

# TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO246 – Land At The Croft, Lydney

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 DFTPO246, Land At The Croft, Lydney

## 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 5 day of April 2019

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

Affixed in the presence of

A handwritten signature in blue ink, consisting of stylized, cursive letters that appear to be 'CA' followed by a flourish.

2148

**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 23 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

*P.M. Williams*

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
Nil		

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

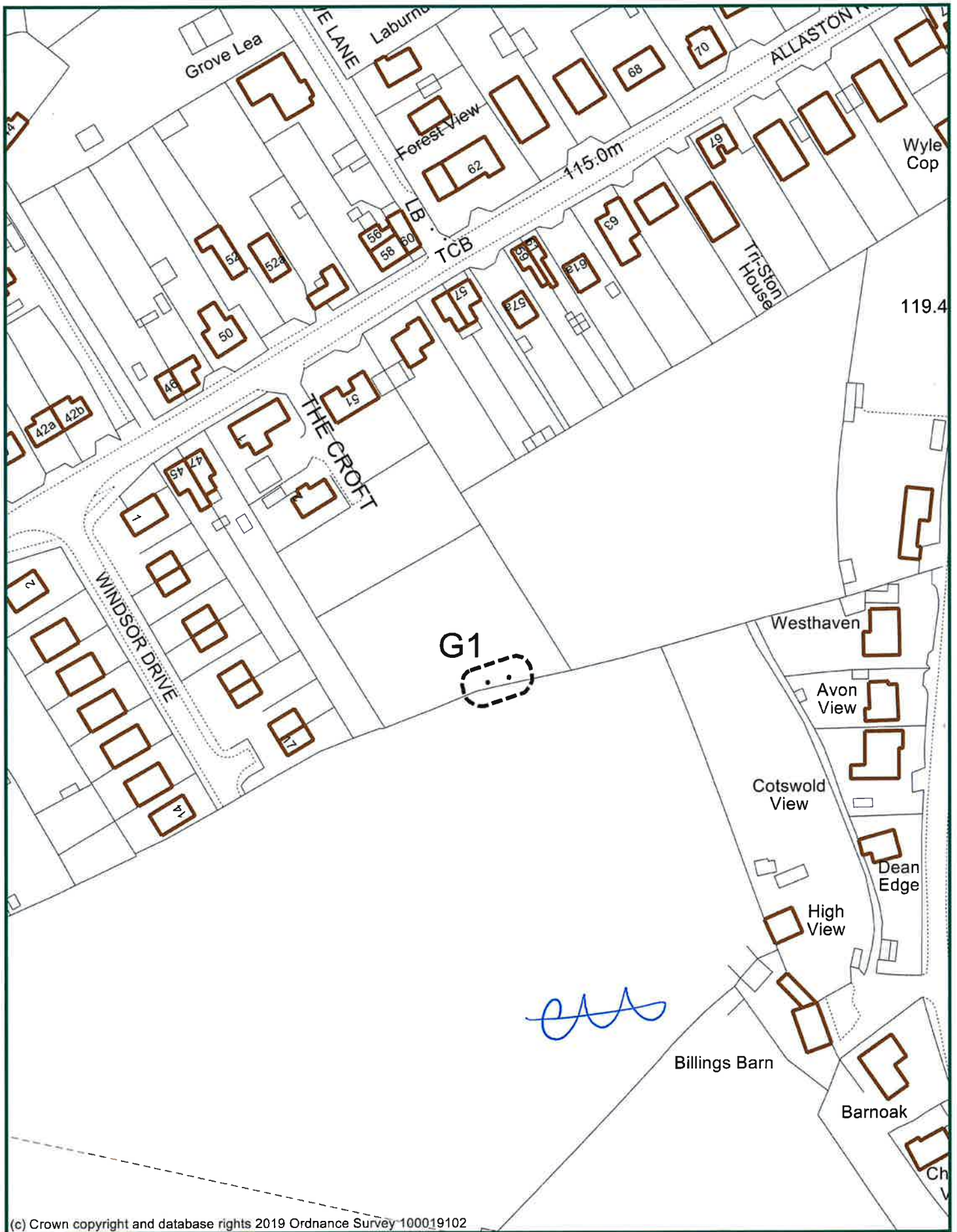
Reference on Map	Description	Situation
Nil		

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

Reference on map	Description	Situation
G1	2 Oak	SO639047

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
Nil		



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**Tree Preservation Order  
DFTPO246  
Land At The Croft, Lydney**

Scale: 1:1250



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# **Report for a Tree Preservation Order**

## **DFTPO246 Land at The Croft, Lydney**

### **Introduction**

A Tree Preservation Order is recommended for a group of two trees on Land at The Croft, Lydney (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

G1- 2 Oak

Application P1655/18/OUT is an outline application for four dwellings with ancillary works involving the use of the existing access. The application site contained traditional orchard however clearance works have been undertaken on the site. A small number of fruit trees and two boundary Oaks remain.

### **Desk Based Assessment**

It would seem that the development could be facilitated with the retention of remaining trees. No information in relation to the safe guarding of retaining trees during construction has been submitted to date however.

The Oak trees are on the southern boundary of the site which borders part of a development site for 200 dwellings (phase F). This is the last phase of the development. Currently detailed planning of the first phase is underway.

There is a public right of way to the east of the application site (P1655/18/OUT).

### **Site Based Assessment**

The site was visited by the Site Inspections Panel in relation to application P1655/18/OUT who were concerned about impacts on the boundary trees and hedgerows.

### **Consultation Responses**

No consultation has been undertaken for the proposed provisional TPO.

### **Discussion**

**Visibility:** The two Oak trees are currently visible from The Croft, Allaston Road and from a public right of way to the east.

**Individual Impact:** These are large mature boundary Oak trees.

**Wider Impact:** Mature field and boundary trees are characteristic of the surrounding area.

**Visible infrastructure constraints:** The trees may be within falling distance of power lines.

There are provisions within the regulations which would enable works in relation to trees affecting power lines to be undertaken, to include certain work carried out by, or at the request of statutory undertakers. Exemptions apply where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary in the interests of the safe operation of the undertaking, in connection with the inspection, repair, renewal of cables or other apparatus or to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995.

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

**Expediency:** It appears that since the ecology report for application P1655/18/OUT was written, a large amount of the traditional orchard site has been cleared. Currently insufficient information has been submitted relating to the safe guarding of retaining trees on site during construction and there is no condition currently recommended for the submission of this information. The application is to be considered by the Planning Committee on 9<sup>th</sup> April.

A TPO is considered expedient.


**Conclusion of Discussion:** Two mature boundary trees are considered to be under threat 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 save that in the event application P1655/18/OUT is granted consent landscaping conditions can ensure the retention of trees in the short term.

**Recommendation**

That provisional Tree Preservation Order DFTPO246 Land at The Croft, Lydney is made.

Signed:  .....

Printed: CLIVEREYNOLDS .....

Agreed / ~~Disagree~~\*: ..... Date: 5 April 2019 .....

Appendix A – TPO Plan



**Tree Preservation Order  
DFTPO246  
Land At The Croft**

Scale: 1:1250





Appendix B – Photographs

