TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO208 Land West of Newent Lane, Huntley

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 DFTPO208, Land West of Newent Lane, Huntley

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 26th day of March 2015

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

Affixed in the presence of

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 27th day of May 2015

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

- sacrapooca

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

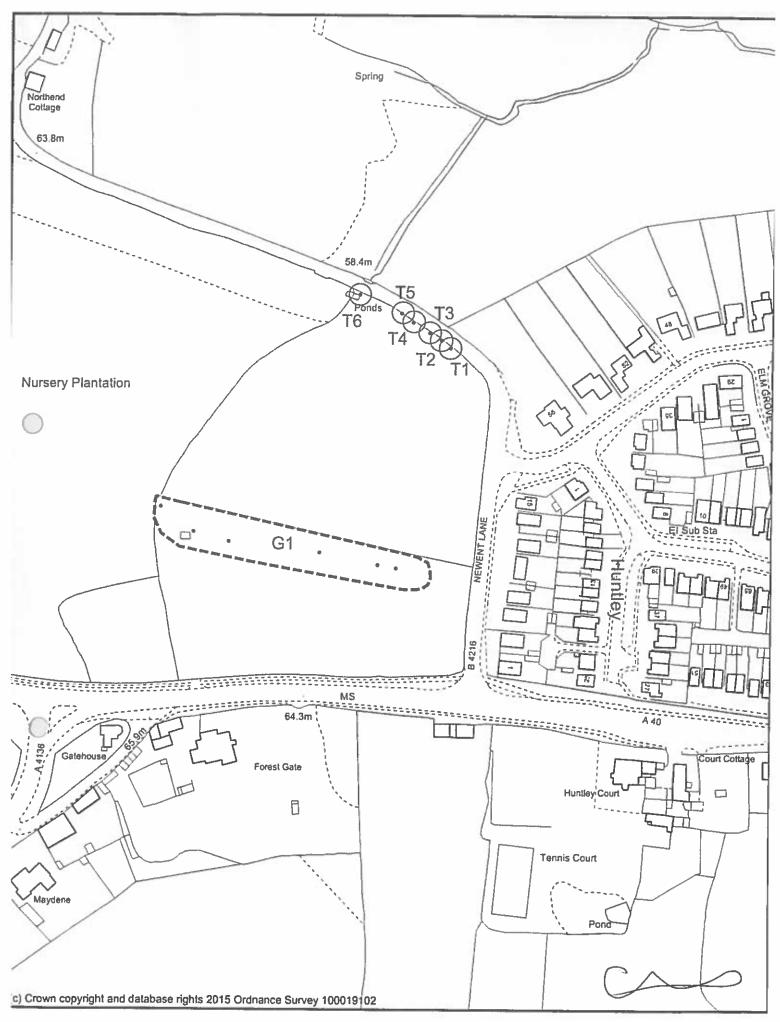
Authorised by the Council to sign in that behalf

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





Tree Preservation Order
DFTPO208
Land West of Newent Lane, Huntley

Scale: 1:2000

09 March 2015



SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually (Encircled in black on the map)

	(Encircled in black on the	he map)
Reference on Ma	ap Description	Situation
T1	Sycamore	Field/road boundary
T2	Oak	Field/road boundary
T3	Ash	Field/road boundary
T4	Ash	Field/road boundary
T5	Lime	Field/road boundary
Т6	Ash	Field/road boundary
	Trees specified by reference (within a dotted black line o	re to an area n the map)
Reference on Ma	p Description	Situation
_	-	-
	Groups of trees (within a broken line on th	ne map)
Reference on ma	p Description (including number	er of Situation trees in the group)
G1	2 Ash and 4 Oak	SO718194 (X371813, Y219477)
	Woodlands (within a continuous black line	on the map)

Reference on ma	ap Description	Situation	
-	-	-	

Report for a Tree Preservation Order

DFTPO208 Land West of Newent Lane, Huntley

Introduction

A Tree Preservation Order is recommended for one group of trees and six individual trees on land west of Newent Lane, Huntley (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

G1 - 2 Ash and 4 Oak

T1 - Sycamore

T2 - Oak

T3 - Ash

T4 - Ash

T5 – Lime

T6 - Ash

Planning application P1995/14/OUT currently seeks permission for the erection of up to 60 dwellings, access, open space and associated infrastructure on land to the west of Newent Lane. There are a number of trees on site of high amenity value which could be subject to management pressures if development on the site is permitted.

Desk Based Assessment

The application site is situated to the west of Newent Lane, Huntley. Trees identified in the recommended group G1 are located adjacent to a public right of way which crosses through the site from east to west. Trees T1-T6 are located on the northern site boundary adjacent to Newent Lane.

The trees identified are considered in the arboricultural report submitted with application P1995/14/OUT to be of individual and collective merit. Whilst the indicative masterplan for the site shows the above trees to be retained; some within areas of public open space and some of which may be within the gardens of residential properties, it is expected that following the development of the site if consented, there will be increased pressure on the management of the trees due to perceived safety and nuisance concerns. The masterplan is only indicative at this stage and the proposals and layout may well change at reserved matters stage.

