

## TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO 204 The Old Quarry, Cliffords Mesne

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 204, The Old Quarry, Cliffords Mesne, Newent. GL18 1JL.

### 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 18 day of November 2014

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

Affixed in the presence of



LEGAL TEAM MANAGER



1739.

**CONFIRMATION OF ORDER**

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 24<sup>th</sup> day of April 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

[Redacted signature]

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

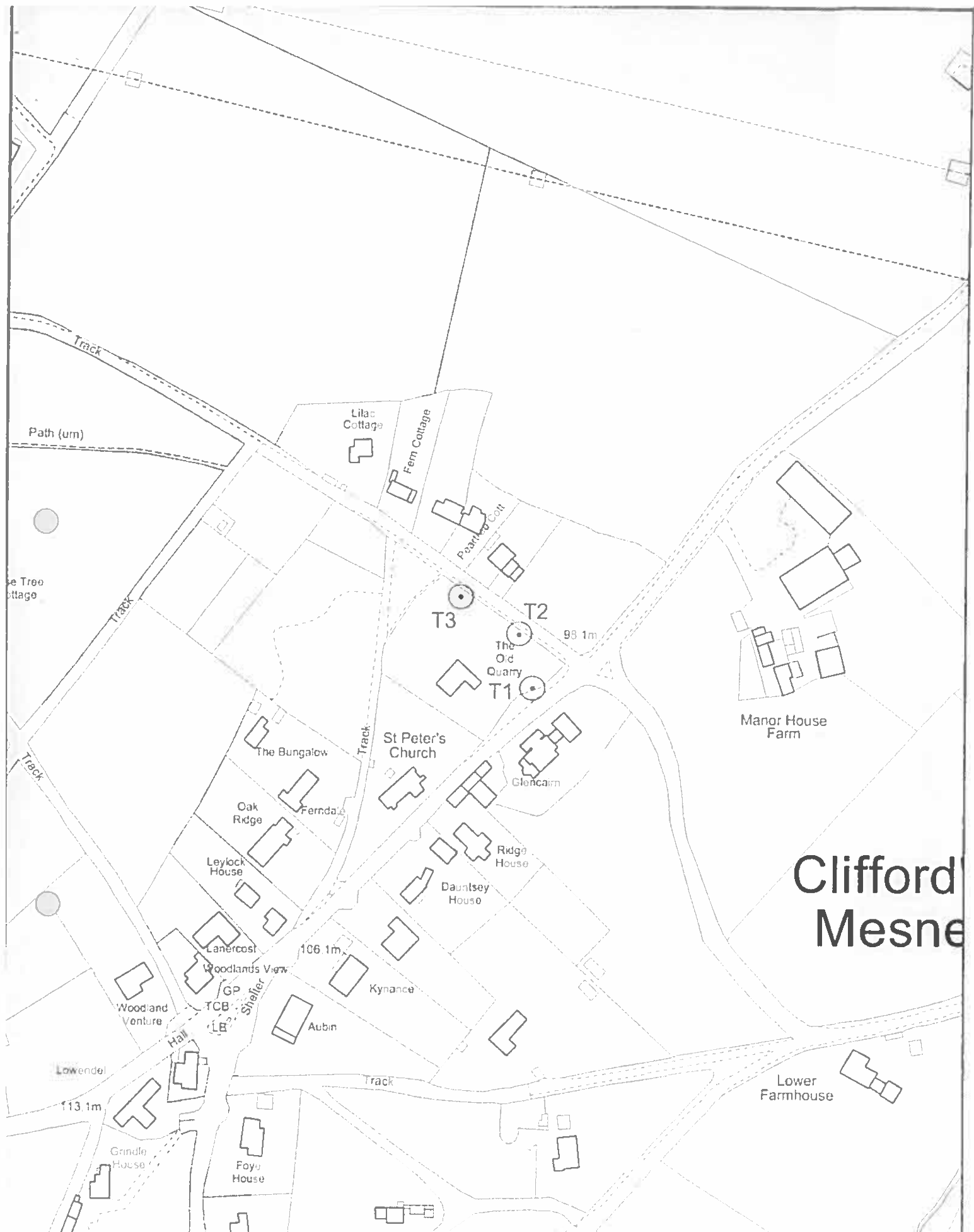
**REVOCACTION OF ORDER**

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



# Clifford's Mesne

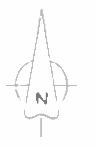
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## Tree Preservation Order DFTPO204 The Old Quarry, Cliffords Mesne

