

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO230 – Yew Tree Cottage, Newland

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 DFTPO230 – Yew Tree Cottage, Newland

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 12th day of September 2017

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 long horizontal stroke.

2023

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 16th day of January 2018

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


.....

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

REVOCATION 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	Willow	Yew Tree Cottage

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

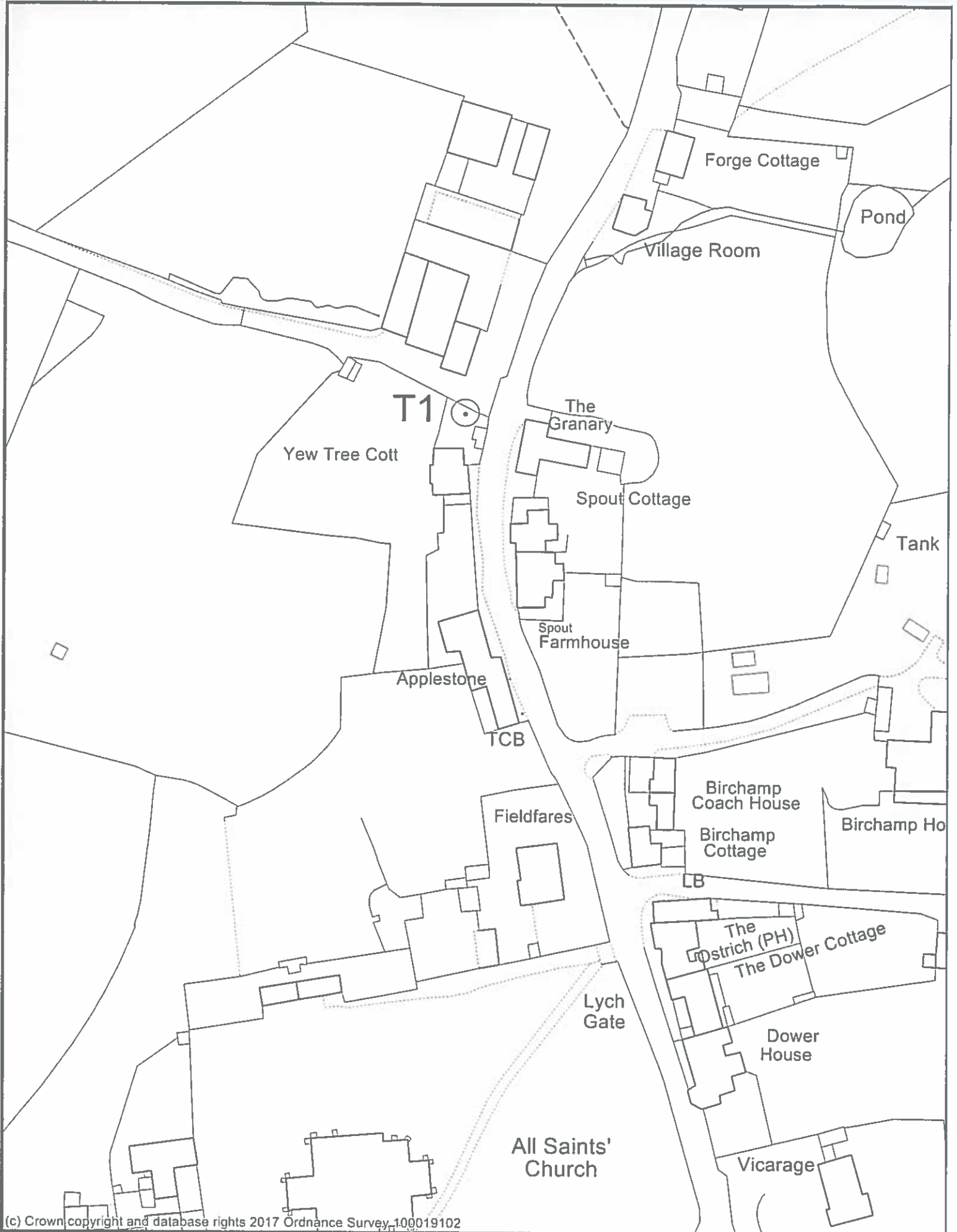
Reference on Map	Description	Situation
-	-	-

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
-	-	-



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**Tree Preservation Order
DFTPO230
Yew Tree Cottage, Newland**

Scale: 1:1250



Report for a Tree Preservation Order

DFTPO230 Yew Tree Cottage, Newland

Introduction

A Tree Preservation Order is recommended for one willow tree at Yew Tree Cottage, Newland (see Appendix A – B for TPO plan and photographs). The tree should be referred to as:

T1 – willow

A Section 211 Notification (P1272/17/TCA) has been received to fell one willow tree at Yew Tree Cottage. It is considered that insufficient justification has been provided for the felling of this important feature.

Desk Based Assessment

The tree is located within Newland conservation area, adjacent to the highway running through Newland.

The reasons for felling the tree submitted with the notice were due to the dangerous size of the tree and its proximity to the house and road. No evidence has been submitted for the tree's condition.

Further information from the applicant indicated that professional advice was sought regarding options for the tree and that 'French pollarding' and crown reduction were considered alongside felling, however no written information or confirmation from the tree surgeon has been provided at this time.

