

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO266 – Land at Rose Cottage, Severn View Road, Woolaston.

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 DFTPO266, Land at Rose Cottage, Severn View Road, Woolaston.

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 16th day of August 2024

Signed on behalf of the Forest of Dean District Council

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a long, sweeping horizontal line that tapers to the right. The signature is positioned above a horizontal dotted line.

Authorised by the Council to sign in that behalf

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 indicated by broken black line on the map, on the day of

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

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Oak	SO 593022 (359401, 200250)
T2	Norway Maple	SO 593022 (359387, 200261)

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
-	-	-

Groups of trees

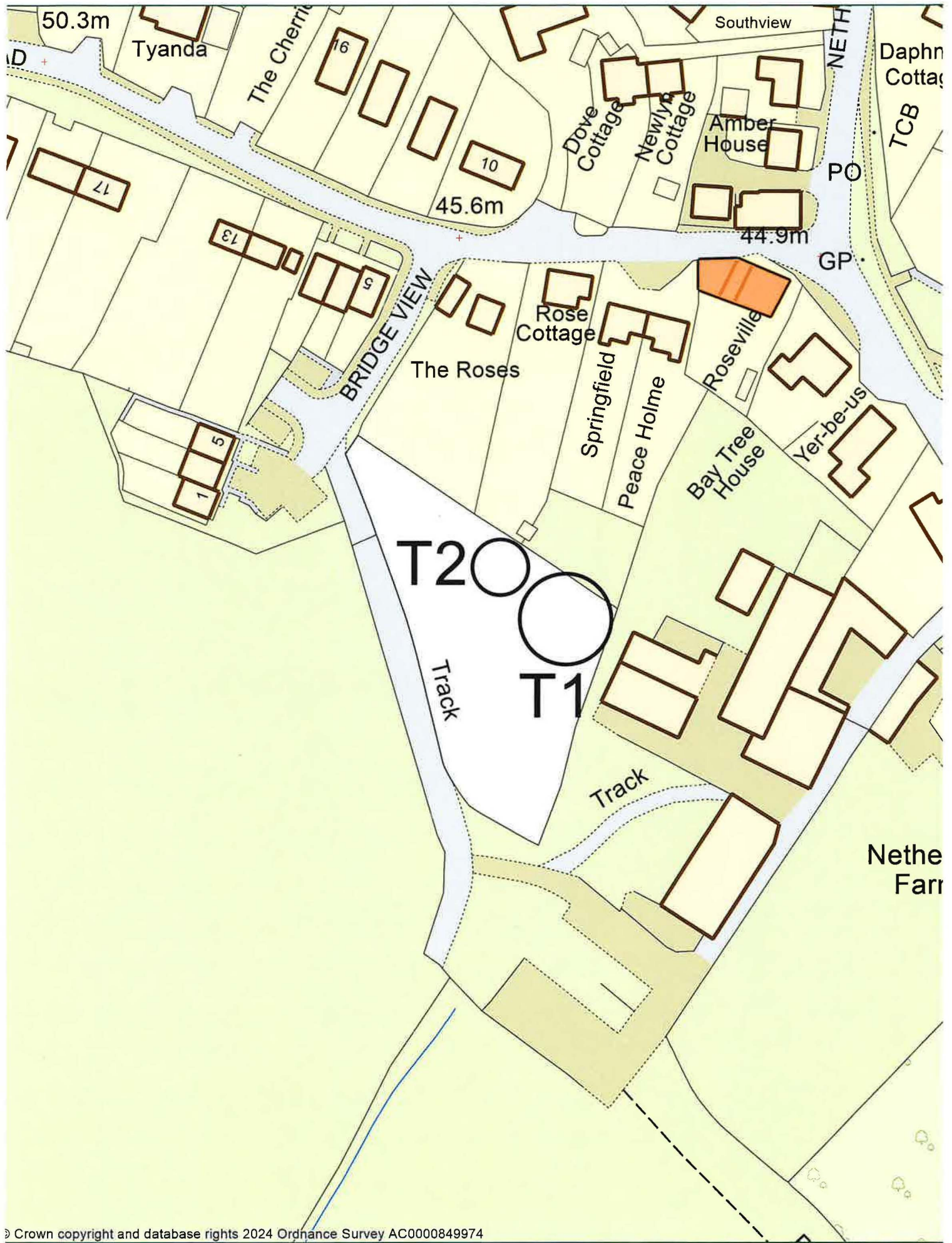
(within a broken line on the map)

