

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

The Tree Preservation Order DFTPO250 – Dean Hall, Littledean

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 DFTPO250, Dean Hall, Littledean

### **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 24 day of October 2019

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

Affixed in the presence of

*GW Honey*



*2205*

**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 6 day of April 2020

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

*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
T1	Pine	SO672130 (367222, 213141)
T2	Cedar	SO672130 (367208, 213108)
T3	Beech	SO672130 (367260, 213061)
T4	Lime	SO672130 (367289, 213007)
T5	Sweet Chestnut	SO672130 (367242, 213012)

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

Reference on Map	Description	Situation
Nil	Nil	Nil

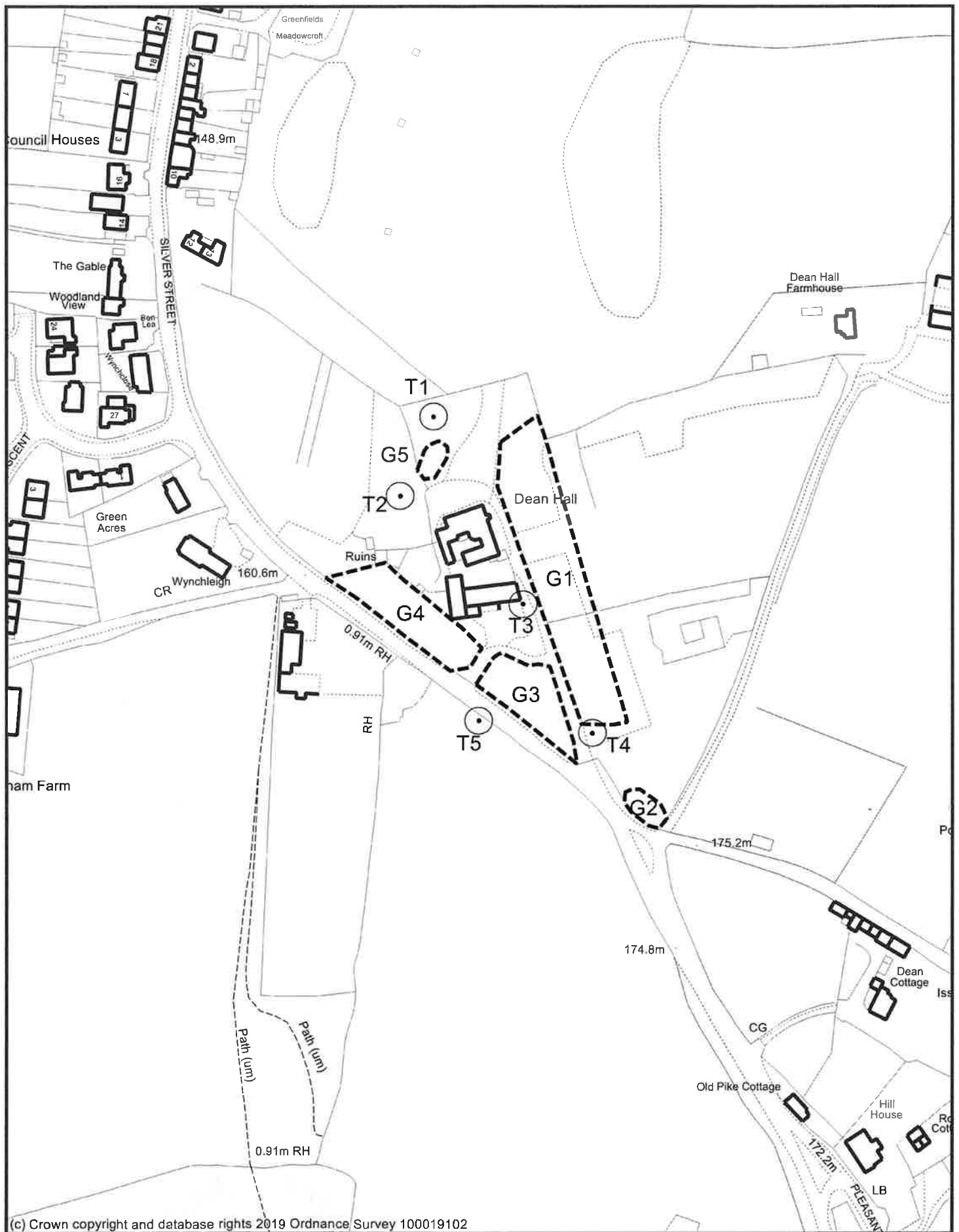
**Groups of trees  
(within a broken line on the map)**

