

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO231 –Land North of Newnham on Severn

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 DFTPO231, Land North of Newnham on Severn

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 6 day of October 2017

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.

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 28 day of March 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

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

**SCHEDULE 1
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Ash	SO690123 (369046, 212325)
T2	Oak	SO690123 (369102, 212307)
T3	Oak	SO691123 (369122, 212387)
T4	Oak	SO692123 (369241, 212367)
T5	Oak	Southern boundary of cricket field
T6	Cherry	Western boundary of cricket field
T7	Ash	Western boundary of cricket field

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

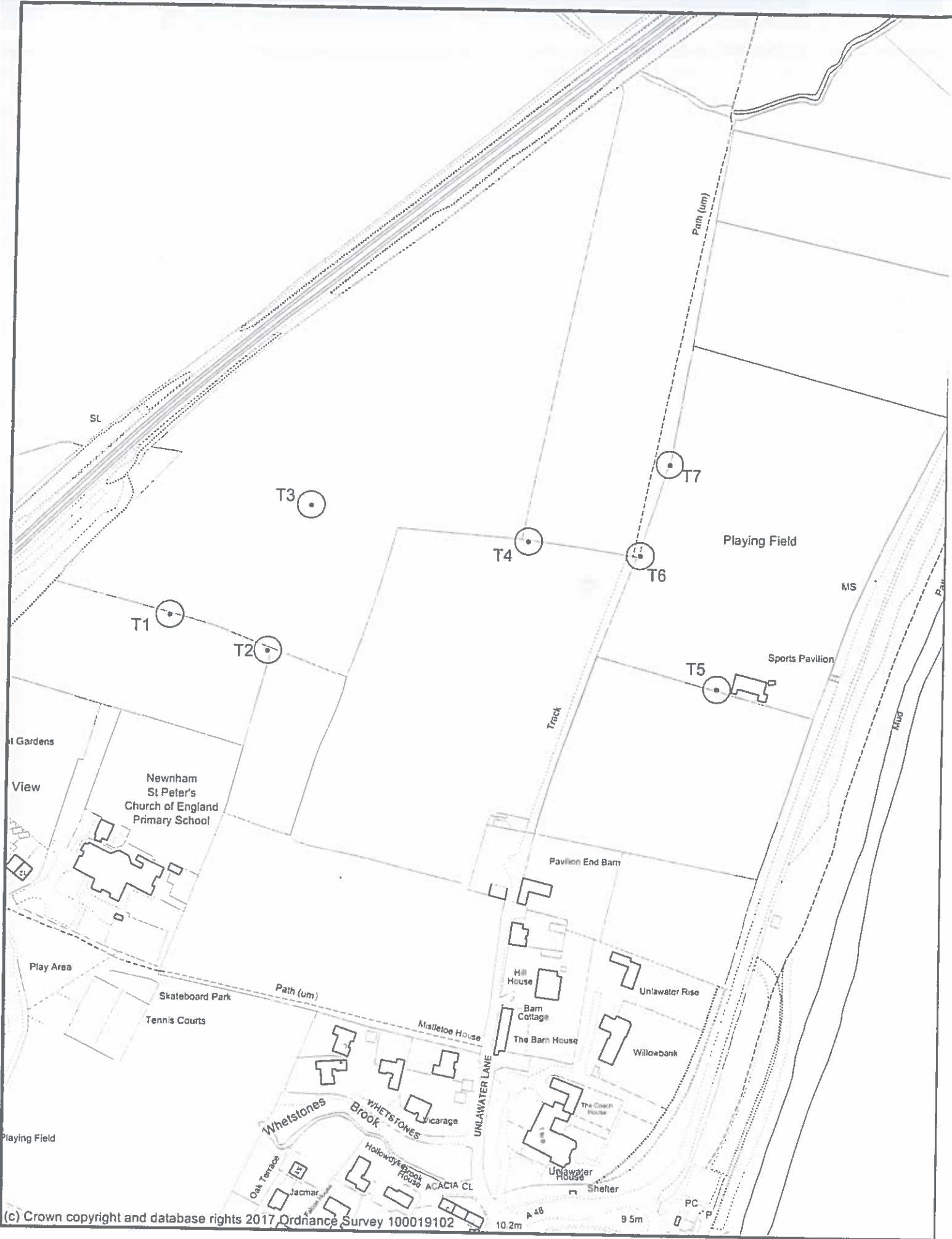
Reference on Map	Description	Situation
-	-	-

