

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO228 – South of Kempley Road, Dymock

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 DFTPO228, South of Kempley Road, Dymock

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 4th day of September 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.

2021

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 6th day of JANUARY 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

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

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(Encircled in black on the map)

Reference on Map	Description	Situation
T1	Ash	SO696310 (369633, 231102)
T2	Sycamore	SO696310 (369618, 231092)

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
-	-	-



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**Tree Preservation Order
DFTPO228
South of Kempley Road, Dymock**

Scale: 1:1250



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Report for a Tree Preservation Order

DFTPO228 South of Kempley Road, Dymock

Introduction

A Tree Preservation Order is recommended for one ash tree and one sycamore tree on Kempley Road, Dymock (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – Ash

T2 - Sycamore

Application P0996/17/OUT is pending consideration for the erection of five residential dwellings and associated works, with access unreserved. These trees are features of Kempley Road. The ash tree is protected already by an existing TPO, which covers another ash tree that is no longer present. The sycamore tree is not currently afforded any protection.

Desk Based Assessment

Current application P0996/17/OUT proposes a new residential development including footpath along the highway in proximity to these trees. The application seeks outline permission (access not reserved) and therefore detailed proposals have not been provided with the scheme, with the exception of the access.

Tree preservation order G41 TPO247 (1974) covers two ash trees and ash tree T1 is considered to be covered by this order.

Within the tree survey report submitted with application P0966/17/OUT, the sycamore tree is described as being of a fair structural condition and good health and vitality. It has been considered as a category C1 tree in relation to BS5837:2012. The tree is covered in dense ivy and as such the tree survey report recommends the removal of ivy up to 2m height to allow it to die off.

The ash tree has been inspected as being of poor structural condition and poor health and vitality (category U) but requiring an assessment in greater detail with a view to managing the safety of road users.

The trees are both shown to be retained on the application plans for P0996/17/OUT.

Site Based Assessment

The trees are adjacent to Kempley Road, on its southern side. The ash tree is situated within the hedgerow and the sycamore tree on the road side of the hedgerow.

Of the trees covered by G41 TPO247, only one ash tree (T1) is now present.

The trees are prominent roadside features and are the only semi-mature – mature trees for a stretch on the south side of Kempley Road, with maintained roadside

hedges to the southwest and Dymock settlement boundary and built form to the northeast.

Consultation Responses

No consultations have been made regarding the making of a TPO in this location.

Discussion

Visibility: The trees are prominent from Kempley Road, approaching and leaving the village of Dymock.

Individual Impact: These are semi-mature/mature trees of a good size.

Wider Impact: The trees are important features of Kempley Road and contribute to the approach to Dymock from the west, softening the transition from open countryside towards the settlement.

Expediency: Application P0996/17/OUT is currently pending consideration and is in outline form. Whilst the ash tree is currently protected, the sycamore tree is not. A cohesive TPO would provide a clearer approach to the protected status of trees in this location.

A TPO is considered expedient.

Conclusion of Discussion: One sycamore tree and one ash tree are considered to be of high public amenity value and merit protection.

Tree preservation order G41 TPO247 may be revoked due to one of the trees no longer being present and the other being covered within this recommended order.

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 sycamore tree in question.

Under G41 TPO247, any proposed works to or removal of the ash tree will require the Council's prior permission.

