

Scrutiny Standing Panel Agenda



Safer, Cleaner, Greener Scrutiny Standing panel Tuesday, 1st September, 2009

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services Officer: Adrian Hendry, Office of the Chief Executive
email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

Members:

Councillors G Pritchard (Vice-Chairman), R Barrett, M Colling, Miss R Cohen, R Frankel, Ms J Hedges, D Jacobs, R Law and Mrs E Webster

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

3. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

4. NOTES OF THE LAST MEETING (Pages 3 - 8)

To agree the notes of the last meeting held on 23 July 2009.

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 9 - 16)

(Chairman / Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

6. WASTE MANAGEMENT PARTNERSHIP BOARD MINUTES (Pages 17 - 22)

To receive the minutes from the last Waste Management Partnership Board meeting held on 20 July 2009.

7. TREE STRATEGY (Pages 23 - 44)

To consider the attached report and strategy document.

8. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

9. FUTURE MEETINGS

The next programmed meeting of the Panel will be held on 27th October 2009; and then on:

08th December 2009;
25th February 2010; and
29th April 2010.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Safer, Cleaner, Greener Scrutiny **Date:** Thursday, 23 July 2009
Standing panel

Place: Committee Room 1, Civic Offices, **Time:** 7.00 - 9.08 pm
High Street, Epping

Members Present: G Pritchard (Chairman), M Colling (Vice-Chairman), R Barrett, Ms J Hedges and D Jacobs

Other Councillors: R Bassett, Mrs M Sartin and Ms S Stavrou

Apologies: - D Bateman, Miss R Cohen, R Frankel, R Law and Mrs E Webster

Officers Present: J Gilbert (Director of Environment and Street Scene), T Carne (Public Relations and Marketing Officer) and A Hendry (Democratic Services Officer)

Also in attendance: A Chown and A White

13. DECLARATIONS OF INTEREST

No declarations of interest were made.

14. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Panel noted there were no substitute members.

15. ELECTION OF VICE CHAIRMAN

RESOLVED:

That Councillor M Colling be elected Vice Chairman for the duration of the meeting.

16. NOTE FROM PREVIOUS MEETING

The notes from 23 June 2009 were agreed as a correct record.

17. TERMS OF REFERENCE / WORK PROGRAMME

The Terms of Reference and Work Programme were noted.

18. BIRCHWOOD, HOE LANE, NAZEING

The Director of Environment and Street Scene, Mr John Gilbert, introduced the item on recent fires at Birchwood, Hoe Lane, Nazeing. He introduced Alex Chown and Andy White, both officers of the Environment Agency.

Mr Gilbert summarised the history of the site for the Panel. The site's planning consent for 'general industrial purposes' was granted by the Planning Inspectorate on

appeal and had no limiting conditions imposed on it other than some working hours. Around three years ago when the site was being operated by Essex Wood Recycling (EWR), waste wood was brought onto the site for chipping. EFDC took the view that this activity was waste related and fell outside the general industrial purpose planning approval. However, Counsel advice indicated a contrary view, which was shared by Essex County Council (as the Waste Planning Authority) who concluded it was not a 'waste operation'.

The pile of wood got larger and EFDC took the view that the core operation was now storage and not wood processing. Around this time the operator of the site changed and the new operators, Scott and Scott approached EFDC to seek consent for incineration. This was rejected by EFDC and the Environment Agency (EA). In October 2007 EFDC issued an enforcement notice for unauthorised storage. This was appealed and a public enquiry was scheduled for December 2008. In the meantime a new planning application was made for a temporary consent for mixed use, storage and general industrial. The date of consideration of this application clashed with the public enquiry. The decision was made to withdraw the enforcement notice and proceed with the new application. EFDC gave consent for the new usage and attached a raft of operational conditions. In January 2009, the timber caught fire. The new consent was not taken up leaving the original consent in place but now without the enforcement notice. In May 2009 another (smaller) fire started on this same site.

Local residents do not wish this to continue and have petitioned for closure of the site.

This issue went to the Planning Standing Panel who asked that this Panel look into the environmental impact of the fires on this site.

Alex Chown of the Environmental Agency commented that this was a waste activity producing wood chippings which fits into the Environmental Permitting Regulations 2007 and came under paragraph 13 as an activity seeking to maximise waste recovery. Anyone could apply for permission to carry out such activity under paragraph 13 on line. It had to be timber related and must be a manufacturing activity (in this case chippings). Scott and Scott took over the stockpile and registered last May with the EA. They subsequently had a major fire on site. The EA has since made a number of visits to the site and have made suggestions on dust suppression etc. Things seemed to be operating normally. They then had another fire at the end of May 2009. The EA seriously considered deregistering them, but they could simply reapply on line, which had no facility to take past activities into account. They held meetings on the site with their representatives and produced an action list for them to conform with. They also asked them to stop business immediately until the action list was clarified and agreed. With the legislation as it stands they could not demand improvements but could only ask for it.

Mr Gilbert said that there were some key issues to be considered:

- (a) Use of the site overall (Planning issues). It would be difficult to get them to stop via this route.
- (b) Damage to the public highways by their delivery lorries etc.
- (c) Nuisance from their site activity (dust etc.). EFDC may be able to serve notice on operations on this site. The legal position will have to be checked to see what action the council is allowed to take.
- (d) The two fires affected the local residents. Officers had monitored the air quality of the first fire, and none of the national air quality standards relating to breathable particles were breached; although the scale and nature of the fires

could have had a detrimental affect on local residents already suffering from respiratory conditions and during the fire they were advised to stay indoors.

- (e) The fire in May was smaller but hotter, with a high plume taking materials up and out of the immediate area.
- (f) The Essex Fire and Rescue Service's (EFRS) use of water to put out the fire – the water would then go into the local water courses. The EFRS's policy was not necessarily to put the fire out immediately, but to let it burn out in a controlled manner; their primary consideration was to protect life and property. Using large volumes of water to put out the fire would have repercussions on the local water courses, assuming that they had enough water available to use.

Mr Gilbert had prepared a draft letter and Q&A sheet for the Panel to consider prior to its issue to local residents. This would be sent on behalf of all the agencies concerned explaining what was happening now, some of the history and proposed future action for the site.

There was a need to distinguish between the controls over the regular legal business of the site and the two fires. The agencies could only regulate the bona fide business and the fires could not be controlled as there was no evidence to say how the fire had started. The site was now being secured (fenced around its perimeter) and the Health and Safety Executive (HSE) had served an Improvement Notice requiring the fencing to be completed by 7 August. The site was not secure before.

Councillor Jacobs asked when the government were going to 'beef up' the Environmental Permitting Regulations. Mr Chown said they had begun looking at it from last year. It had been delayed and they were now looking at completing it by April 2010. The proposal for paragraph 13 was that businesses would require a standard permit enabling temporary suspension etc.

Councillor Jacobs asked had the site had ceased operations for the time being, and were they being monitored? He was told that they were, especially by the residents.

Councillor Jacobs then asked if we asked them to move the business, would they be entitled to receive compensation. He was told that they now operate under a fully legal planning consent and if the council were to ask them to move it would be liable to pay compensation.

Councillor Colling said it came down to planning and if the council could put conditions on the site. The site needed to be made secure, the amount of timber on the site needed to be controlled and this could be done by condition. If they handled less tonnage then they would need smaller lorries. Mr Chown agreed. He was also keen to ensure that all the agencies saw the proposed conditions to ensure that it did not happen again. The operators would need to show that they were running a competent business.

It should be remembered that before the first fire they had been offered planning consent with conditions but they did not take them up after the fire.

Councillor Bassett said that there was a history to the site, and when the council tried to take enforcement action they sold the business to another company. They had also brought in all sorts of waste and rubble, which they were asked to take away over a specified period of time. It then burst into flame on the coldest night of the year. After that they brought in more wood and then had the second fire. The residents were concerned that they would build up a big pile of wood again and their lorries would continue to knock down telegraph poles. They were in totally the wrong

location for this type of business. It was also affecting other types of local business, such as the local child minding nursery which had to put the fires down on their risk register. This may cause them to close down. Also, all the ash generated would cause health problems to the local people. We need to guarantee the residents that we are monitoring the site as closely as the law permitted. And we need to tell residents this. Scott and Scott seem to be more responsive and negotiations were better than enforcement.

Mr Gilbert informed the Panel the West Essex PCT had been asked to check with GPs about any abnormal numbers of referrals over the last six months. There were none. They have subsequently asked us to provide information on the nature of the materials concerned so that they could do more research on longer term health effects. Our monitors in January showed no evidence of any harmful particles. As for the traffic problems caused by the delivery lorries, there was not much this Panel could do about that. That was for the Highways Authorities to deal with. It would be taken to the new Highways Panel. This Council and the EA had used whatever regulatory powers they had. They have also asked the residents to keep diaries on what has happened so that a case could be put together. Local residents wished to see the industrialisation of Nazeing brought to an end, but this is not something the council could do.

Councillor Mrs Sartin asked how far back had the PCT been asked to check their records. Mr Gilbert said that they checked from December 2008 to June 2009, there had been no increase. Councillor Bassett said that part of the problem was that the people of Nazeing went to Hertfordshire surgeries. Mr Gilbert said they would ask West Essex PCT to consult with East Herts PCT on these referrals.

