

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO244 – Woolaston Common

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 DFTPO244, Woolaston Common

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 11 day of February 2019

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 cursive 'C' followed by a horizontal line and a final flourish.

2139

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 5 day of August 2019

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

F.M. Wainwright

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	Oak	SO587011 (358769, 201159)
T2	Ash	SO587011 (358785, 201141)

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

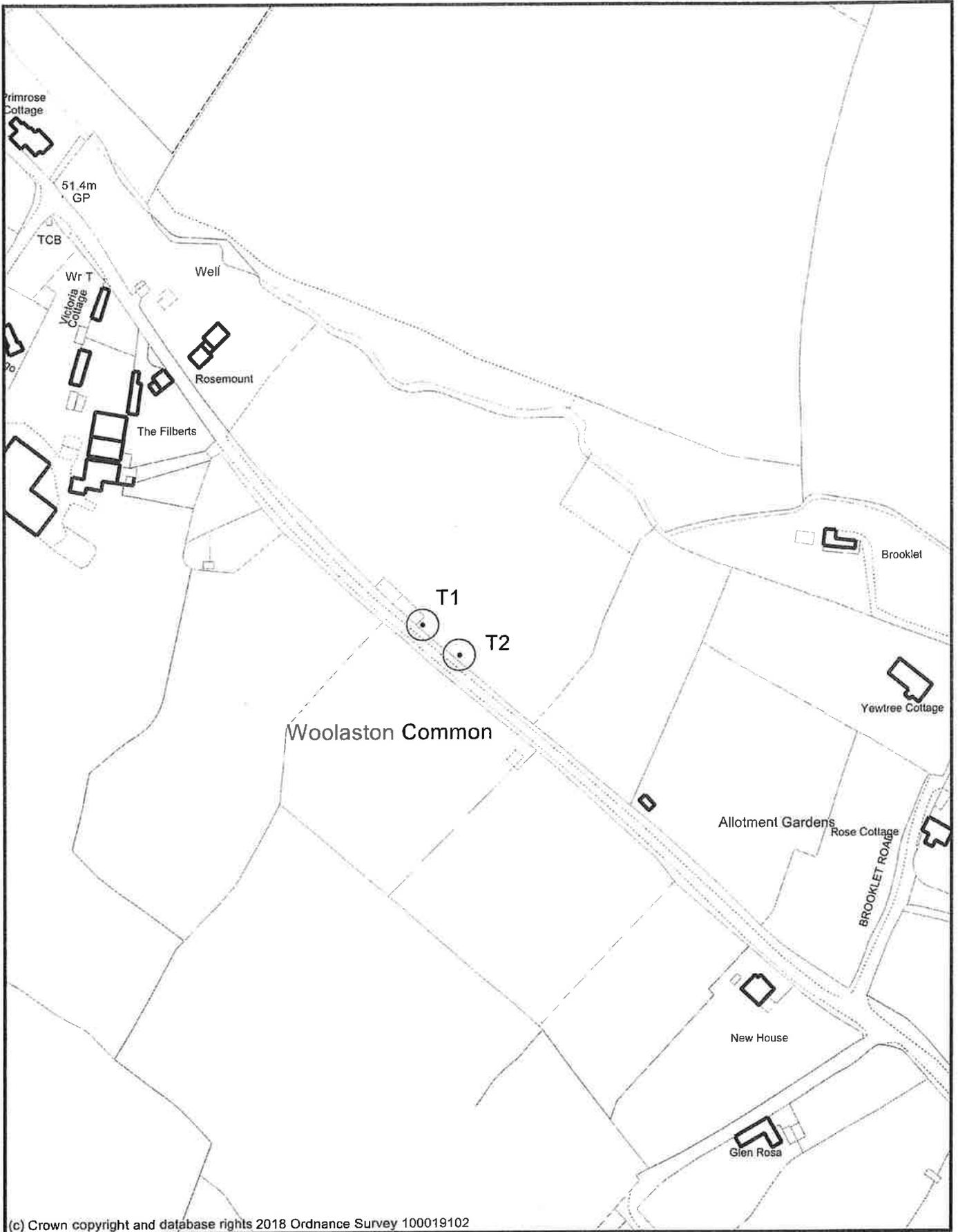
Reference on Map	Description	Situation
Nil		

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

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

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
Nil		



(c) Crown copyright and database rights 2018 Ordnance Survey 100019102



**Tree Preservation Order
DFTPO244
Woolaston Common**

Scale: 1:2000



(c) Crown copyright and database rights 2018 Ordnance Survey 100019102

Report for a Tree Preservation Order

DFTPO244 Woolaston Common

Introduction

A Tree Preservation Order is recommended for 2 individual trees at Woolaston Common (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – Oak

T2 – Ash

A request for a Tree Preservation Order on one Oak tree has been made by Woolaston Parish Council. An adjacent Ash tree is also considered to merit protection.

Desk Based Assessment

The Oak tree is situated adjacent to a lane in open countryside (outside of any settlement boundary) on Woolaston Common and appears part of an isolated group of trees on this stretch of the lane on the boundary of a field.

Site Based Assessment

The Oak tree requested for protection and one adjacent Ash tree are prominent features along the lane through Woolaston Common. On the north side of the trees and indeed on the opposite side of the lane are open fields between sporadic development.

Consultation Responses

A TPO was requested by Woolaston Parish Council. No consultations have taken place.

Discussion

Visibility: Trees T1 and T2 are prominent features when viewed from the adjacent lane.

Individual Impact: The trees are mature. The Parish Council expects the Oak tree to be some 300 years of age. This is a large, impressive tree individually with an impressive, open grown form, particularly when viewed from the northwest. The Ash tree also displays an open grown form with a spreading crown and is situated on the southeast side of the Oak.