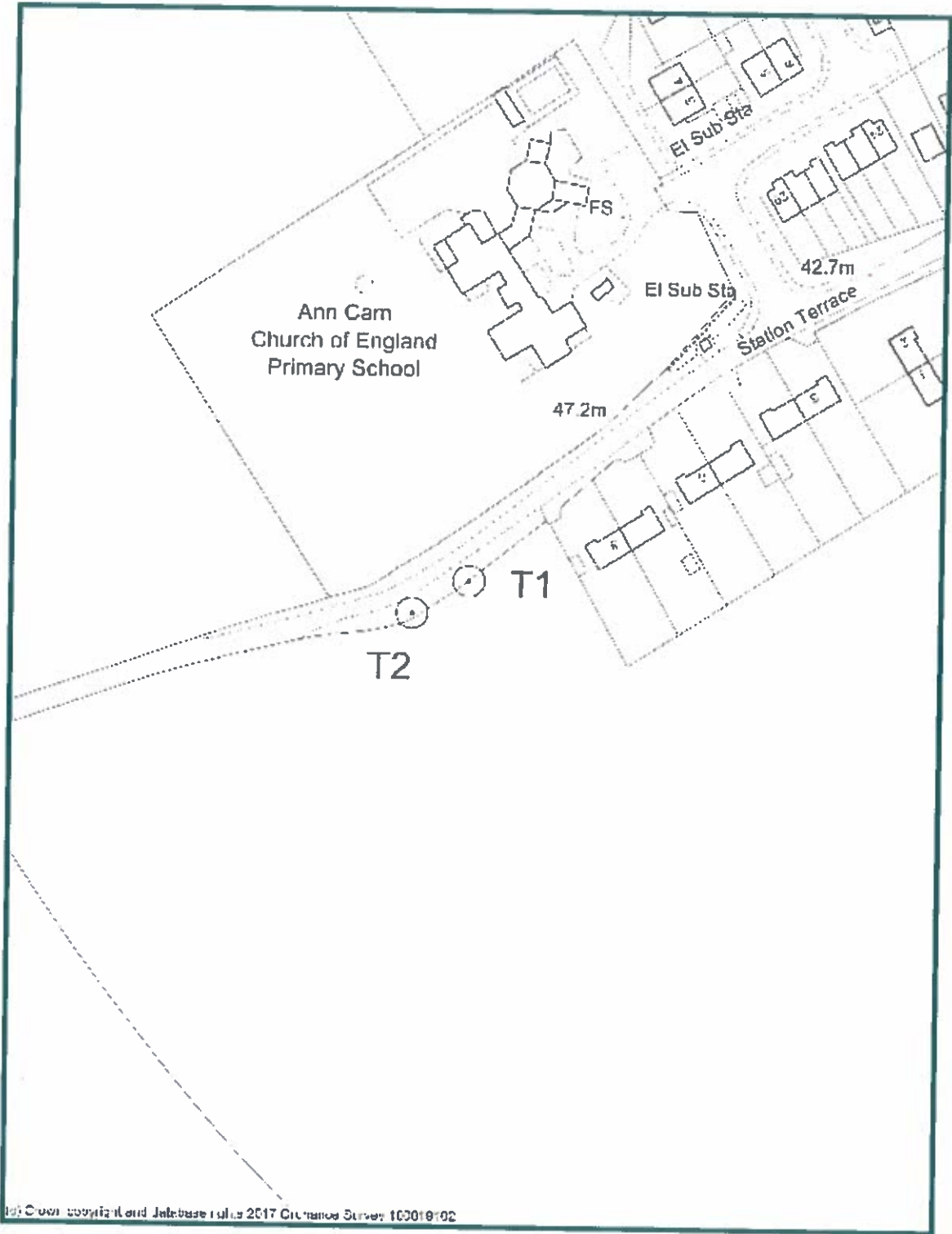
Safeguarding of the trees may be conditioned with a planning permission, providing short term protection, however this detail is not provided with the outline application and in the event of refusal no conditions would safeguard the trees.

Recommendation

That provisional Tree Preservation Order DFTPO228 South of Kempley Road, Dymock is made.

Strategic Group Manager:.....*P. M. Williams*.....

Agreed / ~~Disagree~~*:..... Date: *15 Aug 2017.*.....