Mr Chown said if a vehicle was carrying waste there was a duty of care and they could ask Scott and Scott to write to their customers to improve on their delivery. The EA could also work with the Police and set up roadside checks to check the lorries loading.

Councillor Bassett said it looked like the District Council's hands were tied. The use of small country lanes was an issue but nothing could be done about that. The residents needed to continue monitoring the site, but they feel that the Council was not helping them. That it was the Council's job not theirs. Councillor Ms Stavrou said that she used to live next to a problem site and it took six years of diarising everything, to make any progress. The Council could not do this on its own; it did not have enough employees. It must be borne in mind that this was a legitimate business carrying out its legitimate work.

Councillor Jacobs asked how the business made their money. He was told that they sell the wood chippings. They also charge gate fees but get their profit from the sale of the finished item. There were three grades of wood. The top grade got a good price. The second grade could be mixed with the top grade and sold. The bottom grade was only good for landfill. It should be noted that the fire burnt off all the bottom grade wood.

The Panel then considered the draft letter and Q&A document to be sent to the residents. Officers were trying to get this out to local residents as quickly as possible and had opted for a short covering letter and a Q&A briefing note.

It was noted that:

- There was ongoing co-operation with the current operator of the site (to be put in the last paragraph of the letter);

- The Q&A document referred to Scot and Scott Ltd. This was wrong, they were not a limited company;
- The Council will be actively monitoring the site over time;
- It should be said that the Council had turned down the application initially but this was then agreed by the Planning Inspector;
- There was too much detail about Paragraph 13, people would struggle to understand it. Officers should highlight the bits that apply;
- It also needed a preamble to introduce what Paragraph 13 was;
- Should be added that the rules are to be tightened up by the government by April 2010;
- It should explain why EFDC said that there were no breaches of air quality standards as they were monitoring small particulates.

The Panel were content to endorse the following recommendations. Councillor Bassett concluded that they needed to demonstrate to the public that the council was doing things, give them contact points and to stress to the residents that they should keep monitoring the situation.

The Chairman thanked the two officers from the Environment Agency for coming and advising the Panel.

RESOLVED:

- (1) That the current position regarding activities at the site be noted;
- (2) The Panel noted that the receipt of a petition in respect of the Birchwood Industrial Estate, Nazeing, would be dealt with in accordance with the petitions procedure as set out in the Council's Constitution;
- (3) That the current status of the negotiations between the Environment Agency and Scott and Scott, be noted in respect of:
 - (a) the tonnages of waste timber on the site;
 - (b) site security; and
 - (c) nuisance suppression;
- (4) That, if the current legal framework permits, the Council exercises its powers under the Environmental Protection Act 1990 in respect of any proven current or anticipated future statutory nuisance;
- (5) That, given that many local residents use surgeries in Hertfordshire, the West Essex Primary Care Trust be requested to seek information on unusual levels of GP and hospital referrals in respect of respiratory illness for the period December 2008 to June 2009 inclusive from the East Herts Primary Care Trust;
- (6) That the Epping Forest Safer Communities Partnership be requested to consider what support might be given in respect of the regulatory control of waste vehicles using the Birchwood site; and
- (7) That subject to the inclusion of amendments made, the letter and question and answer background paper to residents be approved and distributed.

19. ANY OTHER BUSINESS

The Director of Environment and Street Scene, Mr John Gilbert, tabled the draft policies for the new wheeled bins. The purpose of the policy was to ensure compliance with Essex Joint Municipal Waste Management Strategy. Officers would like them to go to the September meeting of the Cabinet for ratification.

It was noted that:

- the drafts had been published in a recent Members Bulletin for information;
- the policy was about the use of the containers;
- the wheeled bin capacity was 180 litres, but smaller or larger ones could be asked for depending on the suitability of the property;
- contamination was important, only the residual bin should contain things that cannot be recycled;
- only food and garden waste was to be put in the 'green' bin;
- the kitchen caddy was provided to help residents;
- dry recycling was to use blue boxes and clear sacks;
- if the container was too contaminated, it would not be collected;
- residual side waste was not collected at all, except on special occasions (e.g. religious festivals);
- the exemption policy should say 1 sq. metre and not 1.13 sq. metre;
- there would be an assisted collections;
- all requests for smaller bins would be granted;
- flats and commercial buildings were still under consideration; and
- Members could send in their comments to Mr Gilbert by 14 August.

Councillor Barrett asked if SITA or council officers were going to enforce the rules. He was told that it would be council officers who would do the enforcement if necessary. The council had powers to require people to comply.

Councillor Hedges asked if bags could be used. She was told that only 'compostable' bags with 'trelevan' logo should be used.

Councillor Sartin pointed out that exemption policy 6.2 should have the word "less" inserted to make sense; i.e. 'less' than 1 square metre.

RESOLVED:

Members noted and approved the draft container policy as tabled.

20. FUTURE MEETINGS

The dates of the future meetings of the Panel were noted.

TERMS OF REFERENCE - STANDING PANEL

Title: Safer, Cleaner, Greener

Status: Standing Panel

Terms of Reference:

1. To approve and keep under review the “Safer, Cleaner, Greener” initiative development programme.

(Note: this development programme will encompass the three main issues and will therefore include matters such as:

- (i) environmental enforcement activity*
- (ii) safer communities activities*
- (iii) waste management activities (in addition to WMPB information))*

2. To keep under review the activity and decisions of the West Essex Joint Waste Committee.

3. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract

4. To monitor and keep under review the Nottingham Declaration “action plan” and the Council’s progress towards the preparation and adoption of a sustainability policy and to receive progress reports on the Council’s Climate Change Strategy from the Green Working Group

5. To monitor the recommendations of the 2005/06 Task and Finish Panel on parking in residential areas in respect of wider parking enforcement issues only. – **Item 5 now moved to the Highways Panel**

6.
 - i) To receive, review and comment upon County Council Highways strategic policies on speed and freight management; and
 - ii) To keep an overview on transport matters that were the subject of a focus day in Nazeing in March 2007, and the action plan in respect thereof and
 - iii) To keep a watch on Highway accidents within the District and to include specifically data on accidents resulting in death or serious injuries.

Item 6 now moved to the Highways Panel.

7. (Subject to Cabinet approval of the Group) to receive and review the reports of the Bobbingworth Tip Management Group.

8. To act as the Council's Crime and Disorder Scrutiny Committee and to keep under review the activities of the Epping Forest Safer Communities Partnership as a whole or any of the individual partners which make up the partnership.
(a) That at least two meeting a year be dedicated as Community Safety Committee meetings.

Work from The Leisure Task and Finish Panel:

9. Waltham Abbey Sports Centre/ Swimming Pool:

- To assess the feasibility of providing a new sports hall at the Waltham Abbey Swimming Pool;
- To conclude the assessment commenced in 2007/08 of evaluating the current and potential future management arrangements at Waltham Abbey Sports Centre.

10. The on-going monitoring of the Youth Initiatives Scheme and Play Strategy.

Chairman: Cllr B Rolfe

Safer, Cleaner, Greener Standing Panel
Work Programme – 2009 -10

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
<p>(1) Safer, cleaner, greener (general)</p> <p>(a) completion of establishment etc (b) formal “launch” (c) accreditation progress</p> <p>(d) enforcement activity</p> <p>(e) Strategy Document</p>	<p>(a) completed (b) June 2009 (c) August 2009</p> <p>(d) August 2009</p> <p>(e) September 2009</p>	<p>(a) establishment now complete (b) now scheduled for September 2009 (c) corporate accreditation achieved May 2009 (c) individual officer training successfully completed August 2009 (d) enforcement policy agreed by this Panel at 23 June meeting, scheduled to Cabinet in September (e) agreed by this Panel at its February 2009 meeting, to Cabinet for adoption in Sep 2009</p>	<p>1 September 27 October 8 December</p> <p>25 February 2010 29 April</p>
<p>(2) Safer communities (Safer)</p> <p>(a) CCTV policy</p>	<p>(a) June 2009</p>	<p>(a) service delivery plan to this meeting meeting with example warning signs for consideration</p>	

Safer, Cleaner, Greener Standing Panel
Work Programme – 2009 -10

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
<p>(3) Essex waste procurement process and Joint Committee (Cleaner, Greener)</p> <p>(a) minutes of joint Committee (b) JMWMS (c) Inter authority agreements</p>	<p>(a) Ongoing (b) Adopted (c) Completed</p>	<p>(a) No recent meetings to report (b) No further action required until review (c) Agreed at March 2009 Cabinet. Letter of Intent signed May 2009</p>	
<p>(4) Waste Management Partnership Board (Cleaner)</p> <p>(a) minutes of Board (b) review of garden waste (c) introduction of food waste collection (d) recycling in flats and similar buildings (e) new food and garden recycling service</p>	<p>(a) Ongoing (b to c) prelim results went to October 08 meeting. (d) Ongoing (e) Implementation Team updates</p>	<p>(a) Minutes of WMPB on 20 July 2009 attached (b)} See (e) below (c)} See (e) below (d) Progress slow due to staffing pressures arising from roll out of new service (e) Containers delivered, number of roadshows/exhibitions held. New service will commence on 7 September 2009</p>	

