

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO195 Clanna Country Park, Alvington.

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 DFTPO195, Clanna Country Park, Alvington

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.


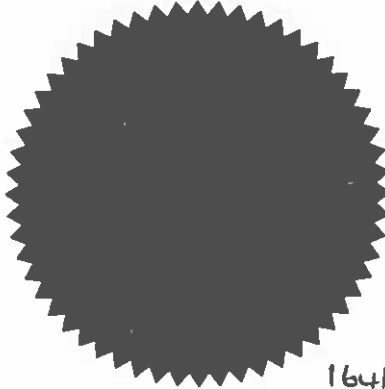
3. Application to trees to be planted pursuant to a condition

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 10th January 2014

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.

1641
10/1/14

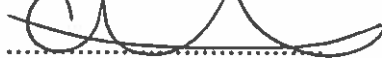
CONFIRMATION OF ORDER

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, on the 8th day of April 2014

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

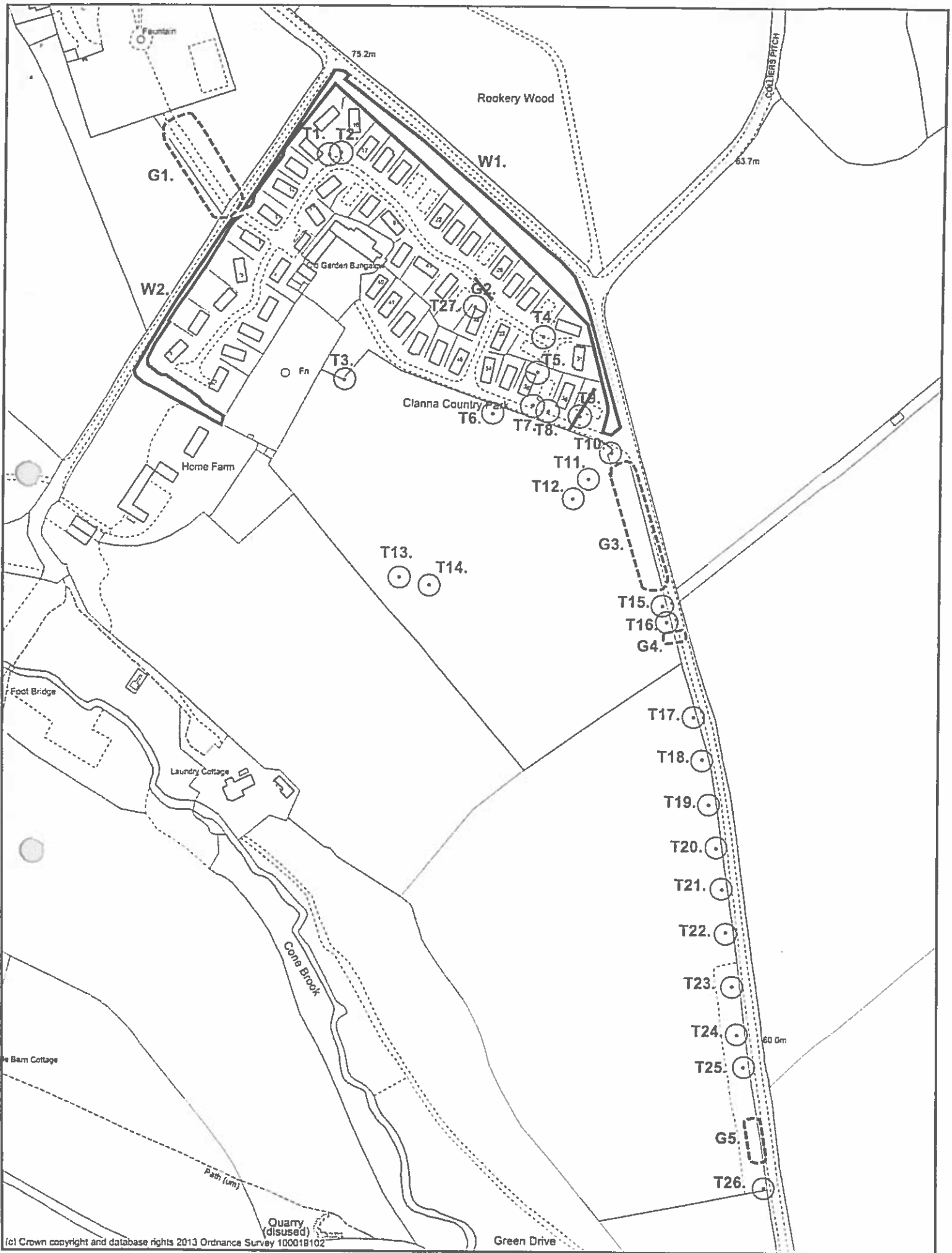
REVOCAION OF ORDER

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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**SCHEDULE 1
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Copper Beech	Nr no 14 Clanna Country Park
T2	Horse Chestnut	Nr no 17 Clanna Country Park
T3	Lime	West side of field
T4	Lime	Nr no 29 Clanna Country Park
T5	Sweet Chestnut	Rear no 36 Clanna Country Park
T6	Cedar	Opp nos 34 & 35 Clanna Country Park
T7	Oak	Nr no 37 Clanna Country Park
T8	Oak	Nr no 37 Clanna Country Park
T9	Silver Birch	Nr no 38 Clanna Country Park
T10	Sycamore	S side of entrance
T11	Holm Oak	SW of entrance
T12	Holm Oak	SW of entrance
T13	Sycamore	S side of field
T14	Sycamore	S side of field
T15	Copper Beech	Field/road boundary
T16	Ash	Field/road boundary
T17	Oak (young)	Field/road boundary
T18	Ash (young)	Field/road boundary
T19	Oak (young)	Field/road boundary
T20	Ash (young)	Field/road boundary
T21	Sweet Chestnut (young)	Field/road boundary
T22	Oak (young)	Field/road boundary
T23	Oak	Field/road boundary
T24	Oak	Field/road boundary
T25	Ash	Field/road boundary
T26	Ash	Field/road boundary
T27	Oak	NW corner of No 46

**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 (including number of	Situation trees in the group)
G1	33 Lime forming an avenue	Drive to Clanna Gardens
G2	3 Oak	Rear no 46 Clanna Country Park
G3	6 Sycamore, 3 Ash	Field/road boundary
G4	2 Sycamore	Field/road boundary
G5	2 Ash, 2 Oak	Field/road boundary

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
W1	Various species including Yew, Sycamore, Sweet Chesnut, Lime, Acacia, Oak, Ash, Cherry, Holly, Silver Birch	NE, E and part of NW boundary of Clanna Country Park
W2	Various species including Yew, Sycamore, Sweet Chesnut, Lime, Acacia, Oak, Ash, Cherry, Holly, Silver Birch	Part of NW and SW boundary of Clanna Country Park

Report for a Tree Preservation Order

DFTPO195 Clanna Country Park

Introduction

A Tree Preservation Order is recommended for 26 Trees, five Groups and two Woodlands at Clanna Country Park, Alvington (see Appendix A – C for location, site photographs and TPO plan). The trees should be referred to as indicated in Appendix D – species list.