Reference on map	Description (including number)	Situation
G1	8 Sweet Chestnut	Adjacent to the driveway to Dean Hall
G2	2 Beech, 1 Sycamore	SO673129 (367313, 212975)
G3	4 Lime, 2 Beech, 1 Sweet Chestnut	West of driveway to Dean Hall and adjacent to Pleasant Stile
G4	3 Beech, 1 Ash, 1 Horse Chestnut, 1 Sweet Chestnut, 1 Lime	West of the barn at Dean Hall and adjacent to Pleasant Stile
G5	2 Lime	SO672131 (367222, 213123)

**Woodlands**

(within a continuous black line on the map)

Reference on map	Description	Situation
Nil	Nil	Nil



  
**Tree Preservation Order**  
**DFTPO250**  
**Dean Hall, Littledean**

Scale: 1:2000



**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

**The Town and Country Planning Act 1990**

**The Town and Country Planning (Tree Preservation) (England) Regulations 2012**

**DFTPO250 - Dean Hall, Littledean**

**Notice Under Regulation 5**

This is a formal Notice to let you know that on the 24<sup>th</sup> October 2019 the Forest of Dean District Council (hereafter called 'the Council') made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from carrying out activities such as the cutting down, topping or lopping any of the trees described in Schedule 1 and shown on the map without the Council's consent.

**Reasons for Making the Order**

The Council has made the Tree Preservation Order for the following reasons:

In the interest of public amenity

**Objections**

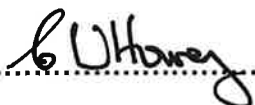
The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you have any objections or other representations which you wish to make with respect to any of the trees, groups of trees or woodlands specified in Schedule 1 of the accompanying Order, then such representations must be received by the Council no later than 21<sup>st</sup> November 2019 to the following address:

Forest of Dean District Council  
Council Offices  
High Street  
Coleford  
Gloucestershire  
GL16 8HG.

Any objections or representations must comply with the requirements of Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which is set out overleaf.

The Council will write to you again further when the decision whether or not to confirm the Order has been made.

Signed..........

~~Monitoring Officer / Head of Paid Service / Chief Finance Officer~~

## **REGULATION 6 of the Town and Country Planning (Tree Preservation) Regulations 2012**

### **OBJECTIONS AND REPRESENTATIONS**

- (1) Subject to paragraph (2), objections and representations—
- (a) shall be made in writing and—
    - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
    - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
  - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and
  - (c) in the case of an objection, shall state the reasons for the objection.
- (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.



# **Report for a Tree Preservation Order**

**DFTPO250 Dean Hall, Littledean**

## **Introduction**

A Tree Preservation Order is recommended for five individual trees and five groups of trees at Dean Hall, Littledean (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 - Pine

T2 – Cedar

T3 – Beech

T4 – Lime

T5 – Sweet Chestnut

G1 – 8 Sweet Chestnut

G2 – 2 Beech and 1 Sycamore

G3 – 4 Lime, 2 Beech and 1 Sweet Chestnut

G4 – 3 Beech, 1 Ash, 1 Horse Chestnut, 1 Sweet Chestnut and 1 Lime

G5 – 2 Lime

A site meeting was held at Dean Hall in December 2017 further to an enquiry regarding proposed tree works at the property. During the site visit for this application it was noted that the First Schedule of tree preservation order G41 TPO56 (1961) was incorrect for trees at Dean Hall and that consequently a number of outstanding specimen trees are not technically covered by the Order. Enquiries on the protection status of trees at Dean Hall have been received.

## **Desk Based Assessment**

G41 TPO56 Dean Hall and British Camp covers five areas of trees. Areas A4 and A5 cover trees at Dean Hall. These areas are described in the First Schedule of the Order as ‘the several trees almost wholly oak standing in the parkland area numbered A4 on the map’ and ‘the several trees almost wholly oak standing in the parkland area numbered A5 on the map’.

