

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO238 –Bradfords Lane, 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 DFTPO238, Bradfords Lane, 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.

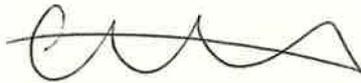
3. Application to trees to be planted pursuant to a condition

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 02 day of May 2018

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 final upward stroke.

2084

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 14 day of August 2018

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. 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	Horse Chestnut	SO (371546, 226042)
T2	Horse Chestnut	SO (371551, 226030)

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

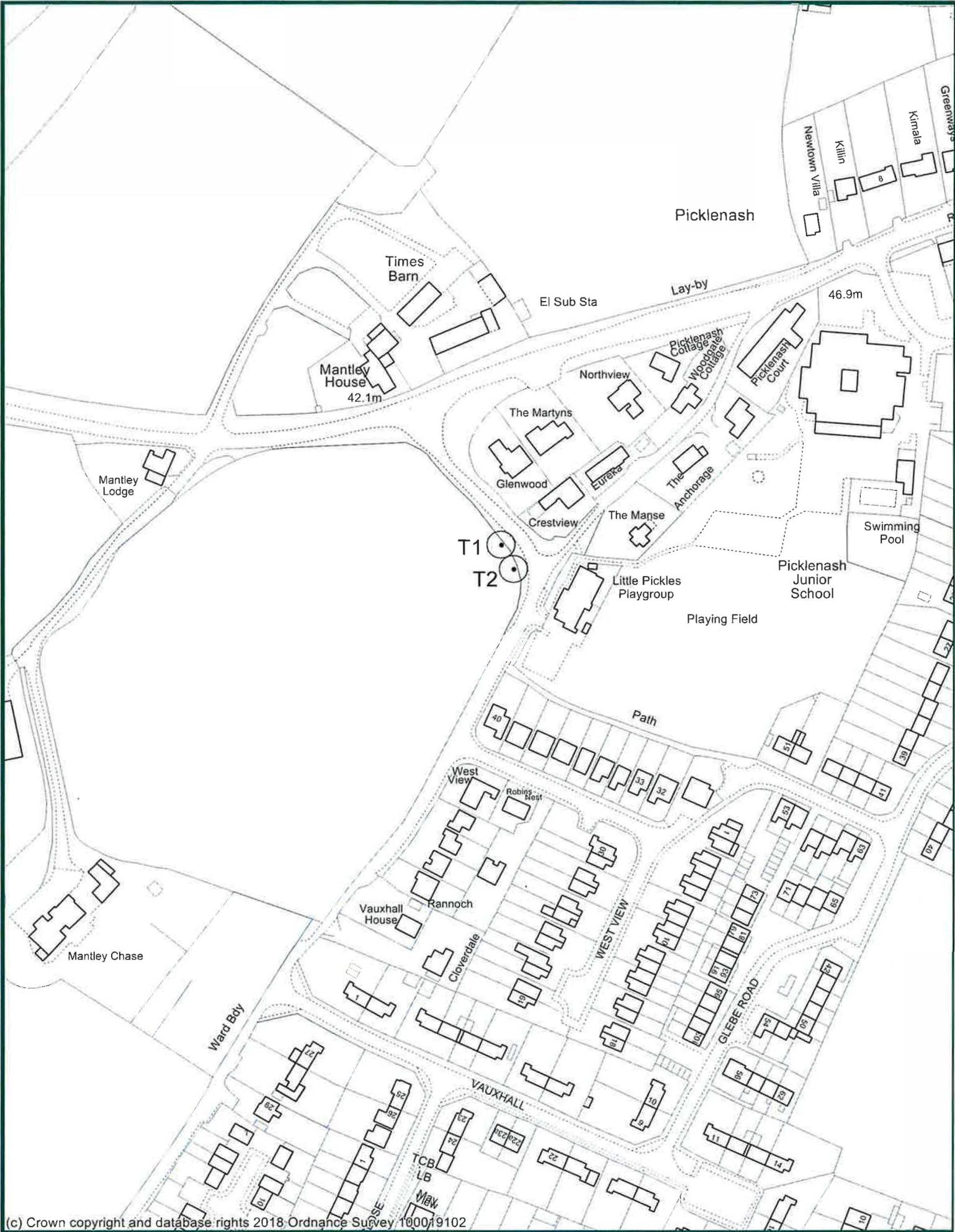
Reference on Map	Description	Situation
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Groups of trees
(within a broken line on the map)

