

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO241 – Land Adjacent The Old Railway Cutting, Oxenhall

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 DFTPO241, Land Adjacent The Old Railway Cutting, Oxenhall

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 29 day of August 2018

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

Affixed in the presence of

P.M. Williams



2018

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 16 day of January 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
Nil		

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

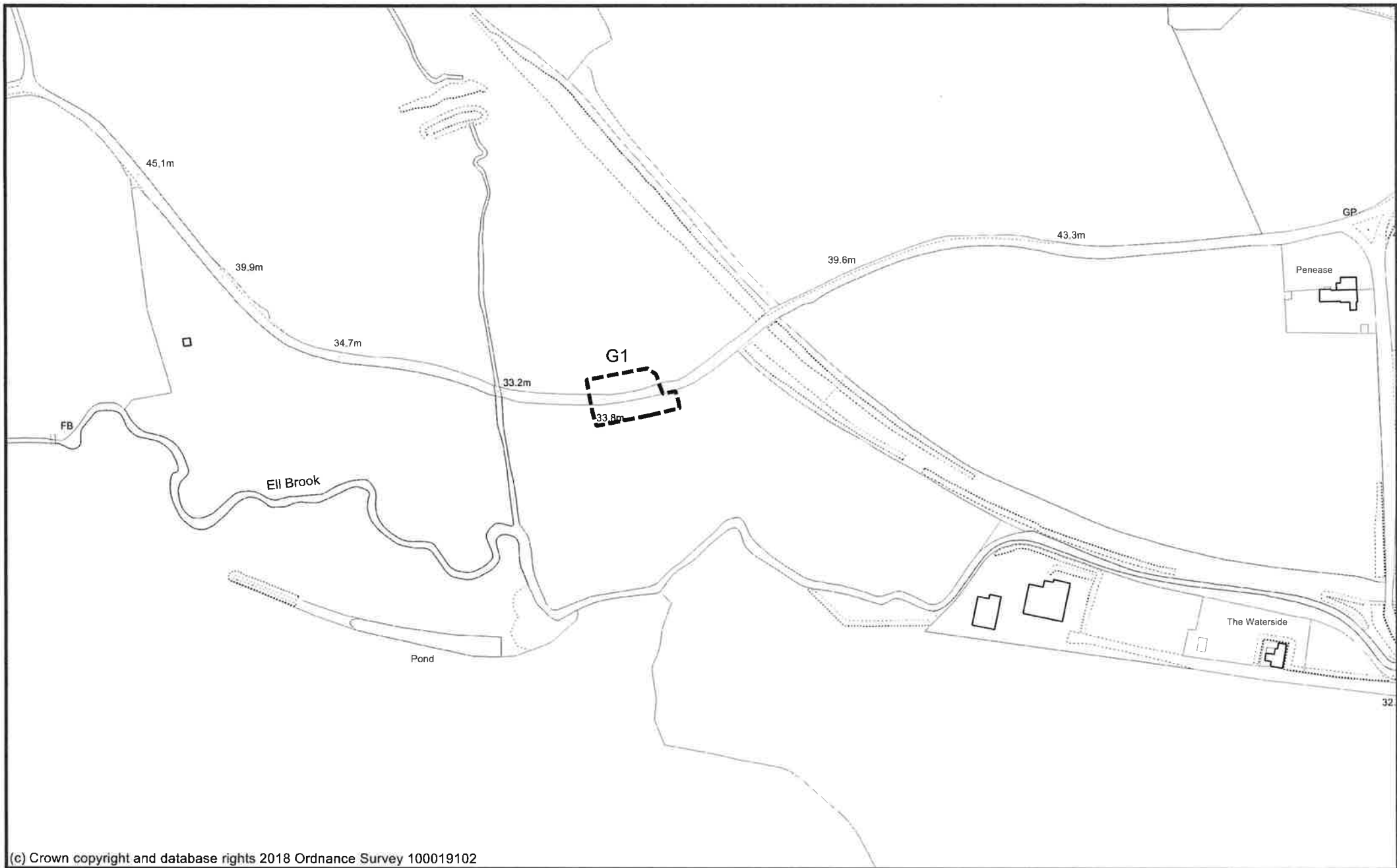
Reference on Map	Description	Situation
Nil		

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

Reference on map	Description	Situation
G1	2 Oak and 3 Ash	SO (370661, 226602)

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
Nil		



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Tree Preservation Order
DFTPO241
Land Adjacent The Old Railway Cutting, Oxenhall
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Scale: 1:2500



Report for a Tree Preservation Order

DFTPO241 Land Adjacent The Old Railway Cutting, Oxenhall

Introduction

A Tree Preservation Order is recommended for 1 group of trees at Land Adjacent The Old Railway Cutting (see Appendix A – B for TPO plan and photographs). The group should be referred to as:

G1 – 2 Oak and 3 Ash

Planning application P073818/FUL is pending consideration for the change of use of land to two Gypsy/Traveller pitches comprising 2 mobile homes, 2 touring caravans, 2 day rooms plus hardstanding and foul drainage (part retrospective) (See Appendix C for the current proposal plan). The proposed access is situated in close proximity to G1.

