

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO251 – Hill Farm, Glasshouse Hill

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 DFTPO251, Hill Farm, Glasshouse Hill

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.

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 6 day of April 2020

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

REVOCACTION 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

Dated this 13 day of November 2019

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

Affixed in the presence of

P. M. Williams



2213

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(Encircled in black on the map)

Reference on Map	Description	Situation
Nil	Nil	Nil

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

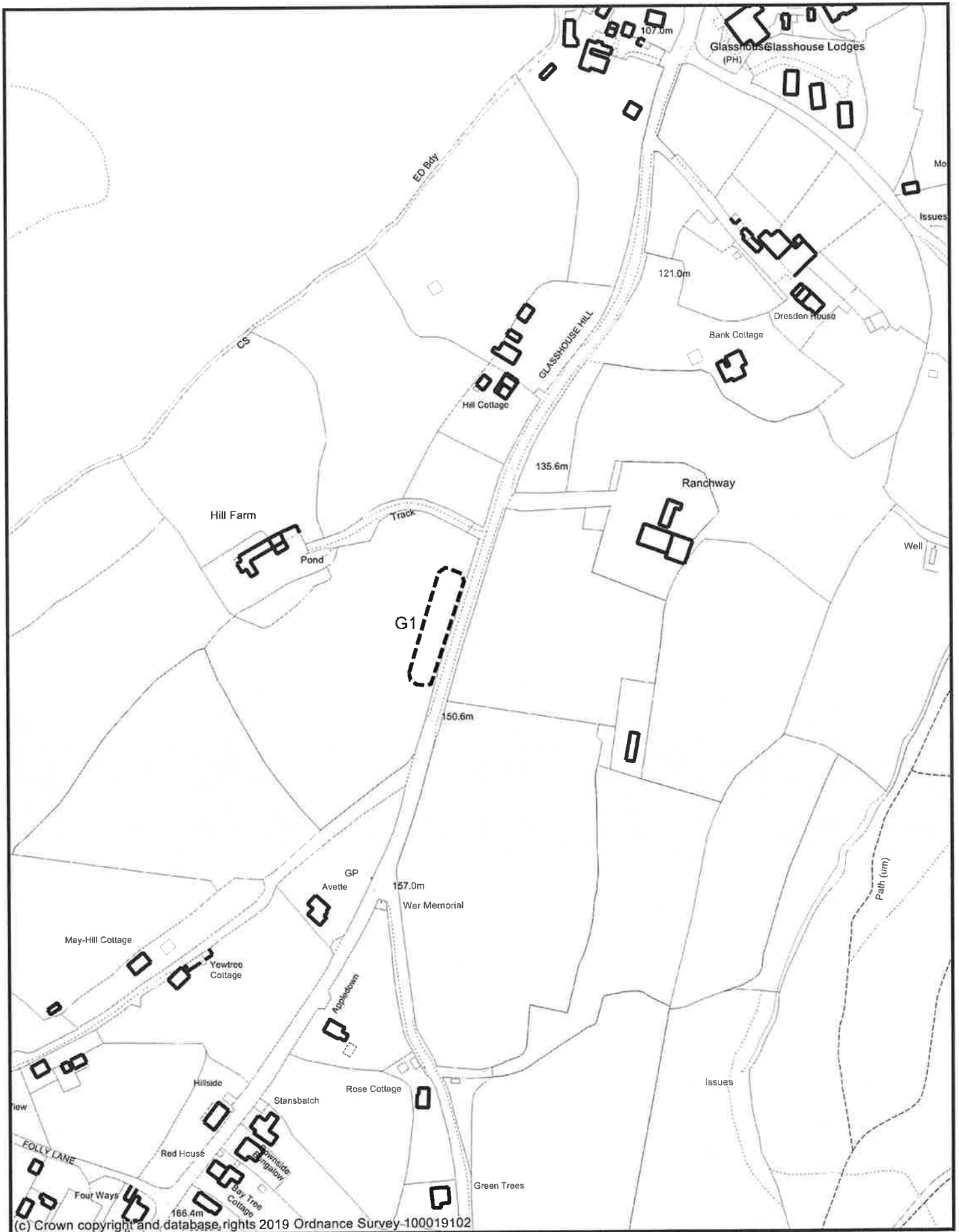
Reference on Map	Description	Situation
Nil	Nil	Nil

Groups of trees
(within a broken line on the map)

Reference on map	Description (including number)	Situation
G1	5 Perry Pear	Eastern boundary of Hill Farm, adjacent to Glasshouse Hill

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
Nil	Nil	Nil



**Tree Preservation Order
DFTPO251
Hill Farm, Glasshouse Hill**

Scale: 1:2500



IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

The Town and Country Planning Act 1990

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

DFTPO251 – Hill Farm, Glasshouse Hill

Notice Under Regulation 5

This is a formal Notice to let you know that on the 13th November 2019 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 11th December 2019 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.....

~~Monitoring Officer / Head of Paid Service / Chief Finance Officer~~

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

DFTPO251 Land At Hill Farm, Glasshouse Hill

Introduction

A Tree Preservation Order is recommended for one group of trees on Land at Hill Farm, Glasshouse Hill, May Hill (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

G1 – 5 Perry Pear

A TPO request has been received from local fruit experts for the five trees which they consider have high amenity, historic and ecological value. The land on which the trees are situated is being sold.

Desk Based Assessment

The trees are situated on land at Hill Farm, Glasshouse Hill. They sit within the Locally Valued Landscape May Hill (policy AP14 of the Allocations Plan), adjacent to the highway on Glasshouse Hill.

Site Based Assessment

This is a distinctive line of trees which are prominent from the highway, contributing to the local landscape character in an area that is afforded extensive views of surrounding and distant countryside.