Safer, Cleaner, Greener Standing Panel
Work Programme – 2009 -10

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(5) Nottingham Declaration (Greener) (a) Sustainability action plan (b) Climate change strategy – completed.	(a) First draft went to February 09 meeting (b) Went to February 09 meeting		
(6) Residential parking (Safer, Greener)		Deleted – referred to Local Highways Panel	
(7) County Highways matters (Safer) (a) Nazeing Action Group (b) speed management (c) freight strategy (d) Monitoring of Road Accidents.		Deleted – referred to Local Highways Panel	
(8) Bobbingworth Tip (Greener) (a) Management Group		Works essentially complete save for fencing and CCTV. Anticipate report to Cabinet regarding budget outturn and establishment of management group at start of new calendar year	

Safer, Cleaner, Greener Standing Panel
Work Programme – 2009 -10

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
<p>(9) Flooding matters</p> <p>(a) Strategic Flood Risk Assessment</p> <p>(b) Pitt Review and Flood and Water Bill</p>	<p>(a) to be completed in time to contribute to East of England development plan</p> <p>(b) Overview and Scrutiny currently considering request for inclusion in programme</p>	<p>(a) being produced jointly with Harlow District Council. bulk of the work completed, final report compilation outstanding</p> <p>(b) New task & finish scrutiny panel established to consider the ramifications of the legislative proposals. This will report directly into OS Cttee.</p>	
<p>(10) Safer – Crime & Disorder Role as the "Community Safety Committee"</p>	<p>Fixed Community Safety Committee meetings in October 2009 and February 2010</p>	<p>First meeting with Community Safety scrutiny role will take place on 27 October 2009 (i.e. next SCP Panel meeting)</p>	<p>27 October 2009</p>
<p>(11) Outstanding Leisure Task & Finish Scrutiny Panel issues</p> <p>(a) Waltham Abbey SC</p>	<p>(a) December 2009</p>	<p>(a) Cabinet decision to take forward pre-planning application for new facilities at WASP called in and will be considered at OS Cttee at its meeting on 3 September 2009. Verbal update on outcome to be provided at this meeting</p>	

Safer, Cleaner, Greener Standing Panel
Work Programme – 2009 -10

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(b) Youth initiatives & play strategy	(b) Completion of facilities installation expected by March 2010. Report to Council early 2010.	(b) Child and youth play facilities installed at Limes Farm (currently completing refurbishment of multi use games area). Children's playground installed at Hoe Lane, Nazeing and youth facility at Elizabeth's Close, Nazeing due to be constructed in August/September. The final facility as part of Big Lottery funding is due for completion by March 2010, at Pancroft Ring, Abridge, following a range of consultation in the village. Additional funding for play facility development has been secured from 'Play Builders', which will see the installation of a new children's playground at Westall Road in Loughton (expected September/October) and the possibility of a new skate facility in Waltham Abbey. These facilities are being developed in conjunction with Loughton and Waltham Abbey town Councils.	

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Agenda Item 6

WASTE MANAGEMENT PARTNERSHIP BOARD MINUTES

Date of Meeting: 20 July 2009.
Location: Cabinet Room, Civic Offices
Time: 2.00pm
Attending: Cllr Mrs D Collins - Leader of the Council (DC)
 Cllr Mrs M Sartin - Portfolio Holder & Board Chairman (MS)
 John Gilbert - Director, Environment & Street Scene (JG)
 Kim Durrani - Asst. Director, Environment & Street Scene (KD)
 David Marsh - Waste & Recycling Manager, EFDC (DM)
 Steve Holgate - Sita UK (SH)
 Michael Miles - Sita UK (MM)
 Paul Madden - Sita UK (PM)

		Action
1.	Apologies for Absence - Chris Thorn	
2.	Declarations of Interest - None	
3.	Draft minutes of meeting 20 April 2009 - Agreed	
4.	Matters Arising (not on agenda).	
5.	Confirmation of Board membership for 2009/10 JG distributed details of the appointments to WMPB for 2009/10 following the Council's AGM on 21 May. EFDC's membership remains as before, with Sita allowed to hold an equivalent numerical membership. It was agreed that the practice of substitute members and attendance of support officers should continue.	
6.	Review of current contract performance DM reported that statics are back in Theydon Bois and North Weald. Sita are expanding the work that statics can do in the district. This is important for public perception.	
	<u>Operational</u> Weed spraying is currently being carried out but it would make better operational and financial sense to spray at the beginning of the season. County have no budget increase this year and only have funds to carry out 2 sprays per year, not 3. Delaying the spray results in damage to the fabric of the footway & having to use stronger weedkiller. County to be asked to agree the funding earlier in the year, and this to be taken to the first meeting of the Highways Panel on 21 July.	JG
	MM has been with Sita for 2 months, and is aware of the street cleansing issue. He has given some advice on litter bins etc. However, operations generally are an improving picture.	
	<u>Financial</u> JG distributed the financial performance report, a copy of which had been sent to John Bell who, apart from 4 comments, felt the figures were reasonable. SH to ask Chris Thorn to look at the Lucy & Martin figures and to report back on the overhead allocation of £8,404.	SH
	John Bell also queried the invoice from Sita stating gate fees were £19.50 per tonne + 4.27% RPI increase. SH confirmed this is a normal contract increase. The price of the MRF does not change. To be discussed further.	

	<p>SH felt that overall Sita are now in a better financial position , and hopefully this will further improve with the new service. Vehicle damage is now showing a significant reduction, and the increases in vehicle and labour costs in the summer months will be offset during the rest of the year. The money for depot refurbishment has been spent but not yet been released. Extra resources are planned to be available for the leafing season and new service.</p> <p>Progress of new service implementation</p> <p>7. QD reported that planning permission had been granted for containers to be stored at the airfield from 1 July. The kerbside caddies had already been received, and 180L bins will start arriving on 27 July.</p> <p>The first letter and bin hanger have now gone out to all residents, which has generated some calls. W/Bs and caddies will be delivered between 3-31 August. The caddy will hold a pack of information including the Otto sticker, a calendar and hopefully one roll of the liners that will be available to buy from local stores. Those properties currently exempt from having a residual W/B will automatically just be given the caddy. The second bin hanger will be placed on the residual bin starting 2 Sept; this will inform residents when they can begin using the new service.</p> <p>A list is currently being compiled of those residents only wanting the caddy, and DM to discuss the logistics of this with the distributors. Special requests for those who do not want a second bin, or who would like a bigger one (if this is agreed), will be dealt with after the 180L bin has been delivered. Although the public perception may be that this is a waste of time and money, they may be persuaded to use the bin once it has been delivered.</p> <p>On 28 July a public display will be set up in the Civic Offices car park between 10am and 7.30pm. All the partners, including Parish and Town Councils, will be invited, and as it is the day of Council Members will be able to view it as they arrive. The telephone line is now working (no. 4323), and the roadshow calendar has been publicised. Roadshows have been well attended so far; opinion is split roughly 50/50, which is encouraging. Most complaints are from people who currently have 20-30 bags of garden waste collected. Home composters are being promoted.</p> <p>The current advice to residents is that a larger bin will not be available but there is an option to charge for supplying one. However it would increase the amount of green waste when the emphasis is still on reducing it, and would present problems identifying who had paid for the bin, who would be exempt etc. A big take-up is expected and would mean buying in large numbers of 240L bins (a procurement exercise is currently being carried out), making many 180s redundant. It was agreed that MS would take to Members for discussion, and that residents can meanwhile be told that a chargeable policy is under consideration. This to be left in abeyance until the 180L bins have been in circulation for a time to see how they are received.</p> <p>Policies - these are on the website and in the Members' bulletin, marked 'Draft'. Contamination policy - SH reported that domestic animal bedding can now be accepted but it was agreed to leave the policy as it is for the time being. Garden and food waste is to be taken to Sandy in Beds., and will be monitored for contamination on a load by load basis initially. Side waste policy - this will not change except that side waste will now be collected following other religious festival days, eg Ramadan. It must be emphasised that food waste lids must be fully closed for health & safety reasons. Exemptions policy - this is very precise. Anyone not requiring a second bin will</p>	<p>SH/JG</p> <p>JG/SH</p> <p>DM</p> <p>MS</p>
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	<p>not have their green waste collected. Larger residual bins will not be as easy to obtain now, and waste officers will reserve the right to re-visit premises with larger bins to see if their family circumstances have changed.</p> <p>Exception policy - the first two policies under 'food & garden waste recycling service' regarding charges will need to be changed.</p> <p>Flats and communal buildings policy - this has not yet been finalised.</p> <p>The policies will be discussed at SCG Panel on 23 July.</p> <p>QD distributed a list of FAQs and asked to be advised if any changes need to be made. Nos. 5 & 6 regarding larger bins must be altered. A procurement exercise is currently being carried out for composters, and these may be given free to exempt properties. If needed urgently they can be obtained from ECC.</p> <p>Where residents sweep leaves from the pavement (Q49) they can be assessed by a waste officer. From a health & safety point of view no-one should be sweeping the public highway. Leaves when dry will take up little room in the bin and residents will be advised to use the weekly service. DM offered to visit the gentleman who had complained to MS about this.</p> <p>DM circulated 8 samples of the artwork to be applied to waste vehicles. It was agreed that all the recycling messages were too specific and a more generic one was preferred so that all vehicles, including residual waste lorries, could be stickered, also that it would only be necessary for one design to be used. Reusable interchangeable boards could be used but these are expensive and would take too long to arrange, and it was agreed to use stickers in the short term which could be applied as soon as the design has been agreed by MS/DC.</p> <p>8. Kerbside collection of textiles This has still not been finalised and no time frame for agreement identified.</p> <p>9. Annual targets within the performance framework JG distributed the annual performance targets within the Performance Framework document and briefly went through the items. Street cleansing - suggested that a new target be set at 10% (litter) and 13% (detritus), to be increased from 2010/11 onwards as the F&PM Committee and Scrutiny Panel will expect year on year improvements. Sita would not wish to be penalised for the County not spending money on weed spraying. It was felt that the inspection regime will change in the future as County will aim for consistency, and they may ask Encams to provide an independent review. This would be welcomed but performance targets must be accurate. Curtilage collections - there is some doubt about the residual figure, and JG to check this and agree with Sita, taking the new service into consideration. He will circulate once agreed. It is suggested that the 2 new indicators, NI191 (residual waste per household) and NI192 (percentage of household waste) be adopted and JG put forward some suggested target figures. Weed spraying - JG did not know the date details when compiling the report. DM to supply data for 08/09 on those roads where Sita were asked to return. Once received a more demanding target for 09/10 will be agreed with Sita. Environmental performance indicator - this is difficult to set bearing in mind targets must be "smart". The Council now has a strategy in place to reduce the carbon footprint. This to be brought to the next Board meeting once thought has been given to the kind of indicator that can genuinely monitored and help the Council & Sita to reduce the overall impact of the service, eg type of vehicle, size of fleet, miles driven etc, even cleaning materials. Recommendations - to be considered and a new package brought to the next Board meeting.</p>	<p>DM/MS</p> <p>MS/DC</p> <p>JG</p> <p>DM</p> <p>ALL</p>
<p>10. Safer, Cleaner, Greener issues</p>		

