

## TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO216 – Holms Farm, 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 DFTPO216, Holms Farm, 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.


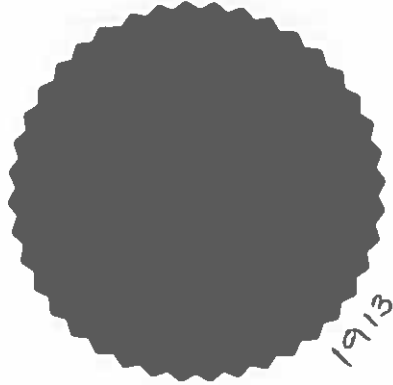
### 3. Application to trees to be planted pursuant to a condition

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 19 day of May 2016

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 large initial 'C' followed by a series of loops and a final flourish.

**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 12<sup>th</sup> day of September 2016

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

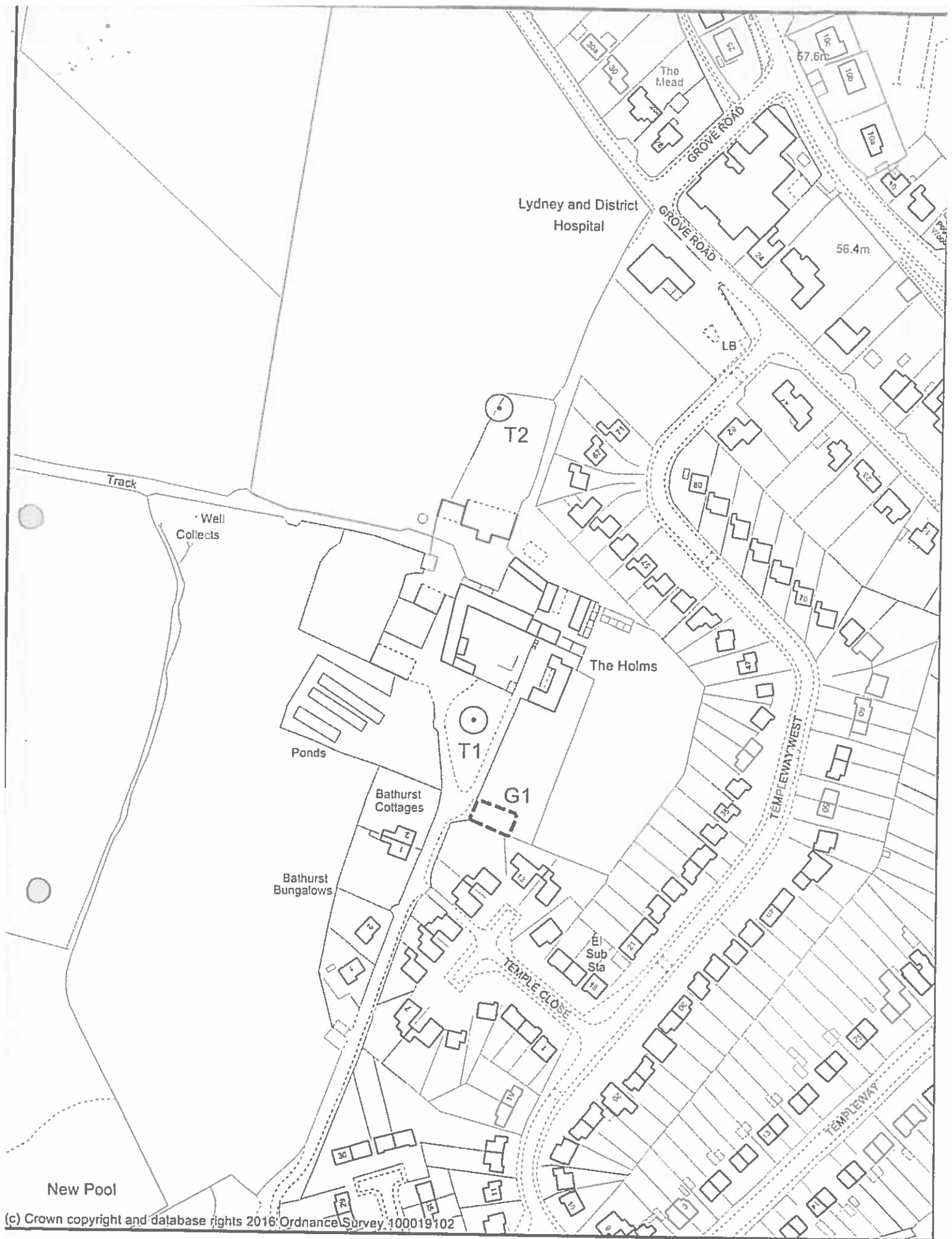
**REVOCAION OF ORDER**

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



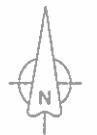
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**Tree Preservation Order  
DFTPO216  
Holms Farm**