There are five trees in the line, which are set slightly back from the roadside hedgerow within a field.

Consultation Responses

The TPO has been requested. No consultations have been made for a TPO.

Discussion

Visibility: The trees are prominent from a public highway.

Individual Impact: The TPO request, from local fruit tree and orchard experts, details that four of the five trees are Flakey Bark perry pears and one probably Blakeney Red variety. It is expressed that these are the only known mature trees of the variety Flakey Bark in existence. These specific Flakey Bark perry pear trees are cited in a published book Pears of Gloucestershire & Perry Pears of the Three Counties (2013).

Wider Impact: The trees contribute to the locally valued landscape of May Hill and have cultural value due to the scarcity of mature trees of this variety.

Visible infrastructure constraints: The trees are near to a highway.

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.

Expediency: We are informed that Hill Farm, on which the trees are located, is being sold. The requestors are concerned about the vulnerability of the trees due to a change of ownership.

There are exemptions within the Town and County Planning (Tree Preservation) (England) Regulations 2012 for works to trees which are cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade and for pruning, in accordance with good horticultural practise, of any tree cultivated for the production of fruit. The authority's consent will however be required for carrying out other prohibited activities to fruit trees protected by an order and not cultivated on a commercial basis.

These are five large mature trees that are not part of a commercial orchard operation.

A TPO is considered expedient.

Conclusion of Discussion: These trees have high public and cultural amenity value. One group of five trees is therefore considered to 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 the trees.

Recommendation

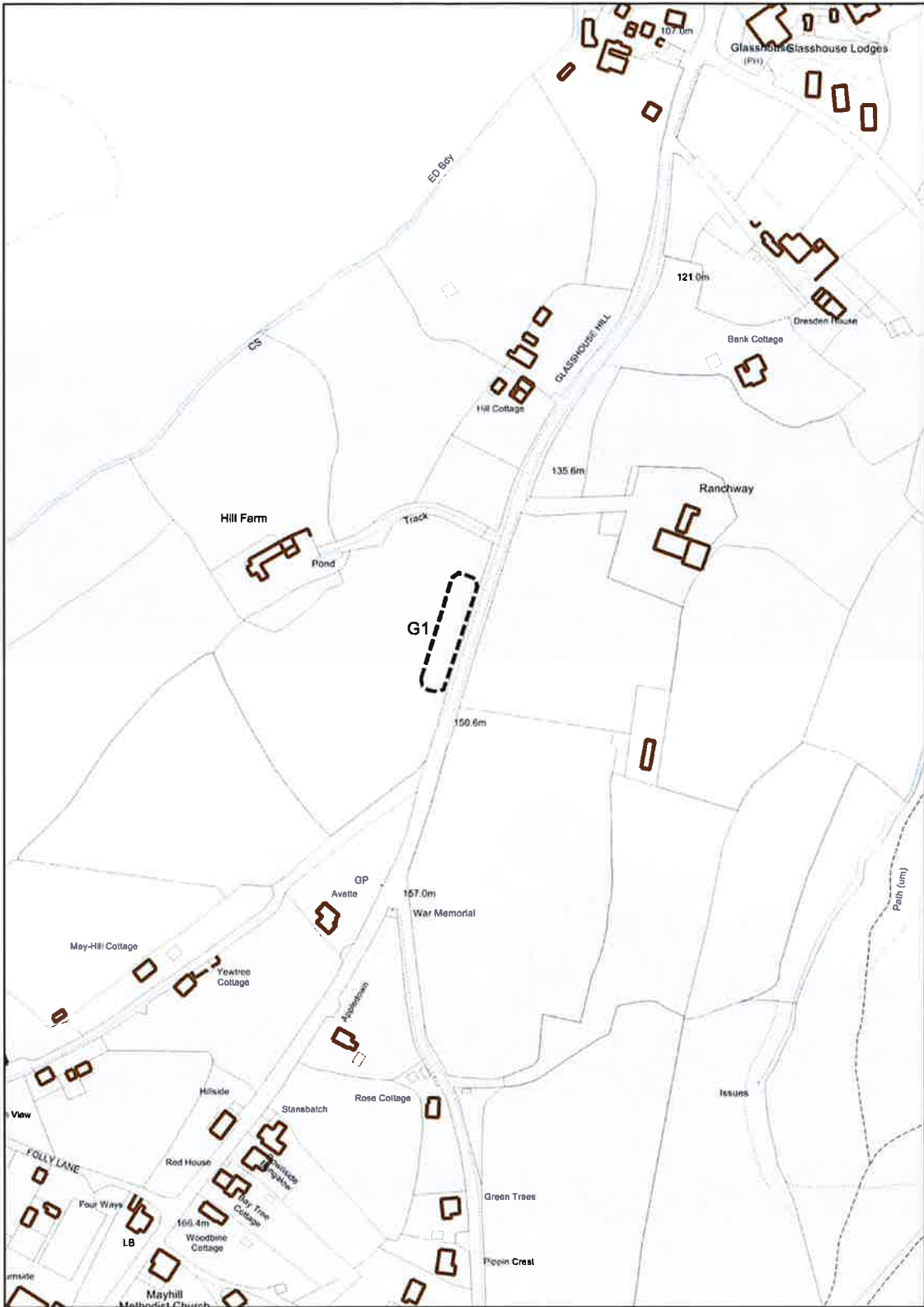
That provisional Tree Preservation Order DFTPO251 Land at Hill Farm, Glasshouse Hill be made.

Signed: *E. J. Hughes*.....

Printed: *Emma Hughes*.....

Agreed / Disagree*..... Date: *4 November 2019*

Appendix A – TPO Plan



Appendix B – Photographs





