

## **TOWN AND COUNTRY PLANNING ACT 1990**

The Tree Preservation Order DFTPO260 – Land to the North of Foley Rise, Hartpury

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 DFTPO260, Land to the North of Foley Rise, Hartpury.

### **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 16 day of December 2021

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

Affixed in the presence of

*P. M. Williams*



2352

**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 to replace A1 with G1 and W1 as indicated on the map, and modified Schedule 1**, on the 10<sup>th</sup> day of May 2022

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 |
|------------------|-------------|-----------|
| -                | -           | -         |

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

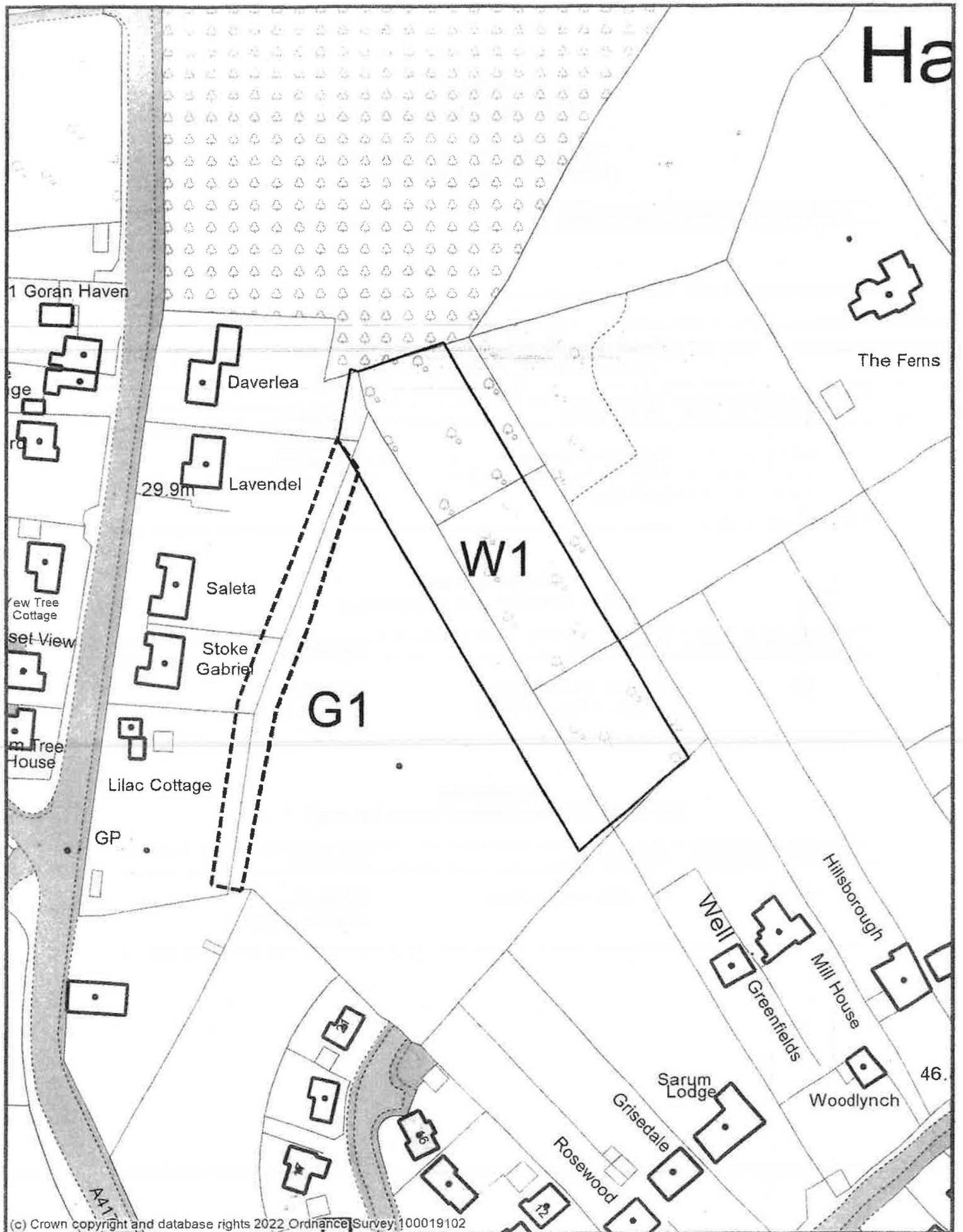
| Reference on Map | Description   | Situation                    |
|------------------|---|------------------------------|
| A1               | Ash, Oak, Hawthorn<br>Field Maple, Pear, Apple<br>and Hazel | SO800251<br>(379849, 225034) |