Reference on map	Description	Situation
-	-	-

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
-	-	-



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Clin

Tree Preservation Order DFTPO 266 Land at Rose Cottage, Severn View Road, Woolaston

Scale: 1:1000

16 August 2024



IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

The Town and Country Planning Act 1990

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

DFTPO266 - Land at Rose Cottage, Severn View Road, Woolaston

Notice Under Regulation 5

This is a formal Notice to let you know that on the 16th August 2024 the Forest of Dean District Council (hereafter called 'the Council') made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from carrying out activities such as the cutting down, topping or lopping any of the trees described in Schedule 1 and shown on the map without the Council's consent.

Reasons for Making the Order

The Council has made the Tree Preservation Order for the following reasons:

In the interest of public amenity

Objections


The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you have any objections or other representations which you wish to make with respect to any of the trees, groups of trees or woodlands specified in Schedule 1 of the accompanying Order, then such representations must be received by the Council no later than 13th September 2024 to the following address:

Forest of Dean District Council
Council Offices
High Street
Coleford
Gloucestershire
GL16 8HG.

Any objections or representations must comply with the requirements of Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which is set out overleaf.

The Council will write to you again further when the decision whether or not to confirm the Order has been made.

Signed 

Development Manager

REGULATION 6 of the Town and Country Planning (Tree Preservation) Regulations 2012

OBJECTIONS AND REPRESENTATIONS

- (1) Subject to paragraph (2), objections and representations—
- (a) shall be made in writing and—
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and
 - (c) in the case of an objection, shall state the reasons for the objection.
- (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Report for a Tree Preservation Order

DFTPO 266 Land at Rose Cottage, Severn View Road, Woolaston

Introduction

A provisional Tree Preservation Order is recommended for a mature Oak and an early mature Norway Maple, both situated on Land at Rose Cottage, Severn View Road, Woolaston (see Appendix A for location, Appendix B for TPO plan and Appendix C for photographs). The trees should be referred to as:

T1 – Oak

T2 – Norway Maple

A request has been made for a Tree Preservation Order to be placed on these two trees, as the requestor is concerned that they may be under threat from potential future development of the site.

Desk Based Assessment

The two trees are situated on a parcel of land at the south of Rose Cottage, which is within the defined settlement boundary of Woolaston. This parcel of land was pending consideration under planning application number P0805/24/PIP for permission in principle for the erection of two dwellings, which has subsequently been withdrawn. The Norway Maple was proposed for removal to facilitate the erection of one of the two dwellings on the site. The Oak was not proposed for removal, but it was considered that it would have the potential to be subject to increased management pressure if the site were to be developed.

Trees covered by Tree Preservation Order number DFTPO 247 are situated adjacent to the western boundary of the site. DFTPO 247 consists of a group of Ash trees (G1) and a mature Oak tree (T1). This Order was made in 2019 to protect these trees in connection with the proposal to construct 36 dwellings that was granted outline consent under planning application number P1995/18/OUT. This larger scale development site is situated on land at Netherend Farm, which is immediately adjacent to the east, south and west of Land at Rose Cottage. The two trees T1 (Oak), and T2 (Norway Maple) proposed for protection under this new Tree Preservation Order (DFTPO 266), were not considered to be under threat from the development at Netherend Farm at the time, and as a result were not included for protection under DFTPO 247.

A public footpath runs through agricultural land approximately 25 metres to the west of these two trees.

