

TOWN AND COUNTRY PLANNING ACT 1990

The Tree Preservation Order DFTPO262 – Co-Operative Car Park, Market Square, Newent

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 DFTPO262, Co-Operative Car Park, Market Square, Newent.

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 21st day of September 2022

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

Affixed in the presence of

F.M. Williams



2415

CONFIRMATION OF ORDER

This Order was confirmed by the FOREST OF DEAN DISTRICT COUNCIL without modification on the 30 day of January 2023

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

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

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(Encircled in black on the map)

Reference on Map	Description	Situation
T1	Weeping Willow	Co-Operative Car Park, Market Square, Newent SO722257 (372284, 225702)

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

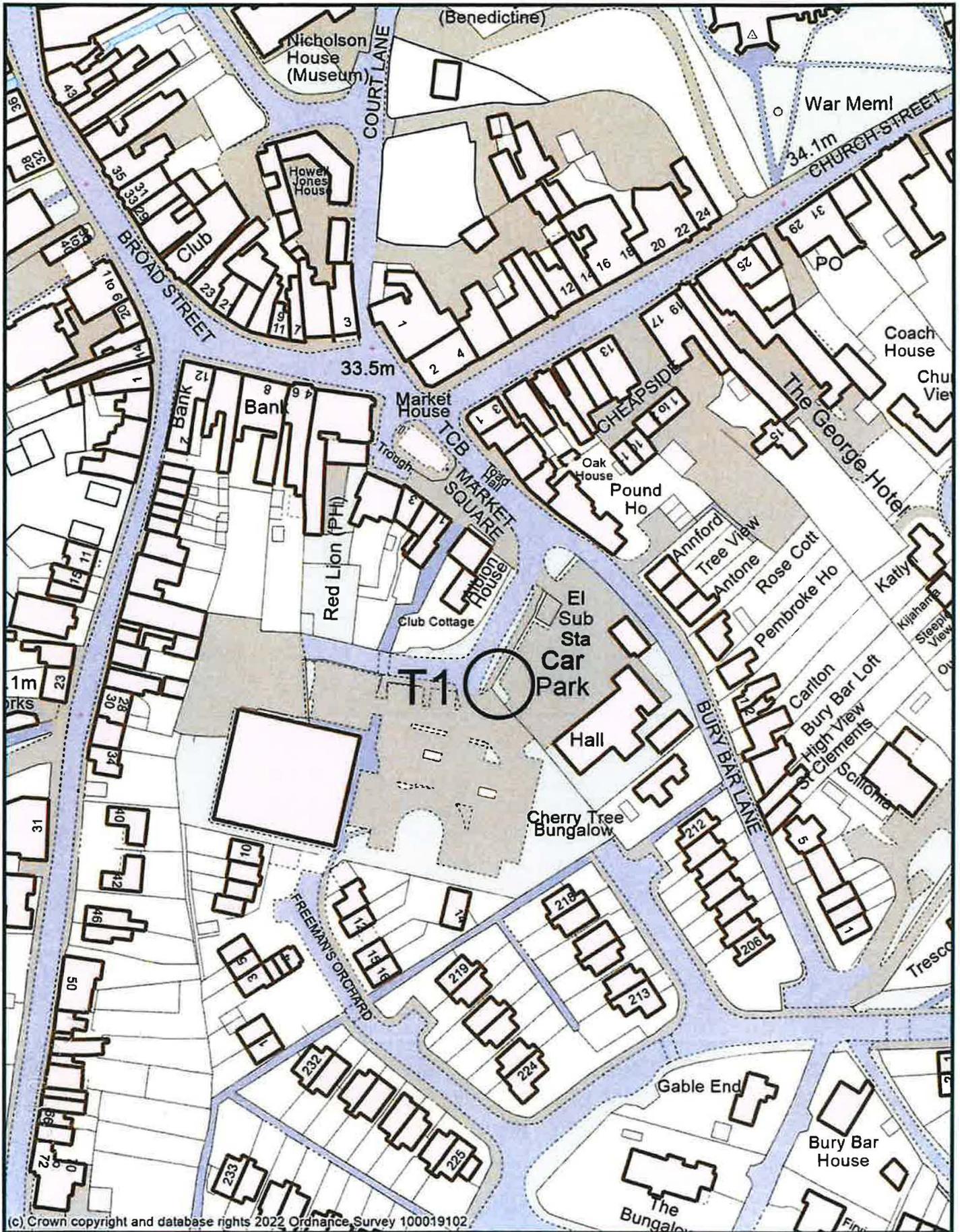
Reference on Map	Description	Situation
-	-	-

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

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

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
-	-	-



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FM
21 Sept 2022

Tree Preservation Order DFTPO 262 Co-Operative Car Park, Market Square, Newent

Scale: 1:1250

20 September 2022



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Report for a Tree Preservation Order

DFTPO262 Co-Operative Car Park, Market Square, Newent

Introduction

A Tree Preservation Order is recommended for an individual Weeping Willow tree growing adjacent to the entrance of the car park of the Co-Operative Food store in Newent (see Appendix A – B for TPO plan and photographs). The tree should be referred to as:

T1 – Weeping Willow

A Section 211 Notice has been submitted to the Council for the removal of this tree (P1176/22/TCA).