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

| Reference on map | Description                                   | Situation                    |
|------------------|---|------------------------------|
| G1               | 23 Ash, 11 Hawthorn<br>1 Oak, 1 Pear, 1 Hazel | SO799251<br>(379971, 225173) |

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

| Reference on map | Description            | Situation                    |
|------------------|------------------------|------------------------------|
| W1               | Ash, Oak, Hazel, Plum. | SO799251<br>(380038, 225179) |



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**Tree Preservation Order DFTPO260 Land to the North of Foley Rise, Hartpur**

Scale: 1:1250

07 April 2022



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# **Report for a Tree Preservation Order**

## **DFTPO260 Land to the North of Foley Rise, Hartpury**

### **Introduction**

A Tree Preservation Order is recommended for an area of trees on land to the north of Foley Rise, Hartpury (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

A1 – Ash, Oak, Hawthorn, Field Maple, Pear, Apple and Hazel

The trees are adjacent to a plot of land that is currently being promoted as a site for residential development. Hartpury Parish Council has requested that a Tree Preservation Order be made on a group of trees to the North of Foley Rise, as they are considered to form a defining feature of the landscape and settlement of Hartpury.

### **Desk Based Assessment**

The trees are situated on the western and north-eastern boundaries of the parcel of land that is being promoted as a site for residential development. At the time of writing an Outline Planning Application has been received by the Council for the proposed erection of 18 dwellings and associated works (P2006/21/OUT). The land is situated just outside the settlement boundary of Hartpury. The nearest Tree Preservation Order is DFTPO141, which is approximately 250 metres to the south east. There are no public footpaths in close proximity, but there is a network of public rights of way to the west, north and east.

### **Site Based Assessment**

The trees identified above are of visual importance as they form a defining feature of the landscape and settlement of Hartpury. The land on which the trees are growing is located in a highly visible location elevated on the settlement ridge which runs north to south through the centre of Hartpury. As a result they form an important skyline feature and provide a backdrop to the ridge, which provides important context for the settlement character (see photographs in Appendix B). The dominant species is semi-mature Ash, with an understorey of Oak, Hawthorn, Field Maple, Pear, Apple and Hazel. They are all characteristic for the area, with the Pear in particular being historically important to the surrounding area.

### **Consultation Responses**

A TPO was requested by Hartpury Parish Council. No consultation has been undertaken for the proposed provisional TPO.

## **Discussion**

**Visibility:** The trees in question are growing on a prominent ridge and are visible from numerous public viewpoints within the village, such as from the west along Corsend Road, Gloucester Road, and six public footpaths, from the south along Foley Rise, and to a lesser extent from the south east along Broad Street.

**Individual Impact:** The trees form a group that are visible from numerous public viewpoints, due to their location on a prominent ridge.

**Wider Impact:** At present the trees have good amenity value, due to their location when viewed in relation to the local landscape. They are considered to be an important feature in the wider context, as they are growing on a prominent ridge and are visible from numerous public viewpoints.

**Expediency:** No additional immediate threats to these trees have been identified. The land is currently being promoted as a site for residential development. A planning application for outline permission for the erection of 18 dwellings and associated work has recently been submitted (P2006/21/OUT). In the event of permission being granted for development of the site, development and construction work may have the potential to impact these trees, with a subsequent increase in management pressure when the site is occupied. A TPO is considered expedient.

