

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO240 – Clearwell Farm, Clearwell.

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 DFTPO240, Clearwell Farm, Clearwell.

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 day 4th July of 2018

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

Affixed in the presence of

P. M. Wainwright



2044

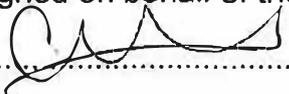
CONFIRMATION OF ORDER

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 to replace W2 with G3, remove G1 and revise species as listed in the schedule to the Order**, on the 9th day of October 2018

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

.....

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(Encircled in black on the map)

Reference on Map	Description	Situation
T1	Ash	SO579084 (North of Entrance)
T2	Ash	SO579084 (South of Entrance)

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
G1	5 Ash, 4 Silver Birch, 1 Hazel, 3 Hawthorn, 1 Field Maple	SO575086
G2	10 Ash, 1 Elm	SO574085
G3	2 Elm, 2 Ash, 1 Hazel, 2 Hawthorn	SO577085

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
W1	Alder, Cherry, Ash, Oak, Beech	SO577086
W2	Cherry, Ash, Hazel, Hawthorn	SO577085
W3	Ash, Cherry, hazel, Oak, Beech, Yew	SO576086
W4	Crab Apple, Silver Birch, Oak, Cherry, Lime, Ash, Willow	SO575085

W5	Silver Birch, Alder, Hazel, Ash, Willow	SO574086
W6	Cherry, Lime, Beech, Ash, Hazel, Elm	SO574084
W7	Hazel, Sycamore, Oak, Ash, Cherry, Lime	SO574087
W8	Alder, Cherry, Willow, Silver Birch, Ash, Elm	SO573085
W9	Ash	SO574086

Report for a Tree Preservation Order

DFTPO240, Clearwell Farm, Clearwell

Introduction

Development has been undertaken at Clearwell farm without the benefit of planning permission. A temporary stop notice was served by the LPA in May 2018 (now expired). The development being undertaken has resulted in the loss of a number of trees. A Tree Preservation Order is recommended for nine woodlands, two group of trees and two individual trees in the interests of safeguarding public amenity.

Desk Based Assessment

One area of woodland is currently covered by a TPO55 (1987), area A1 This area has not been subject to any unauthorised works.

The site is adjacent to the Old Bow and Old Ham mines SAC & SSSI.

A number of woodlands within the site and adjacent to the site are considered Ancient Woodland or Ancient replanted woodland.

There are footpaths to the north and west of the site

Planning permission for Poultry Units (P1140/17/FUL) was refused in November 2017.

Site Based Assessment

The site contains a grain mill and poultry farm. The farm is located in an elevated position with land falling away to the east, south and west.

There are a range of trees on the site covering all ages from veteran trees and ancient woodland to planted woodland and some natural regeneration.

Consultation Responses

No consultations has been undertaken prior to making a provisional order.

Discussion

Visibility: Trees and woodlands identified are visible from Lambsquay road and footpaths to the north and west as well as in the wider landscape context

Individual Impact: Whilst there a no specific individual trees of notable form or species, woodland areas contribute significantly to the character of the area.

Wider Impact: The trees and woodland play a key role in landscaping / screening the existing permitted development which is in a high quality landscape area.

Visible infrastructure constraints: Access road for HGV's no other observations

Expediency: A substantial number of young trees have been removed as part of unauthorised development. The serving of a temporary stop notice has not resulted in works coming to halt on site.

A TPO is considered expedient.

Conclusion of Discussion: A Tree Preservation Order is recommended for nine woodlands, two group of trees and two individual trees in the interests of safeguarding public amenity. It is recommended that the area of woodland covered by the existing TPO is expanded and included in the new TPO. If the new TPO is confirmed the older TPO should be deleted.

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 most of the trees. A felling license would be required for the removal of larger quantities of timber.

In the event of submission and consent of a planning application on the site, conditions may be imposed to safe guard the trees during construction and include them within a landscaping scheme. These may ensure short term protection of trees within the application site only, upon implementation of permission.