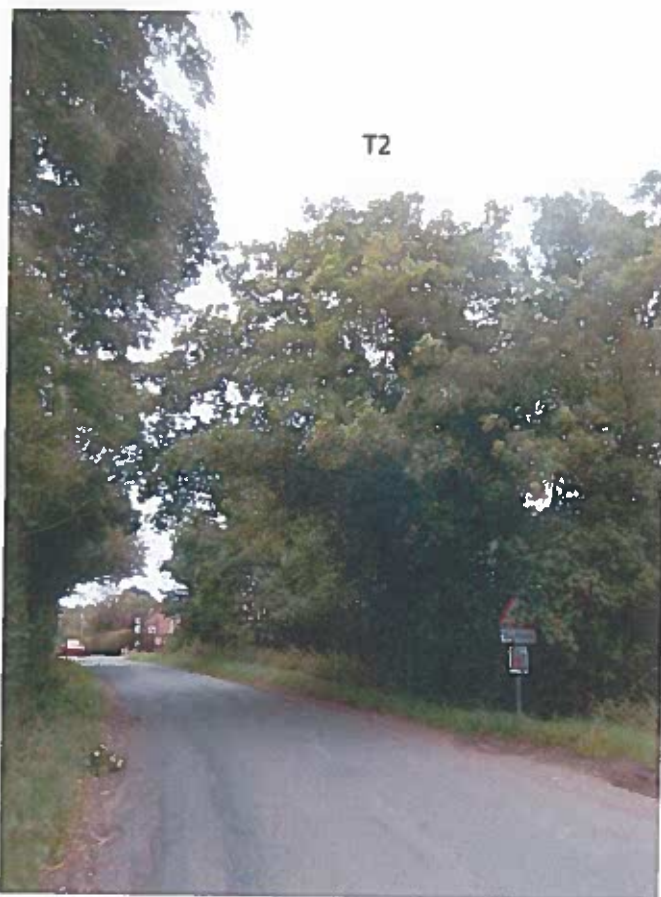
**Tree Preservation Order
DFIPO228
South of Kempley Road, Dymock**

Scale: 1:1250



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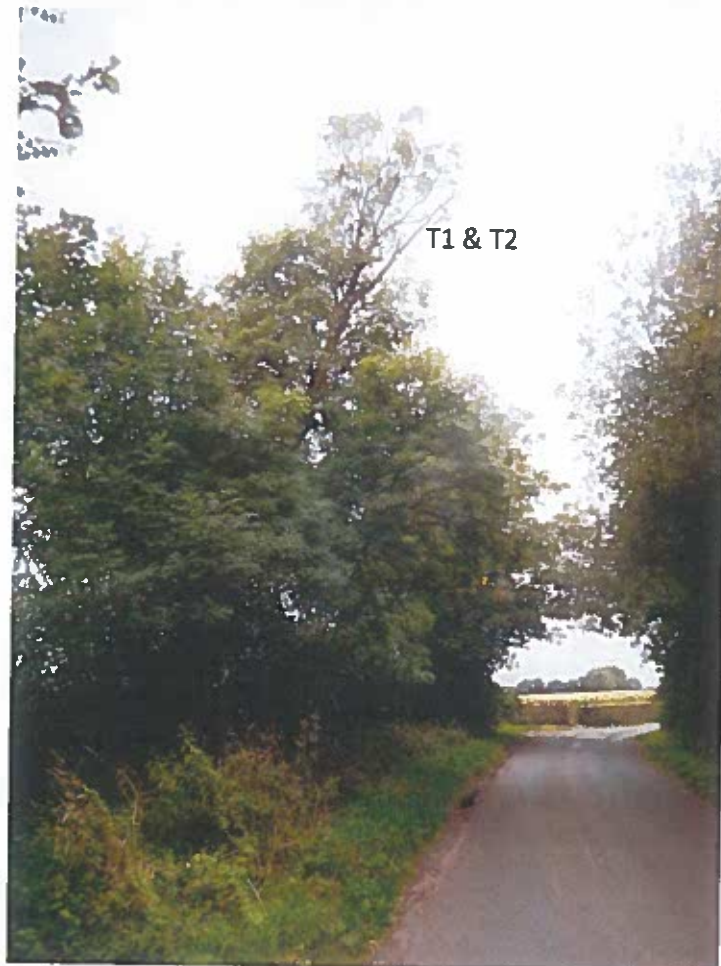
Appendix B – Photographs



