

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO248 – Quickset, Newnham on Severn

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 DFTPO248, Quickset, Newnham on Severn

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



2182

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 23 day of August 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

F. 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	Cherry	SO688120 (368869, 212003)
T2	Acer	SO688120 (368875, 212002)

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
DFTPO248
Quickset, Newnham on Severn**

Scale: 1:1000



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Report for a Tree Preservation Order

DFTPO248 Quickset, Newnham

Introduction

A Tree Preservation Order is recommended for two individual trees at Quickset, Newnham on Severn (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – Cherry

T2 - Acer

Application P0140/19/OUT, an outline application for the erection of five dwellings at the rear of Quickset, Hyde Lane, Newnham was approved by the Council's Planning Committee on 9th July 2019. A number of small orchard trees presently occupy the application site as well as a mature Walnut tree and self-set Ash trees. On land within the ownership of the applicant, just north of the application site, two trees are shown to be retained.

Desk Based Assessment

All trees on the application site are to be removed. Two trees are shown to be retained to the north of the permitted outline scheme. These will be adjacent to a new section of road serving the new dwellings. The tree plan submitted with the application identified these trees as a Silver Birch tree and a Sycamore.

Further information regarding these retaining trees was requested prior to determination of the application as well as confirmation/clarification of tree species. This information was not supplied and an arboricultural condition was added (condition 05) to the consent for the safeguarding of retaining trees during construction; information to be submitted and approved at reserved matters stage. Condition 03 requires a landscaping scheme to be submitted and agreed at reserved matters stage and condition 04 requires biodiversity enhancements to be carried out.

Whilst it was resolved at the Planning Committee meeting to grant consent to application P0140/19/OUT, the impacts on trees were a matter of consideration at the meeting.

Site Based Assessment

One tree labelled for retention in application P0140/19/OUT is a Cherry tree (labelled as Silver Birch in the application) and is visible above close board fencing from Sheens Meadow. This tree is much larger than small orchard trees within the site which are just visible above the site fencing.

There is a Maple tree (labelled Sycamore in the application) on the eastern side of the Cherry. The Cherry tree currently obscures views of this tree somewhat.

A Walnut tree and Ash trees are visible from a footpath and Orchard Rise to the south and east of the application site. These trees, along with the orchard trees are proposed for removal to facilitate the development.

Consultation Responses

No consultation has been undertaken for the proposed provisional TPO.

Discussion

Visibility: The Cherry tree, T1 is visible from Sheens Meadow. Glimpses of the Maple, along with the Cherry can be afforded from part of Sheens Meadow (further south) and the two trees can be viewed from a track to the east serving the rear of Highfield Villas and The Orchards. The prominence of these trees will increase with the development of the site to the rear of Quickset as on the indicative layout plan they will be adjacent to a new section of road serving the new properties.

Individual Impact: T1 and T2 are early mature/ mature trees. The purple leaves of the Maple provide colour interest.

Wider Impact: These trees will contribute maturity when viewed in the context of new development and will strengthen visible landscaping along Sheens Meadow.

Visible infrastructure constraints: Under the approved indicative plan, the trees will be adjacent to a footpath and highway.

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 P0140/19/OUT has been granted consent with all matters reserved except for the principle of vehicular access. It has not yet been demonstrated how these trees, which will become prominent features of Sheens Meadow, will be safe guarded during construction of the development however a condition has been placed requiring further information. Trees were a matter for detailed consideration at the Planning Committee meeting in relation to the application.

A TPO is considered expedient.

Conclusion of Discussion: Two individual trees are considered to merit protection.

Alternatives to placing a Tree Preservation Order

Do nothing. Condition 05 of P0140/19/OUT requires the submission of a tree survey, tree protection plan and arboricultural method statement to be approved by the authority at reserved matters stage. In the event reserved matters are not applied for, no consent is required for works to or removal of the trees.