The trees are located in and around Clanna Country Park, Alvington. An Order currently covers many trees at this location (DFTPO13) however, this Order is outdated, as many trees covered by the Order have been removed due to development and pressures from home owners, and some trees no longer merit protection. The Council can no longer provide accurate assessments of the TPO status of trees to residents on the site who wish to undertake tree works.

A review of DFTPO13 has recently been carried out. The recommendation of DFTPO195 is a result of this review. DFTPO195 seeks to exclude trees covered by DFTPO13 that have been removed and those that no longer merit protection. The new TPO seeks to include trees that demonstrate significant amenity value within and around Clanna Country Park and that help to assimilate Clanna Country Park with the surrounding landscape character. Recent site visits have been carried out to clarify the presence and amenity value of trees.

It is recommended that DFTPO195 be made and the original Order, DFTPO13 be revoked following the confirmation of this new TPO.

Recommended changes to the protection of trees on site include the removal of 16 individual trees, seven Areas of trees and two Groups of trees from DFTPO13, the replacement of two Groups and the addition of 14 individual trees, one Group and two Woodlands. See Appendix F for further details.

Desk Based Assessment

DFTPO13 covers 34 Trees, seven Areas and four Groups of trees at Clanna Country Park and nearby fields. It is difficult to say for certain, which trees are actually protected by DFTPO13. This site was developed after the TPO was confirmed and a number of Areas, Trees and Groups overlap properties and boundaries between residential curtilage and land bordering the site.

Clanna Country Park is located in open countryside. It is adjacent to Rookery Wood to the northeast and borders highways on the northeast, east and northwest boundaries of the site. The highway to the East of the site extends south, past trees T10 to T29 and G4 of DFTPO13. Clanna Country Park also borders a public right of way on the northwest site boundary. Two further public rights of way are 40 metres and 13 metres respectively from trees protected by DFTPO13, to the east and southeast of the main country park site. Key Wildlife Site Clanna Woods is located

approximately 200m southwest of Clanna Country Park. It is important for its ancient semi-natural broad-leaved woodland and lakes and reservoirs with plant and invertebrate interest.

The surrounding area is characterised by patchy woodland and open agricultural land. The TPO is located within landscape character area 4 – Wooded Scarp and Lower Scarp Slopes. The Landscape Character Assessment identifies road and tracks surrounded by dense vegetation as a key characteristic of the scarp.

Clanna Country Park itself appears well-treed when viewed from highways and public rights of way.

Site Based Assessment

Site visits helped confirm the presence and amenity value of trees remaining on and around Clanna Country Park. Absent trees and trees with significant amenity value were noted during the visits.

The site is located in open countryside. The area is characterised by patches of woodland and open agricultural land. The highway running adjacent to the east site boundary of Clanna Country Park enjoys views across open fields and areas of woodland. It is considered that trees bordering Clanna Country Park are vital to helping the site assimilate with the surrounding landscape character.

A number of trees sit on the field/road boundary bordering the highway that runs south from Clanna Country Park. It was noted that a number of trees covered by DFTPO13 along this boundary are no longer standing. These trees appear to have been replanted with six young native trees – three Oak, two Ash and one Sweet Chestnut. Similar to the large, mature trees that border this highway, they are expected to be of high amenity value when mature, contributing to a continuous line of native field boundary trees leading from woodland up to the entrance of Clanna Country Park.

It is considered that trees shown in the DFTPO195 plan and species list are of high amenity value and should be protected. Some of these trees are currently protected by DFTPO13, and some have been added, for example the six young trees on the field/road boundary mentioned above. Trees shown on the recommended plan to be protected individually merit protection in their own right, through good form. Trees recommended for protection in Groups demonstrate merits as a group. For example, the 33 Lime trees in group G1 are viewed together as an avenue. Two Woodland areas have also been recommended to protect trees bordering Clanna Country Park. These trees are key to assimilating the site into the surrounding area and the loss of these would result in the exposure of the site, which could detract from the landscape character of the area. Woodland protection is recommended here because it will protect trees both currently standing and trees that will grow here in the future.

Consultation Responses

No consultation has been undertaken for DFTPO195, although some residents of Clanna Country Park are aware of the review taking place and are keen to see DFTPO13 replaced by a new, relevant Order.

Discussion

Visibility:

From adjacent highways:

The majority of trees recommended for protection are visible from the highway adjacent to the east boundary of Clanna Country Park, running south from the site towards a cross roads for Aylburton, Alvington, Woolaston and Hewelsfield. This is inclusive of trees within the boundaries of Clanna Country Park.

Recommended Woodland areas can be viewed from highways adjacent to the site, acting as a screen.

From public rights of way:

Woodlands W1 and W2 and group G1 are in good view from public right of way FAL/6 to the northwest of Clanna Country Park. From this PROW are filtered views through to the site and to other trees identified in DFTPO195.

Trees in W1, bordering the Country Park on the east and trees on the field/road boundary can be viewed from public right of way FAL/7/1, while southern most trees will be viewed from prowl FAL/11/1.

From Clanna Country Park:

The majority of the trees in question can be viewed from within Clanna Country Park, due to the one storey nature of the properties, and views over open countryside to the south of the site.

Individual Impact:

It is considered that trees shown in the DFTPO195 plan and species list are of high amenity value. Some trees have individual amenity value, while others should be protected for their merits as a group or larger area (woodland). The trees all show high public amenity value, due to their prominent locations and on the most part, maturity and grandeur.

Trees T17-T22 are young native trees. While these have limited public amenity value now, due to their size, upon maturity, these will provide high amenity value due to their prominent location and continuation of existing field boundary trees.