Scale: 1:2000

31 March 2016



**SCHEDULE 1  
SPECIFICATION OF TREES**

**Trees specified individually  
(Encircled in black on the map)**

Reference on Map	Description	Situation
T1	Pin Oak	SO 628031 (X362784, Y203212)
T2	Ash	SO628031 (X362792, Y203345)

**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 (including number of	Situation trees in the group)
G1	2 Scots Pine	SO628031 (X362793, Y203170)

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

Reference on map	Description	Situation
-	-	-

# **Report for a Tree Preservation Order**

## **DFTPO216 Holms Farm**

### **Introduction**

A Tree Preservation Order is recommended for two individual trees and one group of trees at Holms Farm (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – Pin Oak  
T2- Ash  
G1- 2 Scots Pines

Outline planning application P1889/15/OUT for the creation of a total of 29 new dwellings (28 new build and conversion of barn to create 1 dwelling) restoration of farmhouse, landscaping, open space and associated works is currently pending consideration. While the proposed development appears to respect the retention and protection of these trees, they are considered to be important amenities to the site and a future development on an allocated site. Management pressures on the trees may increase with their retention within a new residential development.

### **Desk Based Assessment**

An Arboricultural Impact Assessment has been submitted with application P1889/15/OUT. The site is an allocated housing site (policy AP53 of the emerging Allocations Plan). A number of trees are recommended for removal to facilitate the proposed development. Included in the trees proposed for retention are one Pin Oak (T1 in the arboricultural report), situated near the existing farm buildings and to be located within an area of public open space, a group of two Scots Pine trees (G2 in the arboricultural report) to the south of the site which currently will be retained within a garden and an Ash tree (T24 in the arboricultural report) to the north of the site situated on the edge of the proposed main site access.

The Pin Oak is described in the arboricultural report as a category A tree of high amenity value. The two Scots Pine trees and Ash tree have been categorised B and have been recognised as having high amenity value.

Application P1889/15/OUT proposes the removal of several trees including some mature Ash trees in the south of the site. The most important trees on site however are considered to be those identified above for the proposed TPO.

A public right of way runs through the site from which the trees will be visible.

### **Site Based Assessment**

The trees are visible from a public right of way leading through the site. All trees appear prominent from within the site, while the Scots Pine trees are also prominent from Temple Close and the Ash tree also visible from Grove Road and Templeway West. The trees are mature.

T1 Pin Oak is an open grown tree and stands individually near the farm buildings. T2 Ash is also viewed individually and will be a feature of the site access. The Scots Pine trees are viewed together as a group to the south of the site.

### **Consultation Responses**

No consultations have been made for the making of an Order at Holms Farm.

### **Discussion**

**Visibility:** The trees are prominent from public right of way FLY/7/1 that runs north to south through Holms Farm. Ash T2 of the proposed TPO is also visible from Grove Road and Templeway West while Scot Pine trees G1 are prominent from Temple Close. All will be visible from within the proposed development if implemented.

**Individual Impact:** The arboricultural report submitted with application P1889/15/OUT surveys the Pin Oak tree as a BS5837 category A tree. It is described in the survey as an uncommon species of notable form and was assessed as being of high amenity value.

The Ash tree is described as a tri-dominant tree with substandard form but of great size and high amenity value.

The western of the two Scot Pines is described as storm damaged in its upper crown but showing good vigour, the eastern tree also showing good vigour; the group providing good screening to the south. These are also said in the tree survey as being high in amenity value.

Pin Oak T1 is open grown in appearance. The proposals in application P1889/15/OUT retain the tree within public open space and the tree will be a key feature of this space.

**Wider Impact:** These trees are prominent features in an area of Lydney that has relatively few mature trees. As above, Ash T2 is visible over a wider area. These trees will also contribute a sense of maturity to a new housing development (see Appendix C tree constraints plan for the current proposed site layout and tree locations).