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

Reference on map	Description (including number of trees in the group)	Situation
-	-	-

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

Reference on map	Description	Situation
-	-	-



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**Tree Preservation Order
DFTPO231
Land North of Newnham on Severn**

Scale: 1:2500



Report for a Tree Preservation Order

DFTPO229 Land North of Newnham on Severn

Introduction

A Tree Preservation Order is recommended for four oak trees, two ash trees and one cherry tree (see Appendix A – D for plans and photographs). The trees should be referred to as:

- T1 – ash
- T2 – oak
- T3 – oak
- T4 – oak
- T5 – oak
- T6 – cherry
- T7 - ash

A request for a tree preservation order has been submitted to the council. Some of the land identified in the request is allocated for housing in the Allocations Plan and Main Modifications of the Allocations Plan.

Desk Based Assessment

Six trees are identified by the requestor.

Land parcels near to the trees requested for protection are allocated for housing within the Allocations Plan (AP90) and MM096 of the Allocations Plan Main Modifications 2017. A public right of way runs through the fields and past Newnham cricket pitch, an allocated recreation space in the Allocations Plan. Some of the trees in question are in proximity to the public right of way and cricket pitch.

Site Based Assessment

Most of the trees are visible from the public right of way (PROW) leading through the fields from Unlawater Lane. Trees T4-T7 (as recommended above) have the most visual impact on the PROW. Most trees the subject of the TPO request are large mature trees which are visibly dominant across the fields. The sixth tree identified by the requestor is viewed in the context of a belt of trees adjacent to the A48. The tree has the potential to be impacted by or obstruct access to the eastern allocated field and therefore is not recommended for protection at this time. This tree line can be further assessed at the time when detailed proposals of access are known.

Two younger trees (T6 and T7) that are not specified within the request are identified as being of amenity value, which will grow in importance to the PROW and cricket pitch as they mature.

Consultation Responses

A request for a TPO on six trees was submitted, as summarised below:

- The map shows outlined in red the fields recently sold. Planning is well advanced in the two hatched areas and it is imagined that the long term hope is to build on the rest
- With this in mind the substantial and vulnerable oak trees are marked which may be worthy of a TPO
- There are many other trees in the hedgerows but the really important ones have been selected here

Discussion

Visibility: Trees T4-T7 are prominent from the PROW, while T1-T3 are still visible as mature features. T5-T7 are also features of the cricket field.

Individual Impact: Trees T1-T5 are large, mature field and field boundary trees. T6 and T7 are younger trees with potential to grow in importance.

Wider Impact: Hedgerow trees and field trees, often mature, are an important landscape feature of the Forest of Dean landscape character area within which these trees are located (6b) contributing to the sense of a well trees landscape. The trees contribute to the experience along the PROW and from within a recreation space and are significant features/potential features of an area surrounding that identified for future housing development.

Expediency: Policy AP90 of the Allocations Plan and Modification MM096 of the Allocations Plan Main Modifications July 2017 allocate 4ha of land to provide about 95 dwellings and associated access and open space on land north of Newnham and adjoining Unlawater Lane. The trees identified will contribute to the setting of future development here. T2 is situated on the northwest corner of the allocated area.

A TPO is considered expedient.

Conclusion of Discussion: Four oak trees, two ash trees and one cherry tree are considered to be of high and potential public amenity value and merit protection.

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 the trees in question.

Recommendation

That provisional Tree Preservation Order DFTPO231 Land North of Newnham on Severn is made.