Wider Impact:

Trees T1-T26 and trees in G1-G5 and W1-W2 help assimilate Clanna Country Park into the surrounding landscape. Clanna Country Park is situated in open countryside and has approximately 56 properties on site. Trees on and surrounding the site are of key importance in reducing the impact of this site on the surrounding landscape character.

The trees can be viewed from highways and public rights of way and have high public amenity value.

Expediency:

DFTPO13 was confirmed prior to development on site. Trees on Clanna Country Park are under constant threat of removal and tree works due to the presence of residential property. Some of the trees are in close proximity to property and some residents have become concerned that this will have adverse impacts on their properties. The Council receives enquiries from residents on the site regarding tree works that they would like carried out.

Protected trees covered by DFTPO13 have previously been removed along the field/road boundary. Trees that remain along the field/road boundary may therefore also be under threat.

The current TPO, DFTPO13, covers the majority of trees on site. This TPO needs replacing due to its now irrelevant plan and first schedule. If DFTPO13 is revoked and a replacement TPO is not made, there would be no protection on any trees on or surrounding the site which means that residents and the site owner could remove trees as they so wish.

It is therefore considered expedient to place a new Tree Preservation Order at Clanna Country Park.

Conclusion of Discussion:

DFTPO13 protects trees at Clanna Country Park and in nearby fields. This TPO has now become irrelevant. It was made in 1980, and since its confirmation, the site has been developed and trees have been removed. The TPO covers the vast majority of trees on site, however it is very difficult to determine which trees are actually protected and which are not. The TPO therefore needs replacing by a more simplistic TPO.

The trees recommended for protection are high in amenity value and can be viewed in a wider context, helping to assimilate Clanna Country Park into the surrounding landscape. The replacement TPO seeks to protect trees that help to assimilate the site with the landscape and to conserve existing landscape features.

Alternatives to placing a Tree Preservation Order

1. Do nothing. This will keep DFTPO13 in force. This covers many trees including some that have been removed since the Order was made, and do not cover some trees that are recommended for protection under DFTPO195, for example trees that border Clanna Country Park to the northwest and southwest, and young trees on the field boundary to the south of Clanna Country Park.

2. Revoke DFTPO13 without replacing the Order. If the existing Order is not replaced, trees at Clanna Country Park and the surrounding fields will not be protected and residents/tree owners will not be required to notify or receive permission from the LPA prior to carrying out tree works, leaving the landscape character vulnerable.

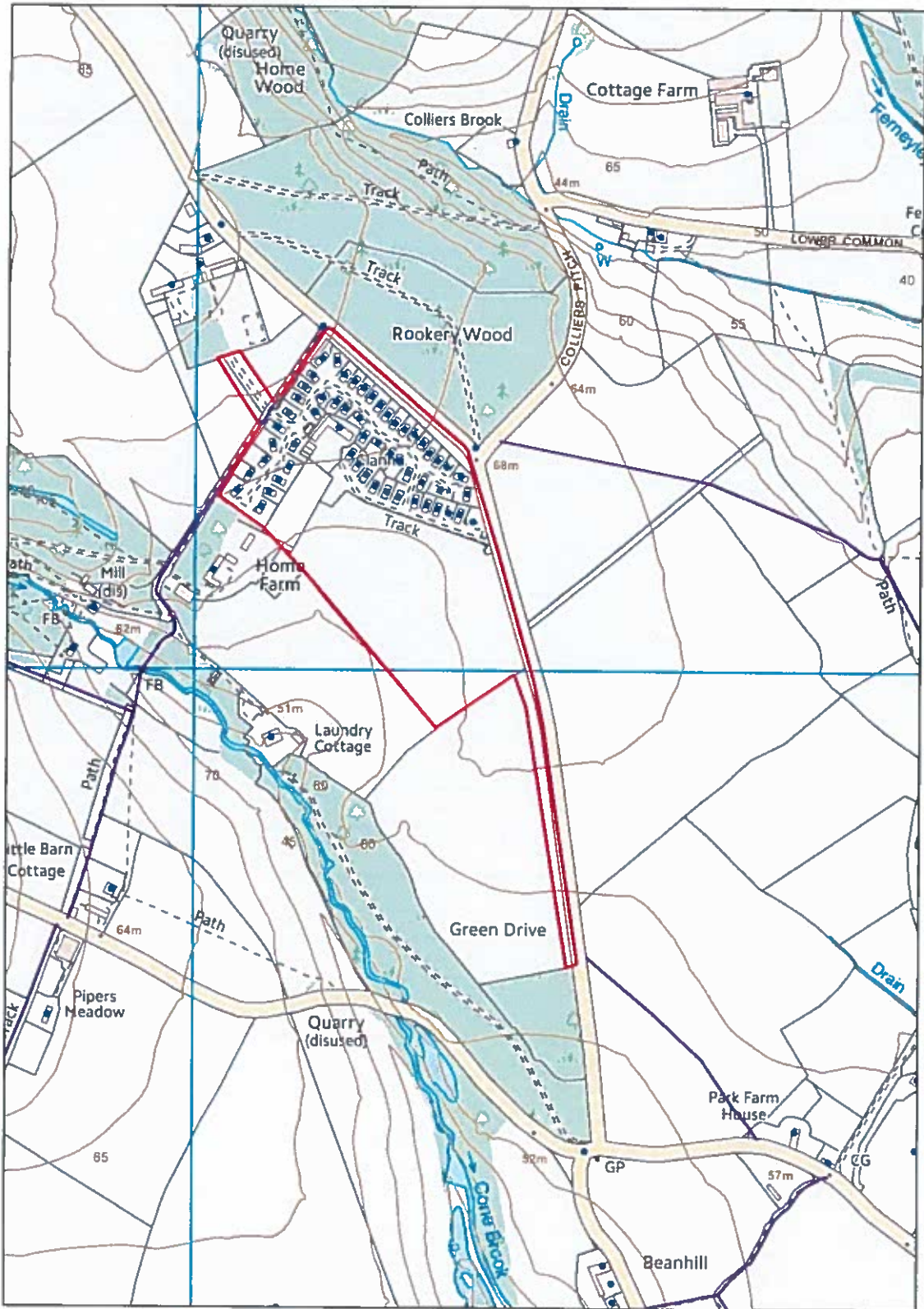
Recommendation

The Council places a Tree Preservation Order to be called DFTPO195 Clanna Country Park.

Planning and Housing Group Manager:.....

Agreed / Disagree*:..... Date:.....