**Conclusion of Discussion:** It is considered that the public amenity value of these trees is very high due to their visibility from numerous public viewpoints. Collectively they make an important contribution to the landscape character of the area. Should future development take place, these trees would play an important part in mitigating and integrating the site into the local character of the area. They should be retained as part of any proposed future development and their contribution should be safeguarded to ensure the assimilation of a proposed development site into the surrounding landscape character. In the event that an application for planning permission is brought forward for the site, the trees can be a consideration of the impacts of the application and measures requested for their safeguarding. These will not safeguard the trees in the short or long term. As a result it is considered that the area of trees as outlined on the map in Appendix A is considered to merit protection.

## **Alternatives to placing a Tree Preservation Order**

Do nothing. As these trees are currently not protected, there is no requirement to obtain permission from the Council to fell any of these trees. The loss of these trees would result in the loss of an important landscape character feature, making development the more prominent feature.

## **Recommendation**

That provisional Tree Preservation Order DFTPO260 Land to the North of Foley Rise, Hartpury is made.

Signed:.....

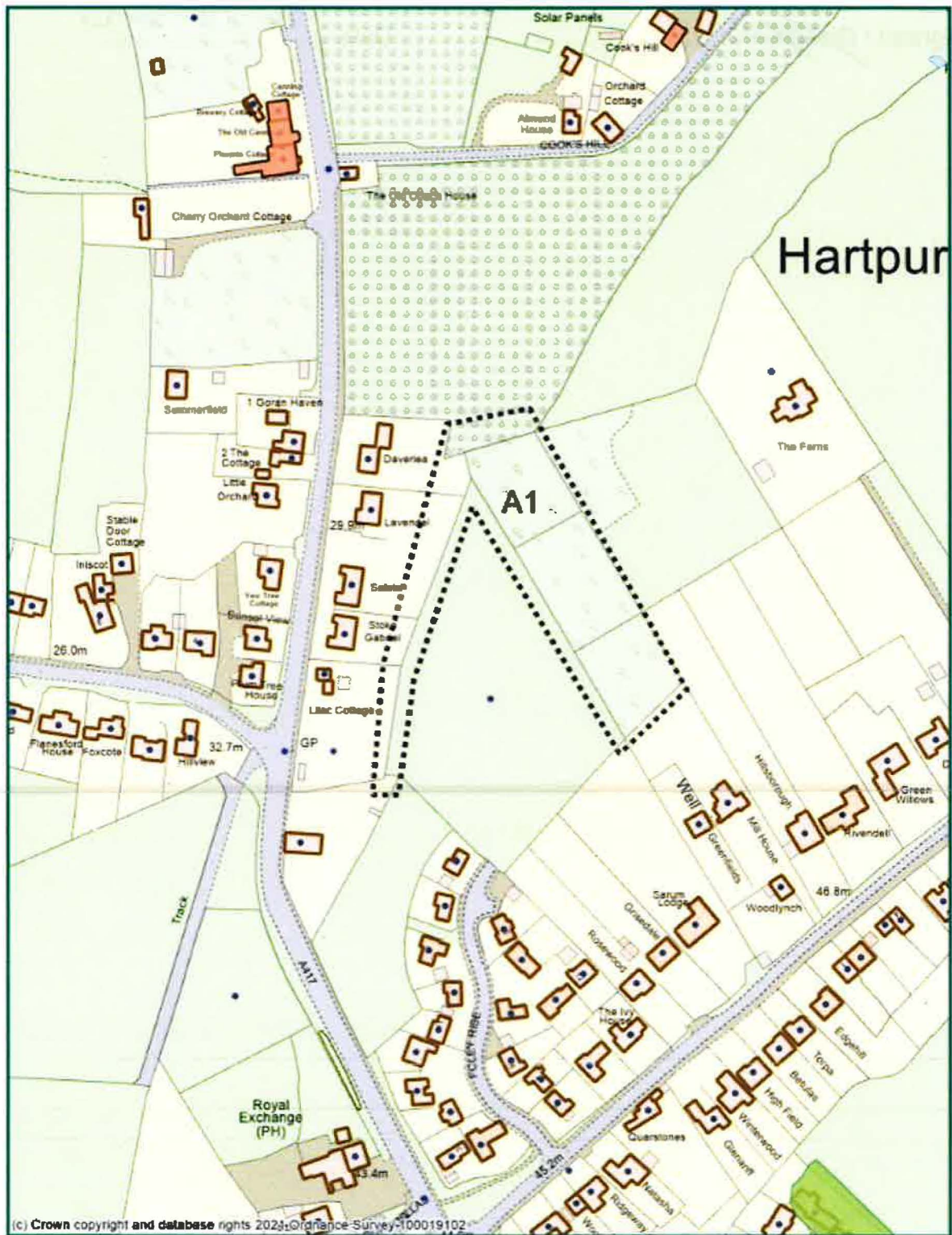




Printed:.....

Agreed / ~~Disagree~~\*:..... Date: 16.12.2021

Appendix A – TPO Plan



**Tree Preservation Order DFTPO260 Land to the North of Foley Rise, Hartpur**

Scale: 1:2000

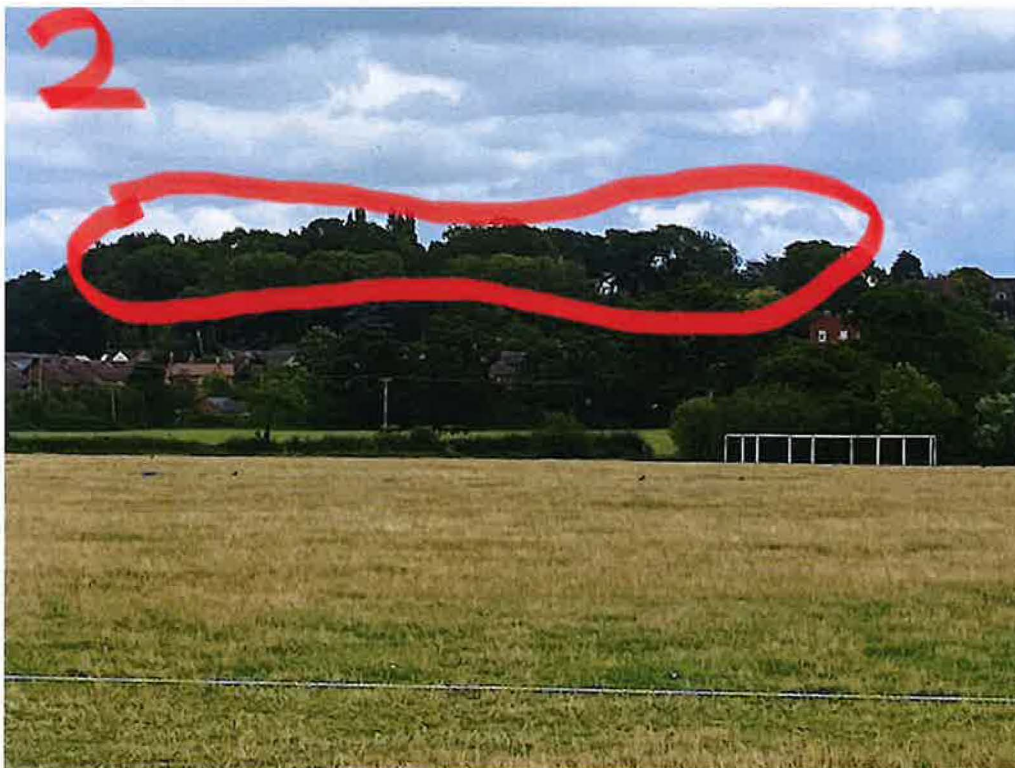
09 December 2021



**Appendix B - Photographs**



View from a public footpath to the south west (supplied by Hartpury Parish Council)



View from a public footpath to the west (supplied by Hartpury Parish Council)



View from the south on Foley Rise



View from the south-east along Broad Street



View from the west on the junction of Corsend Road and Gloucester Road (A417)



View from the north on Gloucester Road (A417)