Site Based Assessment

The two trees T1 (Oak) and T2 (Norway Maple) are visible from Severn View Road to the north, Netherend to the east/north-east, Bridge View to the north-east and a public right of way to the west. T1 is a mature tree and T2 is an early-mature tree.

Due to their comparative sizes, T1 is considered to be the more visually prominent of the two trees. Both trees are of good form and condition for their respective species and age. The amenity value of T2, while not as high as T1 at present, is considered to have the potential to increase as it matures and subsequently gains greater visual prominence within the immediate local landscape.

Other trees are present on the site, include Silver Birch, Hazel, Ash, Pear and Apple. These trees are considered to be less visually prominent in comparison to the Oak (T1) and Norway Maple (T2). Due to a combination of factors such as their location in relation to public viewpoints, present size, potential future size, and condition, it is considered the other trees on the site have limited potential to significantly increase their contribution to public amenity in the future. Therefore, they are not considered to be worthy of protection under the proposed new TPO (DFTPO 266).

Consultation Responses

No consultations have been made concerning the making of the provisional TPO.

Discussion

Visibility: Both trees can be seen from public viewpoints along public roads to the east and north-east (Netherend), the north (Severn View Road), the north-west (Bridge View) and from a public right of way to the west.

Individual Impact: The Oak tree is a mature specimen of good form and health for a tree of this size, as a result it is considered to possess significant amenity value. The Norway Maple, although still relatively young and thus comparatively smaller in stature at present, is considered to have the potential to make an increasingly significant contribution to public amenity when fully mature.

Wider Impact: There are other significant trees in the immediate vicinity, primarily a group of Ash trees and a mature Oak tree adjacent to the south-west boundary of the site, which are already covered by Tree Preservation Order number DFTPO 247 (see Annex A - Location). There are also several other trees on the site, such as a Plum, Ash, Silver Birch, Hazel and Apple. However, these trees are less visually prominent in comparison with the Oak (T1) and Norway Maple (T2) and have limited potential to make a significant contribution to public amenity in the future. The long-term retention of the Oak (T1) and Norway Maple (T2) will add a sense of maturity to any potential new development on this site, which will also help to assimilate any such development into the surrounding landscape.

Expediency: Despite the permission in principle application having been withdrawn, the site could still be developed in the near future. Therefore, it is considered expedient to protect these two trees in advance of any potential pre-emptive felling prior to further planning applications being submitted to the Council for the development of this site.

Conclusion of Discussion: The Oak tree (T1) is considered to possess high public amenity value, due to a combination of its size, form and visibility. The Norway Maple (T2) is less visually prominent than the Oak (T1) at present. However, it is

considered that the amenity value of the Norway Maple (T2) has the potential to increase in significance in the future as it matures and thus acquires increased visual prominence. As a result, both trees are considered to merit protection. In the event that further applications for developing the site are submitted in the future, due to neither tree currently being protected, there is potential for these two trees to be removed prior to submission of a formal application to the Council. Therefore, a Tree Preservation Order is considered to be expedient in this instance.

Alternatives to placing a Tree Preservation Order

Do nothing. The Council's permission would not currently be required prior to any proposed works to these two trees, including full removal. This may result in either tree having the potential to be felled in advance of any future applications for developing the site. If any further planning applications are submitted for developing this site, the Local Planning Authority may attach conditions to any permission granted, which could be used to safeguard these trees during construction and to retain them within the scheme. However, this would only provide short term protection.