Appendix A - Site Location



Appendix B – Site Photographs

T25

T24

T23



T26



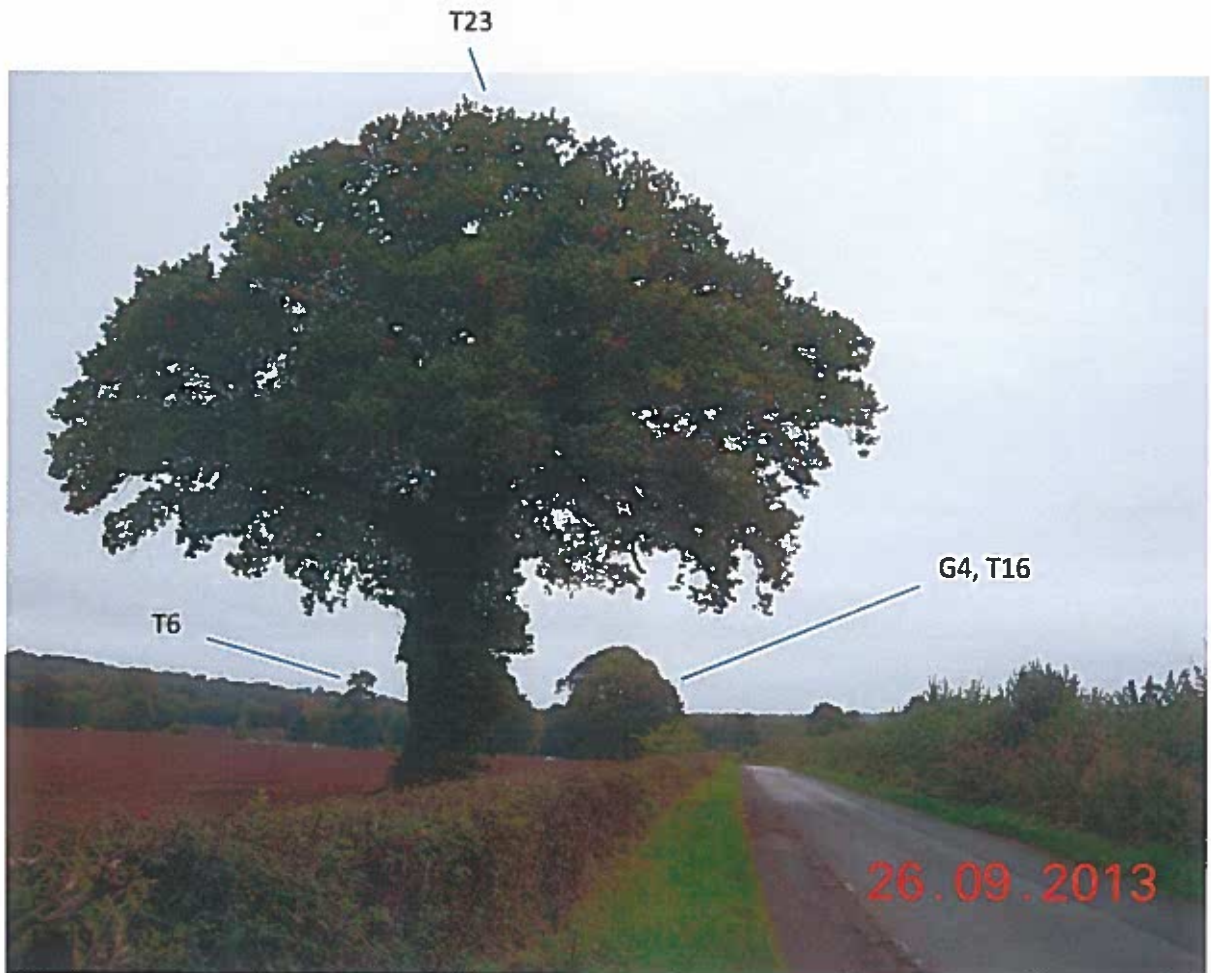
G5



T23

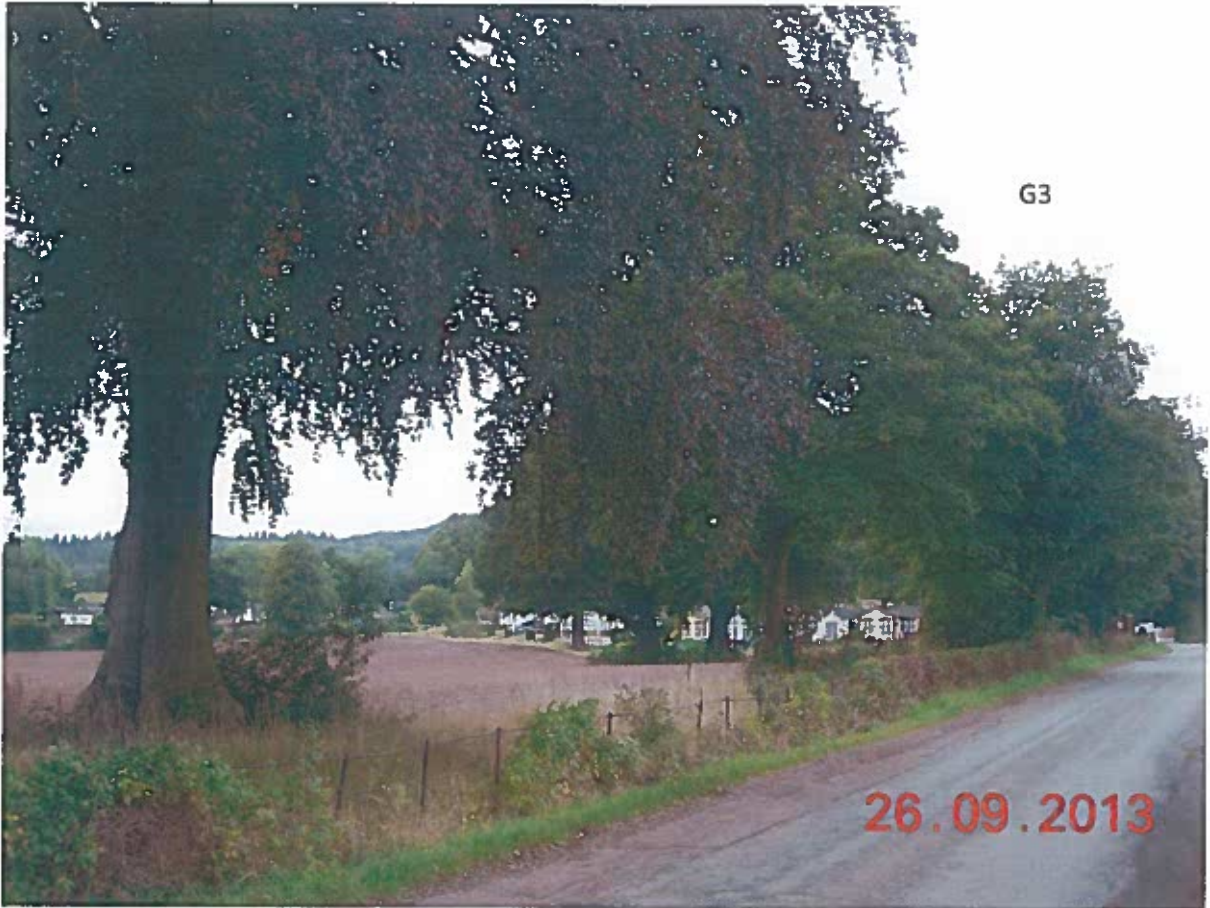








T16



G3



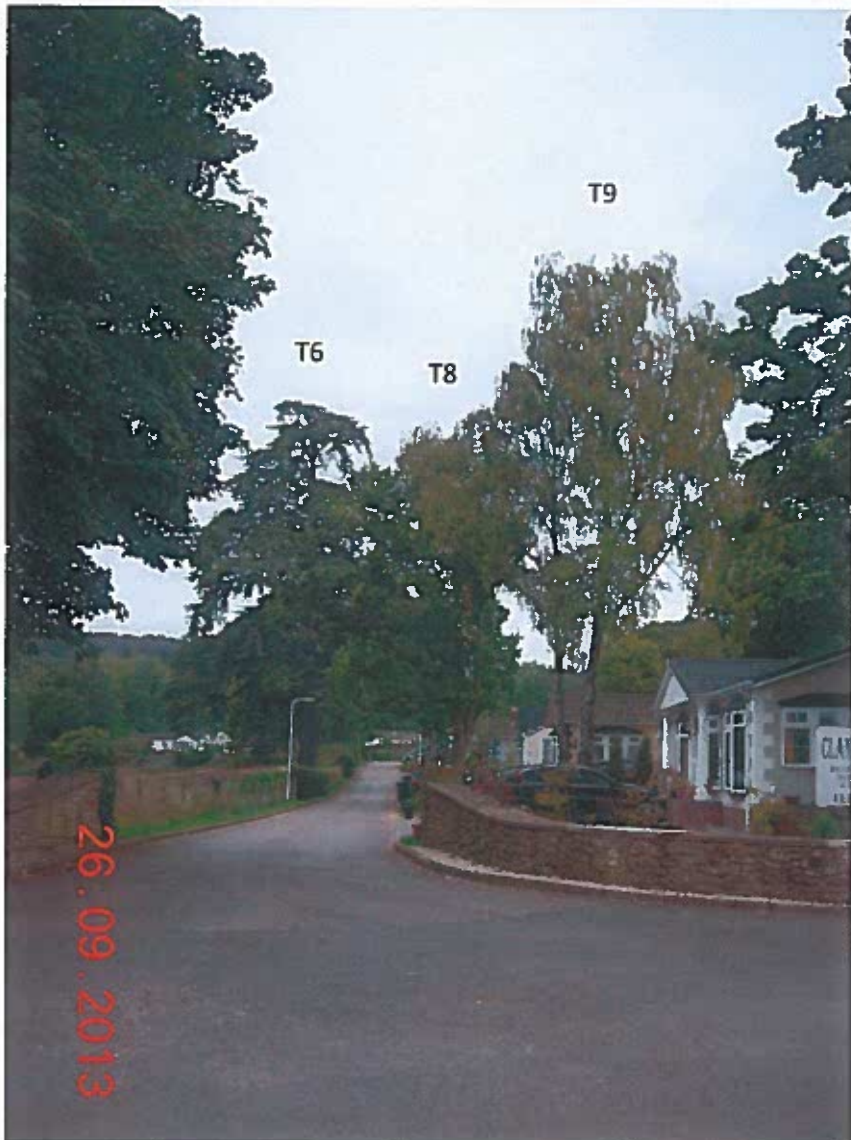
G3

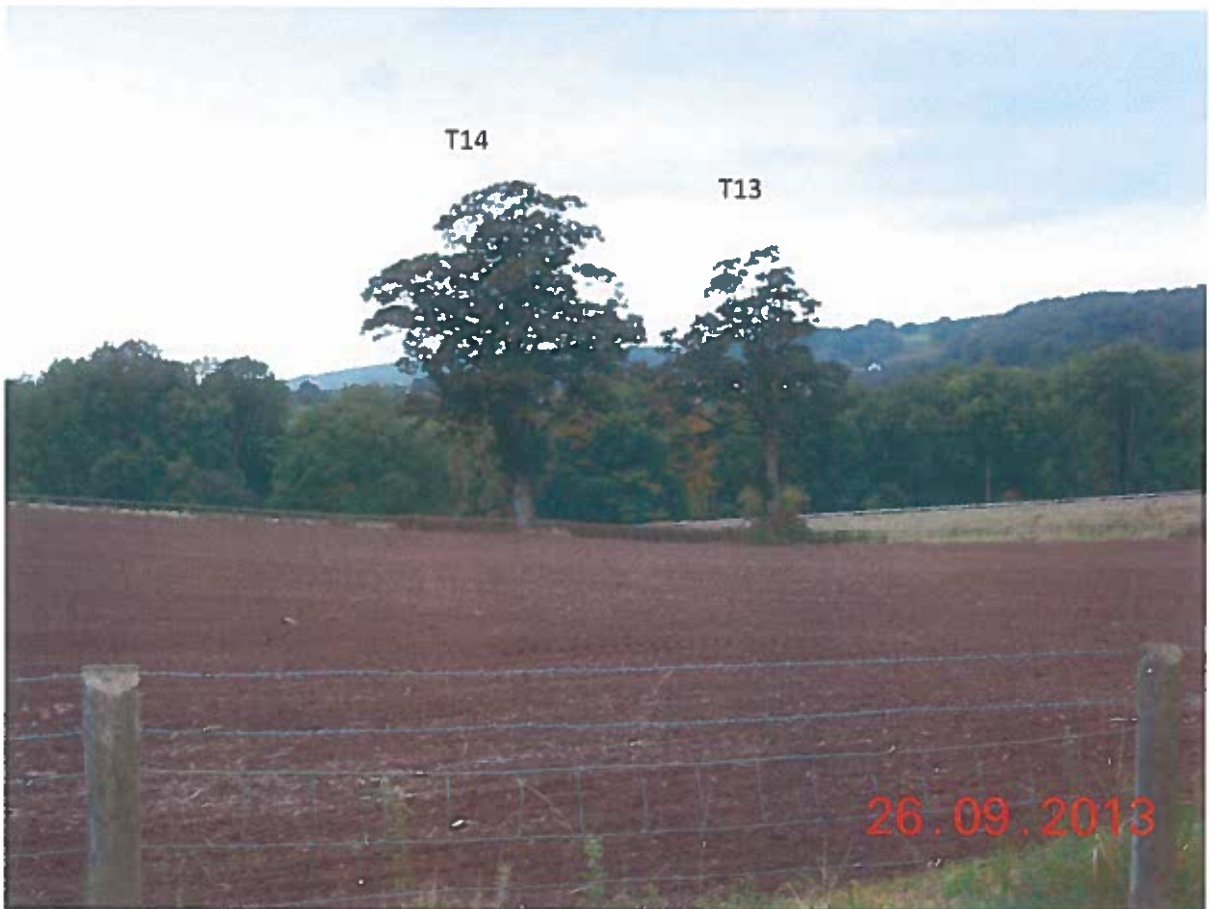
T10

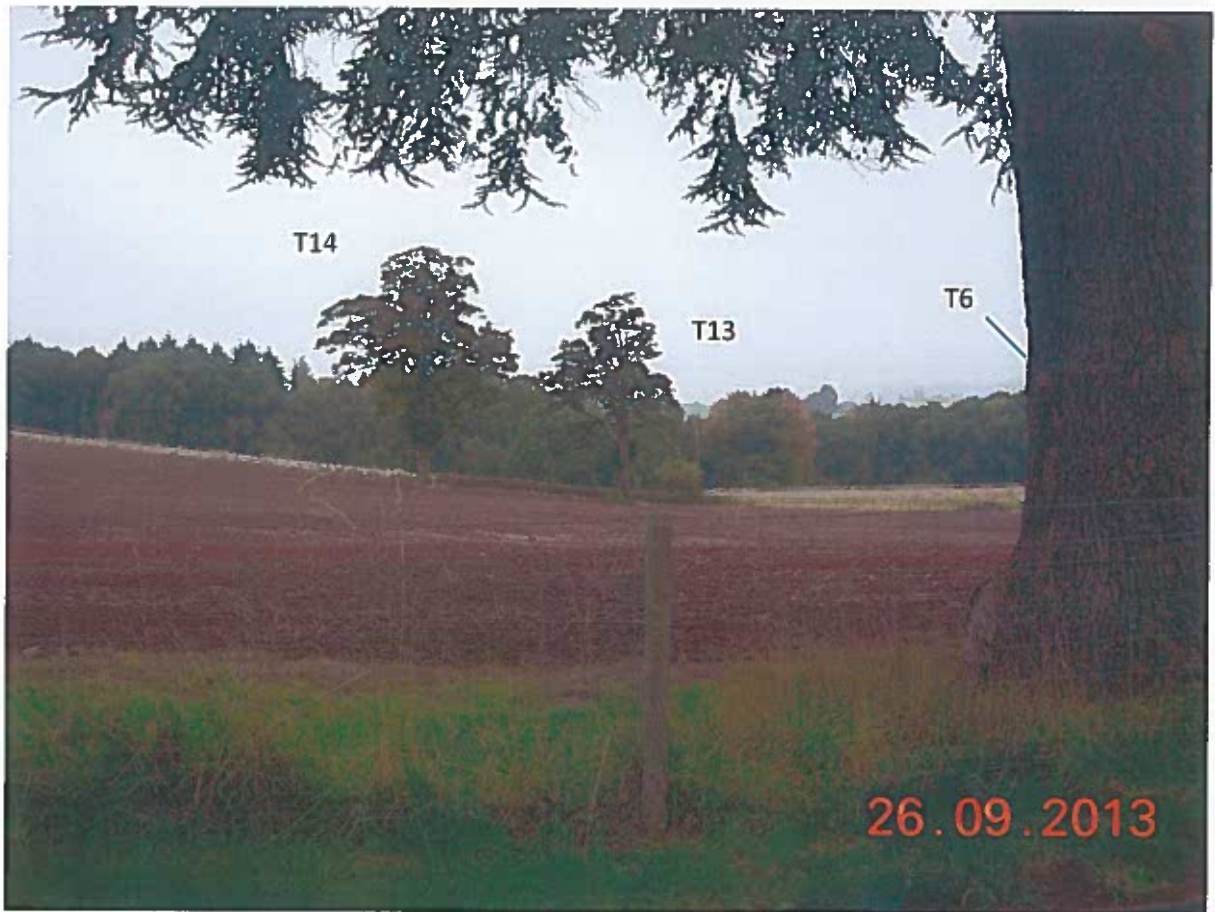


T11 and 12









T3



26.09.2013

T6

T12



26.09.2013

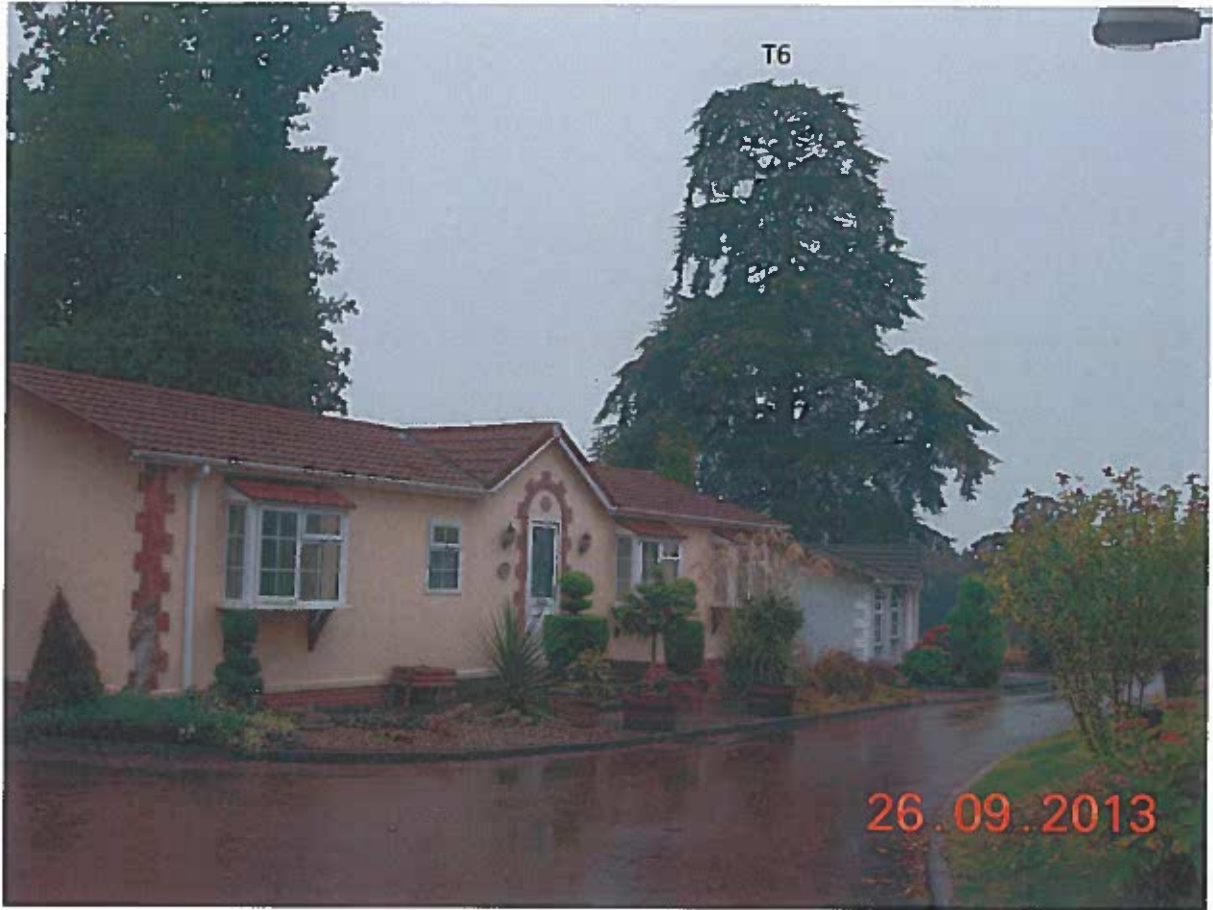




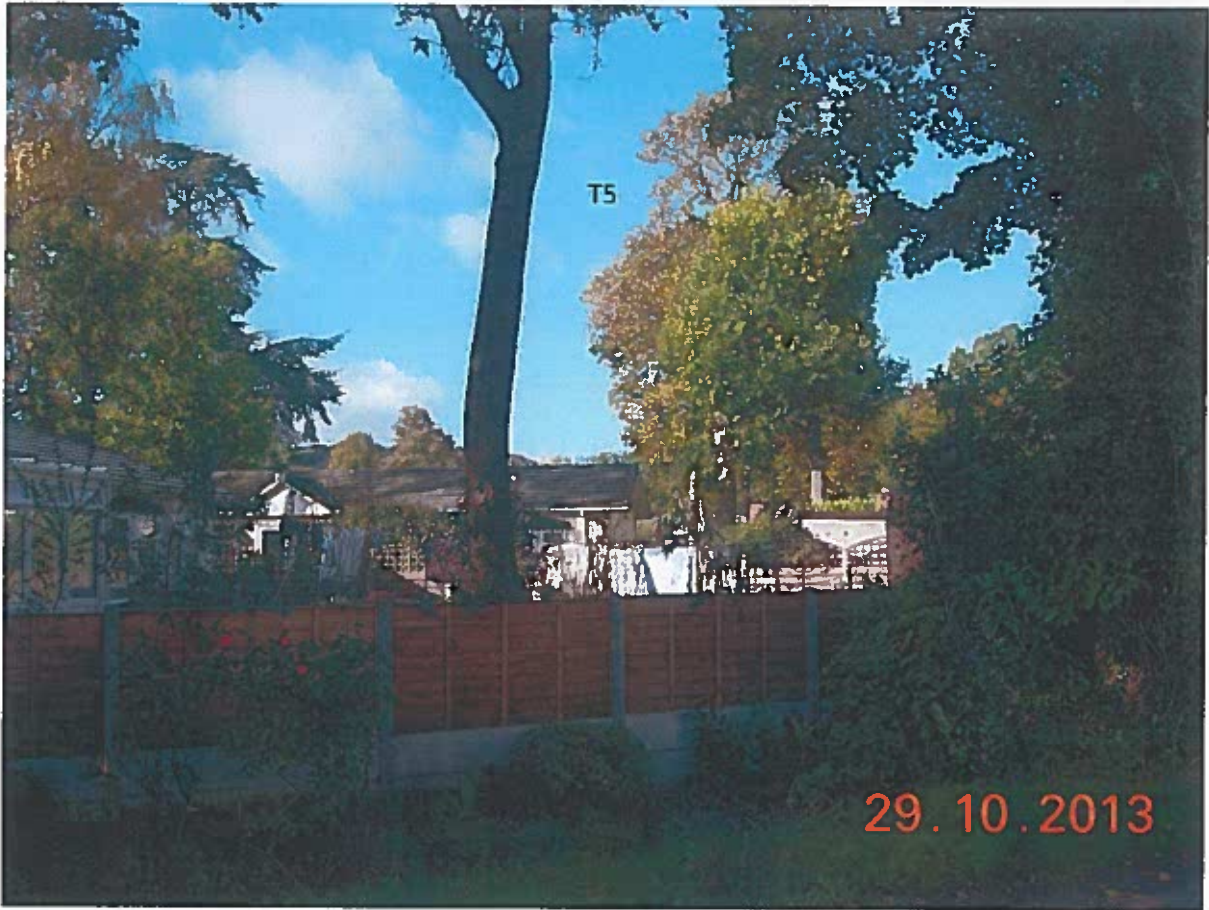




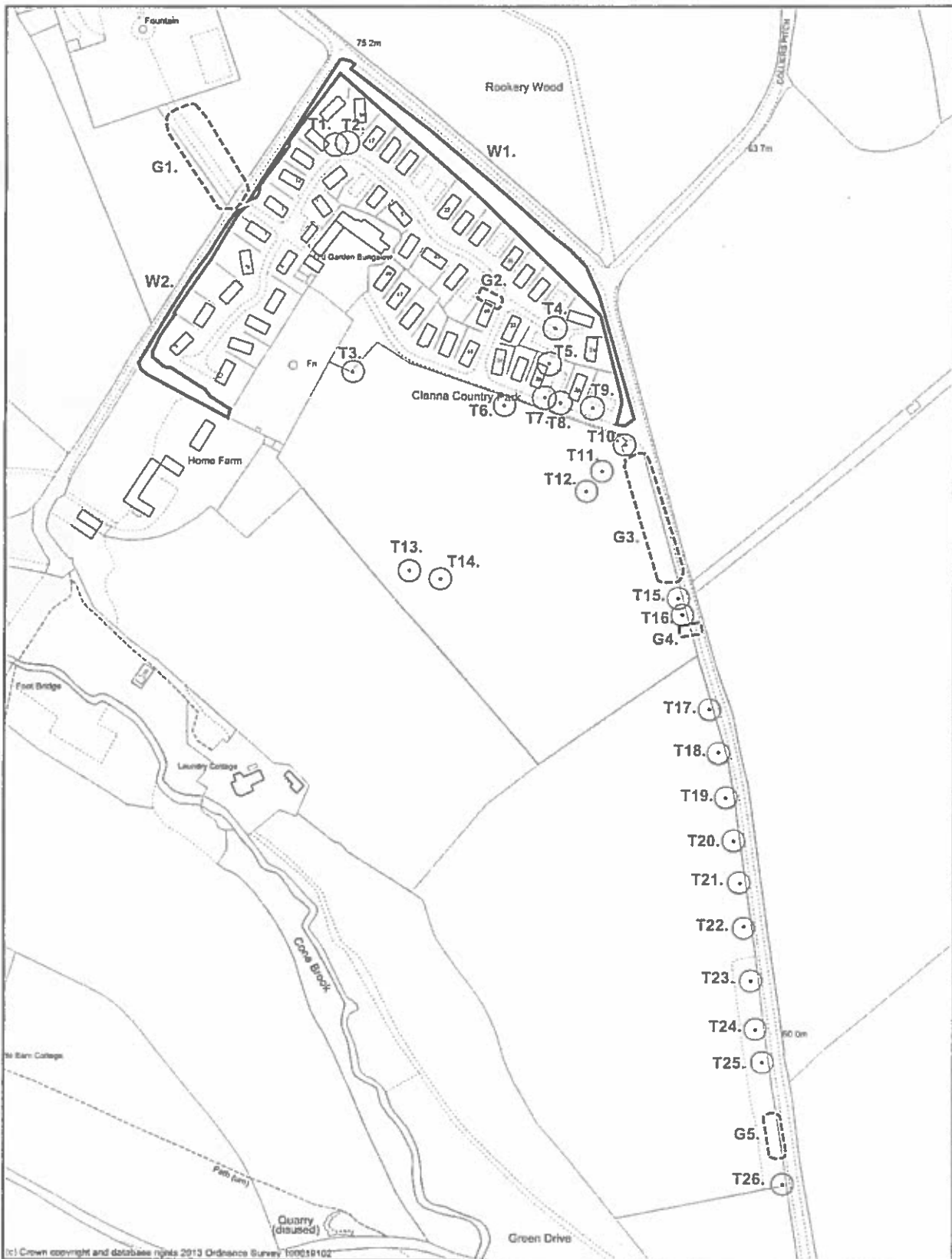








Appendix C – DFTPO195 Plan