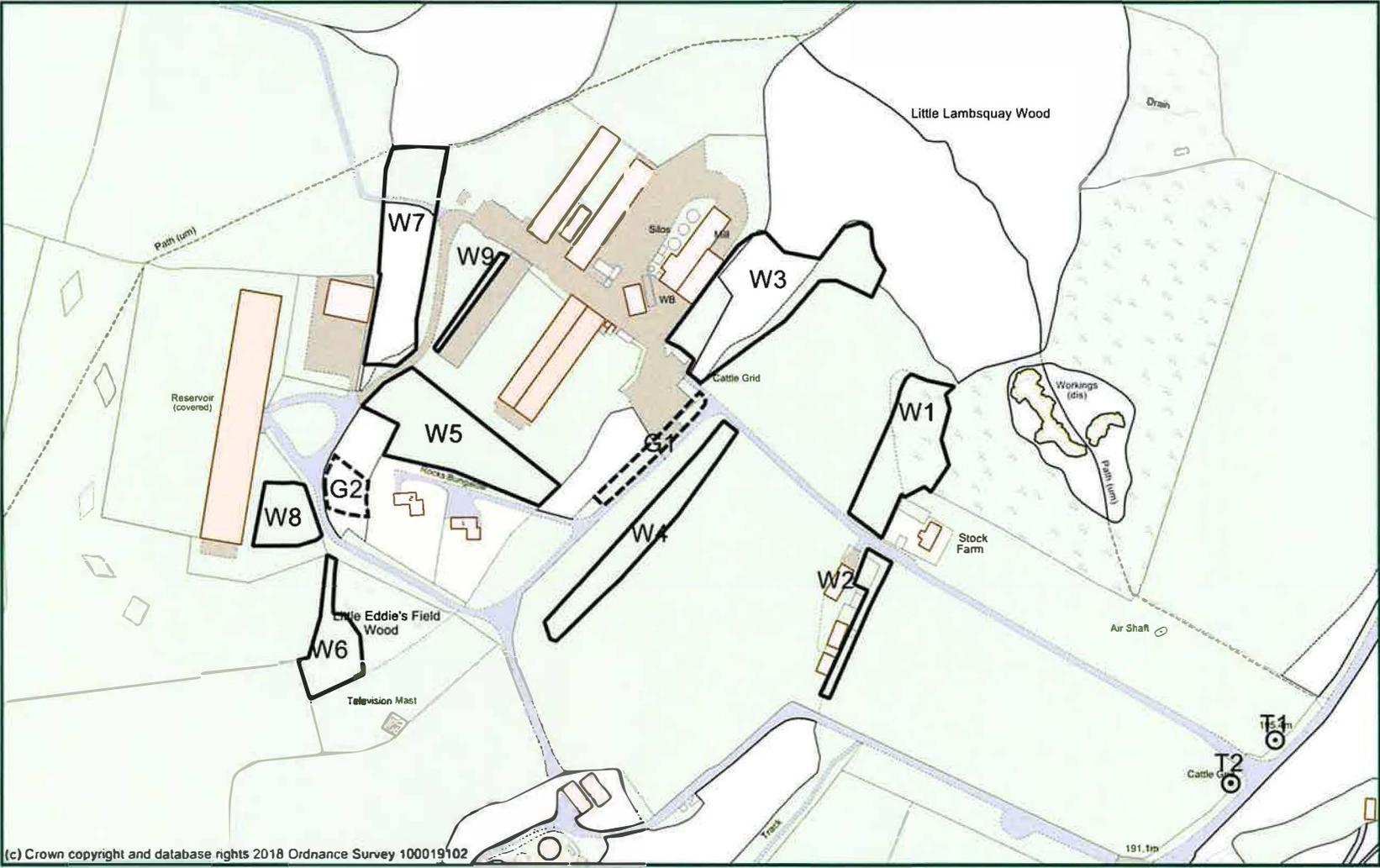
Recommendation

That provisional Tree Preservation Order DFTPO240 Clearwell Farm, Clearwell is made.

Signed: .....

Printed: CLIVE REYNOLDS.....

Agreed / ~~Disagree~~*: Date: 4 July 2018



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DFTPO240 Clearwell Farm, Clearwell.

Scale: 1:2500

03 July 2018



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Appendix B – Photographs



G1



G1



Development and W5 to the left of the picture



Development and W5 to the right of the picture



W9



W9



W2



W4 to the left, G1 to the right