Recommendation

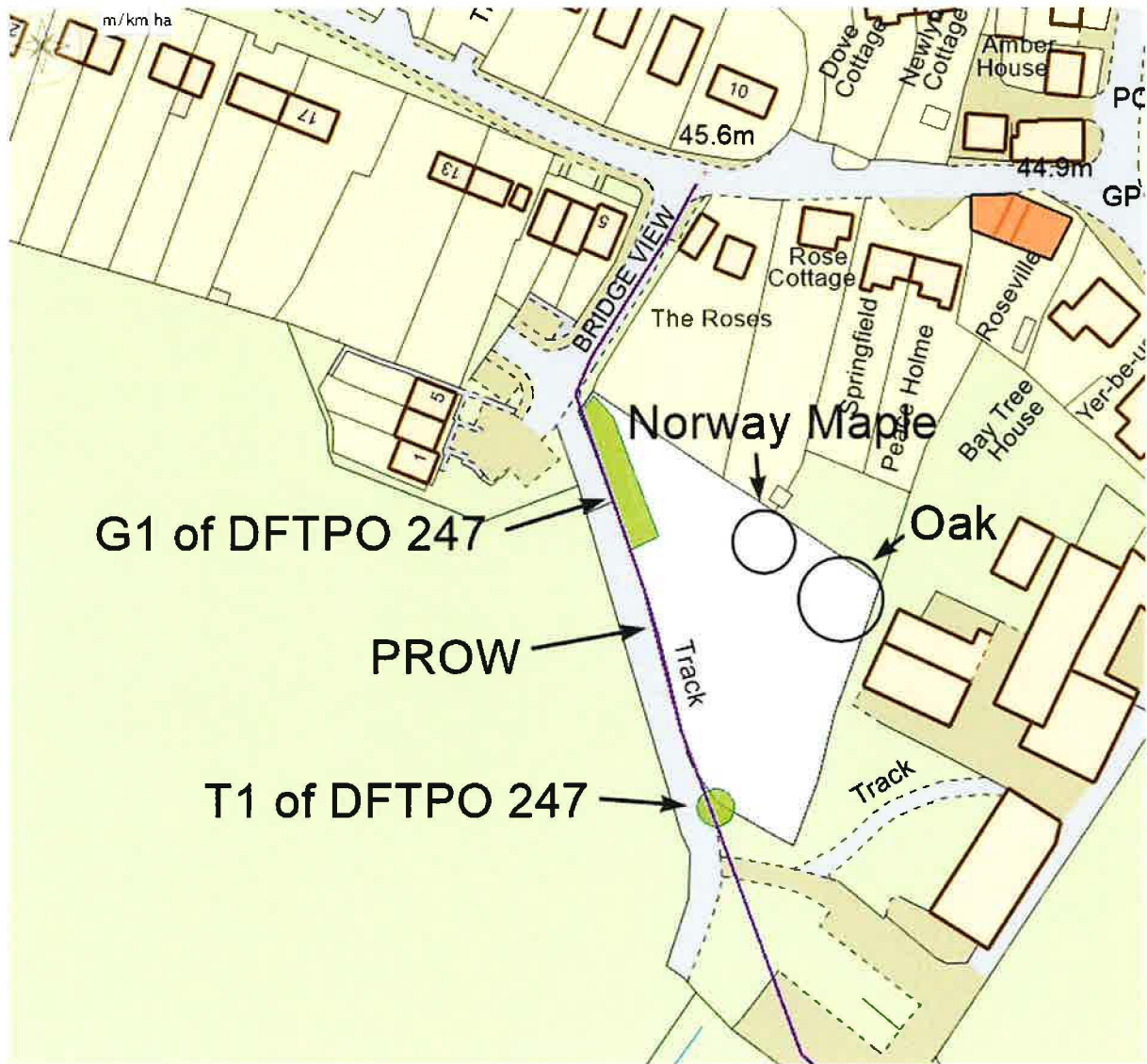
That provisional Tree Preservation Order DFTPO266 Land at Rose Cottage, Severn View Road, Woolaston is made.

