

# Supplementary Committee Agenda



**Epping Forest  
District Council**

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## **Area Plans Subcommittee B Wednesday, 12th October 2005**

**Place:** Civic Offices, Epping  
**Room:** Council Chamber  
**Time:** 7.30 pm  
**Committee Secretary:** Gary Woodhall, Democratic Services Assistant  
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### **5.a Land at Hemnall Street, Epping adjacent The Rectory, Hartland Road, Epping**

#### **Recommendation:**

That the Area Plans Sub Committee approve the making of a Tree Preservation Order in respect of one Lime and one Pine tree at the above.

#### **Background**

The trees stand in the Conservation Area, on land that had been believed to be highway land. A Conservation Area Notice of Felling has been received as of 5 October 2005, and a Notice has also been posted on the land.

The trees are healthy, mature and visually important in the Conservation Area. However, it is claimed that they have contributed to structural damage at The Rectory.

#### **Consideration of Evidence**

To judge the strength of evidence provided in such cases the Council has a pro forma that conforms to best practice. Basically the evidence should include consideration of the trees; an assessment of the damage; full evidence that implicates the trees, including monitoring of the movement of the property, in order to be reasonably sure that the trees are the main causative agent.

In this instance, however, this evidence is almost entirely lacking. All that can be said with certainty is that the engineers appointed by the insurance company believe both that the two trees are the main cause of whatever damage (unspecified) has occurred, and that if the trees were felled there would be no recurrence of the damage.

The diocese of Chelmsford owns the property. They have separately confirmed that damage was experienced in 2003 (which was an 'event year') but had stopped in 2004. The property was repaired but not underpinned. Therefore, although this is not clear from the notification, it appears that the purpose of the application is preventative

and not to cure existing damage.

### **Consequences of a Tree Preservation Order**

The purpose of the Tree Preservation Order would be to require further information to substantiate the claim for felling, and to give the council an influence on the future of the trees. However, given that there is no ongoing movement it may be difficult to specify further information, other than a levels survey, which would conclusively prove the trees' involvement in past damage. Even then there would be no evidence as to future risk.

The Tree Preservation Order would also allow consideration to be given to management of the trees and indeed whether both trees are likely to be equally threatening to the property in future.

There is no right of compensation against the making of the Tree Preservation Order as such, however, there is a right of compensation for the financial penalties that may be suffered as the result of a decision under the Tree Preservation Order. It is likely that an application to fell the trees under the Tree Preservation Order would follow and a decision on the future of the trees would then have to be made with a possibility of compensation being claimed.

### **Conclusion**

It is recommended that the Committee consider the implications of making the Tree Preservation Order and given that it may be difficult to refuse felling in respect of a future application whether they wish staff resources to be given at this time. A failure to make an order is highly likely to lead to the felling of both trees on the expiry of the 6 weeks notice period.