

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO198 Land off Old Station Road, Newent

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 DFTPO198, Land off Old Station Road, Newent

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.

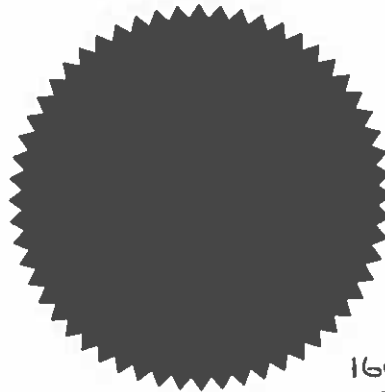
3. Application to trees to be planted pursuant to a condition

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 7 March 2014

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 several loops and a long horizontal stroke.

1647


7.3.14

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 0th day of June 2014

OR

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL, subject to the modifications indicated by , on the day 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



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**Tree Preservation Order
DFTPO198
Land Off Old Station Road, Newent**

Scale: 1:2500

06 March 2014



**SCHEDULE 1
SPECIFICATION OF TREES**

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

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

Reference on Map	Description	Situation
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A1	Area including Oak, Crack Willow, Sycamore, Norway Maple and Alder	SO718263 (X371880, Y226373)
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**Groups of trees
(within a broken line on the map)**

Reference on map	Description (including number of trees in the group)	Situation
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**Woodlands
(within a continuous black line on the map)**

Reference on map	Description	Situation
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Report for a Tree Preservation Order

DFTPO198 Old Station Road

Introduction

A Tree Preservation Order is recommended for one area of trees along the dismantled railway at Newent (see Appendix A for TPO plan) to protect Sycamore, Alder, Crack Willow and Oak.

The recommendation is in response to a review of area A1 of DFTPO4. It is proposed that the new Order be made to replace A1 of TPO4 in order to amend the species protected. A1 of TPO4 currently protects Sycamore, Hawthorn, Alder and Crack Willow. Within this area are some mature Oak trees which are not protected by the Order.

The new Order will look to include Oak and exclude Hawthorn. It is considered that Hawthorn trees in A1 have a very limited value here. It was originally considered that this could be done via a variation of TPO4 (previous vetting report accepted), however, in order to ensure the protection of both Hawthorn and Oak trees throughout the objection period, it is considered that a new Order is required to replace area A1 of TPO4, followed by a Variation of TPO4 to remove area A1 and group G3 (trees in G3 no longer present).

TPO4 was made in 1977 and it is considered that the Oak trees would have been present at this time. There are a number of mature Oak trees within this area that make a contribution to amenity. Oak trees are not currently protected by the Order.

Desk Based Assessment

This land runs alongside the dismantled railway off Old Station Road in Newent and is owned by Gloucestershire County Council. It is part of the historic route of the Hereford and Gloucester Canal.

Tree removal is a present threat in this area due to the proposed restoration of the Hereford and Gloucester Canal. The Hereford and Gloucester Canal Trust recently submitted an application for tree works in area A1 of TPO4. The applicant detailed in the application that they intended to remove many trees, including Oak. The original description of works for this application was amended to the following: Removal of Hawthorn trees from the western most 75m of area A1 of TPO4. This application was refused due to the lack of justification for immediate tree works and to the requirement of planning permission for the canal restoration works.

Site Based Assessment

Oak trees within this area are marked to be felled as part of the preparation for the reinstatement of the canal (see Appendix B – photographs). The Oak trees can be viewed from public highways such as Horsefair Lane and the lane between St Marys Church, Oxenhall and the A4215, north of area A1. The Oaks provide public amenity

value and should be safe guarded whilst the Canal Trust create a more detailed plan for the area. It is considered that these Oak trees would have been present at the time the TPO was made and it is not known why they were not included in the Order.

Consultation Responses

No consultation has taken place, however a member of the Canal Trust identified that the Oak trees were not protected.

Discussion

Visibility: The trees identified and recommended for protection are visible from public highways in the surrounding area and from properties along Old Station Road.

Individual Impact: This is an area of mature trees, many of these already protected by DFTPO4. Oak trees contribute significantly to this area of trees.