Scale: 1:2000

24 October 2014



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SCHEDULE 1  
SPECIFICATION OF TREES

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

Reference on Map	Description	Situation
T1	Birch	SO70140-23324
T2	Holly	SO70134-23346
T3	Ash	SO70109-23364

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

Reference on Map	Description	Situation
-	-	-

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

Reference on map	Description (including number of	Situation trees in the group)
-	-	-

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

Reference on map	Description	Situation
-	-	-

# **Report for a Tree Preservation Order**

**DFTPO204 The Old Quarry, Cliffords Mesne**

## **Introduction**

A Tree Preservation Order is recommended for three individual trees at The Old Quarry, Cliffords Mesne (see Appendix A – B for TPO plan and photographs). The trees should be referred to as:

T1 – Birch

T2 – Holly

T3 - Ash

The recommendation is in response to a review of TPO26. It is proposed that TPO26 be revoked following the confirmation of the recommended TPO204. TPO26 currently covers one group of trees, G1 on the northeast boundary of the site. It is considered that the current TPO does not represent the situation on site today. It is proposed that this new TPO be made to cover trees considered today to be of high amenity value.

## **Desk Based Assessment**

Application P1311/14/FUL, now granted permission, was submitted for the erection of a dwelling at The Old Quarry (revised design of the second dwelling in respect to permission DF4131/AP/1). The application identified existing trees in close proximity to the proposed dwelling. It was apparant that the Silver Birch tree shown to the front of the site may be of high public amenity value due to its location adjacent to a public highway and size. This tree is not currently protected.

Some trees on the northeast site boundary are currently protected by a TPO group. Some of these trees are no longer standing.

The site is adjacent to two highways, one of which is also a public right of way.

## **Site Based Assessment**

Some of the trees protected by TPO26 have previously been removed and it was considered on site that some of the remaining trees protected by TPO26 no longer merit protection due to their condition, size or limited visibility.

One large Silver Birch tree is located to the site frontage, adjacent to the highway. This tree is very prominent on the street scene and is of a good size and form. This tree is not currently protected.

A Holly tree, currently protected by TPO26 is adjacent to a highway and public right of way and demonstrates good size and form and therefore is considered to still merit protection.

Of the Ash trees standing on the northeast boundary, one Ash tree, the larger in the northern corner of the site was considered to merit protection due to its presence and size as seen from the north of the site from an adjacent highway and public right of way. It is not clear whether this tree is currently protected.

### **Consultation Responses**

Further to application P1311/14/FUL, a site meeting was carried out between the Sustainability Team and the applicant to discuss trees on site. The applicant suggested they would accept a new TPO on trees on the property.

Application P1311/14/FUL for a new dwelling on site respects the root protection areas of existing trees and seeks to retain all existing trees.

### **Discussion**

**Visibility:** The trees are visible from highways that run adjacent to the site on two sides and a public right of way that runs along the highway to the east of the site. T1 is particularly prominent in the street scene.

**Individual Impact:** The trees are generally of good form and size. They are considered to merit protection as individuals when viewed from the public realm.

**Wider Impact:** The trees are in close proximity to highways and a public right of way. The trees are of amenity value to local residents and to those passing through Cliffords Mesne.

**Expediency:** TPO26 currently protects trees on site. This Order is no longer relevant to the situation on site and it is considered that this Order should be revoked following the confirmation of a new TPO. Trees recommended for protection are identified in application P1311/14/FUL to be retained.

