

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO 203 Bream Rugby Club

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 DFTPO 203, Bream Rugby Club, Bream. Lydney. Glos.

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 September 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 large initial 'G' followed by a series of loops and a horizontal line.

A16.


CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 3rd day of March 2015

OR

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL, subject to the modifications indicated by , on the day

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

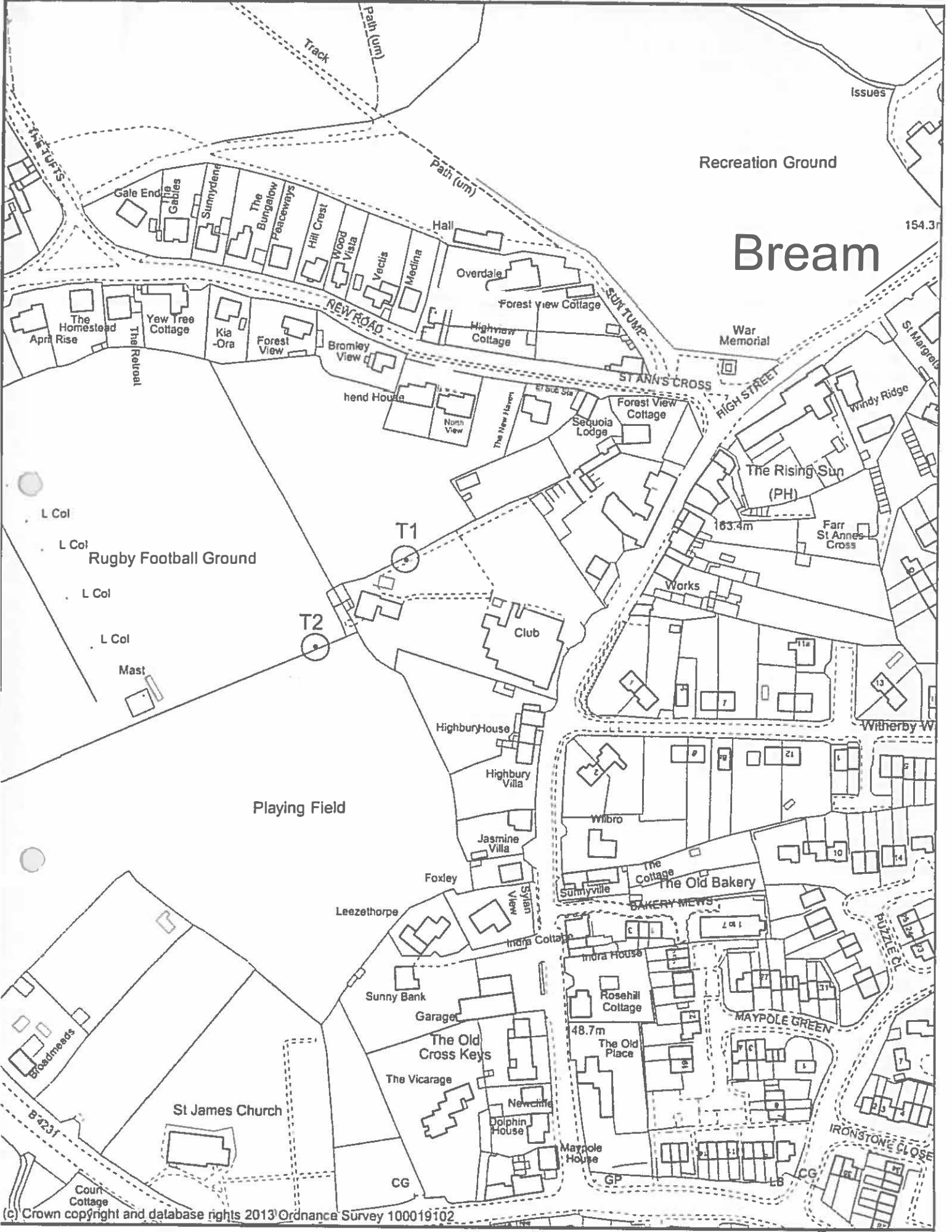
REVOCACTION OF ORDER

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



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**Tree Preservation Order
DFTPO203
Bream Rugby Club**

Scale: 1:2000

03 September 2014



**SCHEDULE 1
SPECIFICATION OF TREES**

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

Reference on Map	Description	Situation
T1	Oak	SO601057 (X360168, Y205754)
T2	Oak	SO601057 (X360130, Y205716)