**Expediency:** Planning application P1889/15/OUT is currently pending consideration for the creation of 29 new dwellings, restoration of a farmhouse, landscaping, open space and associated works. The current proposals will not directly impact the trees however retaining trees will be under increased management pressures upon development of the site due to their retention either within a garden, close to access roads or near to an LEAP. Placing a TPO on the site would ensure that these trees are managed in accordance with good arboricultural practise in the future and remain features of the site and surrounding area.

A TPO is considered expedient.

**Conclusion of Discussion:** Two individual trees and one group of trees are considered to be prominent features contributing to views from a public right of way, highways and from within the site for application P1889/15/OUT. These trees are considered to be of high amenity value and merit protection.

**Alternatives to placing a Tree Preservation Order**

Conditions on any planning consent on the site could ensure that retaining trees are safe guarded during construction and the trees could be included in a landscaping condition. This will only prevent the removal of the trees, usually for five years following implementation of the landscaping scheme. Any other works to the trees would not require the prior permission of the Council. After the expiry of the landscaping condition the Council's permission would not be required prior to the removal of the trees.

**Recommendation**

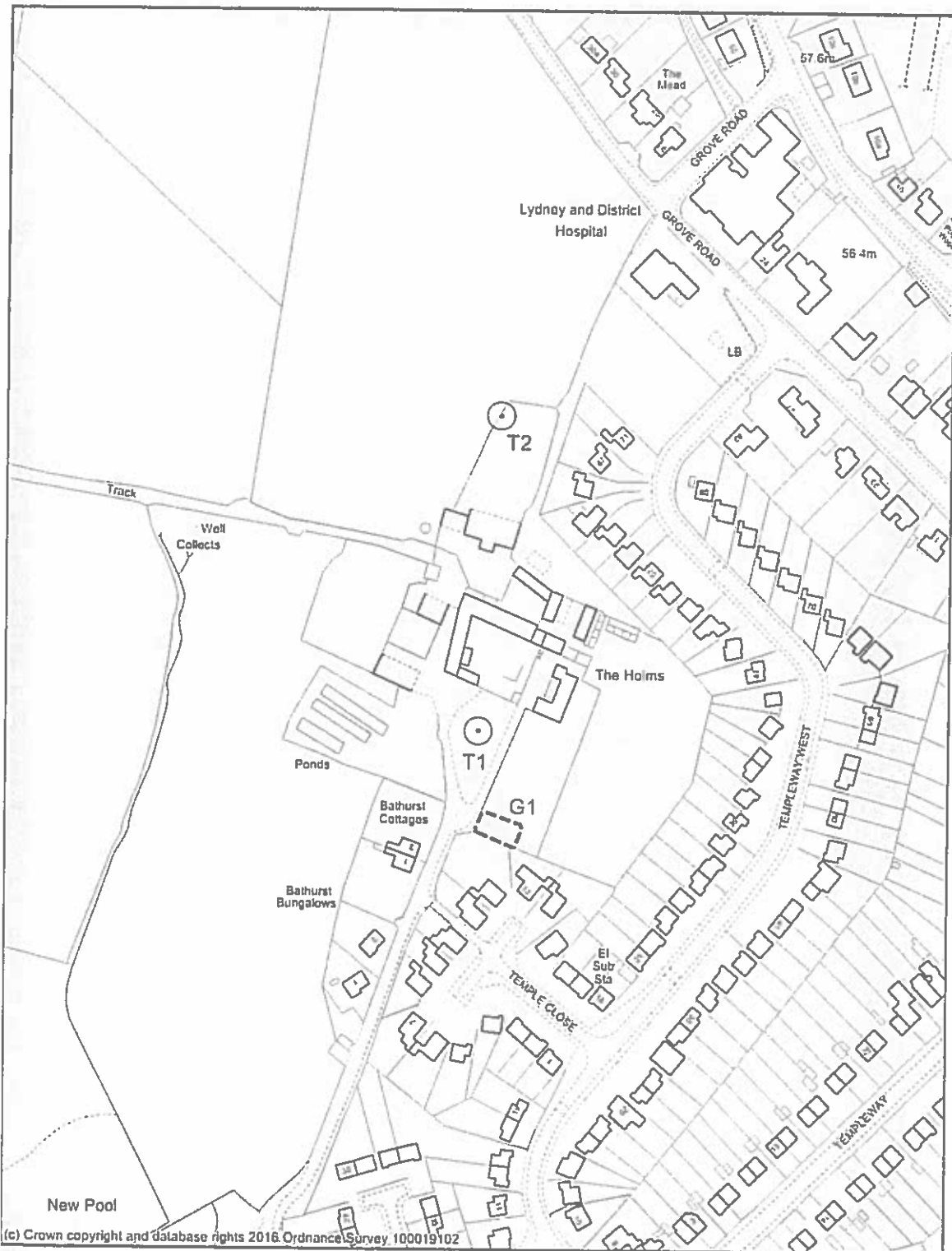
That provisional Tree Preservation Order DFTPO216 Holms Farm be made.