With a view of revoking TPO26, a new TPO is considered expedient.

**Conclusion of Discussion:** The trees recommended for protection by a new TPO on site are considered to be those that demonstrate most public amenity value. The current TPO on site, TPO26 is considered to be outdated and is no longer representative of trees on site. It is recommended that TPO26 be revoked following confirmation of TPO204.

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

Do nothing. TPO26 protects a group of trees on site. It is not clear exactly which trees are covered by this Order and some of the trees are no longer present. TPO26 is not representative of trees on site today and their amenity value. It is known that the Silver Birch recommended for protection is not protected by the current Order. This tree is present in the approved landscaping scheme of application P1311/14/FUL and must be retained for a period of five years further to condition 03 of the permission. Following this period, the District Council's permission would not be required for the removal of the tree.

**Recommendation**

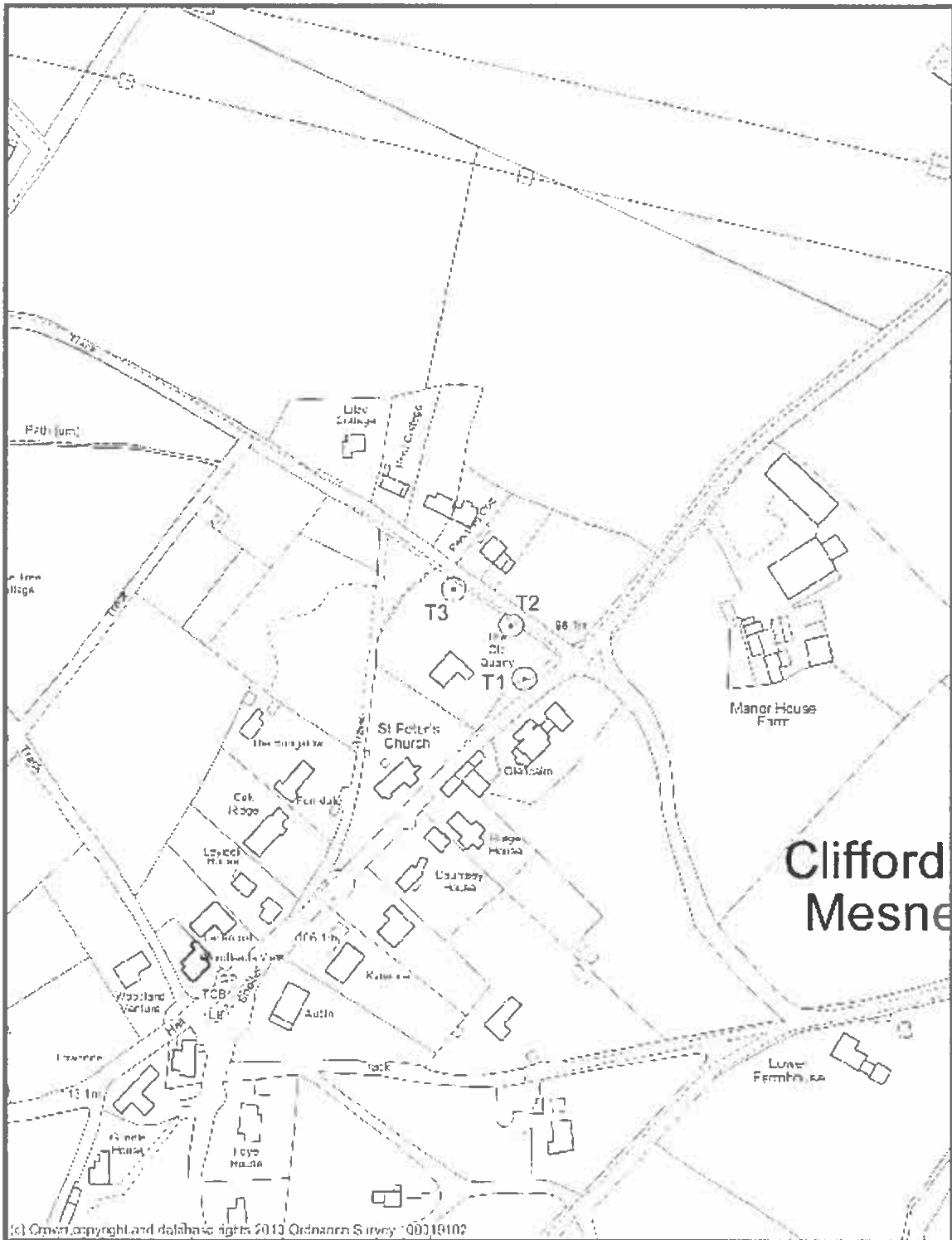
That provisional Tree Preservation Order DFTPO204 The Old Quarry, Cliffords Mesne be made.