Signed: 

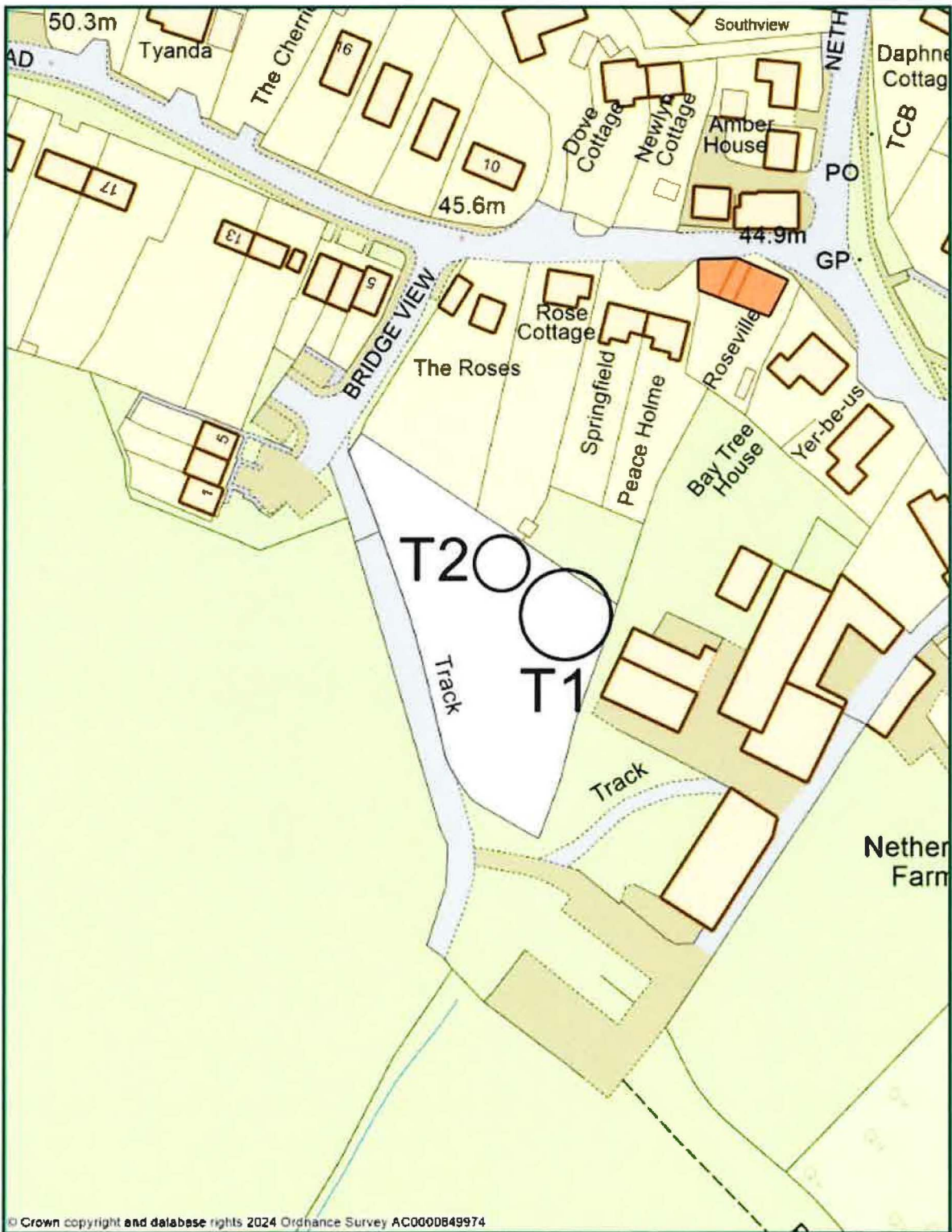
Printed: CLIVE REYNOLDS

Agreed Date: 16th AUGUST 2024 .