Recommendation

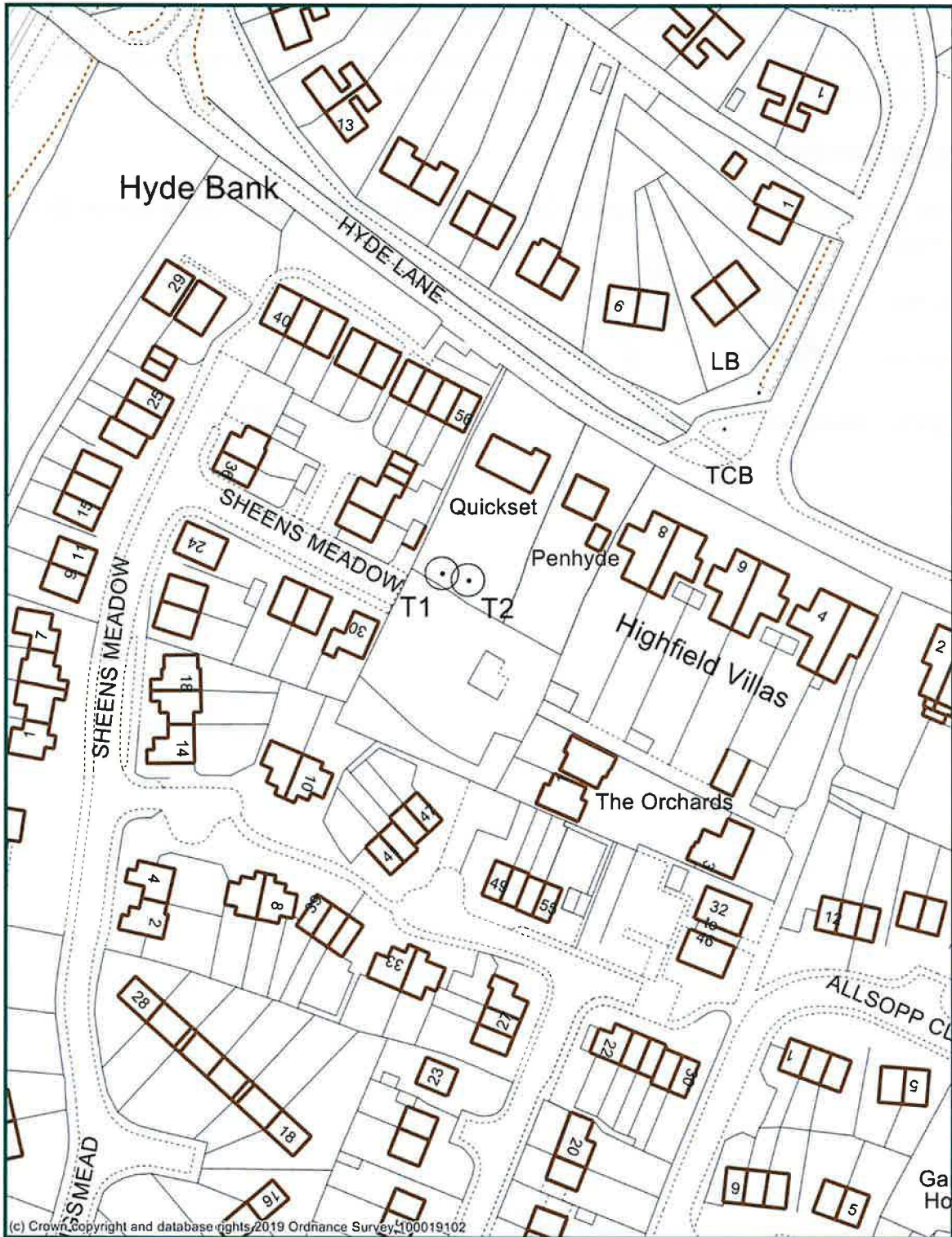
That provisional Tree Preservation Order DFTPO248 Quickset, Newnham on Severn is made.

Signed:.....*Anthony J Bae*.....

Printed:.....*ANTHONY J BAE*.....

Agreed / ~~Disagree~~.....*Agree*..... Date:.....*18/7/2019*.....

Appendix A – TPO Plan



**Tree Preservation Order
DFTPO248
Quickset, Newnham on Severn**

Scale: 1:1000

17 July 2019



Appendix B - Photographs