Desk Based Assessment

The tree is situated within Newent conservation area, adjacent to the entrance to the car park of Co-Operative Food store off Market Square/Bury Bar Lane. A Section 211 Notice has been submitted to remove the tree for safety reasons. The applicant expressed concern regarding the size of the tree, and the fact that it is weighted heavily towards the road, with the potential to fail under strong weather conditions. The applicant therefore proposes full removal. The Section 211 Notice was not supported by detailed arboricultural evidence regarding the tree's condition.

Permission to undertake works to this tree that included; a crown lift of 4 metres above ground level, a crown thin of 25%, and the removal of the three lowest branches overhanging the neighbouring car park, was granted on 20/04/2020 under planning application number P0313/20/TCA.

Site Based Assessment

The tree is a semi-mature specimen growing directly adjacent to the pedestrian and vehicular access to the car park associated with the Co-Operative Food store. The tree is characteristic of a Weeping Willow with its lower branches overhanging the footway and vehicular access immediately to the west of the tree. The eastern half of the tree overhangs the car park belonging to Newent Memorial Hall.

The claims by the applicant that the tree is heavily weighted towards the approach road to the car park entrance are not considered to be evident upon closer examination of the main crown architecture. The characteristic weeping nature of the tree and the loss in the past of some major branches within the upper crown on its eastern side, gives the illusion of imbalance in the crown.

In the course of assessing the Section 211 Notice, officers have noted the considerable public amenity value of the tree, and the lack of detailed arboricultural evidence submitted that would indicate that the condition of the tree is a substantial concern. No significant defects were observed within the main crown architecture of

the tree, with the exception of some minor deadwood. It was noted that the base and main stem of the tree was covered in ivy, which has the potential to obscure any mechanical defects or the presence of wood rotting fungi.

It would appear that following a site based assessment of the tree that the works granted permission under planning application number P0313/22/TCA have not been carried out, and the permission has subsequently expired. Future management proposals to remove the lower branches, reducing the overhang along the pavement and road without the need to completely remove the tree are considered likely to be acceptable. Such an approach would retain the tree and its contribution to the amenity of the area.

Consultation Responses

Newent Town Council were scheduled to discuss planning application number P1176/22/TCA at their Environment & Planning Committee meeting on 12th September 2022, however due to the death of Queen Elizabeth II and subsequent protocols this meeting was cancelled. The next scheduled meeting would have been after the determination date of this application.

No consultations have been made concerning the making of the provisional TPO.

Discussion

Visibility: The tree is fully visible from public viewpoints, due to being adjacent to the main vehicular and pedestrian access to the car park to a small supermarket in the town of Newent. The upper crown of the tree can also be seen from Bury Bar Lane to the north-east, and Foley road to the south-east.

Individual Impact: The tree is a mature specimen, with a well-developed crown of good form for the species. Due to its height and stature, it stands out from the other trees surrounding it.

Wider Impact: The tree is one of only a few trees in the immediate vicinity, and is considered to possess high amenity value, which makes a significant contribution to the character and appearance of Newent Conservation Area.

Expediency: Notification has been given of the intention to remove this tree, in a Section 211 Notice. The Council has two options when considering a Section 211 Notice: to allow the work to go ahead, or, to make a Tree Preservation Order.

The tree proposed to be felled is considered to be an important feature of Newent conservation area. There are a variety of management options for the tree and insufficient justification has been provided for its felling. Therefore a TPO is considered expedient.

Conclusion of Discussion: The tree is considered to be of high public amenity value, and as a result it 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 Section 211 Notice.

Recommendation

That provisional Tree Preservation Order DFTPO262 Co-Operative Car Park, Market Square, Newent is made.

Signed: P. M. Williams

Printed: PETE WILLIAMS

Agreed / ~~Disagree~~*: Date: 4 Oct 2022

Appendix A – TPO Plan



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Tree Preservation Order DFTPO 262 Co-Operative Car Park, Market Square, Newent

Scale: 1:1250

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Appendix B – Photographs



Looking south from approach to Co-Op car park.



View from the west



View from Newent Memorial Hall car park



View from the north-east along on Bury Bar Lane