Tree Preservation Order DFTPO195 Clanna Country Park

Scale: 1:2000

14 November 2013



Appendix D – DFTPO195 Species List

Number	Species	Situation
T1	Copper Beech	Nr no 14
T2	Horse Chestnut	Nr no 17
T3	Lime	West side of field
T4	Lime	Nr no 29
T5	Sweet Chestnut	Rear no 36
T6	Cedar	Opp nos 34 & 35
T7	Oak	Nr no 37
T8	Oak	Nr no 37
T9	Silver Birch	Nr no 38
T10	Sycamore	S side of entrance
T11	Holm Oak	SW of entrance
T12	Holm Oak	SW of entrance
T13	Sycamore	S side of field
T14	Sycamore	S side of field
T15	Copper Beech	Field/road boundary
T16	Ash	Field/road boundary
T17	Oak (young)	Field/road boundary
T18	Ash (young)	Field/road boundary
T19	Oak (young)	Field/road boundary
T20	Ash (young)	Field/road boundary
T21	Sweet Chestnut (young)	Field/road boundary
T22	Oak (young)	Field/road boundary
T23	Oak	Field/road boundary
T24	Oak	Field/road boundary
T25	Ash	Field/road boundary
T26	Ash	Field/road boundary
G1	33 Lime forming an avenue	Drive to Clanna Gardens
G2	3 Oak	Nr no 46
G3	6 Sycamore, 3 Ash	Field/road boundary
G4	2 Sycamore	Field/road boundary
G5	2 Ash, 2 Oak	Field/road boundary
