

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

The Tree Preservation Order DFTPO237 – Land At Allaston, Lydney

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 DFTPO237, Land At Allaston, Lydney

### **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 05 day of June 2018

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

Affixed in the presence of

*P. M. Williams*



2091

**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 the situations of trees T14-T16 in the schedule to the Order**, on the 9th    day of    October 2018

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

**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	Oak	SO (363804, 204719)
T2	Ash	SO (364009, 204701)
T3	Holly	SO (363993, 204684)
T4	Oak	SO (364058, 204543)
T5	Oak	SO (364048, 204530)
T6	Holly	SO (363966, 204483)
T7	Oak	SO (363981, 204410)
T8	Oak	SO (363988, 204382)
T9	Oak	SO (364005, 204324)
T10	Oak	SO (364008, 204316)
T11	Ash	SO (364050, 204279)
T12	Ash	SO (364056, 204275)
T13	Oak	SO (364063, 204270)
T14	Ash	Western boundary of land at Bloemuns
T15	Ash	Western boundary of land at Bloemuns
T16	Oak	Western boundary of land at Bloemuns
T17	Oak	SO (363884, 204324)

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

Reference on Map	Description	Situation
-	-	-

**Groups of trees**

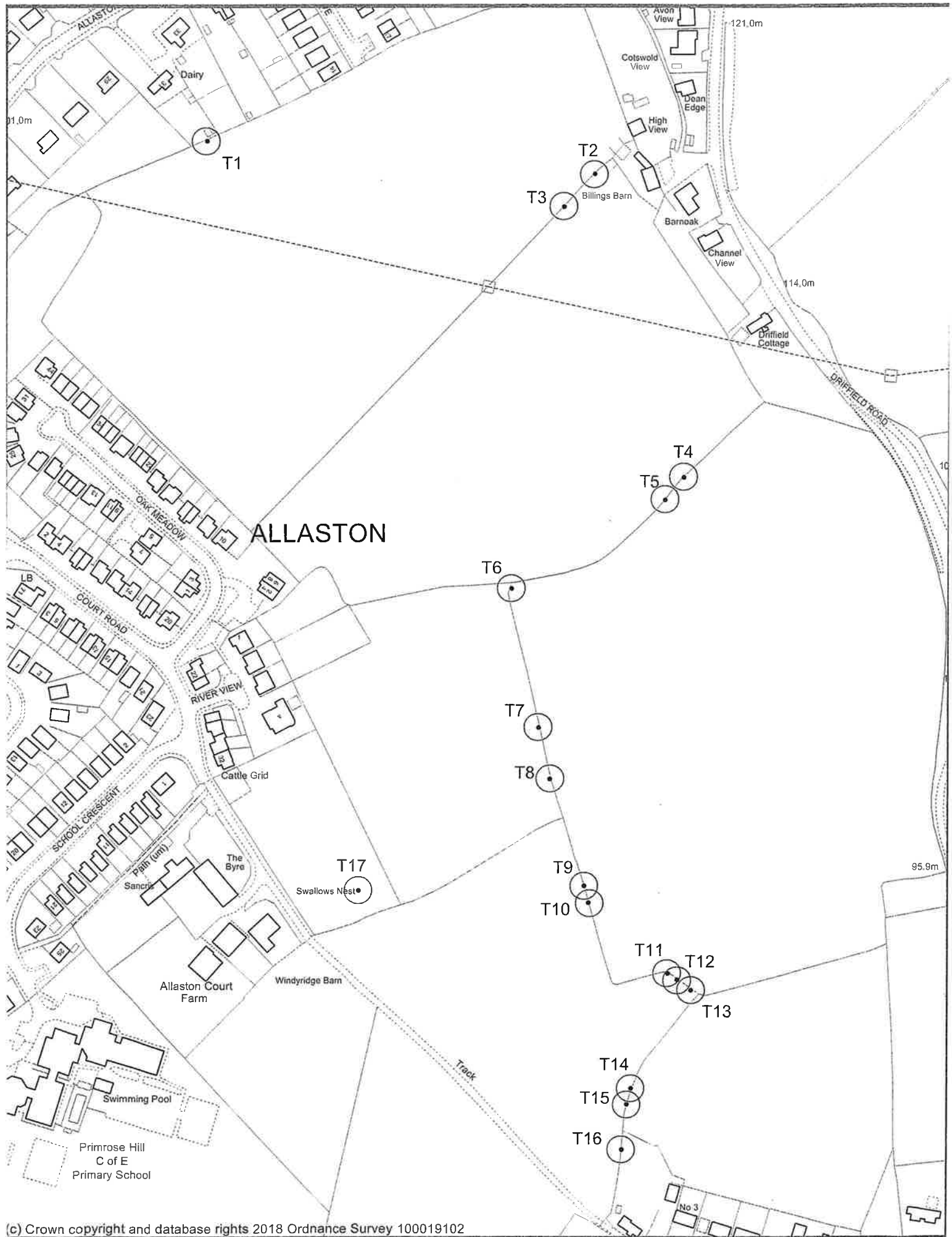
(within a broken line on the map)