Desk Based Assessment

The trees are located adjacent to the highway on Hawthorne Hill. Within application P0738/18/FUL it is proposed to create a new tarmac access beneath the canopy of one boundary ash tree. Further information has been requested regarding the trees and their safe guarding.

The visibility splay submitted is very close to the stem of eastern-most ash tree and beneath the canopy spreads of the three ash trees.

Insufficient information has been provided to ensure that existing trees will safe guarded from construction impacts.

Site Based Assessment

Three large mature ash trees are adjacent to the lane, the proposed site access being in very close proximity to the eastern-most tree. Two large mature oak trees are present on the opposite side of the lane. The five trees are visible as a group from the highway.

Consultation Responses

Sustainability Team consultation comments for application P0738/18/FUL request root protection areas and calculations for existing retaining trees.

Discussion

Visibility: The trees are dominant features along the lane.

Individual Impact: This is a group of large mature, native trees.

Wider Impact: The trees have high amenity value as a group and contribute to the character of a lane in the open countryside.

Visible infrastructure constraints: The trees are adjacent to and overhang a public 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 provisional 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 P0738/18/FUL for the change of use of land to two Gypsy/Traveller pitches comprising 2 mobile homes, 2 touring caravans, 2 day rooms plus hardstanding and foul drainage (part retrospective) is pending consideration. The proposals involve a proposed access in close proximity to a mature ash tree and threaten adverse impacts on the tree's roots and rooting environment. No tree survey has been carried out on the trees in relation to the application at this time. Some information has been provided regarding measures to reduce impacts on trees however it is not considered that sufficient information has been provided to ensure the trees can be safe guarded at the time of writing this report.

It is considered that any planning permission on the site could also increase management pressures on the trees.

A TPO is considered expedient.

Conclusion of Discussion: One group of 2 Oak and 3 Ash is considered to be of significant public amenity value and merits 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. A felling license would be required for the removal of over 5m³ of timber in any calendar quarter.

Further details could be requested or conditioned in relation to application P0738/18/FUL if the authority is minded to consent the scheme, in order to try to reduce adverse impacts on the trees in the short term.