Planning and Housing Group Manager:..... *P.M. Williams*.....

Agreed / ~~Disagree~~\*:..... Date: *6 April 2016*.....



Appendix A – TPO Plan



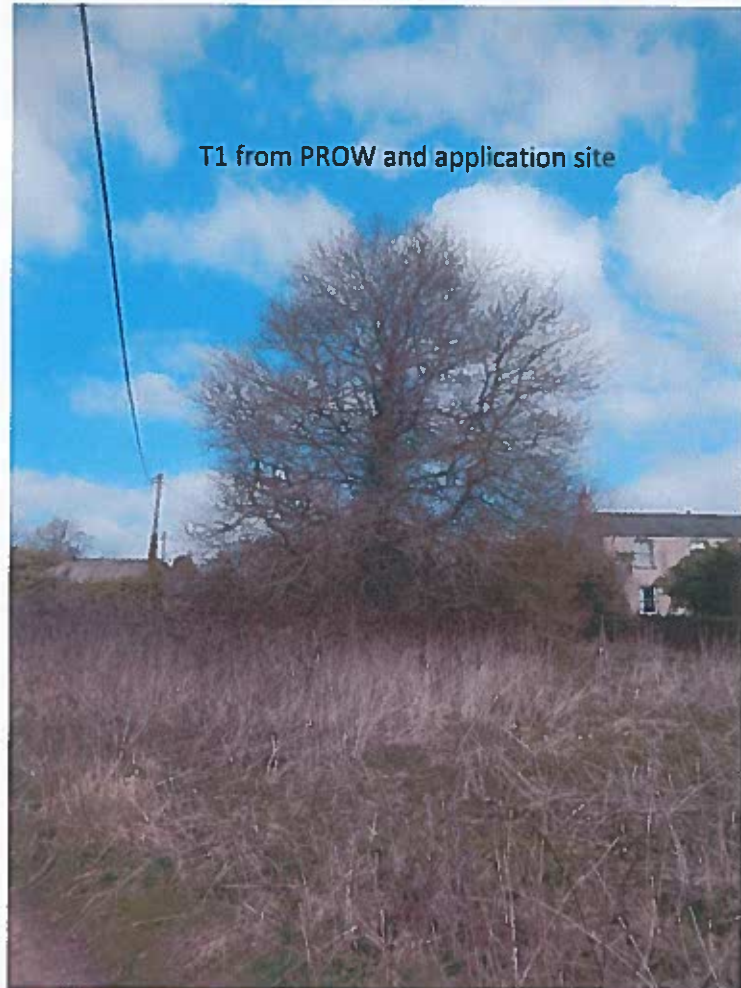
**Tree Preservation Order  
DFTPO216  
Holms Farm**

