

# TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO247 – Netherend Farm, 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 DFTPO247, Netherend Farm, 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 22 day of July 2019

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

Affixed in the presence of

*P. M. Williams*



2181

**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 11 day of December 2019

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

**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	SO593002 (359380, 200209)

**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)	Situation
G1	9 Ash	SO593002 (359362, 200273)

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

Reference on map	Description	Situation
-	-	-



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**Tree Preservation Order  
DFTPO247  
Netherend Farm**

Scale: 1:1250



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# **Report for a Tree Preservation Order**

## **DFTPO247 Netherend Farm and Land Adjacent, Woolaston**

### **Introduction**

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

T1 – Oak

G1 – 9 Ash

Application P1995/18/OUT is an outline application for up to 36 dwellings with landscaping, open space, car parking, construction of vehicular access and associated ancillary works with demolition of existing outbuildings and farmhouse. All matters are reserved except for access. A number of trees border the public right of way which runs along a boundary of the application site.

### **Desk Based Assessment**

It would seem that the development could be facilitated with the retention of these trees. A tree protection plan has been submitted for the safeguarding of trees during construction.

The application site is an allocated site within policy AP113 of the Allocation Plan, for up to 36 dwellings.

A public right of way runs north to south along a track with a number of trees bordering, including T1 and G1. Oak T1 (T11 in the application) is to be retained within an area of open space in the indicative plan.

Currently there are drainage routes proposed along the track adjacent to Oak T1

### **Site Based Assessment**

The trees identified above are important landscape features along a public right of way. G1 is situated to one side of the track, just off the application site. Oak T1 is situated just inside the site boundary where the site turns a corner. The trees are prominent from the public right of way. Whilst there are other trees bordering the public right of way, T1 and G1 are considered the most significant in their public amenity value.

### **Consultation Responses**

No consultation has been undertaken for the proposed provisional TPO.

### **Discussion**

**Visibility:** The trees are prominent from a public right of way. Group G1 is also prominent from Bridge View.

**Individual Impact:** T1 is a large mature Oak and G1 consists of early mature-mature Ash trees. The tree survey submitted with application P1995/18/OUT categorises the Oak tree and one Ash tree within G1 as category B trees and the other Ash trees in G1 category C, under BS5837:2012. The Oak is described as a mature tree in good physiological condition. Trees within G1 are described as early mature Ash of fair-good condition.

**Wider Impact:** These trees are prominent landscape features which contribute to local landscape character. These trees would also contribute to the maturity of the site if development as proposed.

**Visible infrastructure constraints:** The trees are currently adjacent to a public right of way. Under the current indicative plan for the application site, they will also be within falling distance of a vehicular access.

There are provisions within the regulations which would enable works in relation to trees affecting a 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:** Application P1995/18/OUT is pending consideration for up to 36 dwellings with all matters reserved except access. Whilst it has been demonstrated that these trees can be retained within and adjoining the development, the targets of the trees will change, in that there will be residential properties and a vehicular access close to the trees where there were none before. This could increase management pressures on the trees. A TPO will also recognise the value of these trees in relation to the existing public right of way and proposed development.

A TPO is considered expedient.

**Conclusion of Discussion:** One individual tree and one group of trees are 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 trees save that in the event application P1995/18/OUT is granted consent landscaping conditions can ensure the retention of trees in the short term.





Appendix A – TPO Plan



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**Tree Preservation Order  
DFTPO247  
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Appendix B - Photographs

G1



G1