All of the posts within the Environmental & Neighbourhoods Enforcement team have been filled, and the Council has received police accreditation. Members of the team are being trained and are to receive smart uniforms. The rapid response vehicle has been very successful, and the ECC Highways Ranger service will be operating soon. They are all to be given Sita's contact details.

11. Any other business

JG - the Council has contingency plans in place for the flu pandemic, including hand wash facilities, detailed information for staff, self-certification increased to 14 days. There are currently 2 potential swine flu cases within the Authority. Assurances were sought from Sita that specific business continuity arrangements are in place in the event of significant numbers of their workforce being absent. SH confirmed that contingency plans, based on potentially 30% of the workforce being off sick, are in place. 5/6 cases have so far been identified in the south-east, but none in the Epping area. It is to be hoped that this figure is not reached but if it is the service could not be run at a normal level and would have to be prioritised. SH to send the contingency plans to JG.

The first meeting of the new NWA Strategy Cabinet Committee is to be held on 27 July. Although the property market is depressed at the moment the depot relocating from Langston Road to NWA will be an ongoing subject for discussion and Sita will need to be involved in any decisions made.

QD - thanked MM for his input so far and for attending the meeting, and MS welcomed him to the Board. JG also wished to pass the Board's thanks on to Darren for all his efforts during his time with Sita. It was generally felt that he had made a big contribution to improvements in the service.

Although an official analysis has not yet been received, it is thought between 160-170 calls were received over 2 days last week on the new service, many of which were to request information after the first letter was received. It is encouraging that many callers gave positive views.

MS asked if the cancelled visit to the MRF could be rearranged, and it was agreed that SH will try to organise one to the Sandy IVC. The local press will also be invited.

Date of next meeting

JG's suggestions are:

Mid-September (after the new service launch - check MS availability)

Early November (first week)

Early February 2010 (first week)

Early June (first week).

SH

SH

DRAFT

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SCRUTINY



Report to Safer, Cleaner, Greener Standing Panel

Date of meeting: 1 September 2009

Subject: Tree Strategy

**Officer contact for further information: Chris Neilan /
Laura Macneill**

Committee Secretary: Adrian Hendry

Recommendation:

To consider the current Epping Forest District Council tree strategy – *“Trees – Information, Objectives & Policies”*

1. At the meeting of the Panel held on the 23rd of June 2009, the Vice-Chairman of the Panel requested that the Council’s tree strategy be brought to a future meeting of the Panel for consideration.
2. The current strategy is entitled *“Trees – Information, Objectives & Policies”* was finalised in August 2008, and is attached to the agenda for the Panel’s consideration. An officer will be available at the meeting to take members through the document and answer questions.

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Trees

Information, Objectives and Policies

St Johns oak

Epping Forest District Council

www.eppingforestdc.gov.uk





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SECTION 1

Background Information

Epping Forest District Council is strongly committed to the protection and enhancement of the District's environment as stated in the Community Plan.

The Council recognises the importance of its role in the protection of the local and global environments, and the priority given to this role by those who live in, work in or visit the district. The Council will, in all that it does, either through the direct provision of services or otherwise, give particular emphasis to environmental considerations.

There are few issues more important than the environment in which we all live. From Government down to the individual citizen, there are concerns about how we must change the way we live and behave in order to protect our environment for us now and future generations.

The Council will also seek to influence the activities of others by way of education, encouragement and, where necessary, enforcement. A key element in this process will be the continued implementation of the Council's Environmental Charter.

Trees form a major part of the environment. They bring character to towns and villages and soften the hard edges of buildings. They enhance gardens, local streets and the countryside.

People can become very attached and protective of certain trees perhaps because of their association with their environment or event in their lives. One of the pleasures of living and working in the District is undoubtedly Epping Forest itself but even a solitary tree on a roadside can bring great enjoyment to passers-by.



Oak, Alderton Hill

The District is still rich with trees despite the destruction of the Great Storm of 1987, the inevitable natural loss from old age, disease or drought and the current public concern about root encroachment upon buildings which can lead to the removal of trees. Great efforts have been made to keep losses to a minimum but much more can still be done.

It has been estimated that a substantial street tree will, over its lifetime, contribute an equivalent value to the community of up to £100,000. Trees are not only of visual amenity value. They are effective in improving the quality of the environment, by modifying local climate and by controlling air pollution. A good tree provided environment improves the health and lowers stress levels. Trees are also important for wildlife and can have historic and sentimental value.

Obviously, there can also be problems, but these should be outweighed by the general benefits. The presence of trees significantly increases land and property values.

The Council will use its power to protect and increase public respect for our countryside and wildlife. The Council is playing a leading role at local level by:

- Setting an example by its own actions and practices.
- Working in the community to educate and influence about the need to protect and manage the environment.
- Offering guidance on community environment initiatives.
- Using its powers in a positive way to guide and control the activities of others.

SECTION 2

Responsibilities within Epping Forest District

I) ENVIRONMENT & STREET SCENE DIRECTORATE

a) Housing Estate and Highways Tree Maintenance

The Council, under the remit of Environment & Street Scene Directorate, has responsibility for the maintenance of trees on Highway and Housing land (Highways trees, and Housing trees).

Street trees are visited every four years to do basic tree maintenance which consists of

1. Remove basal growth
2. Remove epicormic growth
3. Clean and tidy tree pocket
4. Check stake and tie/remove if necessary

This means that 3500 are attended each year of the programme.

Some trees which are in areas that create ongoing problems are dealt with on a more frequent basis or where possible are programmed to be removed and replaced by a species more conducive to the site i.e.

- Ninefields Estate
- Limes Farm Estate
- Oakwood Hill Estate
- Sheltered Housing Units

Housing and Highway, tree work is also dealt with on an enquiry response basis. These enquires can come from officers and/or the public.

The budgets for this work come from within Highways County Council and Housing and passed to the Environment

& Street Scene Directorate. The works requirement exceeds the budgets available each year therefore Health and Safety issues are a first priority then routine maintenance is undertaken on a priority basis.

b) Open Spaces

The trees within the Open Spaces are managed on a more informal basis as they have the area to enable them to grow naturally and meet their full maturity. Due to the fact that the public have access to the Open Space areas there must however, like the LNR's (see below), be periodic audits of the trees and the environments.

c) Countryside Trees

These trees are dealt with by either the Highway Service (via an external contractor) or passed to the Environment & Street Scene Directorate to deal with or may come under the remit of the Planning and Economic Service Directorate or private landowners. Depending on the location of trees which are causing a problem, the Council will contact the necessary responsible parties.

d) Local Nature Reserves (LNR)

Under Section 21 of the National Parks and Access to the Countryside Act 1949, the District Council has the powers to establish Local Nature Reserves. The local authority must either have a legal interest in the land or have a legal agreement with the landowner.

An area of land can be designated as an LNR if it either has a high value for nature conservation, provides special opportunities for study and research or if the natural features of the site are of special interest to the public because they are used for recreation and education.

Epping Forest District Council has declared 9 LNRs to date between 1986 and 2007. These are Roding Valley Meadows, Chigwell Row Wood, Linder's

Field, Roughtalley's Wood, Church Lane Flood Meadow, Nazeing Triangle, Home Mead, Thornwood Flood Meadow and Weald Common Flood Meadow.