Scale: 1:2000

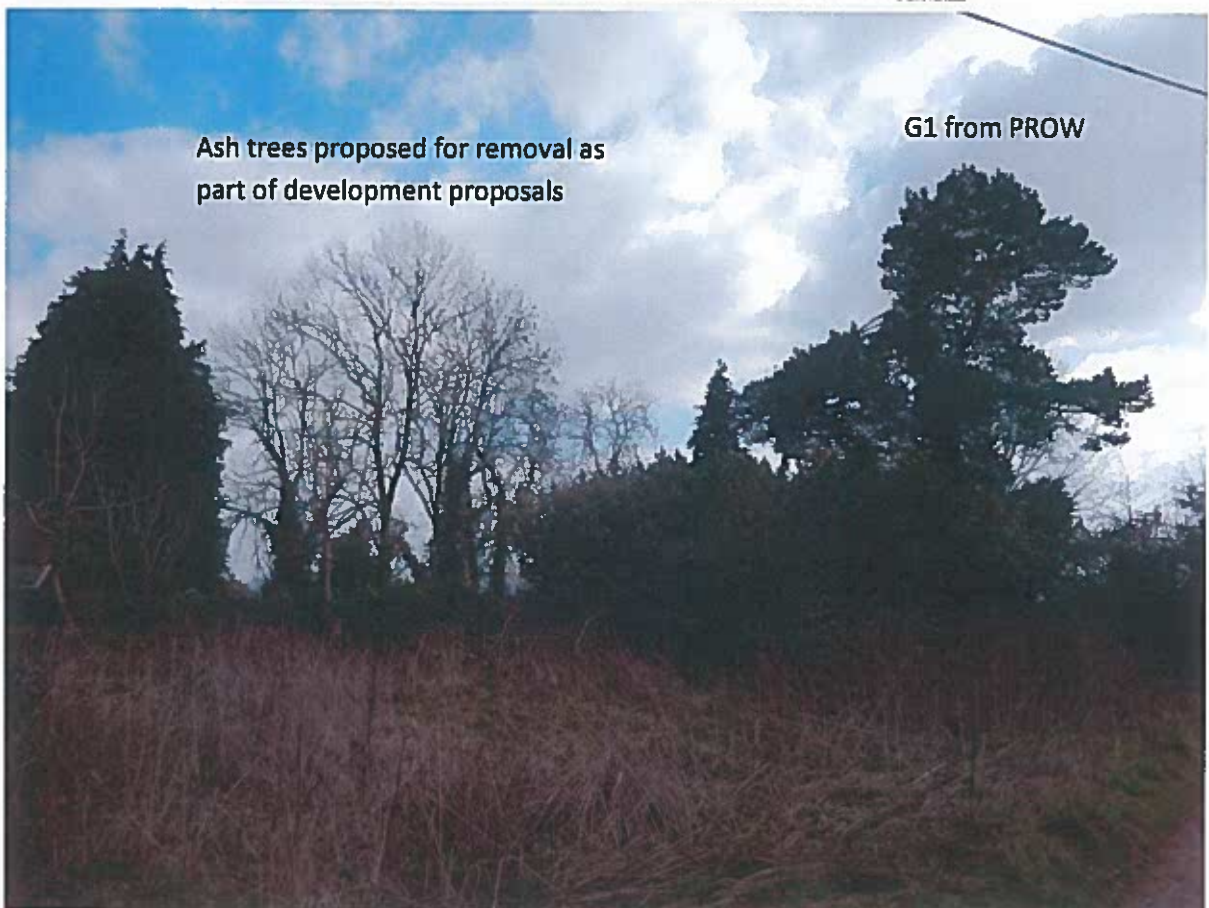
31 March 2016



Appendix B – Photographs



T1 from PROW and application site

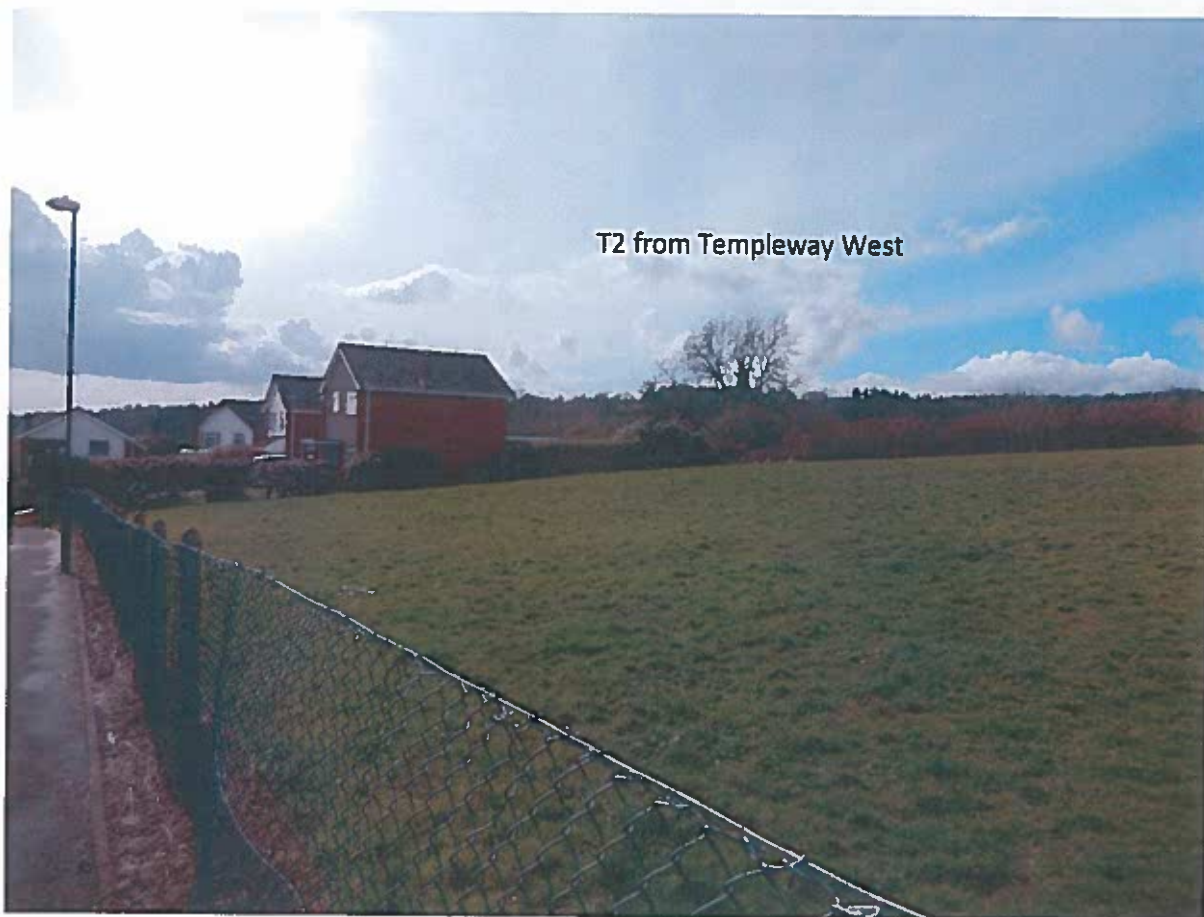


Ash trees proposed for removal as part of development proposals

G1 from PROW







T2 from Templeway West

## Appendix C – Tree Constraints Plan



**NOTES**  
 Proposed development to consist of the erection of 31 detached and semi-detached two storey dwellings.  
 Proposed House Types:  
 19 No 2 Bed Types A, W & U  
 4 No 3 Bed Types V & P  
 8 No 4 Bed including 1 type T & U  
 Existing Furniture for retention  
 Existing Sinks for Conversion to bins  
 2 No New dwellings  
 Total Dwellings 31



Do not scale from this drawing unless for Planning purposes.  
 Figured dimensions only are to be used.  
 All drawings must be checked on site by the Contractor prior to the commencement of any fabrication or building work.  
 Where applicable, dimensions and details are to be read in conjunction with 'approved contractors' drawings any discrepancy between drawings is to be brought to the attention of Smith Gore prior to the commencement of any fabrication or building work.  
 This drawing is the property of Smith Gore and may not be reproduced without their permission.