Site Based Assessment

The trees can be viewed from Newent Lane, Ross Road and public rights of way both within the site and through adjacent and nearby fields. Trees in G1 have an open grown appearance. While the trees are of mixed value individually, they work well as a group to contribute a valuable feature on site.

Trees T1-T6 border Newent Lane. They are features to the lane and would also contribute towards the assimilation of development on the site into the surrounding landscape when viewed from the lane. The larger, more mature trees on this boundary have been selected for inclusion in the TPO. Trees recommended for removal by the arboricultural report submitted with P1995/14/OUT have not been included.

Consultation Responses

No consultations have been made with regards to the making of a TPO. Concerns regarding the future of trees on site have been identified within consultation responses and public comments for P1995/14/OUT however.

Discussion

Visibility: The trees are prominent from public rights of way, Newent Lane and Ross Road, Huntley.

Individual Impact: The trees merit protection both individually and collectively. G1 of the recommended TPO includes trees 1-6 of the arboricultural report dated December 2014 and submitted with P1995/14/OUT which are categorised in accordance with BS5837:2012 as category A, B and C trees individually however five of the trees in G1 (one Ash and four Oak) were considered by the survey to warrant category A by virtue of their collective merit.

T1-T6 of the recommended TPO cover trees 41 and 43-47 of the report, where T1-T5 of the recommended TPO are considered by the arboricultural report to form a category 'B' collective.

Wider Impact: Trees in group G1 are particularly important characteristic features of the site and public rights of way when viewing both on site and from outside of the site.

Trees T1-T6 of the recommended TPO are located within a roadside hedgerow on the northern site boundary which contribute both to the adjacent Newent Lane and the site, and can also be viewed in the wider landscape.

Trees in G1 and trees T1-T6 would contribute a feeling of maturity to any new development on site.

Expediency: A planning application has been submitted to the District Council for the development of land west of Newent Lane. Development on site is expected to increase management pressures on trees of high amenity value due to perceived nuisance and safety concerns. Current proposals are indicative and a TPO would ensure the safe guarding of trees high in amenity value prior to and in the event of planning consent.

A TPO is considered expedient.

Conclusion of Discussion: One group of trees and six individual trees are considered to merit protection. These trees are of high amenity value currently and will also provide a sense of maturity to any new development.

Alternatives to placing a Tree Preservation Order

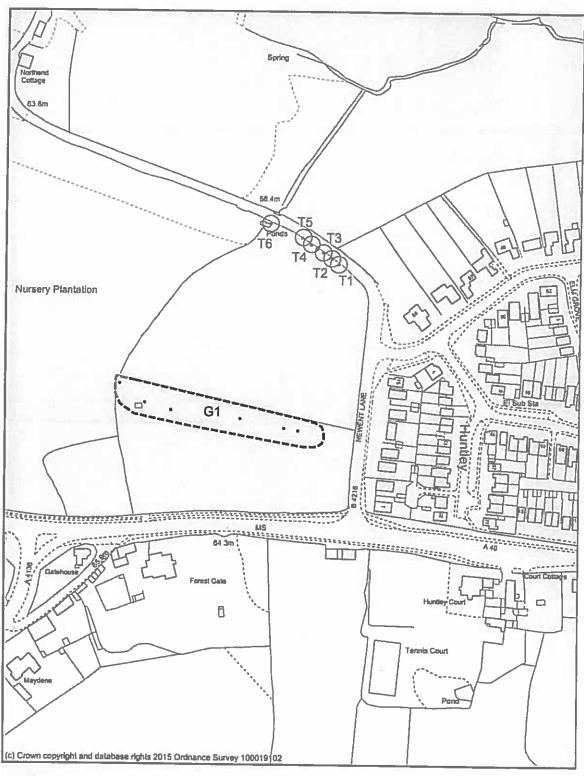
Do nothing. Planning conditions could be put in place in the event of planning consent however these would provide only temporary solutions to the safe guarding of the trees. The trees are not within a Conservation Area and are not currently protected by a TPO. In the absence of planning controls the Council's permission will not be required prior to the removal of these trees.

Recommendation

That provisional Tree Preserva	ation Order DFTP(O208 Land to the	West of Newent
Lane, Huntley be made.			