Each site has a 5 year management plan which sets out long term goals and objectives for the enhancement of the LNRs.

Designation of the land as an LNR has provided positive benefits in terms of external funding and community participation. EFDC has received over £59,000 in grants for projects on the LNRs. These grants have been for one off projects such as pathways and signage, but are all dependent on EFDC demonstrating a long term commitment to the LNRs.

Natural England has put forward a target of 1 hectare of LNR per 1,000 head of population as a realistic target if LNRs are to play a role in sustainability. This figure has been adopted by the Audit Commission as a local performance indicator. EFDC currently has a figure of 1 hectare of LNR per 1,325 of population.

The maintenance and management is jointly administered between EDFC Directorates so that resources such as budget, staff and volunteers are used to produce the best in terms of Value for Money in the work that needs to be undertaken.

e) Arboretums

There is 1 arboretum and 1 tree trail in the district at Roding Valley.

II) PLANNING AND ECONOMIC DEVELOPMENT DIRECTORATE

a) New Estates

Under Section 198 of the Town and Country Planning Act 1990 the Local Planning Authority has a duty to ensure that there is adequate planting of trees when granting planning permissions for



Oak, Epping



Birch, Buckhurst Hill

development. This duty is incorporated into the Epping Forest District Adopted Local Plan, January 1998, Policies LL7, promoting the planting, protection and care of trees, LL11, requiring landscaping schemes, but particularly LL12 that states: "The Council will require the design of new residential development to include, in appropriate cases, provision for the planting of street trees."

The Essex Design Guide, Essex Planning Officers Association 1997 shows street trees as essential compounds in several of its types of layout, and in particular the boulevard, which has trees in formal systems lining the carriageways.

In establishing trees close to carriageways or footpaths care needs to be taken with a choice of species in particular. Because of the growth pattern of trees their roots and branches must be taken into account with regard to safety aspects and their effect on the infrastructure.

Where there are new estates erected that contain landscaped areas the plans are presented at the time of seeking planning permission. Often agreements are signed which ensures that the maintenance of the areas is covered for 10-25 years by way of a commuted financial sum, being passed to the Council. Some areas of Highway are adopted and the responsibility for maintenance will be added to the Highways list managed by County Council and be undertaken by Environment & Street Scene Directorate. Some developers will retain ownership and therefore retain responsibility for the management and maintenance. (see section 3.1 for further information).

b) Tree Preservation Orders (TPOS)

The Planning and Economic Development Directorate is responsible for serving the TPOS, ensuring that the stock is maintained and misdemeanours are dealt with accordingly. Information is available from the Planning and Economic Development Directorate or from the EFDC website.

c) Tree Strategies

To date (2007) tree Strategies have been undertaken in Theydon Bois, Stapleford Abbots and Roydon. Ongar will be the next one to be completed. These tree strategies look at the area as a whole and assesses its tree population, the suitability of its stock and location and highlights work i.e. pruning, planting etc. that would need to be undertaken and are based on National Best Practice (BS 3998).

Consultation is undertaken with such parties as the Corporation of London, The Parish Council, Local Tree Wardens, other interested amenity groups as well as members of the general public. These strategies also highlight the work that volunteer tree wardens can undertake.

d) Maintenance Regimes/ Local Plan Strategies

The current Local Plan contains two sets of policies relating to trees, which remain as per the Local Plan as adopted January 1998, Chapter 16 Landscape and Landscaping. The specifically tree related policies are LL7, 8 and 9, which relate to applications under Tree Preservation Orders for consent to prune or fell trees, and policies LL10, L11 and LL12 which

set out the Council's policies in relation to planning application and trees, and specifically retention of trees on development sites, provision of adequate landscaping on development sites, and the provision made on development sites for the planting of street trees.

Current Government advice on Local Plans is that, strictly, they are for policies that relate to the development of land. While it is appropriate for the suite of six policies to be in the Local Plan, in the light of this advice it is appropriate that the three policies, LL7, 8 and 9 that deal with tree applications under the Tree Preservation Order (and additionally works with trees in Conservation Areas) should also be agreed separately under the heading of the new tree strategy. The extract from the Local Plan is included within the Tree Preservation Order policies and the Development Control policies. See section 6 for further details or more information is available from the Planning and Economic Development Directorate and from the Epping Forest DC website.

III) EPPING FOREST CONSERVATORS

Although Epping Forest is where the Council gets its name from, the District Council do not have responsibility for this area. Epping Forest is managed by the Epping Forest Conservators. Contact details are in section 5.



SECTION 3

Epping Forest District Council Policies Concerning Trees

3.1. NEW DEVELOPMENTS

All new developments need to clearly show the soft landscaping schemes at the planning application stage, and at that stage the future maintenance responsibilities addressed ie. Highway adoption, Section 106 agreements etc. (see section 2(ii) for reference).

All new developments that include landscaping must include descriptions of the landscaping and the assumptions made with regard to ongoing maintenance eg. Highways adopted area/ subject to Section 106 Agreement, developer retaining. This should clearly show the intention and can be questioned or challenged at an early stage thus providing time for discussion and agreement as to the ultimate responsibility.

All new development plans which have landscaping will be seen by officers within Highways (County Council), Environment and Street Scene and Planning and Economic Directorates to ensure all aspects are covered regarding ongoing maintenance. Where the Highway section is being adopted and it includes soft landscaping the Highway Authority (County Council) will ensure that there is an increase in funding to cover the requirements of the maintenance of that area in the new development. This funding will then be passed onto EFDC as part of the maintenance budget.

3.2. SECTION 106 AGREEMENTS

Section 106 Agreements are the agreements that outline the terms of any transfer of responsibility and/or funding from one party to another.

3.3. NEW GOVERNMENT LEGISLATION

Where there is new government legislation then the various services which have some responsibility for the issue will discuss any issues and the appropriate service will take on the responsibility for undertaking action and implementation of the requirements of the legislation.

3.4. PLANTING

New plantings are undertaken either:

- to replace dead or dying trees or ones that have been removed.
- in new sites.
- where trees have outgrown/ damaged planting pockets or are impeding access and require new site location.

In all cases the tree will be of a suitable species and planted in the same or nearby location.

3.5. MAINTENANCE

- **Trees overhanging resident gardens/property** – The Council will only reduce/cut back offending branches to clear boundary lines.
- **Trees blocking light** – The Council will only consider carrying out reduction/thinning work if the tree is proved to be severely blocking light to a property
- **Trees roots lifting footpath/ pavement** – Following removal of surfacing to expose the roots, an inspection will be carried out by the Arboricultural Officer and where possible root pruning undertaken.
- **Trees under the responsibility of the Council that are proven to be causing subsidence damage on Council and private property** –

Following an initial inspection/report by the Arboricultural Officer and consultation with other relevant Council officers, insurers etc any agreed works will be undertaken under the management of the Environment and Street Scene Directorate.

- **Trees outgrown/damaging the planting pocket or impeding access** – following consultation with relevant officers of the council and residents, tree(s) may be removed but whenever possible a suitable replacement will be planted in a nearby location.
- **Mature trees now considered too large for location** – Each case to be dealt with individually. The first option is to severely reduce or pollard the tree crown where necessary in order to preserve the tree. Complete removal of the tree is only considered as a last resort due to the impact this would have on the landscape and environment.



■ **Trees in Housing tenants' gardens**

– Housing have reviewed the Tenancy Agreement concerning tenant responsibilities regarding this matter and set overall criteria, similar to that used for the Elderly Tenants Garden Scheme. It is deemed the responsibility of tenants to undertake tree works in their own gardens (particularly removal), it is recommended that they always seek approval of the Council and that EFDC officers still become involved initially as a consultant to ensure the requested works are appropriate and the proposed method of pruning or removal is acceptable. It is recommended that the Council would not instigate/oversee or fund works except for those tenants that fall within the criteria set.

In addition, work to trees may be undertaken when a property is void. In these circumstances, trees may be removed or reduced if it was considered that the work was essential in order to make the property fit for habitation.

■ **Suspected dangerous trees** – All complaints of this type are dealt with as soon as possible with the site inspection/report undertaken by the Arboricultural Officer and works ordered as appropriate.

■ **Non-Priority Work**

Numerous enquiries are received each year concerning minor tree related problems e.g. bird fouling, fruit dropping, leaf spoil, harbouring of pests, hay-fever/tree allergy problems, satellite reception signal failure etc. Whilst these issues are obviously a problem for the resident concerned, it is deemed, that to ensure resources are there to cater for the highest priorities, that this type of work will not be undertaken.

3.6. SAFETY AUDITS

Public Safety Risk Assessments are to be carried out on defined areas of access to LNR's.

Chigwell Row Wood LNR
Norton Heath

Roughtalleys Wood LNR
Lindersfield LNR
Homemead LNR

The LNR's will be zoned.

Zone

- A) Area that is regularly used by the Public (e.g. designated pathway and open areas)
- B) Area that contains old trees (e.g. Pollards)
- C) Area not used by the public (dense overgrowth)

The areas will be subjected to an inspection at intervals conducive to their category.

See (also appendix 1) Trees in Open Spaces and Woodlands Management and Monitoring Policy After An Incident.