**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)
-	-	-

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

Reference on map	Description	Situation
-	-	-

Report for a Tree Preservation Order

DFTPO203 Bream Rugby Club

Introduction

A Tree Preservation Order is recommended for two individual trees at Bream Rugby Club (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 - Oak

T2 - Oak

Currently, outline planning permission is being sought at Bream Rugby Club for demolition of an existing clubhouse, associated changing rooms and an outbuilding and redevelopment of the site to provide 14 residential dwellings, a new clubhouse and associated parking facilities (P1082/14/OUT). The trees are identified in a tree survey submitted with the planning application as ancient/veteran trees. Proposals will introduce car parking and increase public use in proximity to the trees. They are not within a Conservation Area and are not currently protected by a Tree Preservation Order.

Desk Based Assessment

Trees T1 and T2 are located at Bream Rugby Club, where T1 is located on the northwestern site boundary and T2 is located on the southeastern boundary of the rugby ground. These trees have been identified in a tree survey as ancient/veteran trees. T1 (T8 of the tree survey) demonstrates a level of decay as would be expected with veteran trees. T2 (T15 of the tree survey) could not be inspected at the base but has dieback in the upper crown, to be expected of veteran trees. Both trees have been assessed in the tree survey as being in fair physiological and structural condition and of category B3 meaning trees with an estimated remaining life expectancy of at least 20 years and with material conservation or other cultural value.

The proposed site layout of application P1082/14/OUT, although indicative, shows proposed car parking and manoeuvring areas and overflow parking within the canopy spreads and root protection areas of the trees.

Site Based Assessment

Trees T1 and T2 are publicly visible from Bream Rugby Club and the rugby ground and T1 can also be viewed from Bream High Street. T1 and T2 are the largest trees in proximity to the Rugby Club and tree T2 especially appears characteristic of a veteran tree.

Consultation Responses

No consultations have been carried out for the making of this recommended TPO.

Discussion

Visibility: The trees are prominent features when viewed from Bream Rugby Club and rugby ground. T1 is visible from Bream High Street and T2 is also visible from Coleford Road to the southwest as part of a line of trees/hedgerow that borders the rugby ground.

Individual Impact: Trees T1 and T2 are regarded in a submitted tree survey as ancient/veteran trees. Veteran trees can be hundreds of years old, provide habitat for a range of species and are part of our landscape and cultural heritage. Trees T1 and T2 are high in public amenity due to the characteristics of their life stage and their visibility.

Both trees have been assessed as category B3 trees with remaining life expectancies of at least 20 years and material conservation or other cultural value. The trees are 17m and 18m in height respectively and are considered to be features of a public space.

Wider Impact: While T1 and T2 currently provide amenity to the rugby club and to Bream High Street, it is considered that the trees will also be important features of the new development if permitted to include a new clubhouse and public facilities and will contribute a sense of character and maturity to the development.

Expediency: Planning application P1082/14/OUT is currently pending consideration. The indicative layout shows car parking and overflow parking within the canopy spreads and root protection areas of trees on site, of which T1 and T2 are considered to be of high amenity value. Generally in order to prolong the life of veteran trees the management of these should be carried out lightly. The trees are considered to be vulnerable to concerns over safety due to proposed increased public use within proximity to the trees. Management pressures on the trees will increase and safety works leading to the possible damage or removal of these veteran trees may arise in the future. A condition has been recommended in the event of consent of P1082/14/OUT in order to ensure that no parking spaces are constructed within the root protection area of T1 in order to decrease the management pressures in relation to this tree; however it is considered that this will not abate the concern completely.

Paragraph 118 of the NPPF requires the safe guarding of veteran trees unless the need for and benefits of proposed development clearly outweigh loss. In this case veteran trees T1 and T2 are shown to be retained but to protect them under a Tree Preservation Order will ensure that the Council's permission is sought prior to any works to the trees in which case the Council can assess the requirement for and impacts of works proposed.

A TPO is considered expedient.

Conclusion of Discussion: The trees are of high amenity value, are considered to be features of Bream Rugby Club and are considered to be important features of the new development if permitted. A Tree Preservation Order would demonstrate that the LPA considers the trees to be of high public amenity value and therefore future remedial works should be carried out only with the permission of the Council.

Alternatives to placing a Tree Preservation Order

Do nothing. A condition has been recommended in the event of consent for application P1082/14/OUT to ensure that the final layout does not include the construction of car parking spaces within the root protection are of T1. Indicative plans show overflow parking beneath the canopy of T2. While the implementation of the above condition would emit parking beneath tree T1, public use in proximity to the trees and thus tree management pressures will still be increased. The trees are not currently protected by a Conservation Area or Tree Preservation Order.