Reference on map	Description	Situation
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Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
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**Tree Preservation Order
DFTPO238
Bradfords Lane, Newent**

Scale: 1:2000



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Report for a Tree Preservation Order

DFTPO238 Bradfords Lane

Introduction

A Tree Preservation Order is recommended for two individual trees on Bradfords Lane (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1- Horse Chestnut
T2 – Horse Chestnut

Application P1564/17/OUT is currently pending consideration. The application seeks permission for up to 50 dwellings, new planting and landscaping, informal open spaces, car parking, vehicular access point from Bradfords Lane and associated ancillary works. All matters are reserved with the exception of the main vehicular site access.

Provisional Order DFTPO234 covers four groups of trees and one woodland, which includes distinctive mature Horse Chestnut trees on boundaries of the above application site. Since making this Order, consideration has been given to the protection of younger trees close to these features, in order to help ensure the longevity of tree features along Bradfords Lane.

Desk Based Assessment

Tree Preservation Order DFTPO234 includes a line of Horse Chestnut trees along Bradfords Lane which act to form a distinctive feature of the lane. There are also additional mature Horse Chestnut trees further north on the lane which have been included in the Order. These are all mature trees and therefore the longevity of the feature may be limited in some respects due to the varied condition of the constituent trees.

DFTPO234 is currently provisional and the recommendation is that the Order be confirmed subject to modifications, one of which excludes one Horse Chestnut of poor quality from the Order. In confirming a TPO, the authority cannot add new trees to the Order.

Site Based Assessment

Whilst the TPO will ensure that any protected trees which must be removed will be replaced, two existing young Horse Chestnut trees have been identified in close proximity to the feature line which mix the age structure of Horse Chestnut trees on the lane and are located as such that they could enhance the feature as they mature.

These young trees (T8 and part of G2 in the Arboricultural Impact Assessment submitted with P1564/17/OUT) are situated just north of G2 of DFTPO234. T1 stands close to a Hawthorn tree and currently there is dense bramble around the trees.

Consultation Responses

No consultations have been made regarding the making of a TPO in this location.

Discussion

Visibility: The trees are visible from Bradfords Lane.

Individual Impact: Both trees are young and appear as though they have been planted, as they sit in protective fencing. They are located within a gap between field boundary trees.

Wider Impact: The trees will contribute as they mature to a distinctive line of trees on Bradfords Lane, helping to increase the longevity of the feature.

Expediency: Application P1564/17/OUT seeks permission for up to 50 dwellings on land at Bradfords Lane. The proposed access, which is not a reserved matter, requires the removal of trees. TPO234 is currently provisional and covers nearby trees.

A TPO is considered expedient.

Conclusion of Discussion: Two individual trees considered to be of high potential amenity value are recommended for protection. In confirming a TPO, the authority cannot add new trees to the Order, therefore a new TPO is recommended to protect the two individual trees identified above.

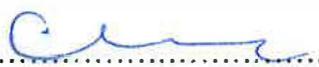
Alternatives to placing a Tree Preservation Order

Do nothing. The Council's permission will not be required prior to works to or removal of the trees.