T2

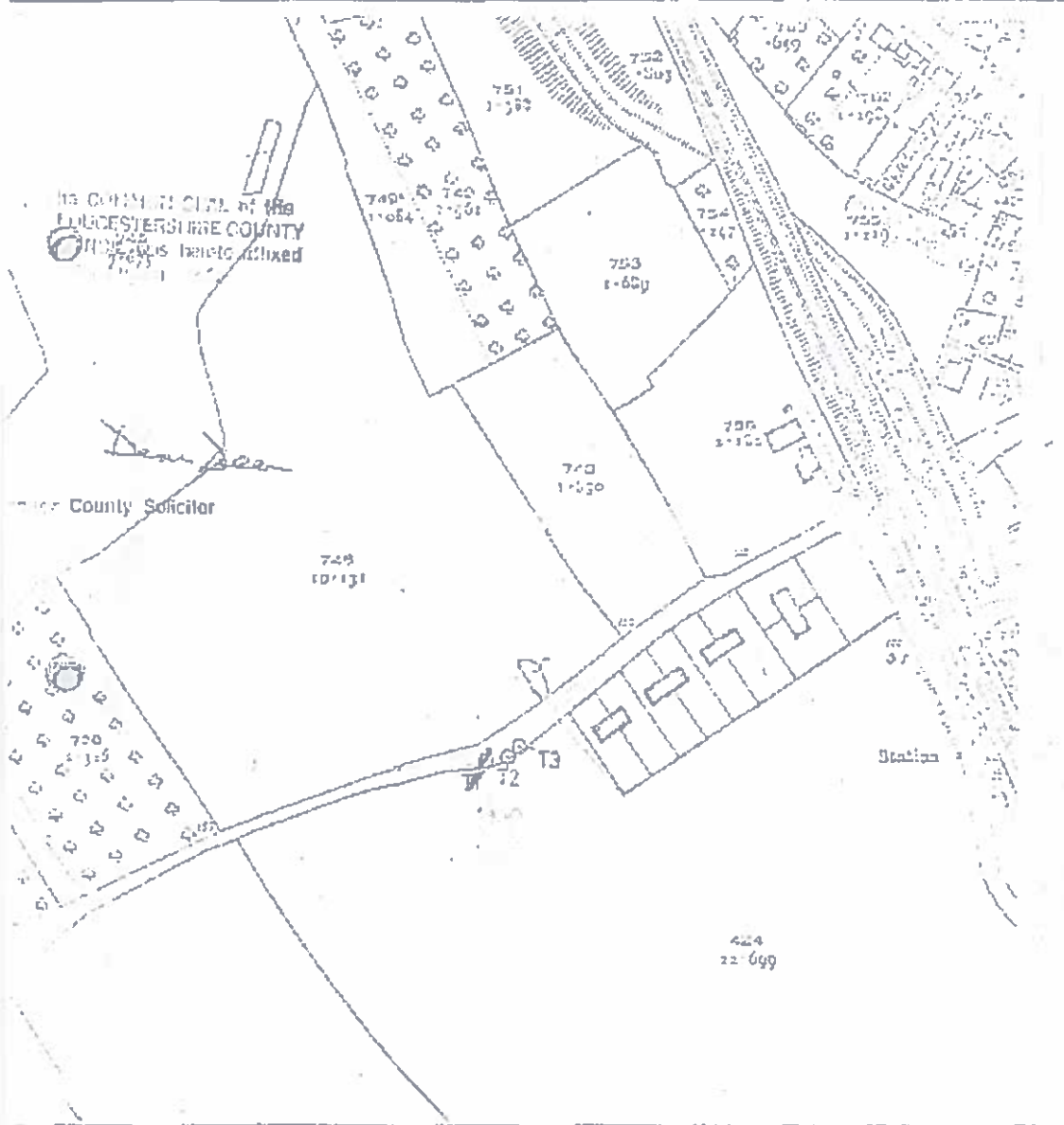


T1 & T2





PLAN REFERRED TO.



E PRESERVATION ORDER 1974
D AT BURNT HOUSE FARM, KEMPSEY ROAD, DYMOCK

SCALE 1:2500