Two SAC and SSSI bat sites are present at Dean Hall.

Dean Hall is a grade II\* listed building.

## **Site Based Assessment**

Dean Hall harbours a number of significant mature and ancient trees. These make an important contribution to the setting of a listed building and the wider environment. Trees adjacent to the highway, including one sweet chestnut on the opposite side of the highway to Dean Hall also offer a significant contribution.

A row of outstanding ancient Sweet Chestnut trees is within area A4 of the current TPO but is not cited within the First Schedule. Other species of significance but not included in the schedule include Lime, Beech, Ash, Horse Chestnut, Pine and Cedar.

A large mature Beech tree stands close to and overhangs a barn designated as a bat SAC and SSSI.

### **Consultation Responses**

Discussions with Natural England have been held around the review of the TPO at Dean Hall. They will be notified of the provisional Order.

### **Discussion**

**Visibility:** The trees are prominent within the grounds of a grade II\* listed building and many are visible from a public highway.

**Individual Impact:** The trees are of significant size and maturity, including ancient Sweet Chestnut trees with outstanding character, wildlife potential and cultural value. One of the Sweet Chestnut trees is dead, and is therefore not included in the proposed Order.

**Wider Impact:** The trees contribute significantly to the setting of a listed building and the setting of bat SACs and SSSIs and provide historic, wildlife and cultural value to the surrounding area.

**Visible infrastructure constraints:** Some of the trees are near to a highway.

There are provisions within the regulations which would enable works in relation to trees affecting the 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:** It has been noted that the existing TPO incorrectly cites and excludes significant trees at Dean Hall. Whilst it is very likely that the majority of these trees were intended for protection under the current TPO, the authority's consent is not actually required for works to many of these trees.

A TPO is considered expedient.

**Conclusion of Discussion:** These trees have high public amenity value, make a significant contribution to a listed building and are valuable for wildlife and protected species. Five individual trees and five groups of trees are therefore considered to merit protection. It is recommended that G41 TPO56 is varied following the confirmation of a new Order at Dean Hall, to remove areas A4 and A5.

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

Do nothing. Whilst it is clear on site that the current TPO intended to protect many of the significant trees on site, many of these are not mentioned in the First Schedule of the TPO and the trees are not within a Conservation Area. If challenged, these trees may not be considered to be protected by the current Order.