Recommendation

That provisional Tree Preservation Order DFTPO203 Bream Rugby Club be made.

Planning and Housing Group Manager.....

Agreed / Disagree* : Date: 5/9/14

Appendix A – TPO Plan



**Tree Preservation Order
DTPO203
Bream Rugby Club**

Scale: 1:2000

03 September 2014

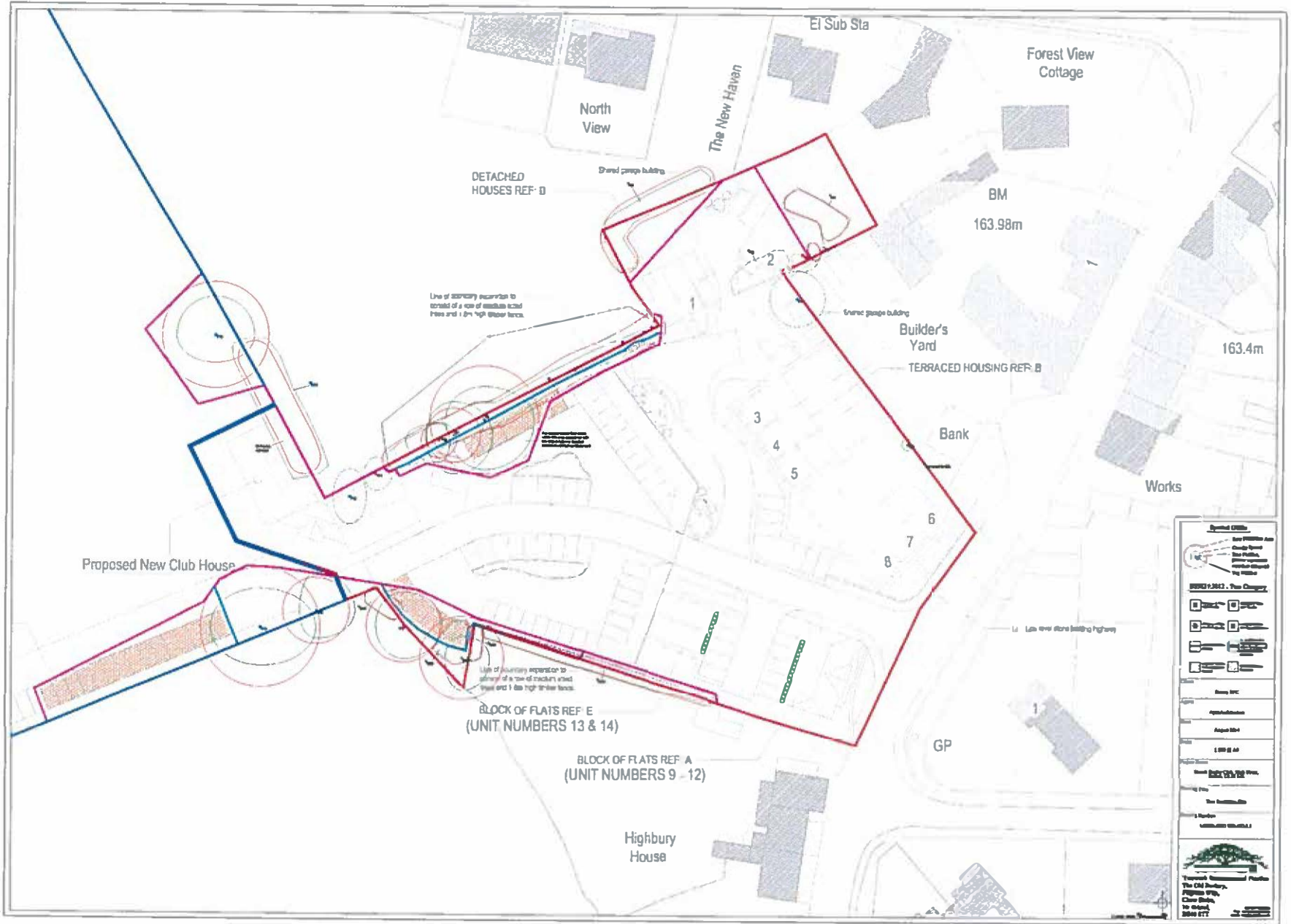


Appendix B – Photographs





Appendix C – Tree Protection Plan for P1082/14/OUT



Appendix D – Proposed Site Layout P1082/14/OUT

