

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO243 – Land North of Carisbrook Road and West of Bradley Court Road, Mitcheldean

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 DFTPO243, Land North of Carisbrook Road and West of Bradley Court Road, Mitcheldean

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.

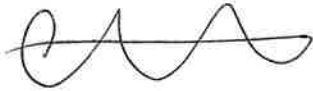
3. Application to trees to be planted pursuant to a condition

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 series of loops and a horizontal line.

2138

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

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
T1	Oak	SO665194 (366353, 219469)
T2	Oak	SO664194 (366461, 219503)
T3	Ash	SO664194 (366525, 219507)
T4	Oak	SO664194 (366564, 219534)
T5	Oak	SO664195 (366554, 219561)

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

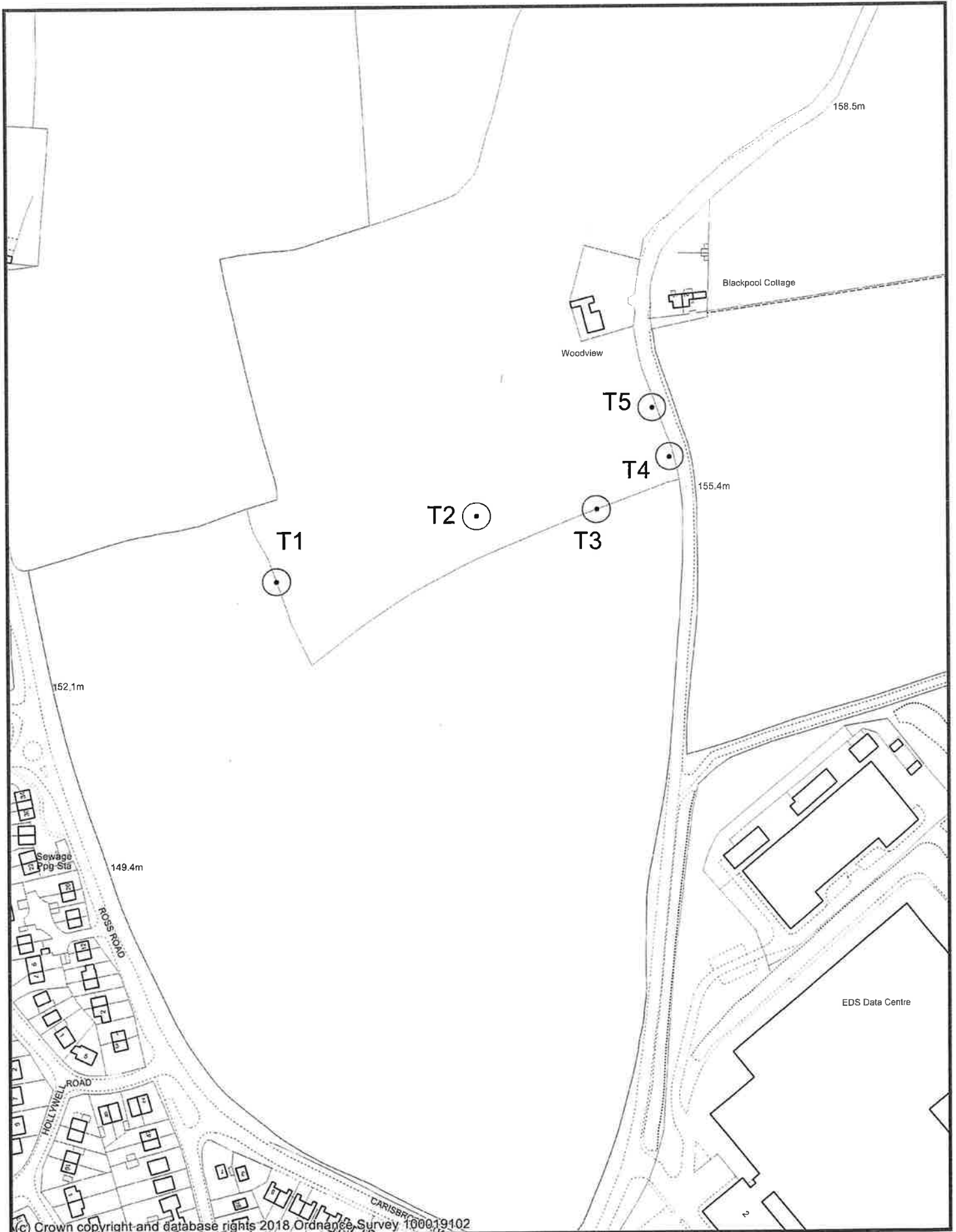
Reference on Map	Description	Situation
Nil		