Planning and Housing Group Manager: 

Agreed / ~~Disagree~~: ..... Date: 29/10/14.....



Appendix A – TPO Plan



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**Tree Preservation Order  
DFTPO204  
The Old Quarry, Cliffords Mesne**

Scale: 1:2000

24 October 2014



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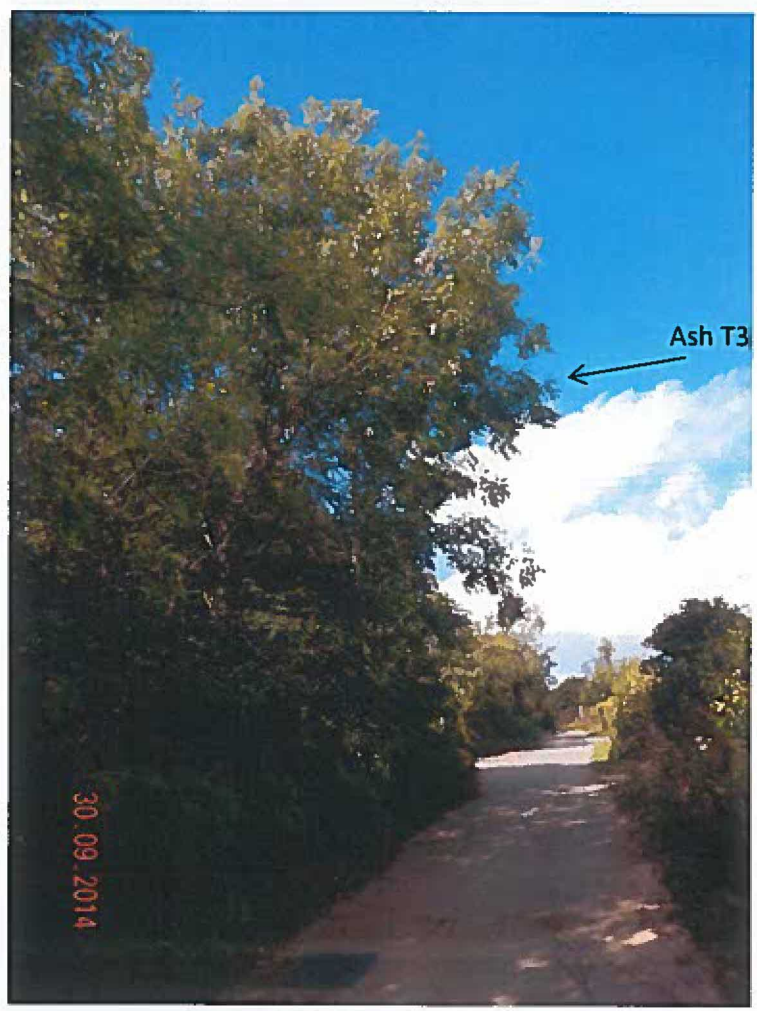
Appendix B – Photographs





Birch T1

30.09.2014



Ash T3

30.09.2014





Holly T2

09 09 2014