

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO255 – Hill Tor, Brockweir

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 DFTPO255, Hill Tor, Brockweir

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 26 day of May 2020

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

Affixed in the presence of

P. M. Williams



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 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	Oak	SO 354065, 201137

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

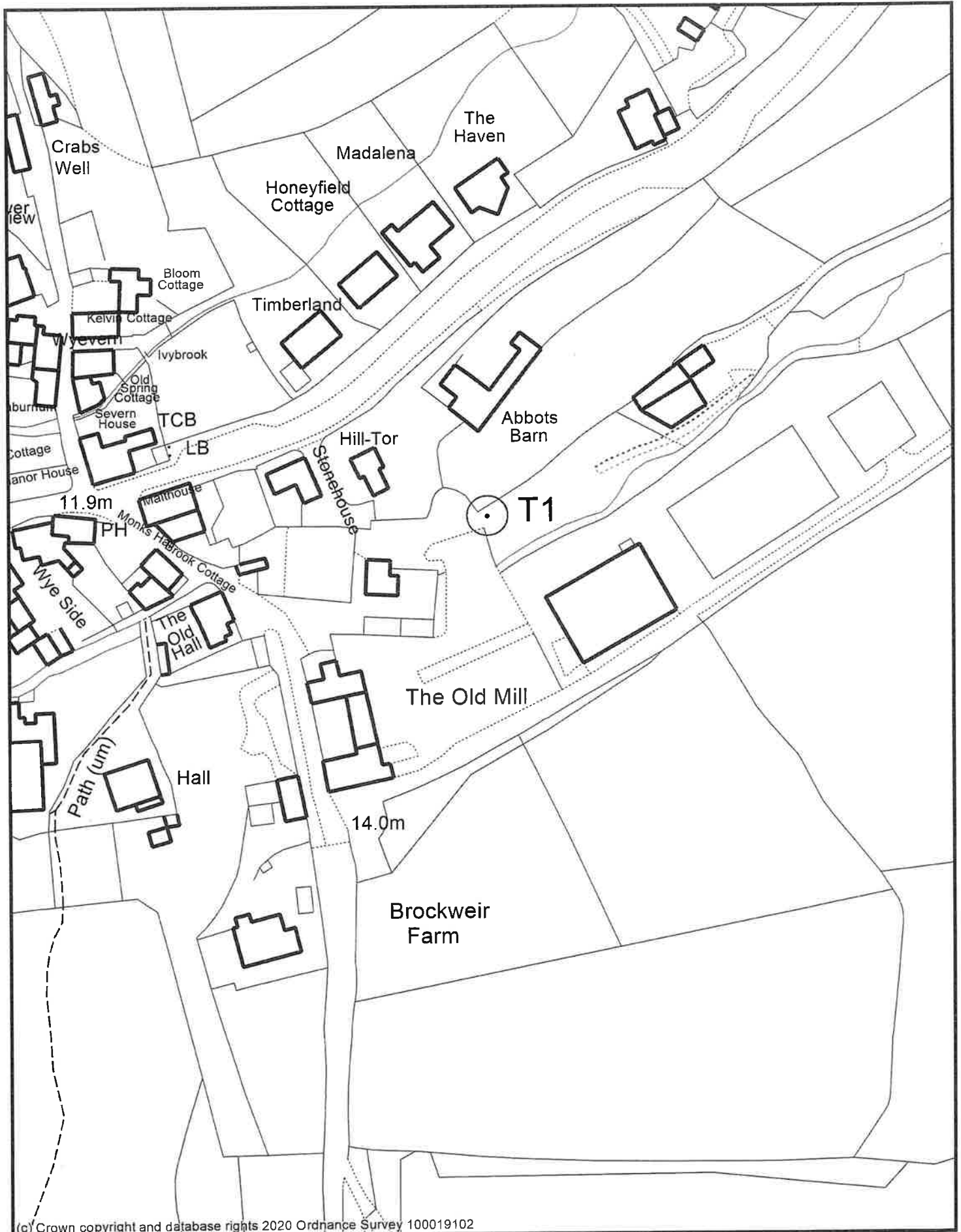
Reference on Map	Description	Situation
Nil	Nil	Nil

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

Reference on map	Description (including number)	Situation
Nil	Nil	Nil

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
Nil	Nil	Nil



IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

The Town and Country Planning Act 1990

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

DFTPO255 – Hill Tor, Brockweir

Notice Under Regulation 5

This is a formal Notice to let you know that on the 26th May 2020 the Forest of Dean District Council (hereafter called 'the Council') made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from carrying out activities such as the cutting down, topping or lopping any of the trees described in Schedule 1 and shown on the map without the Council's consent.