Reference on map	Description	Situation
-	-	-

**Woodlands**

(within a continuous black line on the map)

Reference on map	Description	Situation
-	-	-



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**Tree Preservation Order  
DFTPO237  
Land at Allaston, Lydney**

Scale: 1:2500



# **Report for a Tree Preservation Order**

## **DFTPO237 Land at Allaston, Lydney**

### **Introduction**

A Tree Preservation Order is recommended for 17 individual trees on land at Allaston, Lydney (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1-Oak  
T2- Ash  
T3- Holly  
T4- Oak  
T5- Oak  
T6- Holly  
T7- Oak  
T8- Oak  
T9- Oak  
T10- Oak  
T11- Ash  
T12- Ash  
T13- Oak  
T14- Ash  
T15- Ash  
T16 – Oak  
T17 – Oak

Planning application P1284/13/OUT was granted permission by the Secretary of State for 200 dwellings, A1/D2 ancillary space, new public open space and new access roads on land at Allaston, Lydney.

It has been brought to our attention that the phasing plan has been submitted to the Council. Detailed design for reserved matters has not yet been submitted.

There are a number of valuable trees on the application site.

### **Desk Based Assessment**

The approved indicative masterplan for the application site shows a number of existing trees on site, a number of which to be integrated into public open space or retained within hedgerow boundaries.

A tree survey submitted with the original application identifies a number of these trees, four of which are considered to be 'category A' trees within the BS5737:2012 survey.

An important oak tree is located within phase A of the submitted phasing plan for the approved outline development.

## Site Based Assessment

A number of visually prominent trees characteristic of the surrounding landscape character are present on and bordering the application site, including native field and hedgerow species oak, ash and holly.

These trees can be seen from a network of public rights of way through the fields and could be well integrated into the development scheme.

Recent works have been carried out to reduce hedgerows and trees have been singled out of the hedgerows and retained.

## Consultation Responses

No consultations have been made regarding the making of a TPO in this location.

## Discussion

**Visibility:** The majority of the trees identified above and within appendix A are currently visible from public rights of way which either pass the trees or afford views towards them across open fields. Following development of the site, these trees would be visible from public open space and properties within the development.

**Individual Impact:** Four of the large mature field and hedgerow trees identified above were categorised 'A' in the 2013 tree survey for the site, due to their typical characteristics of native open grown and hedgerow trees. Some hedgerow trees identified for protection are younger trees which have been retained within hedgerows and singled out from hedgerow reduction works. It is considered these younger trees will mature to provide value similar to that provided by the large mature trees currently present.

**Wider Impact:** The trees are significant mature features of the local landscape. They would become important features of a new development, where many would be within public open space. They would contribute to the maturity of the development, and its assimilation with the surrounding landscape character.

**Visible infrastructure constraints:** Electricity wires are present near to tree T17 however it is considered that the distance between the tree and the wires is such that this would not cause any significant constraint. No further constraints have been identified.

**Expediency:** An application for 200 dwellings, open space and new access has been approved by the Secretary of State. It has been brought to our attention that a phasing plan has been submitted to the Council and that a significant mature oak tree stands within proposed phase A of the development, the details of which are to be brought forward in 2018.

A number of trees across the application site are considered to be of high public amenity value and would contribute to a new development. No detailed design proposals have yet been submitted to the Council.

A TPO is considered expedient.



**Conclusion of Discussion:** 17 individual trees are considered to be of high public amenity value and are recommended for 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 5m<sup>3</sup> of timber in any calendar quarter.

In the submission of detailed designs, conditions may be imposed to safe guard retaining trees during construction and include them within a landscaping scheme. These may only ensure short term protection of trees identified for retention within the application site, upon implementation of permission.