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)

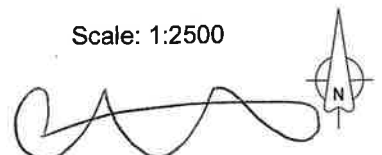
Reference on map	Description	Situation
Nil		



Tree Preservation Order
DFTPO243
Land North of Carisbrook Road and West of
Bradley Court Road, Mitcheldean

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Scale: 1:2500



Report for a Tree Preservation Order

DFTPO243 Land North of Carisbrook Road and West of Bradley Court Road, Mitcheldean

Introduction

A Tree Preservation Order is recommended for 5 individual trees on land between Bradley Court Road and Carisbrook Road, Mitcheldean (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – Oak
T2 – Oak
T3 – Ash
T4 – Oak
T5 – Oak

A request for a Tree Preservation Order on these and additional trees has been made by Mitcheldean Neighbourhood Development Plan committee. Subsequently a planning application (P1994/18/OUT) was made for the erection of up to 125 dwellings on land to the north of Calisbrook Road (south of the trees in question).

Desk Based Assessment

Trees T1-T5 are field trees and field boundary trees. Application P1994/18/OUT occupies a site within the large field to the south of the trees, however does not occupy the northern portion of this field, nearest trees T1-T5. Additional trees requested for protection by the NDP committee are situated along Carisbrook Road and at the junction with Bradley Court Road.

Application P1994/18/OUT is seeking outline permission and all matters are reserved except for means of access.

Site Based Assessment

The TPO request refers to T1-T5, two Crack Willow trees near the junction with Carisbrook Road and Bradley Court Road and a group of Ash trees on Carisbrook Road. The Willow trees are large mature trees which by their nature are prone to fail, often requiring significant works. The Ash group contains one mature tree, semi-mature and young trees. The mature tree is weighted towards the highway, with a large, low hanging limb reaching across the highway.

Consultation Responses

The TPO was requested by Mitcheldean NDP committee. The NDP committee confirmed that they were happy with the assessment of the trees.

Discussion

Visibility: Trees T1-T5 are prominent features visible from a number of viewpoints in Mitcheldean.

The Willow and Ash groups identified in the TPO request are prominent from Carisbrook Road (Ash and Willow) and Bradley Court Road (Willow).

Individual Impact: Trees T1-T5 are mature field and field boundary trees which are very visible from public viewpoints, particularly T1-T4. Whilst it appears that T5 has been subject to significant works in the past it is considered to remain a feature of Bradley Court Road, working with and enhancing the value of trees T1-T5.

Whilst the Willow trees requested for protection are prominent, they are not considered to be in good form and are in close proximity to two highways. The tree survey submitted with the current planning application described these trees as being in a fair condition but with some decay, dieback and deadwood.

The group of Ash trees on Carisbrook Road are not considered to be of high amenity value to merit protection. Whilst they are prominent, these trees are not considered to be of outstanding form, size or appearance.

Wider Impact: Trees T1-T5 have high amenity value. They contribute to the wider landscape character as viewed from the settlement of Mitcheldean and in the approach to/exit from Mitcheldean, due to their prominence.

Visible infrastructure constraints: T4 and T5 are adjacent to public highways.

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.

The crown of T4 is in close proximity to overhead 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

As above, an application for tree works could also be made to the authority at any time for tree management works.