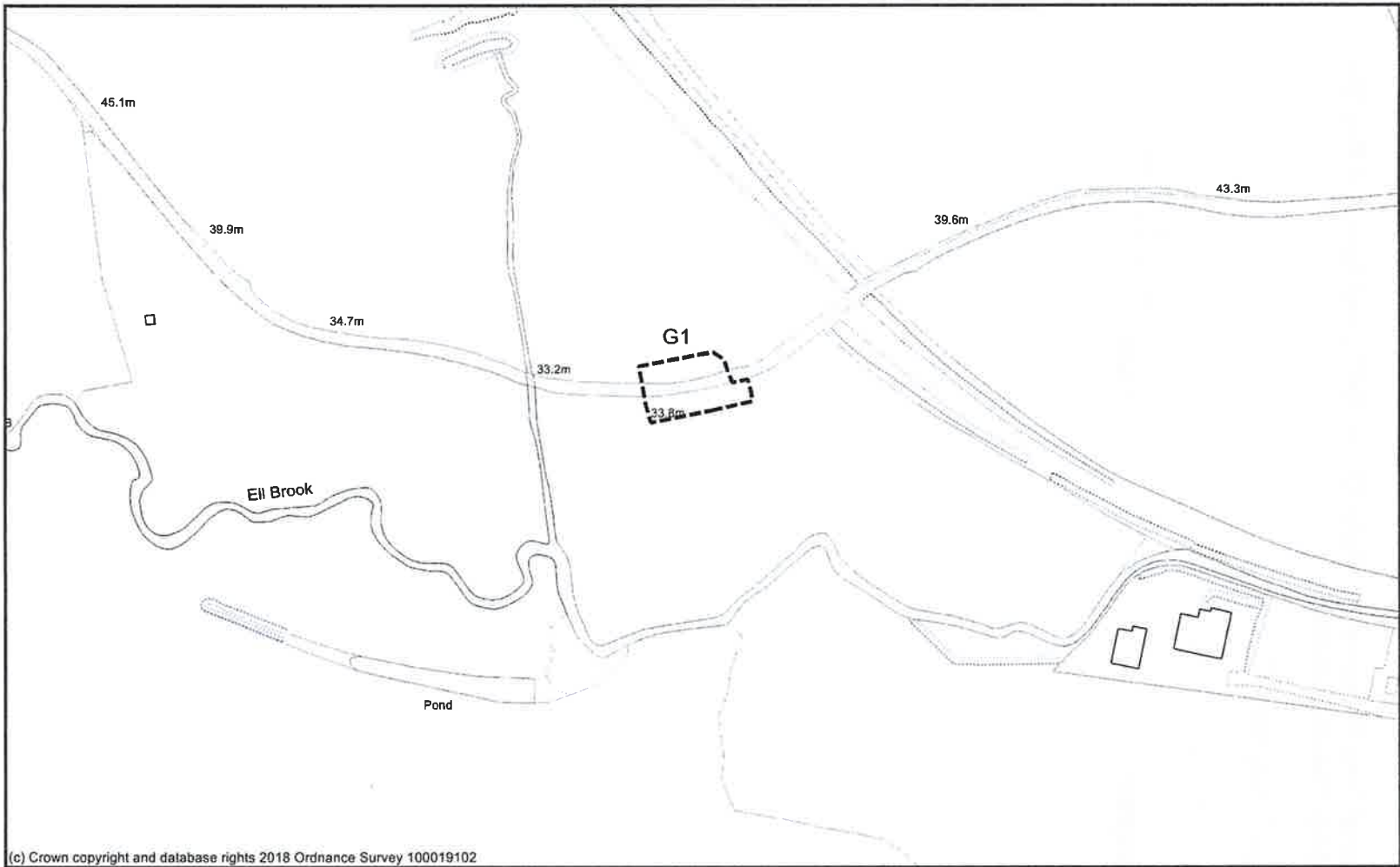
Recommendation

That provisional Tree Preservation Order DFTPO241 Land Adjacent The Old Railway Cutting, Oxenhall is made.

Signed: Chris

Printed: CHRIS REYNOLDS

Agreed / ~~Disagree~~*: Date: 24/8/18



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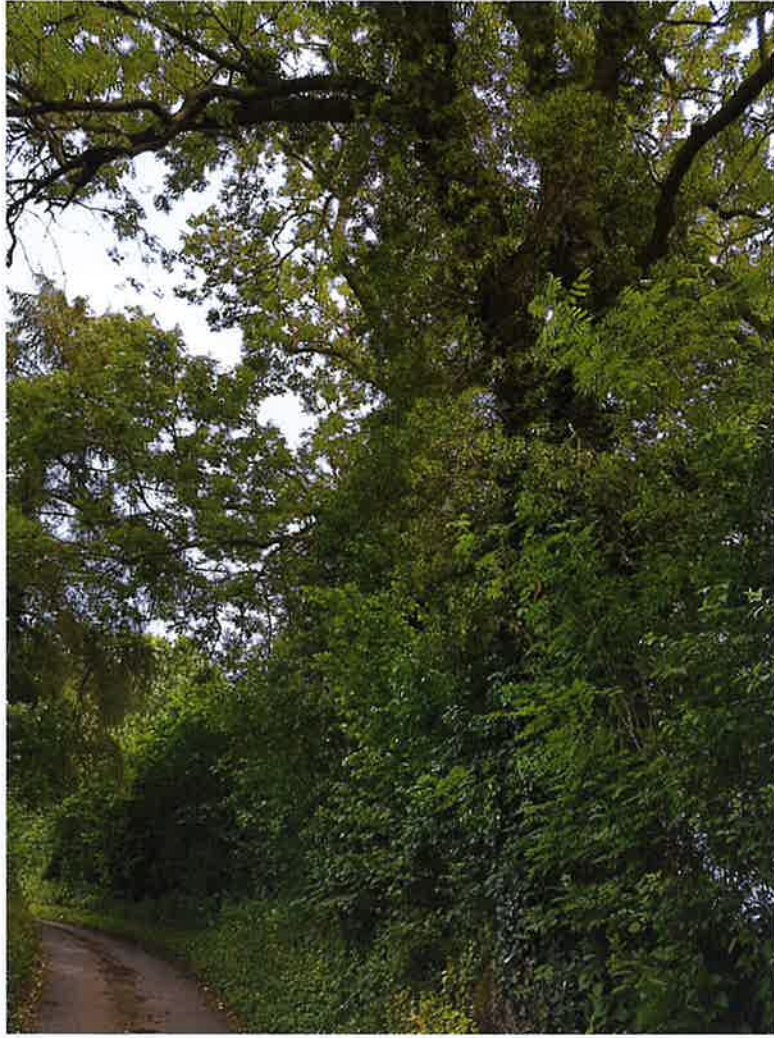
**Tree Preservation Order
DFTPO241
Land Adjacent The Old Railway Cutting, Oxenhall**
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Scale: 1:2048