Wider Impact: This area of trees is adjacent to an area where adjacent land use is largely industrial, helping to soften the immediate landscape and can be viewed from public highways.

Expediency: The Canal Trust is currently working to restore the Hereford and Gloucester Canal. Part of this restoration has involved the clearing of some trees and vegetation. A TPO application was submitted of which identified that Oak trees were to be removed.

A TPO is therefore considered expedient.

Conclusion of Discussion:

Alternatives to placing a Tree Preservation Order

Do nothing. The trees are not located within a Conservation Area and so works could be carried out on Oak trees in this area without the Council's permission and could be felled, subject to the works being under the limit for which a felling license is required.

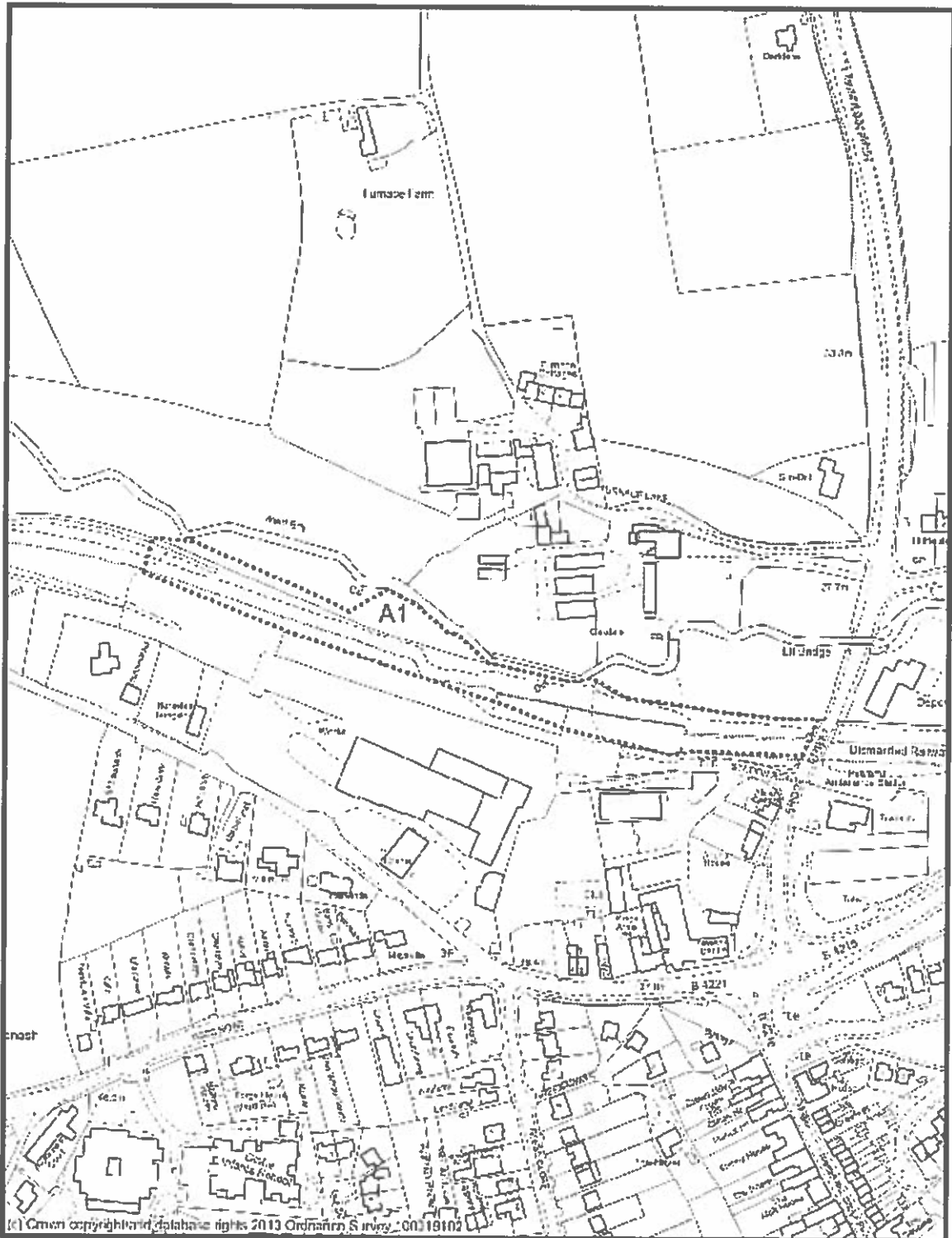
Recommendation

That Tree Preservation Order DFTPO198 Old Station Road be made.