Site Based Assessment

The tree is located adjacent to the highway and the house at Yew Tree Cottage. It is prominent in its location and form when entering and exiting the village.

Consultation Responses

The Parish Council was consulted on the Section 211 Notice. No representation has been received.

Discussion

Visibility: The tree is prominent from the highway running through Newland.

Individual Impact: The tree is a dominant feature given its size and form.

Wider Impact: The tree is an important and prominent feature within the conservation area of Newland and is considered to contribute to the character and appearance of the conservation area.

Expediency: A Section 211 Notice has been received to fell the tree. The Council has two options when considering Section 211 Notices: to permit the works or to make a Tree Preservation Order. The tree proposed to be felled is considered to be an important feature in Newland conservation area and insufficient justification has been provided for its felling, therefore a TPO is considered expedient.

Conclusion of Discussion: One willow tree at Yew Tree Cottage, Newland is considered to be of high amenity value and is considered to merit protection.

Alternatives to placing a Tree Preservation Order

Do nothing. The tree may be felled after six weeks from the date of validation of the S211 Notice.

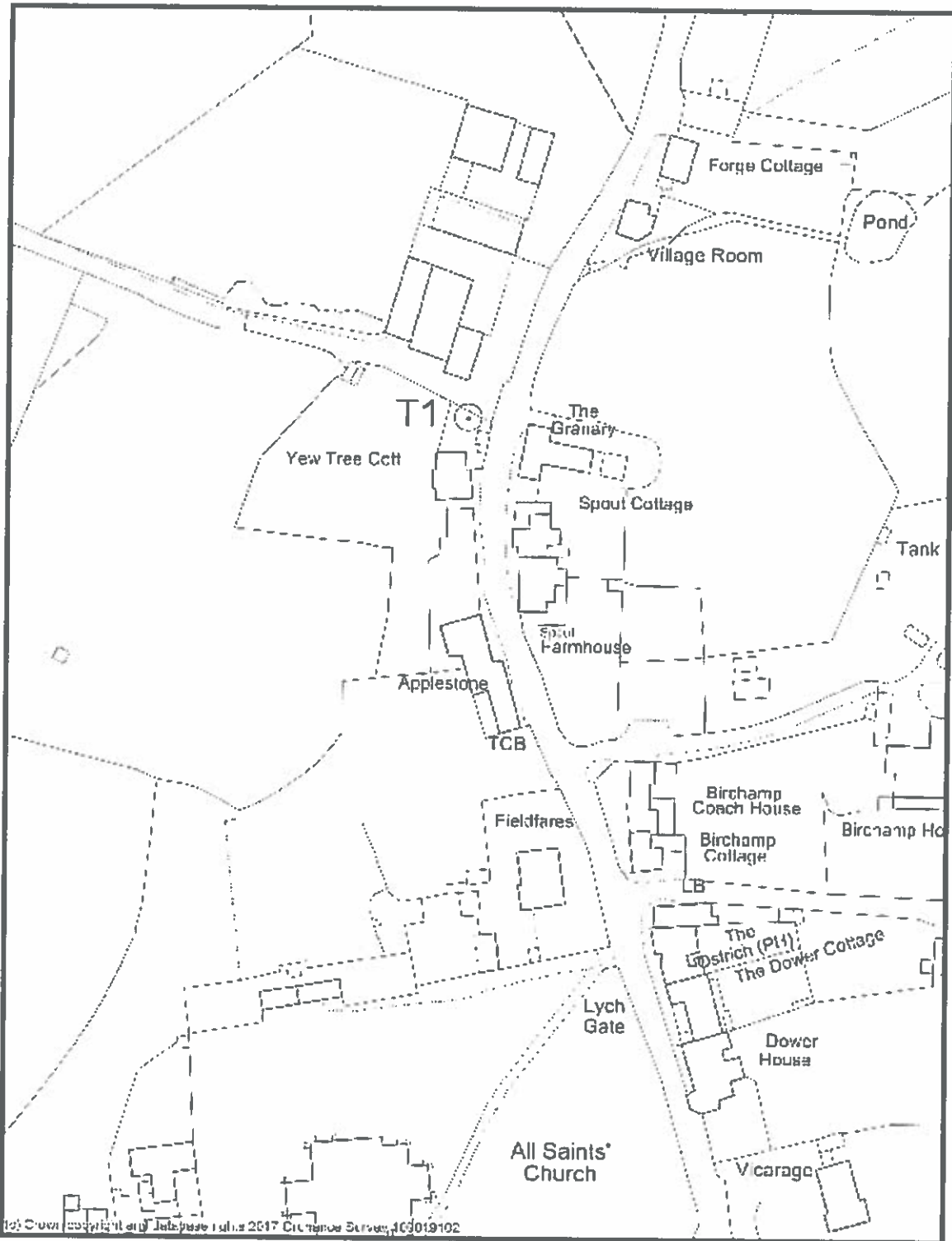
Recommendation

That provisional Tree Preservation Order DFTPO230 Yew Tree Cottage, Newland is made.

Strategic Group Manager:.....

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

Appendix A – TPO Plan



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Appendix B – Photographs