Strategic Group Manager: PP 

Agreed / ~~Disagree~~*: Date: 4 Oct 2017

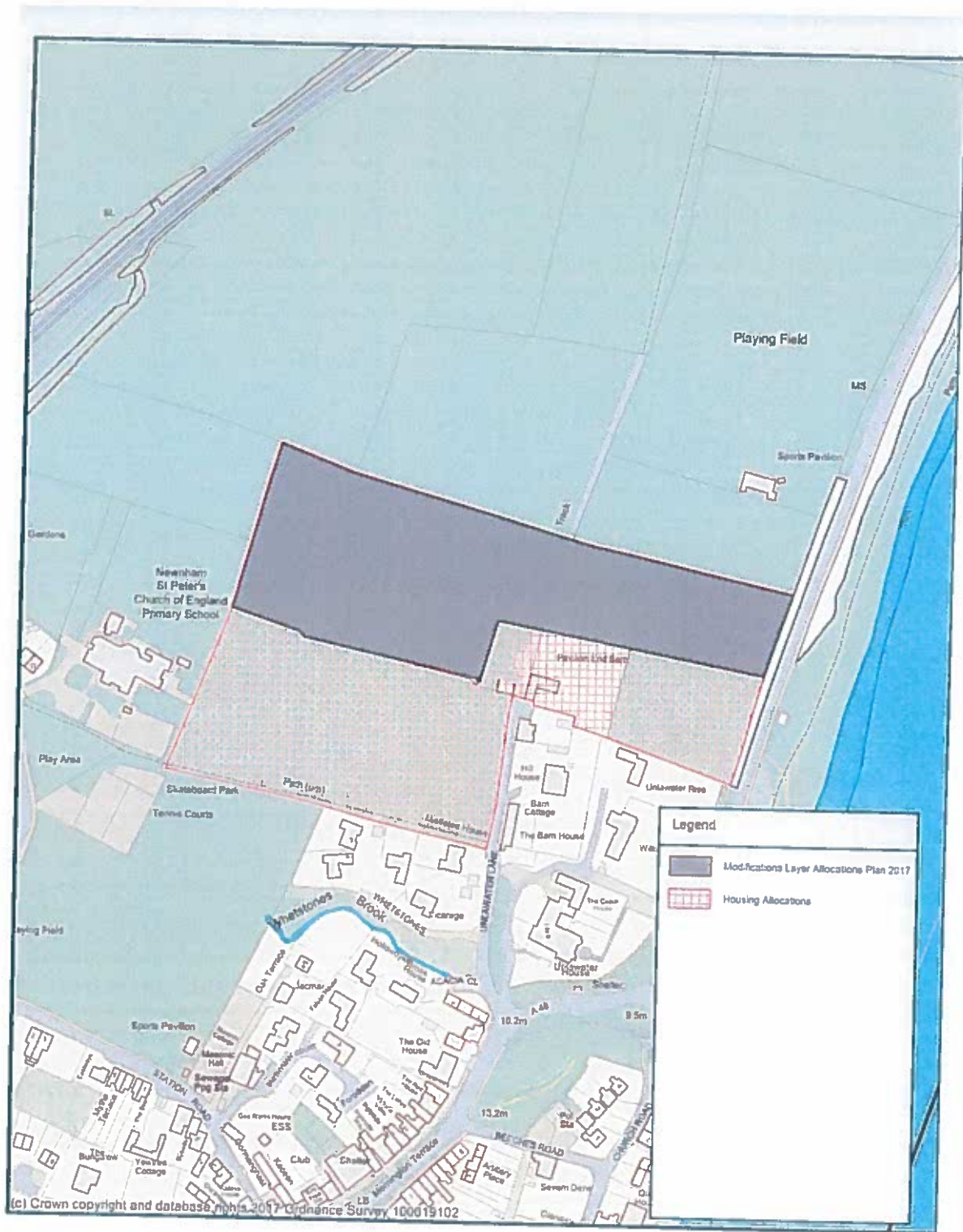
Appendix B – Aerial View of Trees



Scale: 1:2500