Reasons for Making the Order

The Council has made the Tree Preservation Order for the following reasons:

In the interest of public amenity

Objections


The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you have any objections or other representations which you wish to make with respect to any of the trees, groups of trees or woodlands specified in Schedule 1 of the accompanying Order, then such representations must be received by the Council no later than 23rd June 2020 to the following address:

Forest of Dean District Council
Council Offices
High Street
Coleford
Gloucestershire
GL16 8HG.

Any objections or representations must comply with the requirements of Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which is set out overleaf.

The Council will write to you again further when the decision whether or not to confirm the Order has been made.

Signed.....


Monitoring Officer / Head of Paid Service

REGULATION 6 of the Town and Country Planning (Tree Preservation) Regulations 2012

OBJECTIONS AND REPRESENTATIONS

- (1) Subject to paragraph (2), objections and representations—
- (a) shall be made in writing and—
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and
 - (c) in the case of an objection, shall state the reasons for the objection.
- (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Report for a Tree Preservation Order

DFTPO255 Hill Tor, Brockweir

Introduction

A Tree Preservation Order is recommended for one tree at Hill Tor, Brockweir (see Appendix A – B for TPO plan and photographs). The tree should be referred to as:

T1 – Oak

Neighbouring land has permission for five dwellings with associated landscaping and works.

Desk Based Assessment

A request has been made for a TPO on one oak tree at Hill Tor. This tree overhangs an application site for the erection of five dwellings with associated works which has recently received full permission (P1129/19/FUL). The tree sits on a higher level than the approved housing site, at the top of a bank which slopes down into the site.

The tree and the approved application site are inside Brockweir conservation area and the Wye Valley AONB.

Objections were raised within application P1129/19/FUL and previous applications for the site from the Sustainability Team and members of the public concerning the impacts of the development on the oak tree at Hill Tor. These were regarding the proximity of proposed dwellings and the impacts this would have on the root system of the tree and pressures on the long term management of the tree following occupation.

In response to objection comments the planning layout was revised to position House 3 two metres outside of the canopy in order that the tree did not require pruning to facilitate development and confirmation was submitted that no engineering works would be carried out to the bank on which the tree is located. Whilst this addressed concerns over facilitation pruning and direct root damage it did not address concerns over pressures on the tree's management from perceived potential damage, nuisance and risk following occupation of the approved site.

The application was approved with the revised location of House 3. A condition has been placed requiring an arboricultural method statement in order to avoid any direct impacts on retaining trees from construction.

Site Based Assessment

The oak tree is a large, mature, notable specimen with a good form. It is visible from a number of locations and prominent from the application site of P1129/19/FUL.

Consultation Responses

No consultations have been made for a TPO. A request for a TPO has been made on the oak. This was due to the considerable size and maturity of the tree and its

contribution to Brockweir conservation area. The tree is considered by the requestors to be between 138-181 years of age and is visible from the Offa's Dyke footpath into Brockweir. The requestor is also concerned about the risk of damage to the tree as a result of planning application P1129/19/FUL due to potential damage to roots, pruning of the tree and a perceived requirement for continuous management of the tree following occupation of House 3. The tree is considered by the requestors to contribute significant amenity value to Brockweir conservation area.

Discussion

Visibility: The tree is visible from Offa's Dyke footpath, a public right of way running north toward Brockweir and from the highway leading in and out of the village as well as being prominent from the application site P1129/19/FUL.

Individual Impact: The oak tree is a good example of its species as a large mature specimen.

Wider Impact: The tree contributes to the maturity of the surrounding landscape, Brockweir conservation area and the AONB.

Visible infrastructure constraints: None noted.

Expediency: The requestors of the TPO are the tree owners. Planning application P1129/19/FUL approved new residential development and landscaping on adjacent land however, putting greater pressure on the management of the tree from adjacent properties and owners following occupation. The oak overhangs the site and sits above an approved dwelling.

A TPO will ensure that any proposed management of the tree will first require the permission of the Council. Whilst the tree is already within a conservation area, requiring six weeks' notice to be given (an S211 Notice) in the event work is proposed on the tree, the purpose of which is to consider whether to place a TPO on the tree, any new owner and occupier of the approved development will be notified of the legal protection of the tree via a TPO through land searches and the requirement to seek permission for any management works. Any permission given through a TPO application can also be accompanied with conditions, unlike with an S211 Notice.

A TPO will aid the continuing contribution of the tree to the surrounding landscape and conservation area in the long term following construction and occupation and is therefore considered expedient.