3.7. LOCAL PLAN

3.7.1 Introduction

Trees are especially important to the landscape and are widely appreciated for enhancing the rural and urban environment. They provide living links with the past and have come to symbolise the importance of the natural world and its vulnerability to human activities. There is a strong public desire to retain mature trees, particularly in urban areas. Practical policies and efficient procedures, which give attention to the long-term needs of trees, should help to ensure that the quality of the landscape is maintained and enhanced. The importance of younger established trees should not be underestimated as they are often more suitable for retention within building sites.

3.7.2 Legal Context

3.7.2.1 The Council has a duty under the Town and Country Planning Act 1990 to:

- (a) ensure, wherever it is appropriate, that, in granting planning permission for any development, adequate provision is made for the preservation or planting of trees by the imposition of conditions; and

- (b) make Tree Preservation Orders, where appropriate, in connection with any permission.

3.7.2.2 Tree Preservation Orders, A guide to the law and Good Practice (DETR 2000) is the most recent Government advice dealing with Tree Preservation Orders; the Council will have regard to it in its procedures in respect of making and administering TPOs and in respect of trees in conservation areas.

3.7.2.3 The Hedgerow Regulations 1997 enacted under Section 97 of the Environment Act 1995, give the Council responsibilities which may allow it to prevent the removal of important hedgerows.

3.7.3 Trees of Public Amenity Value

3.7.3.1 All parts of the District benefit from the presence of trees and woodland and the Council will therefore take appropriate action to encourage continuity and enhancement of the tree cover. The Council restates the commitment of its previous adopted Tree Strategy, "Trees Please" to working with Town and Parish Councils, local groups and individuals to "help [Epping Forest District] become even 'greener' in the future". In partnership it is proposed to continue to work towards ensuring that: existing trees are well looked-after; special attention is given to the District's most valuable trees; and the right kind of trees are planted in the right place and the right care provided for them.

3.7.3.2 In addition to its duties with regard to the protection and planting of trees in considering development proposals, the Council is empowered to make Tree Preservation Orders when it is expedient in the interests of amenity. It will, therefore, use this power where it considers that there will be a clear benefit to public amenity through bringing trees and woodland under planning control.

POLICY LL7

THE COUNCIL WILL:

- (i) PROMOTE TREE AND WOODLAND PLANTING WHERE IT IS CONSIDERED THAT THIS WILL LEAD TO SIGNIFICANT AMENITY BENEFIT;



Arboretum, Buckhurst Hill

- (ii) SEEK TO PROTECT TREES AND WOODLAND OF AMENITY VALUE; AND
- (iii) PROMOTE GOOD STANDARDS OF TREE CARE AND WOODLAND MANAGEMENT.

3.7.3.3 Where the amenity value of trees has been recognised by the service of a Tree Preservation Order, it is desirable that they be allowed to live out their full lifespans, enhanced by careful management where appropriate. Major pruning or felling however should be seen as a last resort, only to be undertaken when demonstrated to be fully justified. Minor works, carefully specified, which resolve particular problems without harm to health or appearance, will normally be accepted as beneficial to long term retention.

3.7.3.4 It is unlikely that the Council will be faced with applications for the clearance of preserved woodland. However, any such proposals will be considered in the light of (a) the historic significance and (b) the present or potential landscape, amenity and wildlife interest of the woodland.

3.7.2.5 The Council will continue its community-focussed programmes to recognise trees that make a special, unique, or irreplaceable contribution to local amenity and to give priority to their protection and management. Where the opportunity presents we will work with

local groups to designate "Landmark Trees"; we have involved a wide spectrum of the community to designate Favourite Trees, and in particular found the 50 Favourite trees of the Epping Forest District, and used a Local Heritage Initiative grant to create a web site and database to give maximum publicity to the results. The Council will work with the local tree wardens and Epping Forest Countrycare volunteers to find and record the ancient (or veteran) trees of the District.

POLICY LL8

THE COUNCIL WILL GIVE CONSENT FOR WORKS TO A TREE OR WOODLAND PROTECTED BY A TREE PRESERVATION ORDER PROVIDED IT IS SATISFIED THAT:

- (i) THE HEALTH AND APPEARANCE OF THE TREE WILL NOT BE IMPAIRED; AND
- (ii) THE WORKS WILL NOT UNJUSTIFIABLY INHIBIT OR PREVENT THE FULL AND NATURAL DEVELOPMENT OF THE TREE; OR
- (iii) THE WORKS ARE NECESSARY TO ITS CONTINUED RETENTION AND CONSISTENT WITH GOOD ARBORICULTURAL PRACTICE: OR
- (iv) IN THE CASE OF A WOODLAND, THE PROPOSED WORKS ARE

CONSISTENT WITH THE PRINCIPLES OF SOUND WOODLAND MANAGEMENT.

3.7.3.6 For the purposes of this policy, "works" is defined as comprising the cutting of any part of the tree (including the roots). The types of works that will normally be approved therefore include minor lifting or thinning of the crown, removal of suckers and formative pruning but not major reductions in the overall height or spread of a tree.

3.7.3.7 The circumstances in which the major pruning of such a tree might be appropriate include:

- (a) where the current form of the tree and permitted use of the site have become incompatible so the tree cannot reasonably be retained without major pruning; or
- (b) where the form of the tree is causing a danger or other significant problems and where no other reasonable solution exists.

POLICY LL9

THE COUNCIL WILL NOT GIVE CONSENT TO FELL A TREE OR WOODLAND PROTECTED BY A TREE PRESERVATION ORDER UNLESS IT IS SATISFIED THAT THIS IS NECESSARY AND JUSTIFIED. OTHER THAN FOR WOODLAND ANY SUCH CONSENT WILL BE

CONDITIONAL UPON APPROPRIATE REPLACEMENT OF THE TREE.

3.7.3.8 The Council believes that good design of new development, and sensible management of trees (both of which it promotes) will normally be sufficient to allow long-term retention of preserved trees. However it accepts that in certain circumstances it will be reasonable to allow preserved trees to be replaced.

3.7.3.9 These circumstances will normally be limited to:

- (a) where the retention of the tree and the permitted use of the site have become incompatible, and pruning is not a reasonable alternative; or
- (b) where the tree is causing a danger or other significant problems and where no other reasonable solution exists; or
- (c) where the tree is of limited value and replanting can at least adequately compensate for its loss.

The Council will give priority to the retention of existing or potential Landmark Trees.

Protecting existing features

3.7.3.10 The Council will expect development proposals to make adequate provision for the retention of trees which it considers to be of significant or potential amenity value. Although trees may be visually dominant, other vegetation features can be of equal or greater importance ecologically and contribute visually to the landscape.

3.7.3.11 Developers will be expected to provide a comprehensive site survey identifying the trees and other natural and landscape features of the site as part of a planning application. Accurate site plans, indicating the true positions and sizes of trees, hedges, shrubs and other vegetation, and physical features such as changes of level, ponds, streams, ditches, mounds etc are essential. The information submitted must clearly distinguish trees or other features to be removed from those to be retained. The Council will expect applications to recognise where trees or other features on adjacent land will be

significant in the consideration of the application and will, therefore, expect surveys to include consideration of the adjacent area. In appropriate cases, where applications are on highly visible sites or have a potentially significant impact, the Council will expect submission of a landscape, ecological or heritage appraisal and assessment and may also require arboricultural, landscape or ecological impact studies, and related method statements. These will assist in accurate assessment of the effects of the proposed development and will describe how features shown to be retained or created will be safeguarded.

POLICY LL10

THE COUNCIL WILL REFUSE TO GRANT PLANNING PERMISSION FOR ANY DEVELOPMENT WHICH IT CONSIDERS MAKES INADEQUATE PROVISION FOR THE RETENTION OF:

- (i) TREES; OR
- (ii) NATURAL FEATURES, PARTICULARLY WILDLIFE HABITATS SUCH AS WOODLANDS, HEDGEROWS, PONDS AND WATERCOURSES; OR
- (iii) MAN-MADE FEATURES OF HISTORICAL, ARCHAEOLOGICAL OR LANDSCAPE SIGNIFICANCE.

3.7.3.12 Lack of information, or misleading or inaccurate details, may prejudice an application. Information should include:

- (i) features on or adjacent to the site; and
- (ii) relevant assessments or evaluations – e.g.: impact studies and method statements.

The Council will have no alternative but to presume that failure or inability to provide such details indicates that landscape proposals are at least unlikely to be effective, and as such are unacceptable.

3.7.3.13 The policy applies to any trees affected by development, irrespective of whether they are situated on the application site. With trees shown to be retained, the Council will need to consider whether the proposal represents a threat from:

- (a) direct or indirect damage which could affect the health or appearance of the trees; or
- (b) undue limitation on their future growth or potential for continued natural development, arising from insufficient regard to the future enjoyment or use of the site by owners and occupiers.

3.7.3.14 It is short sighted to allow insufficient space for trees in relation to the development. If mature trees have to be cut back, or if younger trees have no room to grow, this existing or potential value will be forfeited. The relationship of trees to buildings must therefore take full account of the potential interception of sunlight, the shading of habitable rooms and gardens, the existing or potential height and spread of particular trees, and people's natural fears concerning their safety. The design of new development must normally be such that the retention or protection of trees is not achieved at the expense of the owners' or users' natural enjoyment or use of their property, including gardens and amenity areas.