Wider Impact: Whilst there are other field and boundary trees and copses in the surrounding area, these trees are particularly prominent to those travelling along the

lane in both directions and help contribute to and accentuate the surrounding landscape character.

Visible infrastructure constraints: T1 and T2 are adjacent to a public highway.

There are provisions within the regulations which would enable works in relation to trees affecting the highway to be undertaken. The Highway Authority (Gloucestershire County Council) could 'oblige' the owners of the trees to cut them back from obstructing the highway. The council's consent is not required for carrying out work on trees and woodlands subject to a tree preservation order if that work is in compliance with any obligation imposed by or under an Act of Parliament. In such situations we would recommend those undertaking the works to notify the District Council 5 days in advance of carrying out the works, wherever possible.

An application for tree works could also be made to the authority at any time for tree management works.

Expediency: A request for a TPO on one Oak tree has been made by Woolaston Parish Council, who have identified this tree as an important landscape feature of their Parish due to its size, age and visual significance, in order to preserve it for future generations. It is considered that in the event the Oak tree is protected, the Ash tree adjacent also merits protection due to its high public amenity value.

A TPO is considered expedient.

Conclusion of Discussion: Two individual trees are considered to be of significant 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 trees. A felling license would be required for the removal of over 5m³ of timber in any calendar quarter.

Recommendation

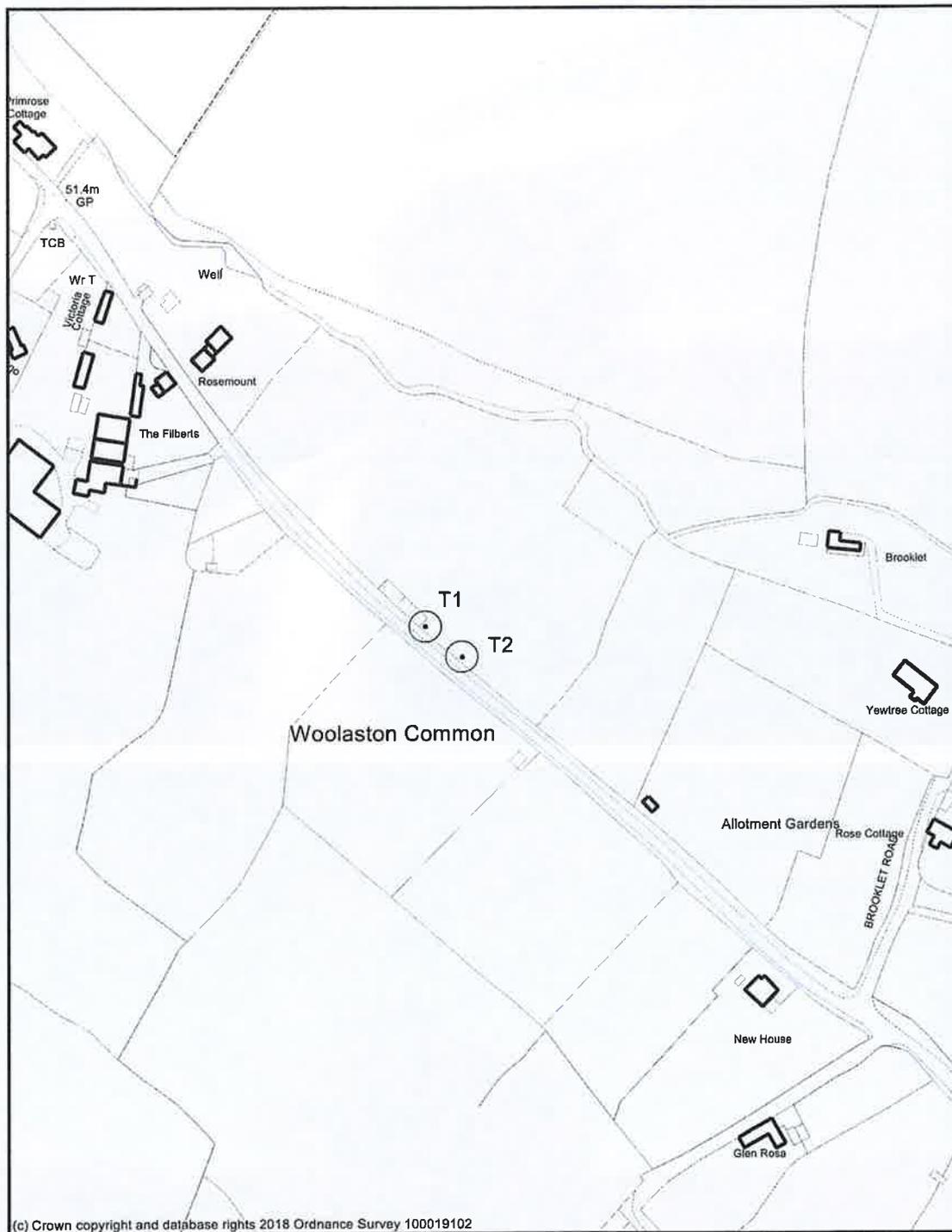
That provisional Tree Preservation Order DFTPO244 Woolaston Common is made.

Signed: *Anthony J Pope*

Printed: **ANTHONY J POPE**

Agreed / ~~Disagreed~~ Date: **5/2/2019**

Appendix A – TPO Plan



**Tree Preservation Order
DFTPO244
Woolaston Common**

Scale: 1:2000



(c) Crown copyright and database rights 2018 Ordnance Survey 100019102

Appendix B – Photographs





