

Report to Area Plans Sub-Committee South



**Epping Forest
District Council**

Date of meeting: 4 February 2015

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER
TPO/EPF/22/14 – Land to the frontage of Electricity Sub
Station, Stanmore Way, Loughton**

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Democratic Services: Adrian Hendry**

**This item has been brought to this Committee for a decision at the request of
Councillor Jennings.**

Recommendation(s):

That tree preservation order TPO/EPF/22/14 be confirmed without modification.

1. Background

1.1 This Tree Preservation Order aims to protect a lime tree to the frontage of an electricity substation on Stanmore Way.

1.2 The TPO was prompted by enquiries regarding the legal status of the tree and its ownership. Investigations reveal that the land is not in the ownership, and therefore not the responsibility of, either ECC Highways or EFDC. In the past works have been undertaken by EFDC, however as it has now been established that this tree is not their responsibility, no future maintenance works will routinely be undertaken.

1.3 Additionally a land registry search was undertaken, this advised that the land is not registered.

1.4 The Council had been informed that the owner of 7 Garden Way intended to undertake a heavy reduction / felling of the tree. However they have been unable to demonstrate that they either own the land (and therefore tree) or have the land owners permission to undertake such works.

1.5 A structured visual assessment of the tree was undertaken. This established that the lime was a large, mature specimen, that appears structurally sound. It is highly prominent on the bend of this residential road and therefore has a very high public amenity value in particular those using Stanmore Way, The Beacons, Campions, Broodstrod and Garden Way. Following the inspection of the tree we could find no arboricultural reason for either a heavy reduction or felling. As such it was considered expedient to protect it by making a Tree Preservation Order.

2.0 Objections / Representations

2.1 Four objections have been received The reasons for the objection are as following ;

- A) Leaves falling into the garden need to be cleared up on a daily basis.
- B) Damage to a wall will be ongoing as the tree increases in size.
- C) Given the height of the tree, if it were to fall would damage at least one property.
- D) The tree does not contribute to the local greening, it is not an asset and its amenity value is negligible.
- E) The tree is not advantageous to the environment and does not benefit the residents

3.0 The Director of Governance comments as follows:

3.1 Taking each of the objections in turn ;

A) Leaf litter is a recognised seasonal unavoidable issue for all deciduous trees. Rarely is it considered that leaf fall is an appropriate reason to remove a tree, and given the visual importance of this tree, it is not considered appropriate in this instance.

B) No information had been provided regarding which wall was being referred to or the level of damage. There is a small retaining wall c 30cm in height to the frontage of the tree however, given its low height, it would not be justified to remove such a prominent tree, because of the a future event which may or may not happen.

C) This tree is in good health, and the visual assessment undertaken did not indicate that the tree had a reduced life expectancy. If the tree were to suddenly fail and cause damage to an adjacent property, that would for the property to owner to make a claim through their own insurance company, and not an issue for the Council.

D and E) Given its height and position on the bend of the road, this tree makes a significant contribution to the street scene and therefore an extremely important asset to the local and visiting community.

4.0 Conclusion :

4.1 This order was made as a result of it being under a threat of being heavily reduced or removed. The TPO is necessary to ensure retention of this important tree. In confirming the order it will ensure that careful consideration is given prior to any tree works (including felling) being undertaken and that such works are undertaken for good arboricultural reasons. It is therefore recommended that the order is confirmed without modification.