

Report to the Area Plans Sub-Committee East



**Epping Forest
District Council**

Date of meeting: 9 July 2008

**Subject: Confirmation of Tree Preservation Order
TPO/EPF/12/08: Shakletons, Ongar**

Responsible Officer: Christopher Neilan (01992 56 4117)

Democratic Services Officer: Mark Jenkins (01992 56 4607)

Recommendation:

That the tree preservation order TPO/EPF/12/08 be confirmed without modification.

Background:

1. Tree Preservation Order TPO/EPF/12/08 became effective on 17th April 2008. It was made to as re-protection order in respect of trees protected by an Essex County Council Tree Preservation Order at the Shakletons. It is the first of a number of re-protection orders being made prior to the County Council withdrawing protection for the trees. The Tree Preservation Order is based on information collected during a survey funded by Essex County Council, but validated by District Council Officers. The aim is to continue the long-term protection of the trees that the Essex County Council Order has afforded. It includes protection for a Horse Chestnut at 9 Shakletons, T7 in the order.

Objection

2. One objection has been received to the confirmation of the order from the owner of 9 Shakletons, dated Wednesday 7th May 2008. The objection refers to one tree standing to the front of the above property, a Horse Chestnut tree. The objector asks that the tree preservation order in respect of the Horse Chestnut tree not be confirmed. The reasons given are:

(i). That the owners have received have advice that the tree is top heavy, it is essentially a forest tree normally protected by other trees and its current isolated situation it is vulnerable in strong winds and storms.

(ii). The scars on the trunk indicate disease and/or weakness and poor health.

(iii). That damage has been experienced to the driveway as a result of root activity.

(iv). Because of its proximity to a drain they expect damage to the drain.

(v). There are health and safety issues to pedestrians arriving from conkers on the public road and pathways, pedestrians being likely to slip or fall.

(vi). In the autumn there are similar problems as a result of wet leaves.

(vii). They feel that reductions allowed previously have not been sufficient; they quote 10% as what they have been allowed with 25% as reasonable reduction allowed in other parts of Essex.

(viii). The objector also points out that in his view the Council has made no attempt to make the street safe for pedestrians and that he has been advised that it is not his responsibility. He feels that there is a disparity between the way this tree is looked after and similar trees nearby that are the responsibility of the Council.

Issues and Considerations

3. In considering whether to confirm the tree preservation order in respect of this particular tree it is important to note that the order extends existing protection and gives the Council a role in deciding what is the best course of action in respect of problems; it does not prevent applications, nor does it prevent necessary work being done providing it can be seen to be justified. Nor is it necessary for the Council to demonstrate that the tree has no problems or that there are no issues concerned with it. Any large tree which stands in a place that is open to the public will have issues; the Council has generally taken the view that it is in the public interest for decisions concerning trees which are very significant public amenities have an involvement from the Council and in particular that unnecessary loss of trees is prevented. In the event of a felling being necessary then the tree preservation order allows the Council to have a say about new planting.

4. Applying this to a particular tree it is in a place which means it has a considerable local significance. Turning into Shakletons from the main road the tree stands immediately ahead; on slightly rising ground and is a prominent and attractive specimen.

5. The County Council has given permission for pruning in the past; whether or not those permissions have been felt by the objector to be for a sufficient percentage of the tree crown is not relevant to whether the tree preservation order is confirmed. There are reasons to believe that future reductions will be required; there are at least two extended limbs over adjacent roadways; there are old wounds on the stem from previous pruning and there is a small amount of sap being exuded from the stem near the ground level. On the other hand the overall condition of the tree appears to be health, the crown foliage appears good, the problems, including vulnerability to wind damage, appear manageable and there is no reason to think that the tree should not remain a major public asset for many years to come, with sympathetic tree surgery.

6. It is true that excessive reductions would spoil the tree. There is a case for some reduction of side branches but the height of the tree is important to its public value. The Council therefore has a role in moderating and modifying the management of the tree while taking into account the fact that public safety is a very significant issue in this particular instance.

7. In relation to issues of conkers and leaves, while it is recognised that these are problems that can be difficult to manage it is not felt that these justify removal or excessively harsh pruning of such an important tree. It would however be opened to officers and relevant committees if necessary to consider applications for pruning which might have some impact on lessening these problems.