**REVISIONS**  
 REV NOTE DATE



**JOB TITLE**  
 Malvern Park Site  
 Lydney

**CLIENT**  
 Lydney Park Estate

**DRAWING TITLE**  
 Town Community Plan

**SCALE** DRAWING NUMBER REV  
 1:500 @ A1

**DRAWING STATUS**

**DRAWN** CHECKED DATE  
 PT Aug 2014

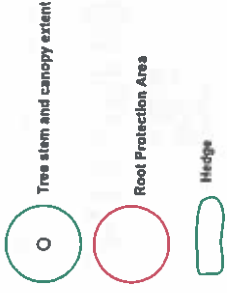
YORK HOUSE, BLACKBROOK BUSINESS PARK, TALPOTON  
 WILTSHIRE BA1 3PL TEL: 01229 448888 FAX: 01229 449331

## Appendix D – Tree Retention Plan



**NOTES**

Information from this drawing is for planning purposes. The user must check all dimensions and details on site by the Contractor prior to the commencement of any excavation or building work. The user must ensure that all dimensions and details are to be used in conjunction with the information provided on this drawing. The user must ensure that all dimensions and details are to be used in conjunction with the information provided on this drawing. The user must ensure that all dimensions and details are to be used in conjunction with the information provided on this drawing.



JOB TITLE  
Hedge Farm, Lydney

DRAWING TITLE  
Tree Protection Plan - Southern Elevation

SCALE  
1:500 @ A3

DRAWING STATUS  
Planning

DRAWN  
PT

YORK HOUSE, BLACKBROOK BUSHES, TAUNTON  
SOMERSET, TA1 3DZ TEL: 01274 607618 FAX: 01274 607611