**Recommendation**

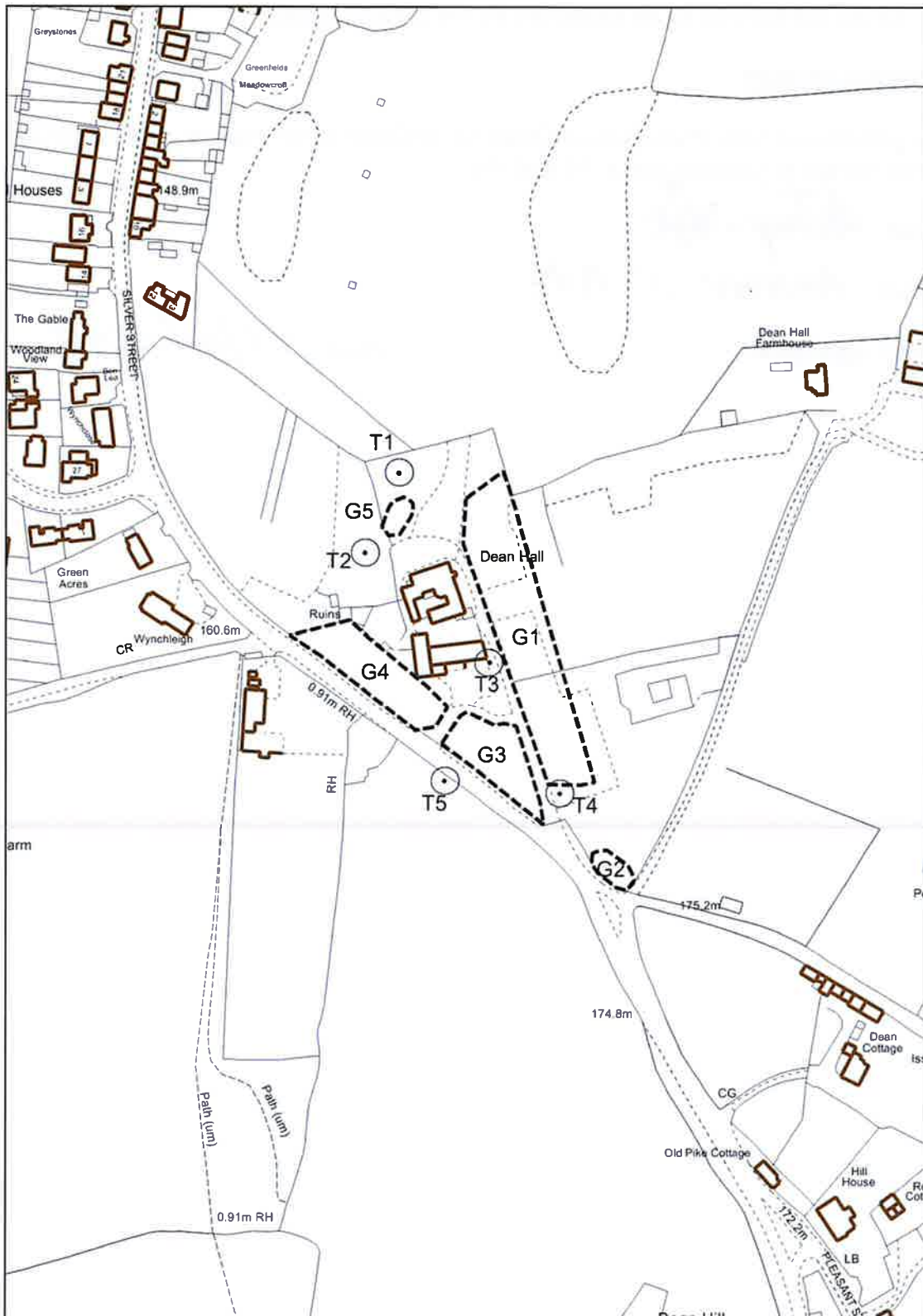
That provisional Tree Preservation Order DFTPO250 Dean Hall be made and G41 TPO56 varied to remove areas A4 and A5.

Signed: *Anthony J Pope*.....

Printed: *ANTONY J POPE*.....