**Recommendation**

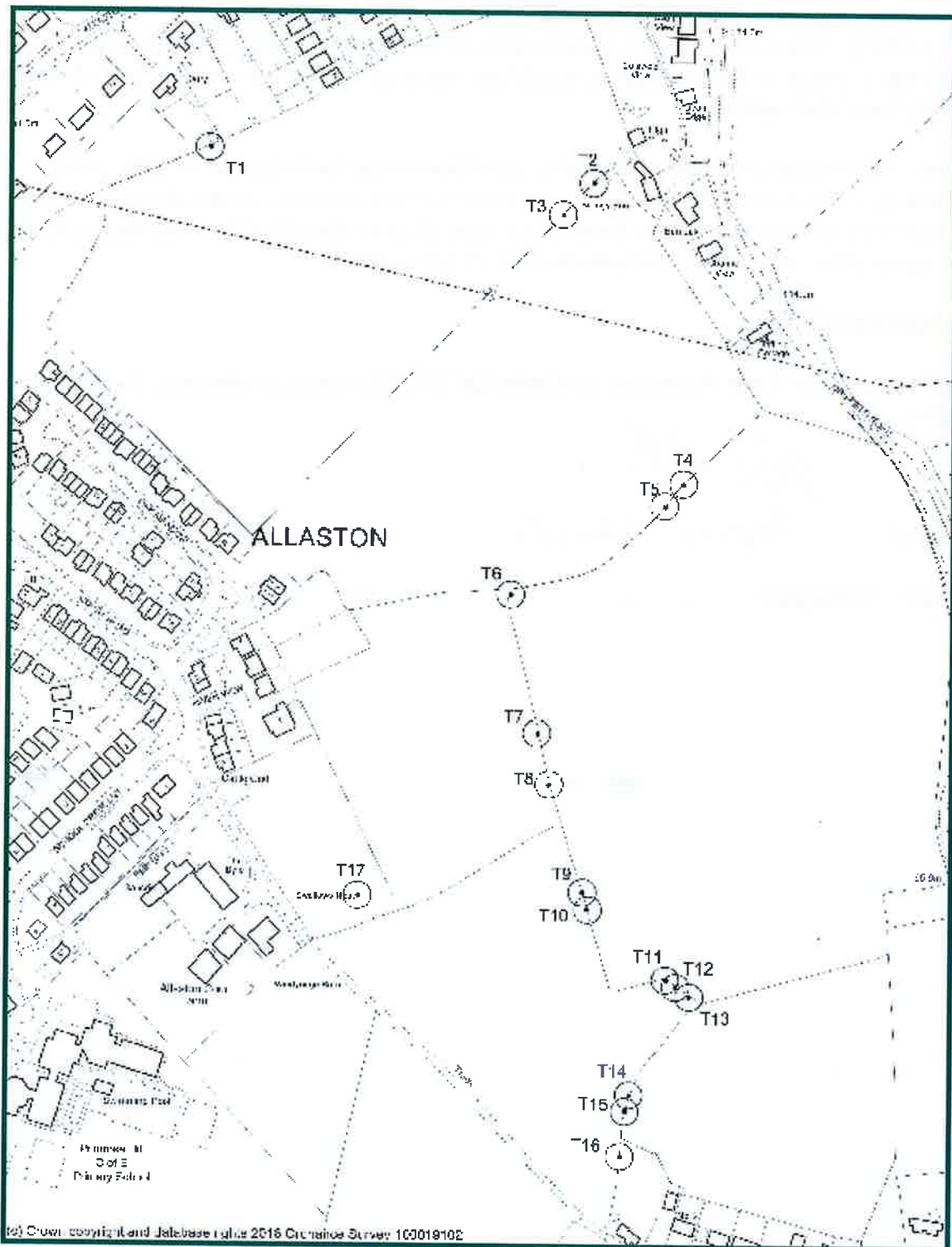
That provisional Tree Preservation Order DFTPO237 Land at Allaston, Lydney is made.

Signed:..........

Printed:..... Stephen Colegate.....

Agreed / Disagree\*..... Date:..... 24/4/18.....

Appendix A – TPO Plan



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**Tree Preservation Order  
DFTPO237  
Land at Allaston, Lydney**

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Appendix B – Photographs





T9

T10



T11

T12

T13