Appendix C - Allocations



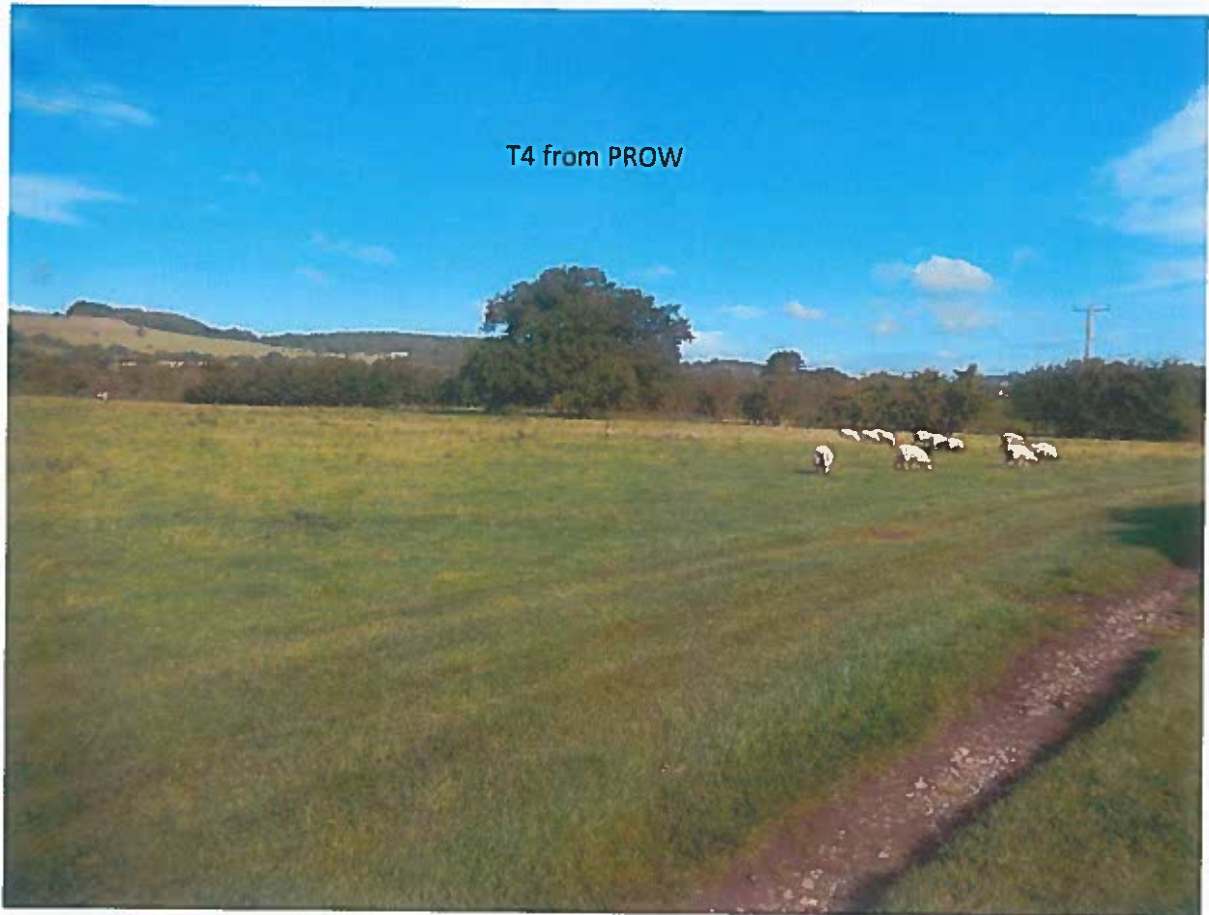
21 September 2017

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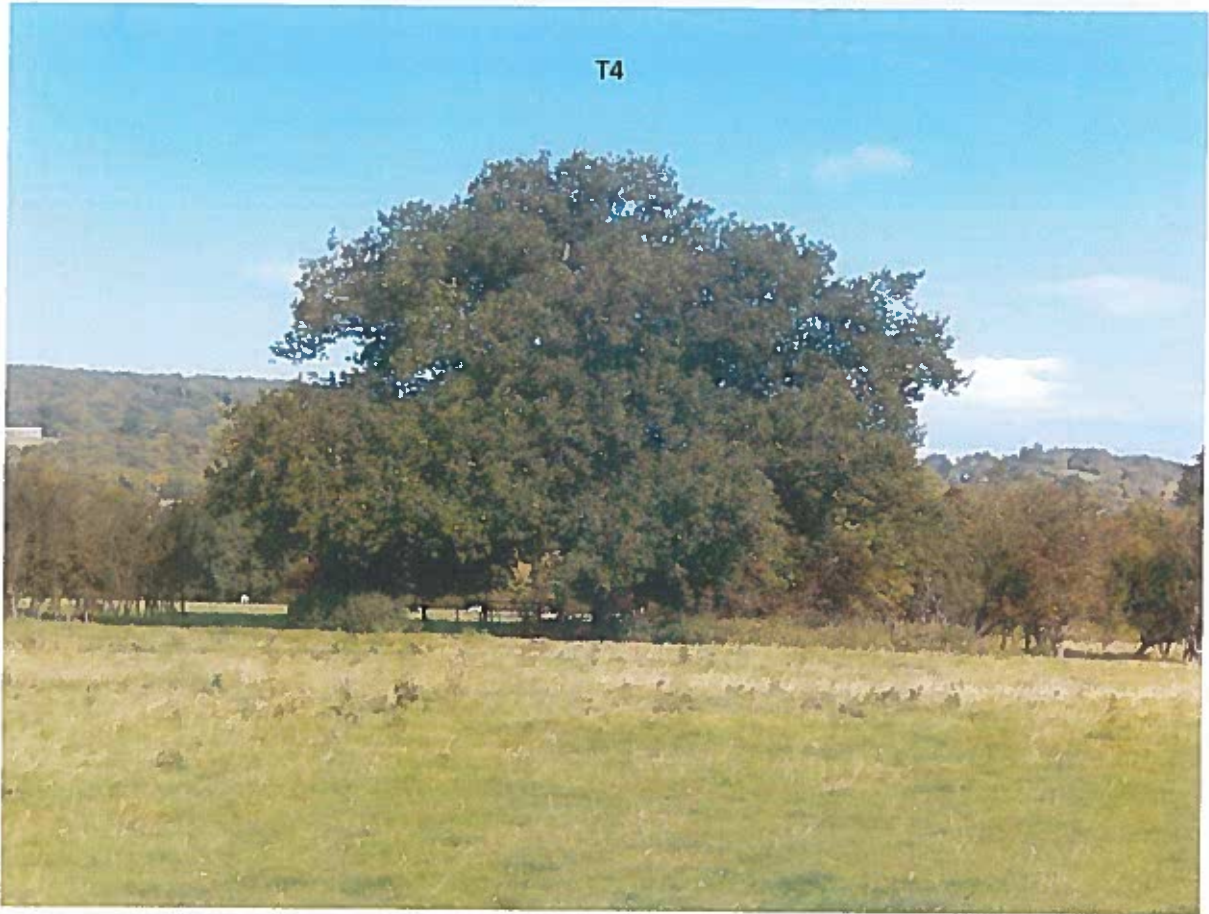