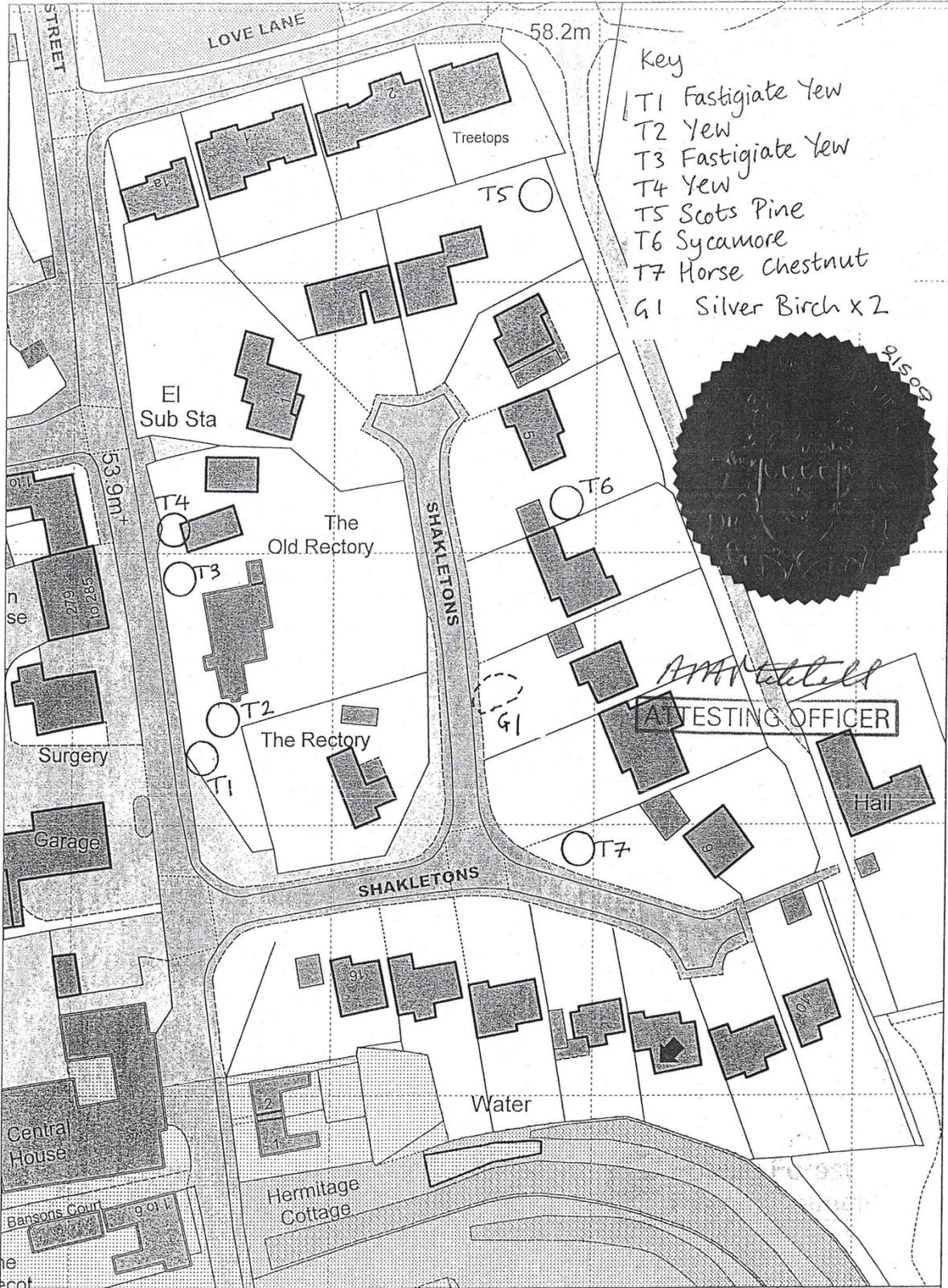
8. In relation to damage to the drive and adjacent structures. No excessive damage was noted on the site visit; the tree preservation order would ensure that no

over hasty decision is made about the future of the tree in relation to such damage and that the solution as far as possible take in to account the health and stability of the tree.

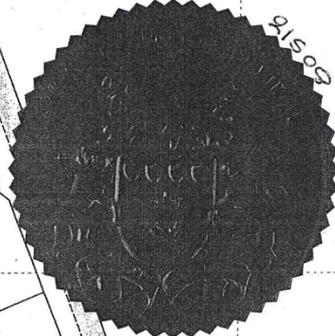
9. It is not considered that the comments relating to public safety and the Council's care of adjacent trees are reasons not confirm the order. As a matter of fact the responsibility of a preserved tree remains the owners' unless damage or loss arises as a result of an application that would have dealt with the particular issue being refused. The Council does not have responsibility of maintaining a preserved tree in a safe condition as such although clearly we would give assistance to the owner is requested. The owner has been contacted to make him aware of this.

Conclusion

10. Because of the general importance of the urban tree environment and the importance of the Horse Chestnut tree in the local landscape, priority should be given to tree retention in this instance. Tree Preservation Order TPO/EPF/12/08 should therefore be confirmed without modification.



- Key
- T1 Fastigate Yew
 - T2 Yew
 - T3 Fastigate Yew
 - T4 Yew
 - T5 Scots Pine
 - T6 Sycamore
 - T7 Horse Chestnut
 - G1 Silver Birch x 2



AMM [Signature]
INVESTING OFFICER



Epping Forest District Council
 Planning Services
 Civic Offices
 High Street
 Epping CM16 4BZ

Shakletons Ongar		Centre X: 555276.963
		Centre Y: 203315.300
		Width : 180.000
		Angle : .000
Scale : 1:1000	Date : 16 Apr 2008	Time : 11:25:07 AM

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