Planning and Housing Group Manager:	Serport
Agreed / Disagree*:	. 11/3/15

Appendix A – TPO Plan





Tree Preservation Order
DFTPO208
Land West of Newent Lane, Huntley

Scale: 1:2000

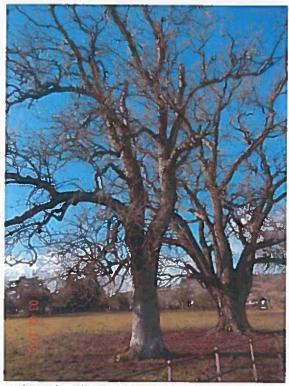
09 March 2015



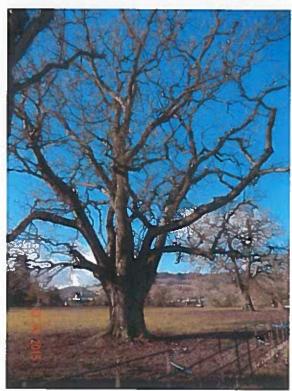
Appendix B – Photographs



Looking West to G1 from public right of way



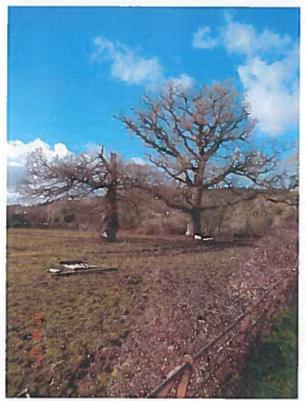
Ash and Oak in G1 from PROW



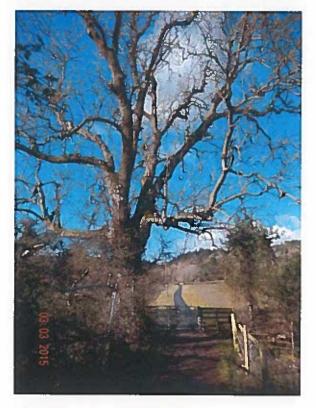
Oak in G1 from PROW



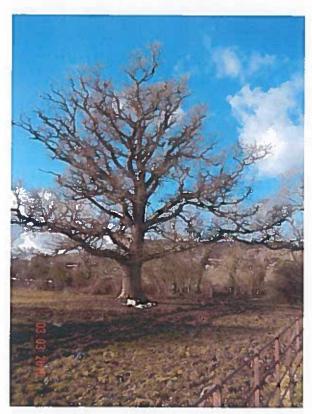
Oak in G1 from PROW



Oak trees in G1 from PROW



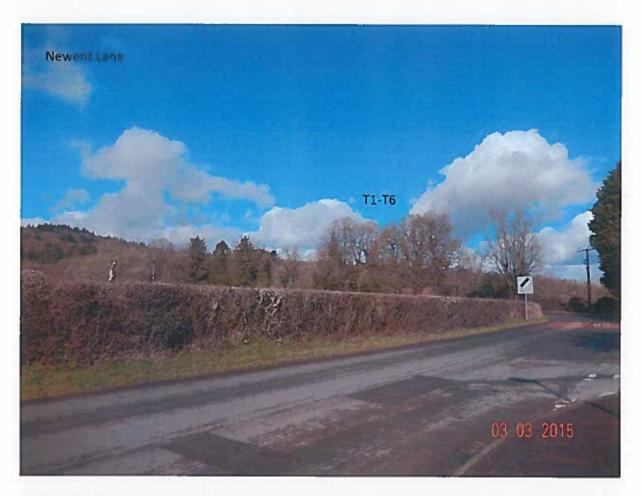
Ash tree in G1 from PROW

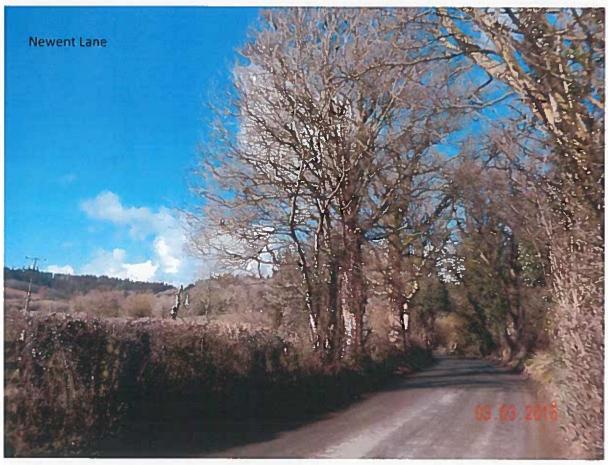


Oak tree in G1 from PROW

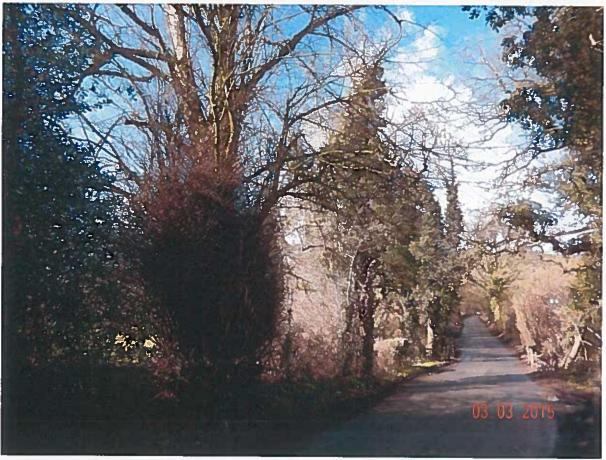












Appendix C – Tree Survey, Tree Constraints Plan and Tree Protection Plan of the Arboricultural Report submitted with P1995/14/FUL

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