Appendix D – Photographs





T4



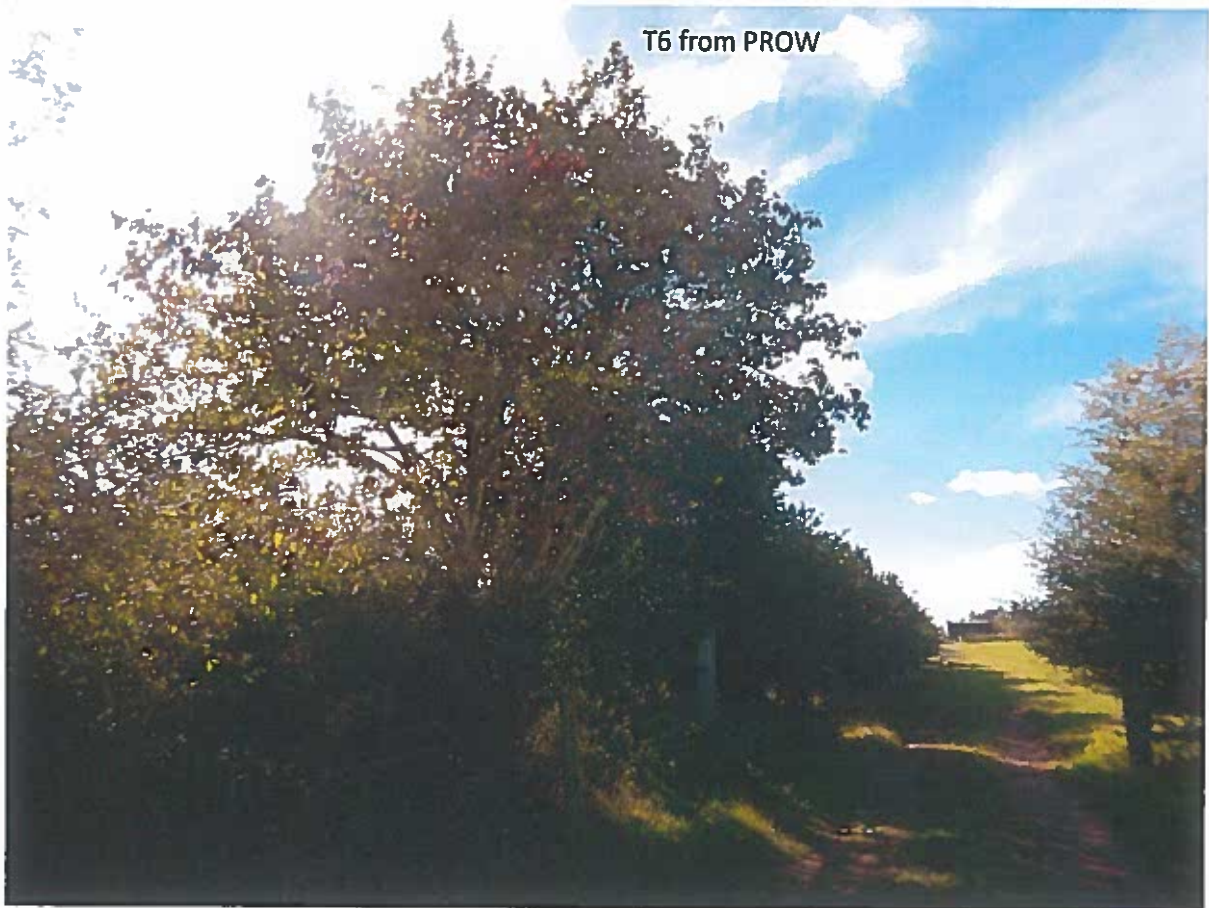
T5 from PROW