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

Recommendation

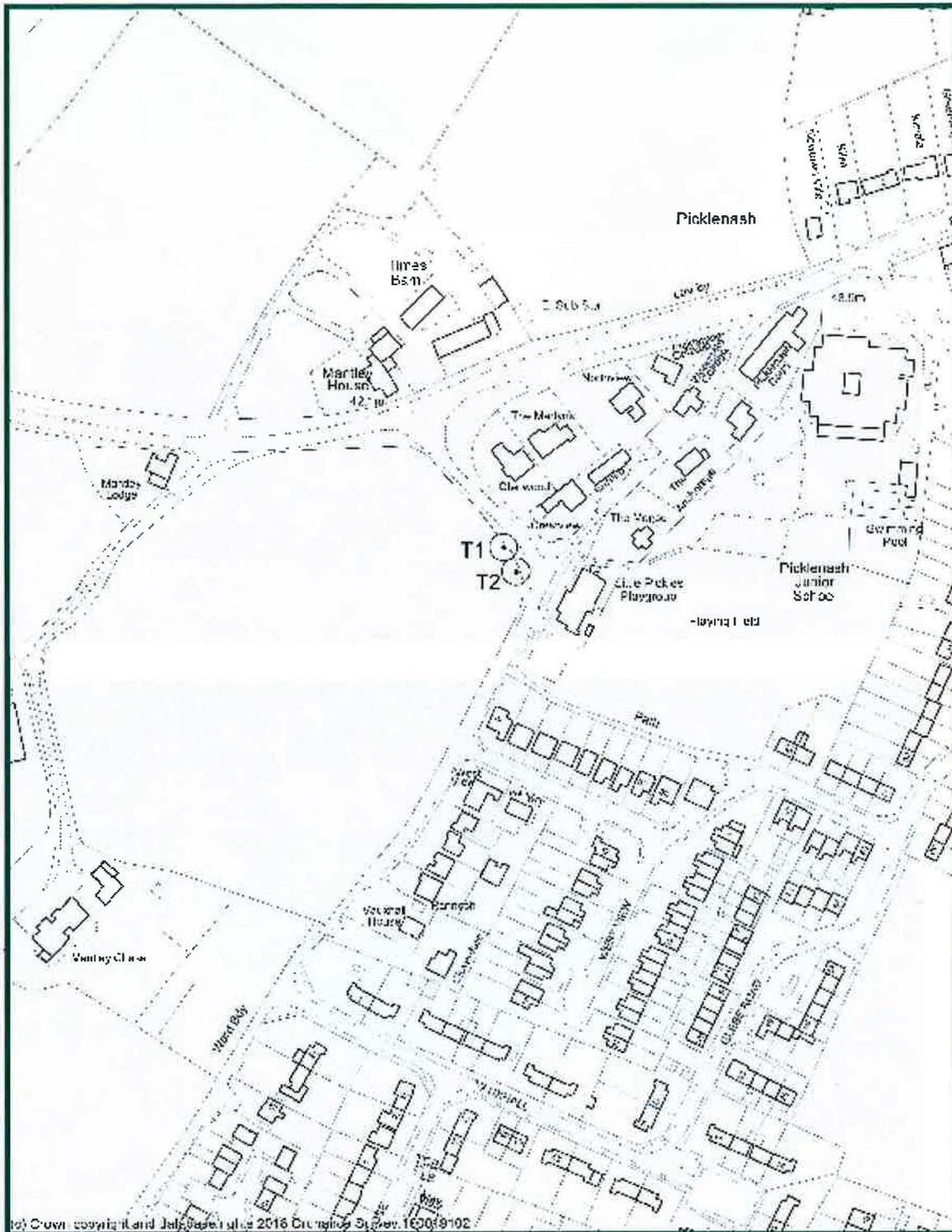
That provisional Tree Preservation Order DFTPO238 Bradfords Lane is made.

Signed:.....

Printed:.....CLIVE REYNOLDS

Agreed / Disagree*..... Date: 27/4/16

Appendix A – TPO Plan



**Tree Preservation Order
DFTPO238
Bradfords Lane, Newent**

Scale: 1:2000



Appendix B – Photographs