Conclusion of Discussion: The oak tree contributes significantly to Brockweir conservation area and surrounding landscape and is therefore considered to merit protection.

Alternatives to placing a Tree Preservation Order

Do nothing. An S211 Notice must be submitted to the Council if any works are proposed to the tree, due to its location within a conservation area.

Recommendation

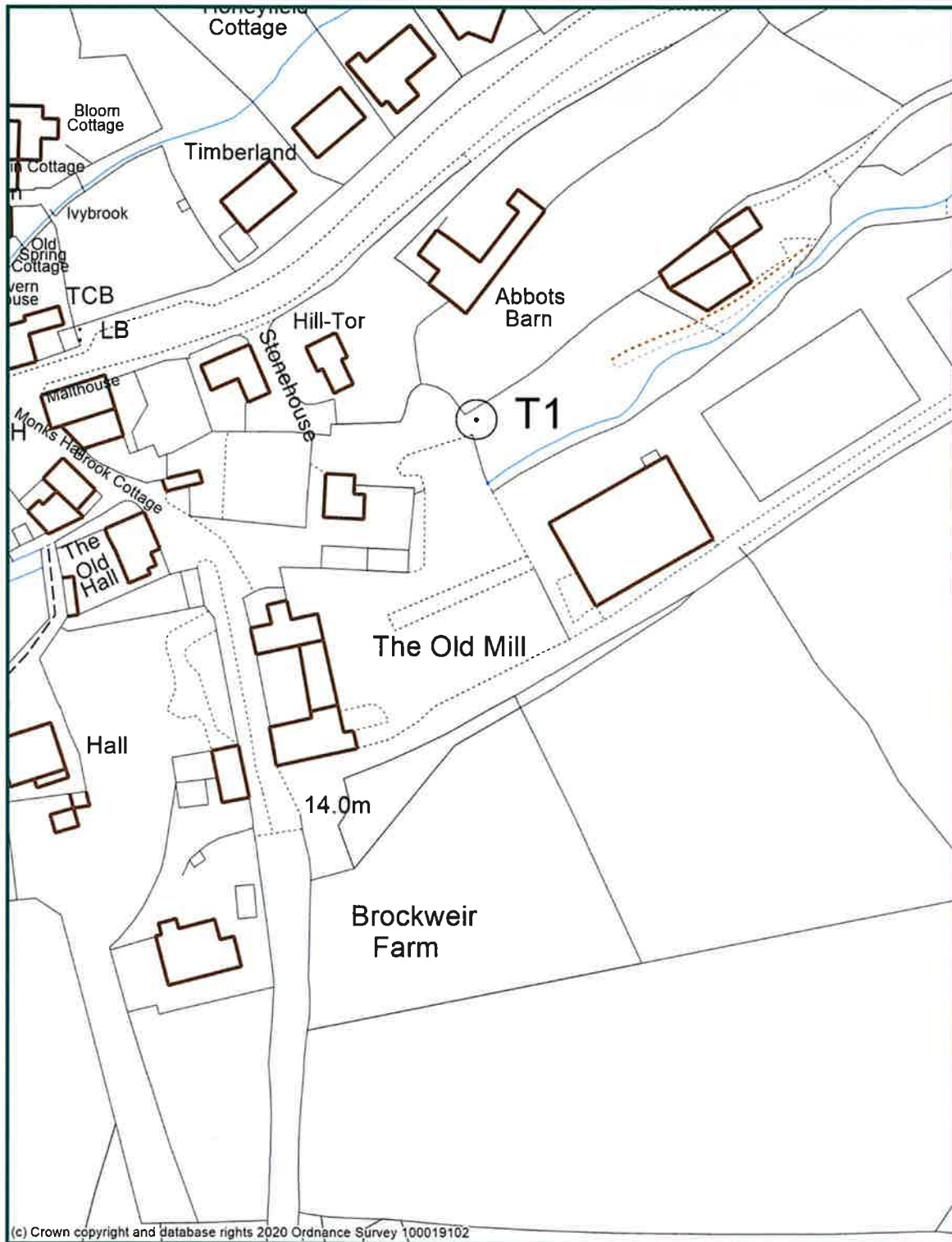
That provisional Tree Preservation Order DFTPO255 Hill Tor, Brockweir be made.

Signed:.....

Printed:...Clive Reynolds

Agreed / Date:.....19th May 2020.....





**Tree Preservation Order
DFTPO255
Hill Tor, Brockweir**

Scale: 1:1000

19 May 2020



Appendix B - Photographs