Appendix A – Location



Appendix B – TPO Plan



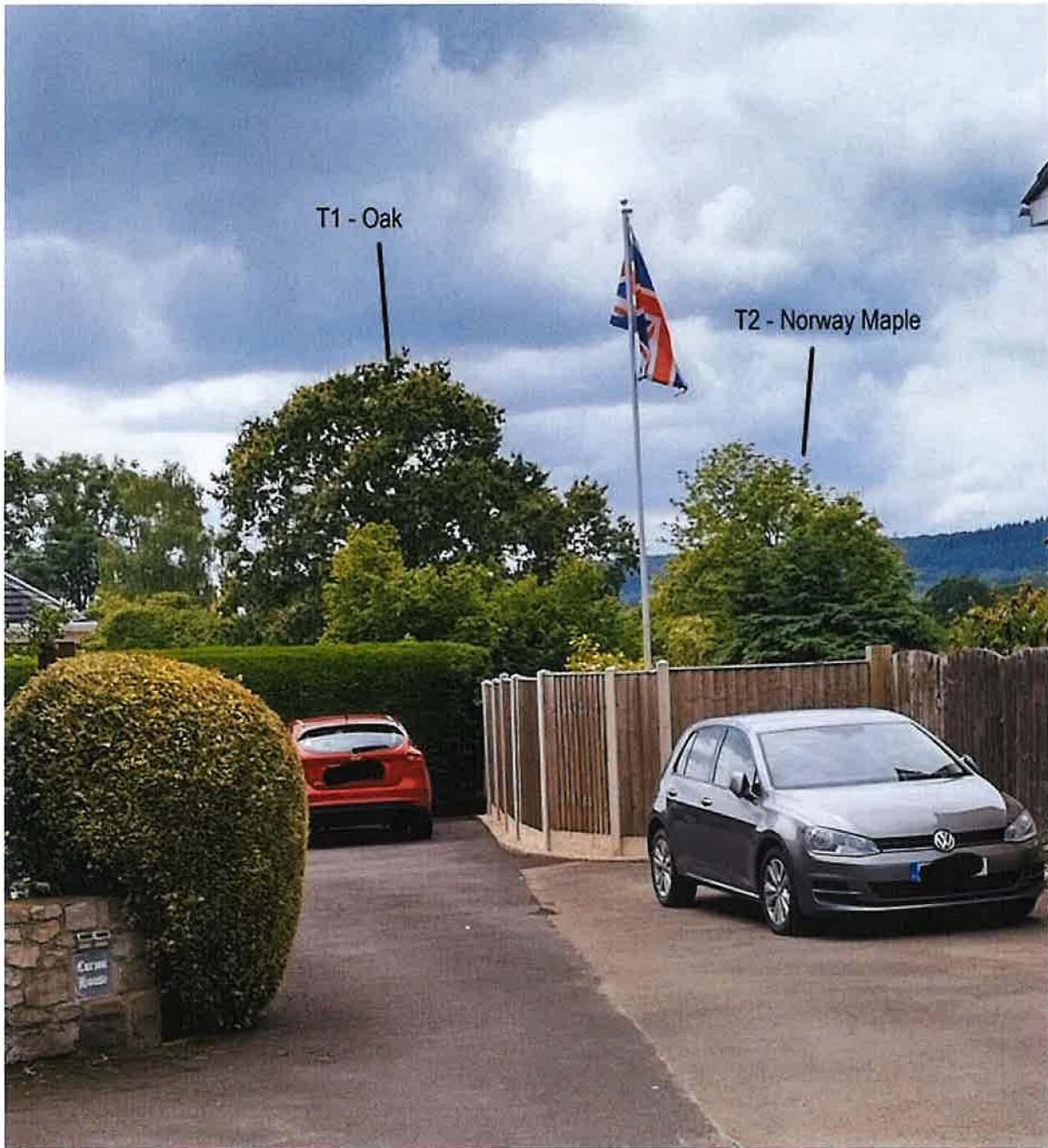
Tree Preservation Order DFTPO 266 Land at Rose Cottage, Severn View Road, Woolston