Expediency: Application P1994/18/OUT for outline planning permission for the erection of up to 125 dwellings with public open space, landscaping, sustainable drainage system, vehicular access point and associated ancillary works is pending consideration. The application site is situated within the field of which trees T1 and T3 border, however the development is not currently proposed to occupy the northern portion of this field.

Interest has been expressed in the development of this field. A TPO on these trees has been requested by Mitcheldean Neighbourhood Development Plan Committee who identify these trees as being important features.

A TPO is considered expedient.

Conclusion of Discussion: Five 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

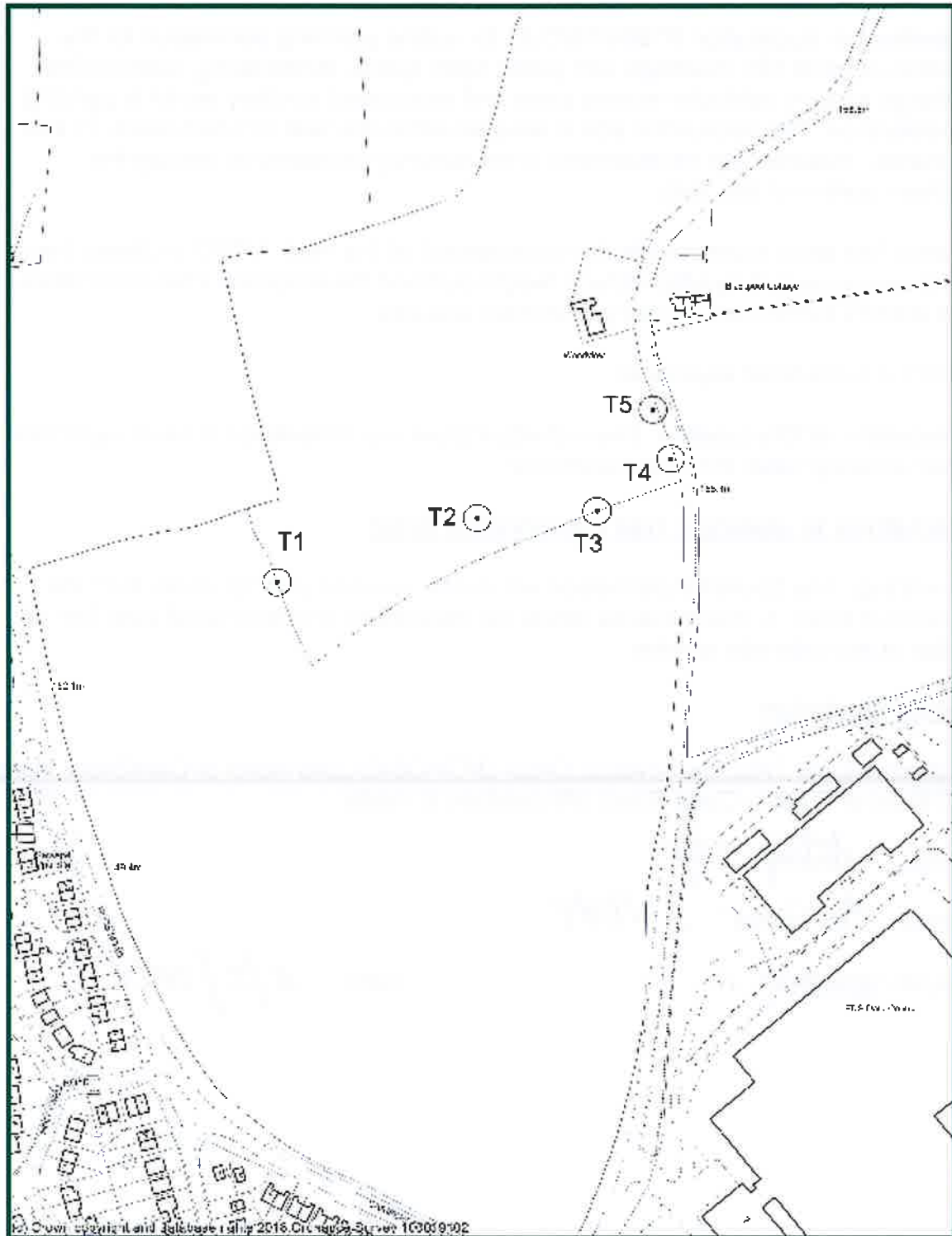
That provisional Tree Preservation Order DFTPO243 Land North of Carisbrook Road and West of Bradley Court Road, Mitcheldean is made.