Landscaping – new planting

3.7.3.15 To be satisfactory most new developments require comprehensive landscaping – for which adequate space must be given in the layout. The basis for an acceptable scheme of landscaping is the use of adequate areas of planting in the right location. The landscaping must then be designed to be appropriate and effective, in relation to the development itself and to its wider context. An adequate scheme will be one which is likely to succeed in achieving necessary screening, softening, the definition of space, or enclosure etc. The Council will give particular attention to the use of landscaping and tree planting to enhance the public areas of a development. An appropriate scheme will be suitable for its location in terms of style, form and content. It will take into account its setting and the intended use of the development. The Council will be satisfied that a scheme is effective when it considers that the problems inherent in the successful retention of trees or other landscape features, or the long-term establishment



St Mary's churchyard Oaks

of new planting, have been recognised, addressed and resolved.

3.7.3.16 A good landscaping scheme can only be based on a thorough survey and analysis of the features of the site, and an appreciation of its significance in its wider setting. To be complete, a scheme must also be supported by details of:

1. preparation of the planting environment;
2. planting procedures; and
3. aftercare and maintenance.

3.7.3.17 In the countryside it will normally be necessary to use predominantly indigenous species of trees, shrubs (or other plants). Attention must also be given to the scale, extent, form and arrangement of planting, and to the achievement of a suitable mix of species. There are also special rural landscape types (such as later Parkland) where appropriate planting will only be achieved by the use of non-native species and by forms of planting which are formal rather than informal.

3.7.3.18 In urban areas, greater benefits will normally be gained by using the wider range of non-native species which is available.

POLICY LL11

THE COUNCIL WILL:

- (i) REFUSE PLANNING PERMISSION FOR ANY DEVELOPMENT WHICH MAKES INADEQUATE PROVISION FOR LANDSCAPING;
- (ii) NOT APPROVE LANDSCAPING SCHEMES WHICH:
 - (a) ARE INAPPROPRIATE BECAUSE THEY FAIL TO TAKE ACCOUNT OF THE SETTING OR INTENDED USE OF THE DEVELOPMENT; OR
 - (b) ARE INEFFECTIVE BECAUSE THEY WOULD BE UNLIKELY TO RETAIN TREES AND OTHER EXISTING LANDSCAPE FEATURES OR TO ESTABLISH NEW LONG-TERM PLANTING.

3.7.3.19 Where it is appropriate, some elements of the planting will be required to be undertaken in advance of development. Examples of such "structural" planting would be:-

- (i) large-scale screening, in advance of a building which would otherwise be visually intrusive; or
- (ii) major planting along the highway structure of a major residential development.

POLICY LL12

THE COUNCIL WILL REQUIRE THE DESIGN OF NEW RESIDENTIAL DEVELOPMENT TO INCLUDE, IN APPROPRIATE CASES, PROVISION FOR THE PLANTING OF STREET TREES.

POLICY LL13

THE COUNCIL WILL OPPOSE ANY NEW, IMPROVED OR ALTERED HIGHWAY OR MOTORWAY PROPOSAL UNLESS THE ASSOCIATED LANDSCAPING SCHEME (INCLUDING EARTH-MOUNDING AND PLANTING) WILL:

- (i) USE APPROPRIATE SPECIES;
- (ii) MAKE EFFECTIVE VISUAL SCREENS;
- (iii) CREATE EFFECTIVE SOUND BARRIERS; AND
- (iv) ADEQUATELY REPLACE TREES, HEDGEROWS AND WOODLANDS WHICH WILL BE LOST TO THE DEVELOPMENT.

THE COUNCIL WILL SEEK TO ENSURE THAT, WHERE FEASIBLE, APPROPRIATE LANDSCAPING WILL BE UNDERTAKEN PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WORKS.

SECTION 4

Epping Forest District Council Key Objectives

- a) To identify, conserve and protect the District's trees.
- b) To review locations where new planting or reinstatement would be beneficial to the landscape and/or wildlife.
- c) To manage trees appropriately.
- d) To minimise tree loss.
- e) To replace, where appropriate, any trees which are lost.
- f) To raise public awareness of the need for, and importance of trees and to encourage and enable public involvement in the planting and management of trees
- g) To encourage recommendations for tree planting, from town and parish councils, tree wardens and local residents, which will enhance the environment.
- h) To draw up programmes for tree management having regard for resources available.
- i) To prepare general advice on the care of trees for publication in parish and town council newsletters, libraries and information centres.
- j) To provide lists of trees suitable for planting in small gardens.
- k) To assist in the completion and co-ordination of the landmark and veteran tree surveys.
- l) To offer advice to landowners on tree planting.
- m) To promote the tree donation schemes and to expand to include hedgerows and woodland.
- n) To provide advice on and prepare Tree Preservation Orders (TPOS).
- o) To take all possible measures to ensure that TPOS are not violated and take necessary appropriate action.
- p) To provide landscape advice and secure appropriate schemes for all development projects including protection and retention of existing trees, as appropriate, and to ensure that the landscape schemes are implemented and maintained.
- q) To respond appropriately when notified that a tree may be in need of attention.
- r) To work with volunteers and partner organisations to help achieve the stated objectives.
- s) To organise and enable other organisations to arrange guided walks, tree celebration events and other community tree projects and talks.
- t) To provide information on sources of grant aid for the care and planting of individual trees, hedgerows and woodland
- u) To continue to maintain the Tree Warden Scheme
- v) To develop Tree Trails.



The Dickens Oak, Chigwell

SECTION 5

Useful Contact Numbers

PLANNING AND ECONOMIC DEVELOPMENT DIRECTORATE

- A. Trees in Relation to New Developments, Parish Tree Strategies, Tree Warden Scheme, Tree Preservation Orders, Trees in Conservation Areas, Tree Advisory Service (garden trees)

Landscape Team

Tel. 01992 564120

High Hedges

Tel. 01992 564117

Tree Preservation Orders

Tel. 01992 564117

- B. Local Plan Queries

Planning Services Landscape Officer

Tel: 01992 564117

- C. Countryside Service

Sources of Grant Aid, Free Tree Scheme, Countryside Planting Projects, Guided Walks, Talks and Demonstrations, Tree Advisory Service (Countryside sites), Tree Warden Scheme, Volunteering

Countryside

Tel. 01992 788203

- D. Animated Walks and Celebratory Tree Events

Countryside Manager

Tel. 01992 788203

ENVIRONMENT & STREET SCENE DIRECTORATE

- E. Council-Owned Trees (General Enquiries), Tree Donation Scheme

Tel. 01992 564562

Tel. 01992 564000 (out of office hrs)

- F. EPPING FOREST CONSERVATORS (EPPING FOREST TREES)

The City of London.

The Warren, Loughton.

Tel: 020 8532 1010

- G. ESSEX COUNTY COUNCIL

Potentially dangerous trees on private land **adjacent** to the highway, trees protected by ECC.

ECC, Area Highways

Tel. 01279 624500

Tree Preservation Orders

Tel. 01245 436352

- H. TOWN AND PARISH COUNCILS

Trees on Town/Parish Council maintained greens and Town/Parish Council open spaces, contact your relevant Town or Parish Council.



Oak, Matching

SECTION 6

APPENDICES

1. **Trees in Open Spaces and Woodlands Management Policy after an incident**
2. **Trees in Open Spaces and Woodland Monitoring Policy**
3. **Advice to the Public**
4. **Commemorative Tree Donation Scheme**

APPENDIX 1

Trees in Open Spaces and Woodlands Management Policy after an incident

1. This is the Risk procedure for the management of Open Spaces and Woodlands, which contain trees where access and usage by members of the public requires that the Council needs to monitor/manage that access because of an incident/s which may have affected the stability of some of its trees.

TYPE OF POSSIBLE OCCURRENCE

Fire, strong winds, heavy impact/incident

ZONES

- A) Area that is regularly used by the public (e.g. designated pathways and open areas)
- B) Area that contains old trees (e.g. Pollards)
- C) Area not used by the public (dense undergrowth)

Following an incident of

a) Fire or known Incident area

1. The area will be visited once the initial incident has been dealt with and the stability/affect on the trees noted and
 - emergency work initiated immediately
 - ongoing required work to be programmed in
2. During the time any trees remain in a potentially dangerous position then where the area is within Zone A then the entrances to that area must be closed (if possible i.e. where gates can be locked etc.) and a notice displayed and where possible and feasible barriers should be erected.

Where there are no gates then the paths leading to that area must have notices placed around the immediate area.

3. Where there could be a long term affect then there should be a media note i.e. the local paper informed via Public Relations Department plus Town/Parish Council etc.

b) Incident experienced that could have affected trees e.g. Strong winds

The difference with this to a fire incident etc. is that the specific

areas affected will not be known, so wider inspection is required.

Sites listed to be examined

- Chigwell Row Wood LNR
- Norton Heath
- Roughtalley's Wood LNR
- Lindersfield LNR
- Homemead LNR

1. The sites are to be visited and all Zone A areas to be examined.
2. Emergency work to be initiated immediately

Ongoing required work to be programmed in

3. Zone A

During the time any trees remain in a potentially dangerous position then where the area is within Zone A then the entrances to that area must be closed (if possible i.e. where gates can be locked etc.) and a notice displayed where possible and feasible barriers should be erected.