Agreed / ~~Disagree~~\*: ..... Date: *23/10/2019*

Appendix A – TPO Plan



Appendix B – Photographs



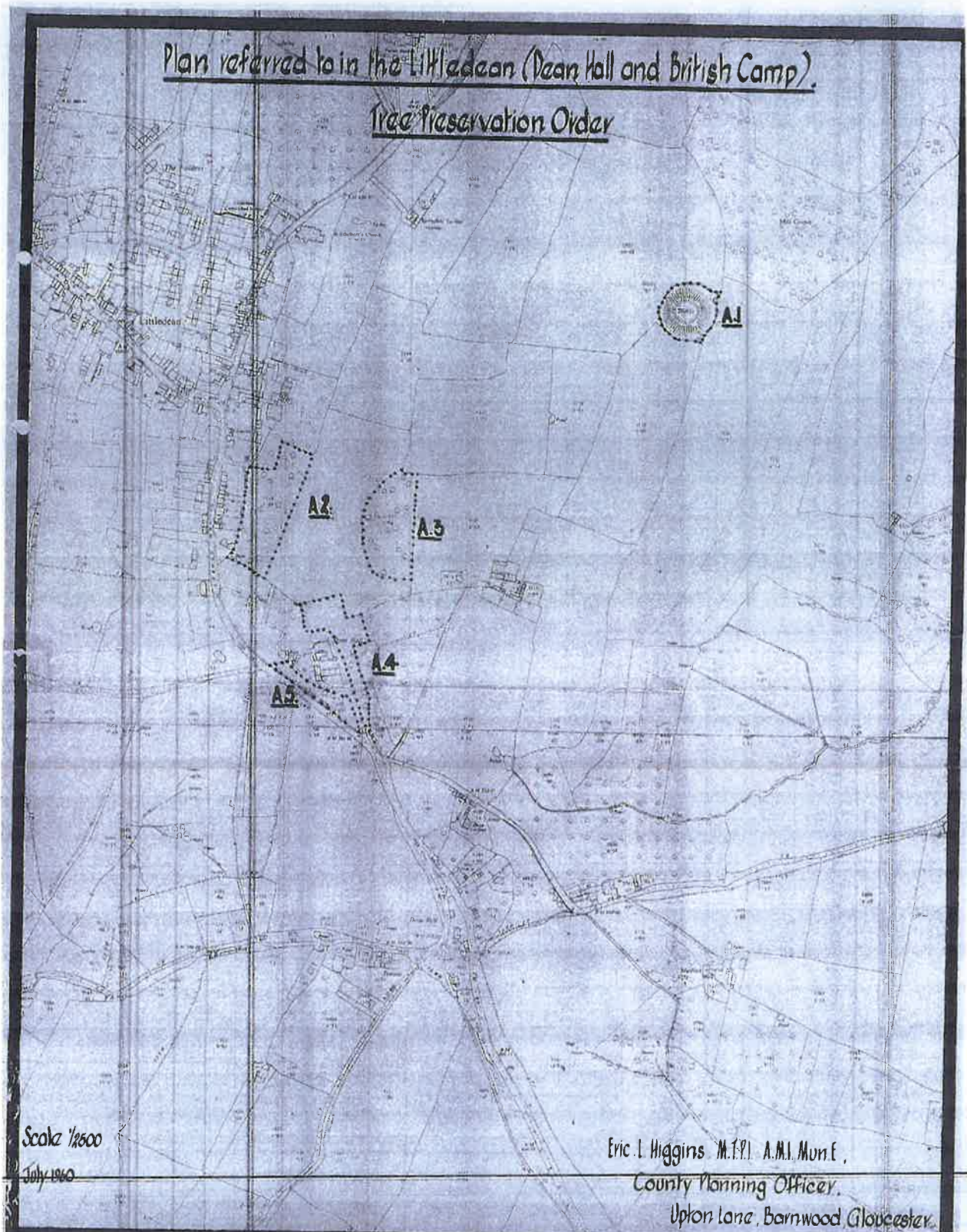












conviction he is guilty of a further offence hereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued

**FIRST SCHEDULE**

No. on Map	Description*	Situation
TREES SPECIFIED BY REFERENCE TO AN AREA (Within a dotted black line on the map)		
A.1	25 The trees almost wholly beech standing on the site of the Old British Camp standing the area No. 41 on the map.	Parcel No. 6650 on O.S. Map Glos. Sheet S.O. 6713 (1960 Edition) Parish of Little- dean.
A.2	The several trees almost wholly oak standing in the parkland area numbered A.2 on the map.	Parcel No. 1726 on O.S. Map Glos. Sheet S.O. 6713 (1960 Edition) Parish of Little- dean.
A.3	The several trees almost wholly oak standing in the parkland area numbered A.3 on the map.	Parcel No. 3124 on O.S. Map Glos. Sheet S.O. 6713 (1960 Edition) Parish of Little- dean.

\* Insert:—  
"TREES SPECIFIED INDIVIDUALLY" (encircled in black on the map),  
or  
"TREES SPECIFIED BY REFERENCE TO AN AREA" (within a dotted black line on the map),  
or  
"GROUPS OF TREES" (within a broken black line on the map),  
or  
"WOODLANDS" (within a continuous black line on the map) as may be.

**FIRST SCHEDULE (Continued)**

No. on Map	Description	Situation
A.4	The several trees almost wholly oak standing in the parkland area numbered A.4 on the map.	Land east of Dean Hall comprising part of parcel No. 2800 on O.S. Map Glos. Sheet S.O. 6713 (1960 Edition) Parish of Littledean.
A.5	The several trees almost wholly oak standing in the parkland area numbered A.5 on the map.	Land south-west of Dean Hall comprising part of parcel No. 2800 on the O.S. Map Glos. Sheet S.O. 6713 (1960 Edition) Parish of Littledean.

Trees Specified individually

None

Groups of trees

None

Woodlands

None