Signed: *Antony J Pope*

Printed: *ANTONY J POPE*

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

Appendix A – TPO Plan



Tree Preservation Order
DFTPO243
Land North of Carisbrook Road and West of
Bradley Court Road, Mitcheldean
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Scale: 1:2500



Appendix B – Photographs







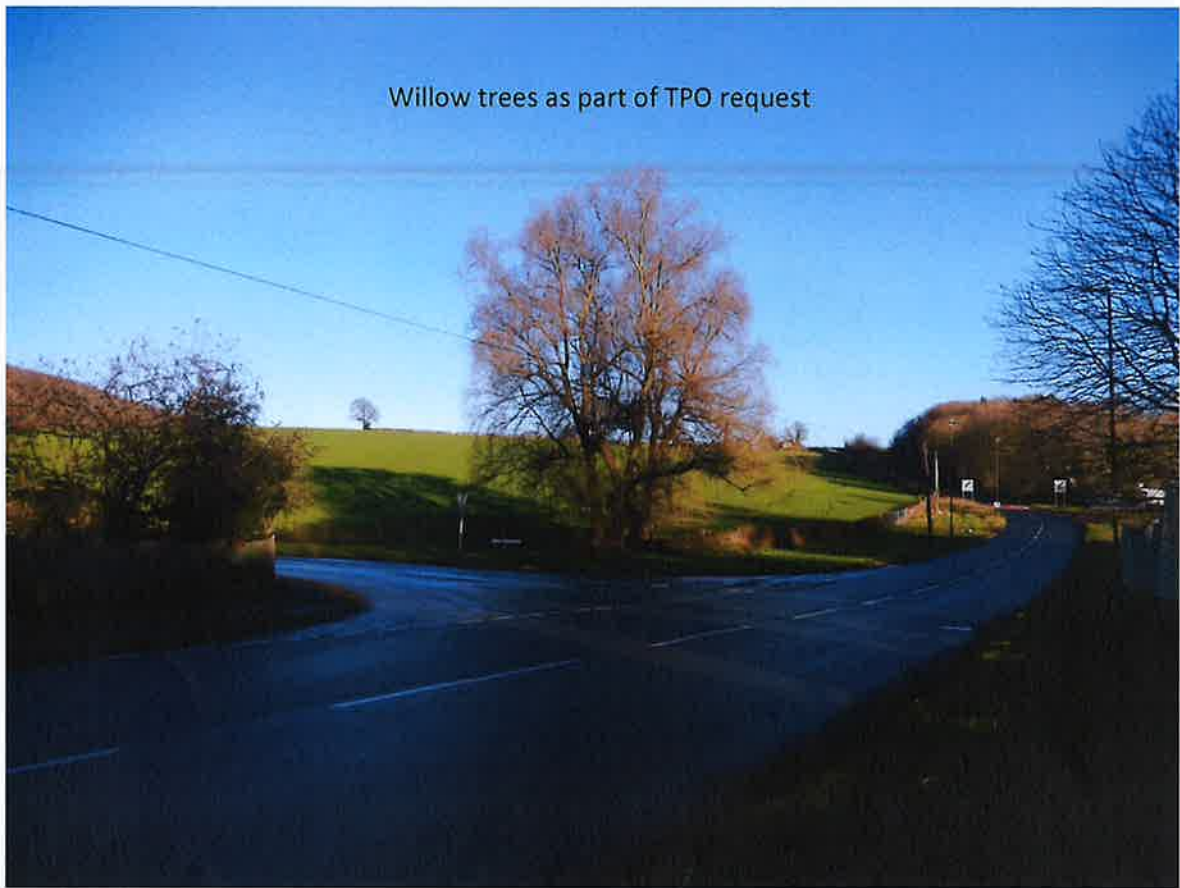




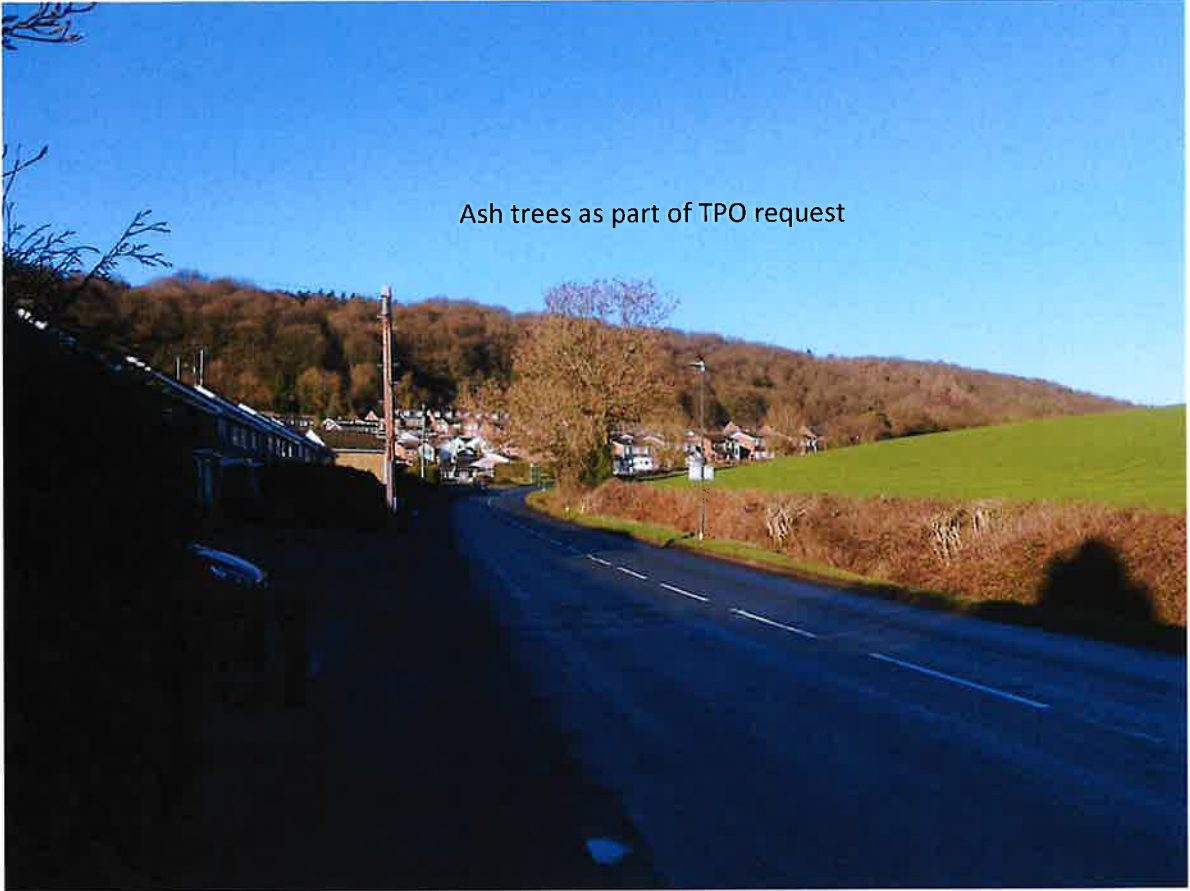
T2



T5



Ash trees as part of TPO request



Ash trees as part of TPO request