Where there are no gates then the paths leading to that area must have notices placed around the immediate area.

Where there could be a long term affect then there should be a media

note i.e. the local paper informed via Public Relations Department plus Town/Parish Council etc.

4. Zone B

- If the planned inspection programme for Zone B trees for that area is within 6 months then a note to go onto the programme re the details and affect of the incident etc. A note to be put in place so that if enquiries are received from the public noting damage etc. then this alerts staff for the need for the whole survey programme for that area to be brought forward and the area inspected.
- If the planned inspection programme for that area is more than 18 months away then the area to be examined within the next 12 months. A note to be put in place so that if enquiries are received from the public noting damage etc. then this alerts staff for the need for the whole survey programme for that area to be brought forward and the area inspected.

5. Zone C

- Only enquiries will be dealt with. When an inspection is done in answer to those enquiries, then a visual inspection will be done of the area.

Note:

Closure of woodlands in the event of extreme events

Following cases in recent years where members of the public have been killed or injured after entering wooded areas in strong winds; it has been necessary to define a policy for whether such areas should be closed off to the public in strong winds. After consideration, it has been decided that this is not practical as all sites have numerous entrances, many of them not official ones which would make it almost impossible to close off entirely or even to ensure that anyone entering the site would see a notice saying it was shut. It was also thought that sending staff out in such conditions to close off these sites would actually endanger staff, which would be counterproductive.

APPENDIX 2

Trees in Open Spaces and Woodland Monitoring Policy

2. Procedure for the management of Open Spaces and Woodlands, which contain trees where access and usage by members of the public requires that the Council needs to monitor the state of the trees to highlight potential hazards due to normal environmental conditions.

ZONES

- A. Area that is regularly used by the public (e.g. pathway and open areas)
- B. Area that contains old trees (e.g. Pollards)
- C. Area not used by the public (dense undergrowth)

Zone A

The areas will be surveyed every 12 months.

Zone B

The areas will be surveyed every 36 months.

Zone C

No attention unless informed of incident.

CONTENT OF WORK FOR PROGRAMMED SURVEYS AND SURVEY AFTER INCIDENTS

Zone A

All pathways to be walked and emergency work noted and initiated.

Other works to be noted and put into planned programme.

Trees to be visually inspected at ground level (AGL) for obvious signs of trees/limbs that could fall and/or be a hazard to the public.

Zone B

Area to be visually checked in general terms for hazardous situations.



Willow, Theydon Bois

APPENDIX 3

Advice to the Public in Woodlands and Open Spaces

Woodland and Open Spaces by their very nature will have hazards. To ensure you enjoy your visit you should be aware that there could be:

Uneven ground

There are numerous informal pathways that can crisscross woods. There will be occasional holes and tree roots that represent tripping hazards. There is also the risk of tree stumps where clearance work has taken place.

Ditches – falling in

There may be main ditches that run

through the woodland. They may have steep sides. Pedestrians should cross the ditches by the use of bridges where possible.

Ponds

There may be small ponds located within the wood. They can be prone to having debris such as logs in the water and these often become overgrown with invasive aquatic weeds that can form a blanket over its surface. Do not go onto these areas.

Trees falling over and branches falling from trees

Due to the nature of the open space there are a great number of trees some of which are of considerable age (300+ years) and have been pollarded. These trees may represent more of a risk than younger maiden trees.

There is no formal mechanism for guaranteeing the health of trees in woodlands so be careful.

Low Growing Branches (Head Height)

As the trees grow naturally in these areas you must be aware of low growing branches to avoid injury.

Litter – Dogs fouling and rubbish

Litter is routinely cleared from the wood on regular volunteer projects, but beware of broken glass on site.

Do your bit by always taking your litter home and possibly clearing others.

Dog walking is one of the main uses of the wood and so the instance of dog fouling is quite high so tread carefully and if you have a dog use the dog foul bins.

Motorbikes

Antisocial behaviour in the form of motorbike riding is a problem in woods at times.

Maximum effort has been made to keep out the motorbikes, but they are still able to access some sites so be weary at all times.



Oak, Chigwell

YOU CAN HELP

Enjoy the sights and sounds, report anything that causes you concern and then we can react and ensure everyone benefits from the continued heritage of our woods and open spaces.

APPENDIX 4

THE TREE DONATION SCHEME

We're delighted that you have decided to take part in the Commemorative Tree Scheme as your donation will help make the Epping Forest District even greener. Please check that all the details filled in are correct, then just sign below and return to us along with your Cheque/PO for £75.00 made payable to "Epping Forest District Council". We will then contact you to confirm the planting date, time, species and location. Should you have any queries in the meantime, then do please contact the Council. Tel: 01992 564562

Tree Details

Suggested Species (we will try to plant the species of your choice but we may have to suggest an alternative more conducive to the location).

1) _____

2) _____

3) _____

Location (we will try to plant in the location of your choice but may have to recommend alternatives due to land ownership issues. Please supply an outline plan if possible).

First Choice _____

Second Choice _____

Planting Details

Date: _____

Specific date required

Next planting season

Donor's Details

Date of enquiry _____

Our Ref: E _____ (if known)

Organisation (if applicable) _____

Name: Mr/Mrs/Miss _____

Address _____

Post Code _____

Daytime Tel No. _____

I confirm that all the details are correct and I enclose my
Cheque PO

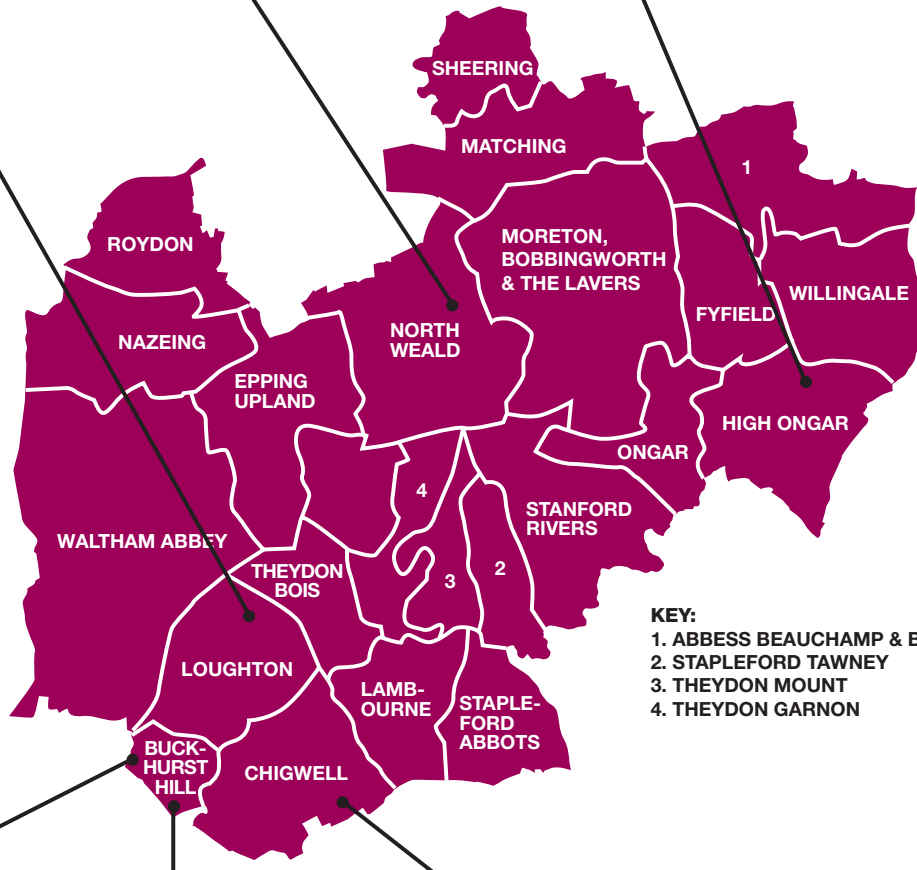
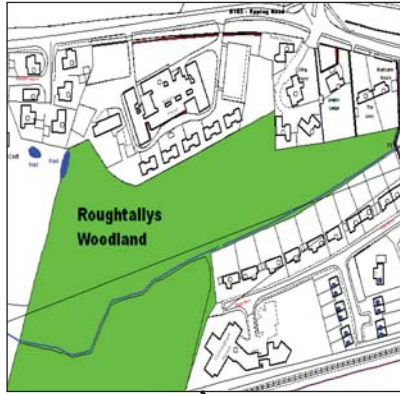
Signature _____

Date _____

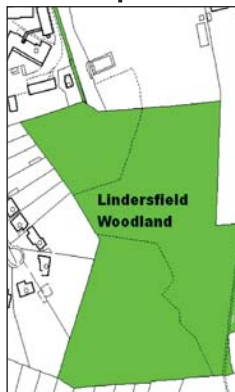
Name (please print) _____

Further Tree donation forms are available from the Council and various public offices.

Location of District Nature Reserves, Tree Trails and Woodland



- KEY:**
- 1. ABBESS BEAUCHAMP & BERNERS RODING
 - 2. STAPLEFORD TAWNEY
 - 3. THEYDON MOUNT
 - 4. THEYDON GARNON





Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