Planning and Housing Group Manager:..... *E. J. Nogueira Principal Planning Officer*

Agreed ~~/Disagree~~:..... Date:..... *25/2/14*.....

Appendix A – TPO Plan



**Tree Preservation Order
DFTPO198
Old Station Road**

Scale: 1:2500

25 February 2014

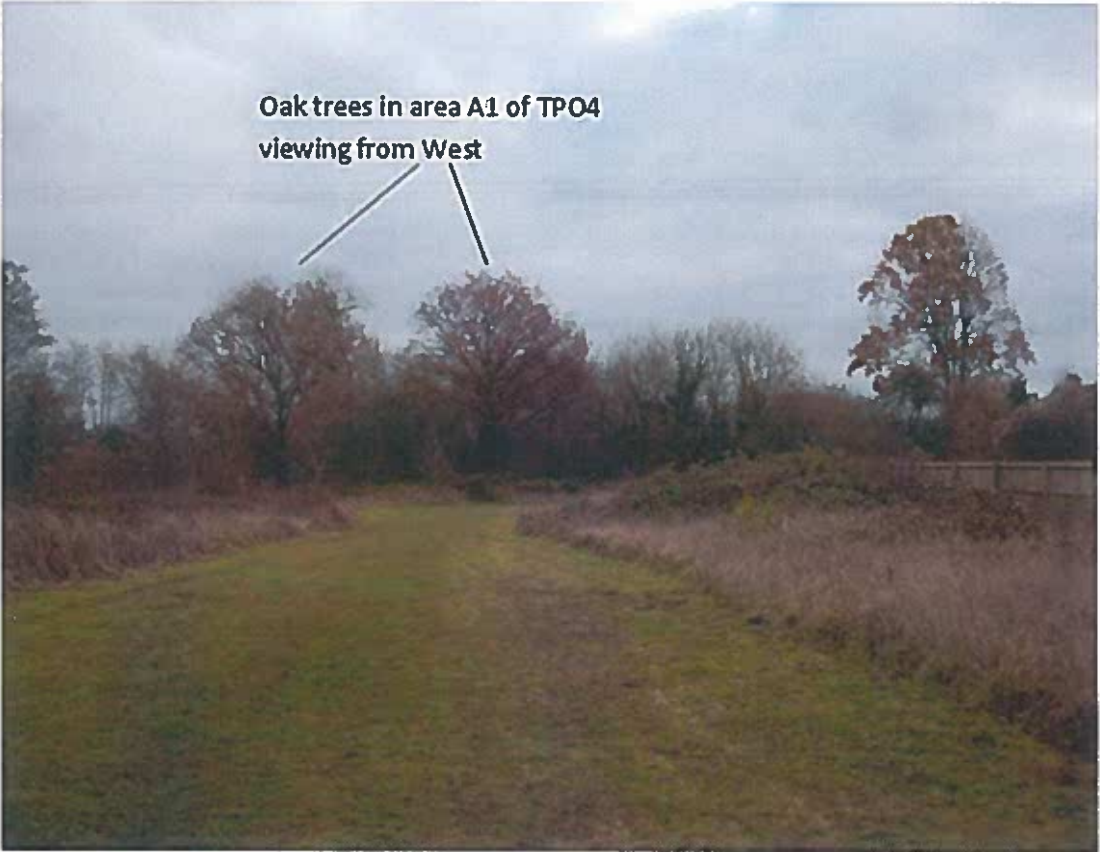


Appendix B – Photographs



Oak marked to be felled

String shows potential height of canal embankment after restoration



Oak trees viewed from south of A1
TPO4, just off Old Station Road
looking west