W1	Various species including Yew, Sycamore, Sweet Chestnut, Lime, Acacia, Oak, Ash, Cherry, Holly, Silver Birch	NE, E and part of NW boundary of site
W2	Various species including Yew, Sycamore, Sweet Chestnut, Lime, Acacia, Oak, Ash, Cherry, Holly, Silver Birch	Part of NW and SW boundary of site

Appendix E – Changes to DFTPO13

Trees currently protected by DFTPO13

Trees	Trees identified in DFTPO13 as T2, T4-T9, T11, T17-T22 and T27 are no longer recommended for protection. Some of these are no longer present.
Groups	G1 removed. G2 replaced by T1 and T2 of TPO195. G3 removed. G4 replaced by G5 of TPO195
Areas	Areas 1 and 2 replaced by W1 of TPO195. Laurel, Hazel and Cupressus removed from description and Holly and Lime added to form one description.

Trees recommended for protection that are not currently protected

Trees	T3 - Lime T17-T22 (young native trees on field/road boundary)
Groups	G1 – 33 Lime trees G3 – includes 4 Sycamore and 3 Ash not currently protected G4 – includes 1 Sycamore not currently protected
Areas	N/A
Woodlands	W2 – Various species including Yew, Sycamore, Sweet Chestnut, Lime, Acacia, Oak, Ash, Cherry, Holly, Silver Birch