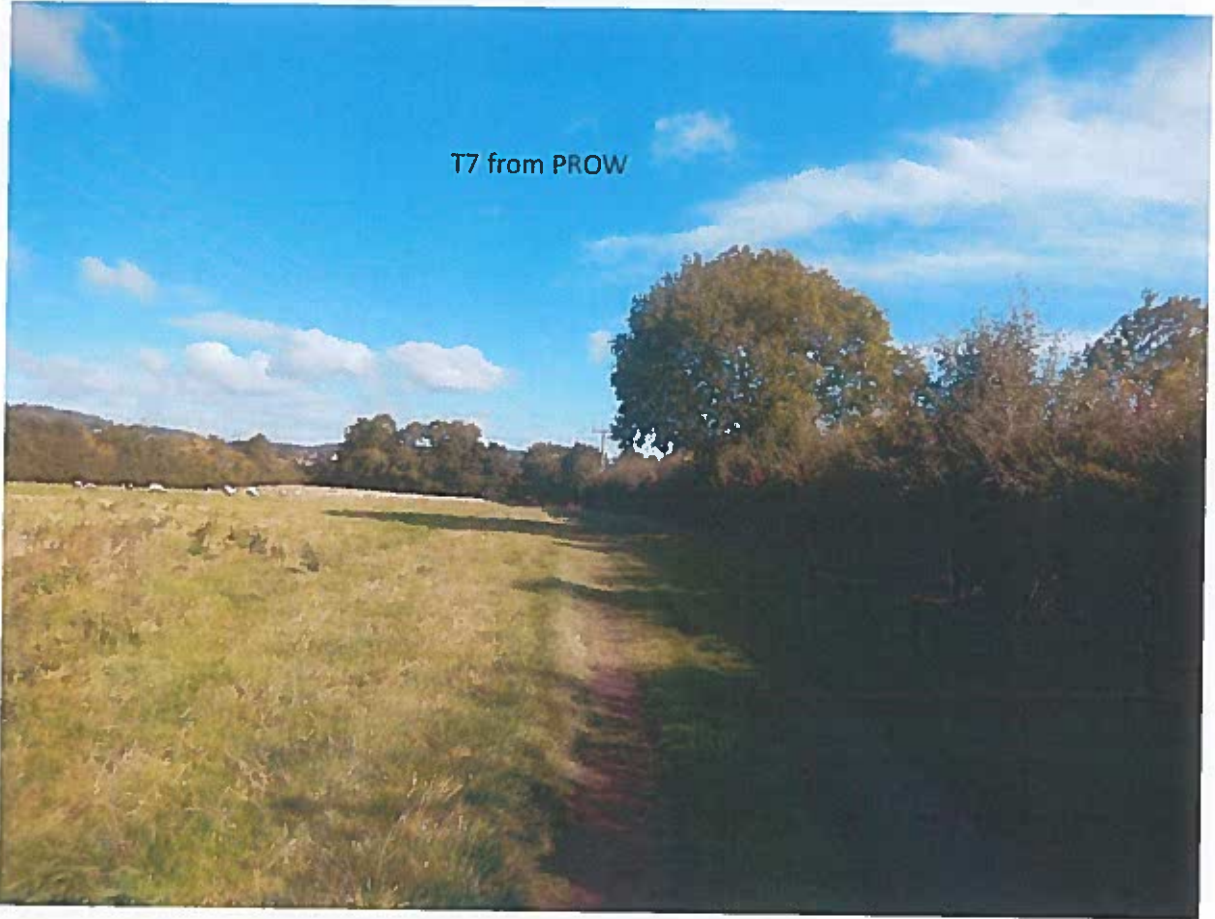


T5 from cricket ground



T6 from PROW







from PROW

T2

T1

T3

T4