Scale 1 1000

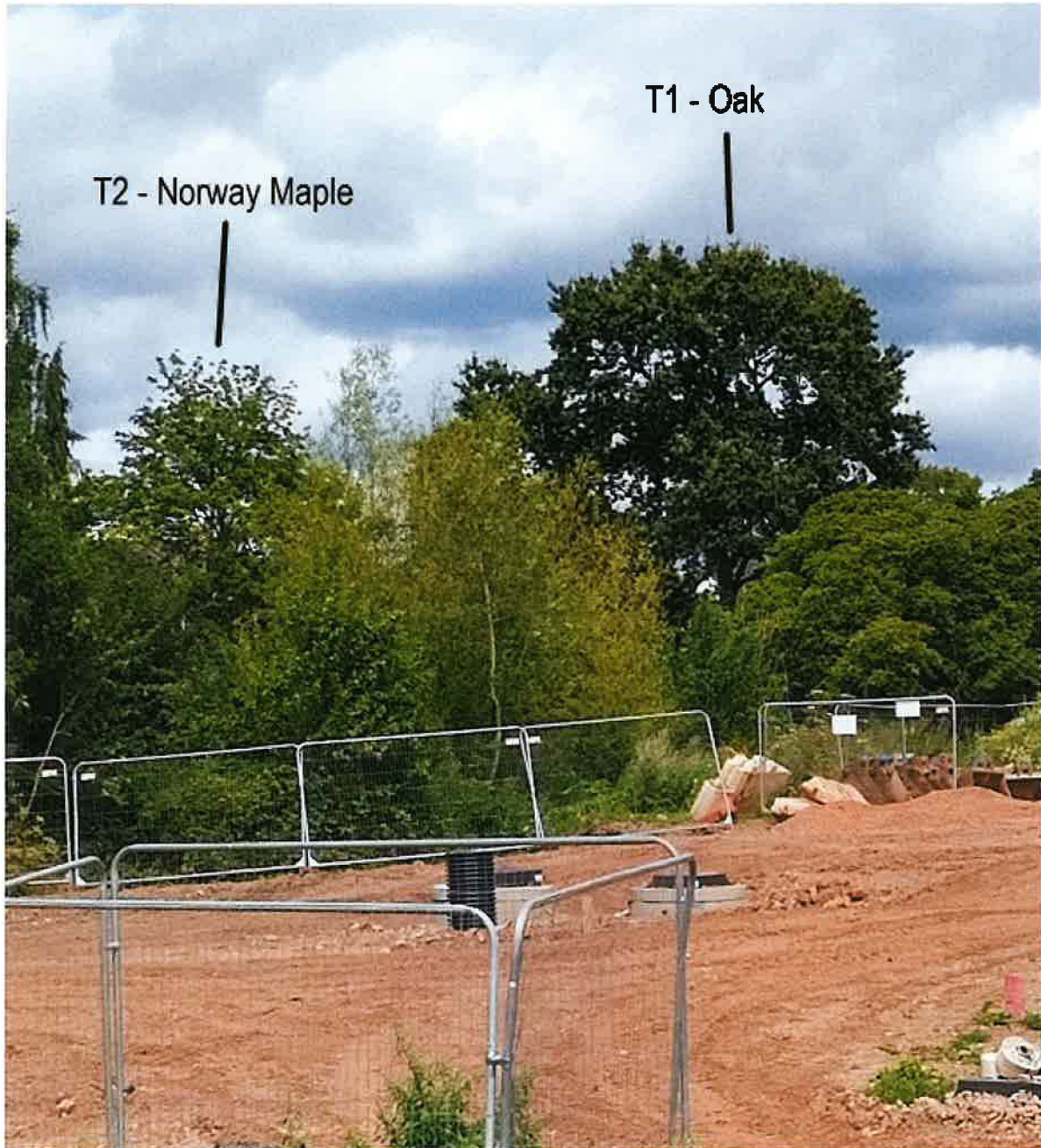
15 August 2024



Appendix C – Photographs



Looking south-west from Netherend



The two trees as viewed from the public right of way to the west of the site