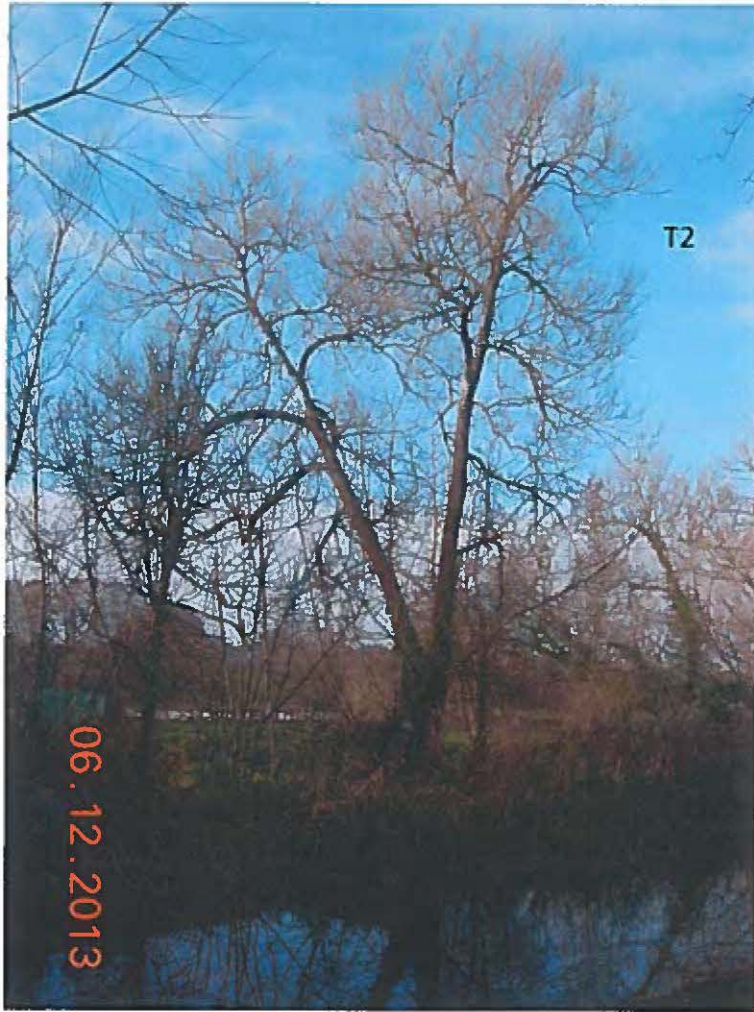
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Appendix C – Species List

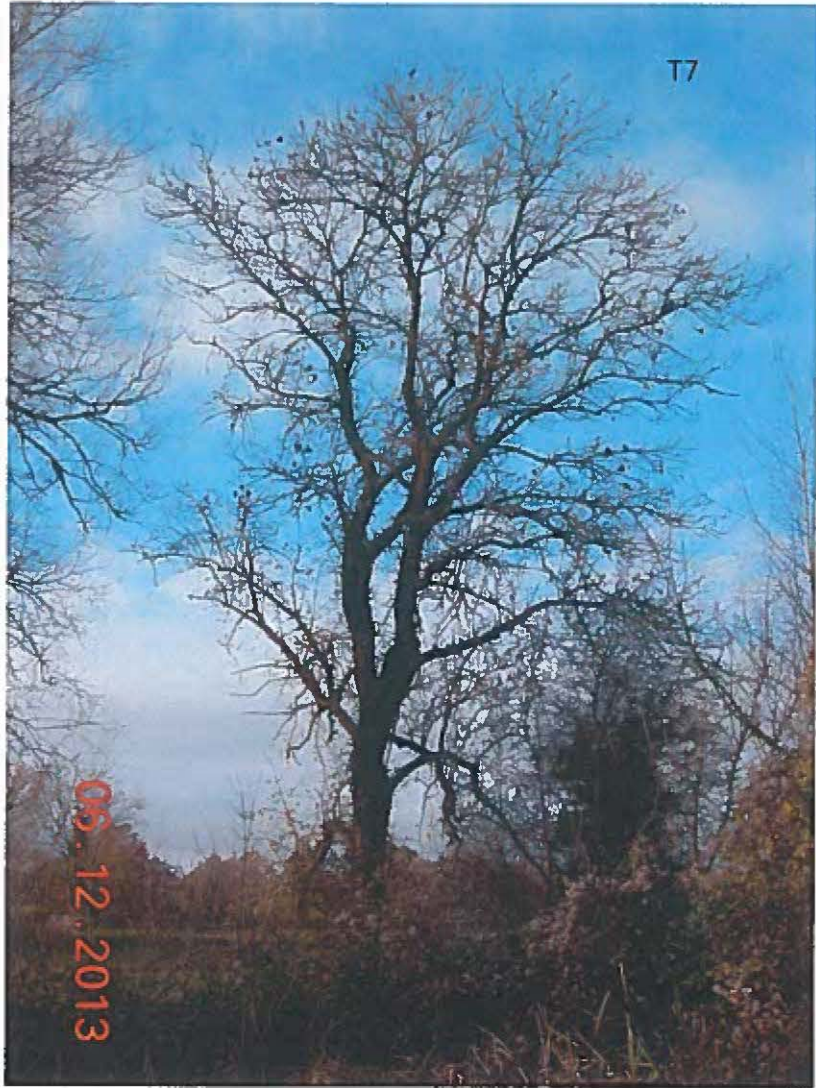
Tree	Species
T1	Willow
T2	Willow
T3	Willow
T4	Willow
T5	Willow
T6	Willow
T7	Ash
T8	Alder
T9	Alder
T10	Willow
T11	Field Maple
T12	Willow
T13	Ash
T14	Ash
G1	2 Alder

Appendix D - Photographs









T7

09.12.2013

T8



T11