Appendix B – Photographs





Appendix C – P0738/18/FUL Planning Layout - Overleaf

226650 N

226600 N

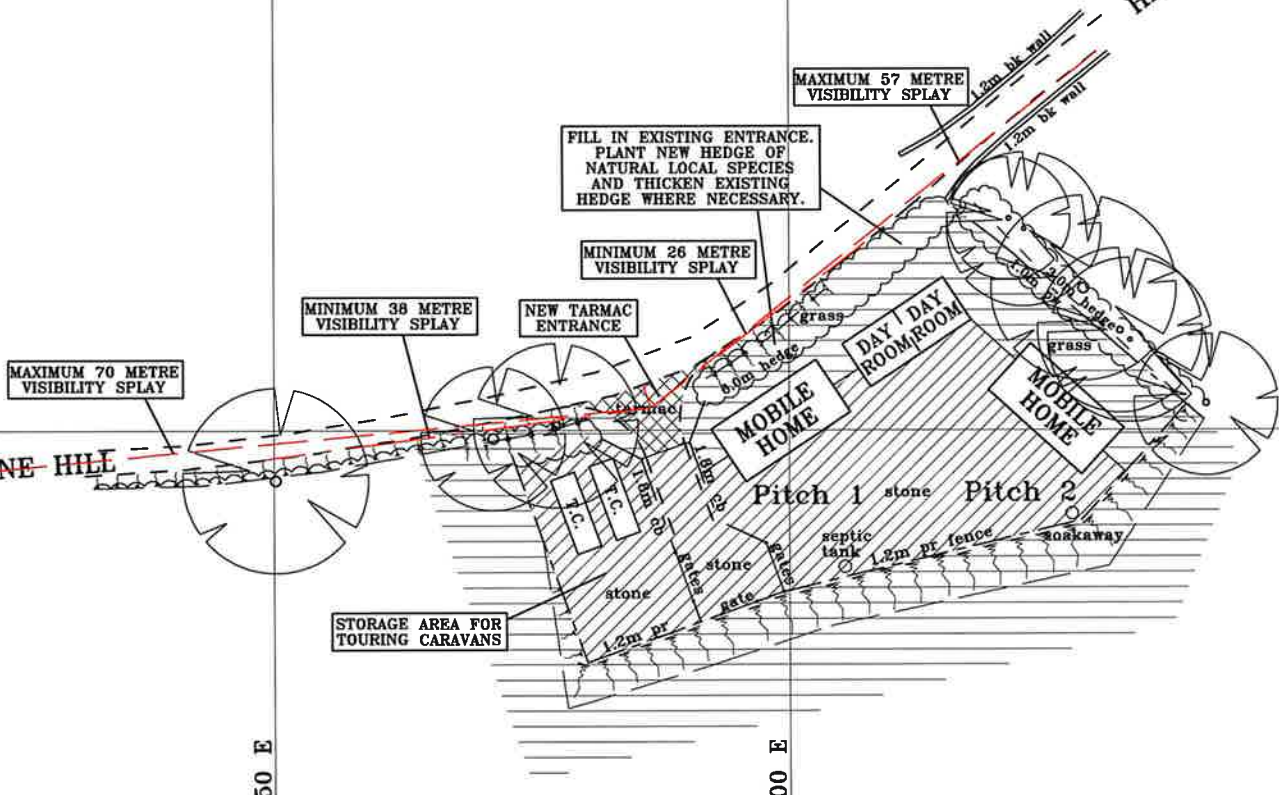
370650 E

370700 E

370750 E

HAWTHORNE HILL

HAWTHORNE HILL



LEGEND

FENCES

pr post & rail
pw post & wire
cb closeboard

WALLS

bk brick wall



RUXTON
SURVEYS

The Long Barn
Mitre Farm
Corse Lawn
Gloucestershire
GL19 4NG
Tel. 01684 217217
Mob. 07831 861822
www.ruxtonsurveys.co.uk
enquiries@ruxtonsurveys.com

LOCATION:
**LAND AT HAWTHORNE HILL
OXENHALL
NEWENT
GLOUCESTERSHIRE**

CLIENT:
**MR H JONES &
MS T RICHARDS**

DRAWING TITLE: PROPOSED SITE LAYOUT		
SCALE: 1 to 500	DATE: MAY 2018	SHEET SIZE: A3
DRAWING NUMBER: 18080/02B		DRAWN BY: N.R.