

Report to Area Planning Sub-Committee West



**Epping Forest
District Council**

Date of meeting: 2 December 2009.

**Subject: Confirmation of Tree Preservation Order EPF/31/09
Land adjacent to 176 Honey Lane, Waltham Abbey**

Responsible Officer: Melinda Barham (01992 56 4120).

Democratic Services: Rebecca Perrin (01992 564532).

Recommendation:

That Tree Preservation Order EPF/31/09 is confirmed without modification

Background:

Tree Preservation Order EPF/31/09 was made to protect a total of 7 oak trees on the field boundary of the land adjacent to 176 Honey Lane, Waltham Abbey.

The Order protects 4 oaks adjacent to Honey Lane which are mature trees of high visual public amenity value and protects a group of 3 oaks, which are on the field boundary that runs perpendicular to Honey Lane and provide an important group feature visible from the road.

Objection to the Tree Preservation Order :

An objection to the Order has been received from the Arboriculture consultants acting on behalf Scottish Widows who own the group of 3 oaks. The objection is made on the grounds that :

1. The reasons for making the Tree Preservation Order are not explained.
- 2 .The suitability of the vegetation to be retained, in respect of T2 and 2 oaks within G1.

Head of Planning Services Comments

1. The Government advice about the creation and serving of Tree Preservation Orders does not provide a rigid framework to assess trees for inclusion within an Order. It states that the amenity value of the trees should be taken into account in the form of their visibility, individual or group impact, and wider impact.

The justification for making this order was -

“A Tree Preservation Order (TPO/EPF/02/09) had been made on 6 oak trees on the site. During the notification procedure an objection was received which indicated that there was a discrepancy in the plotting of the trees on the plan. For ease of future clarity this new Order is being made and the previous Order will be allowed to lapse. Included in this Order are additional trees along the field boundary.

This Order protects 4 oaks along the road (Honey Lane) which are mature trees of high visual public amenity value. The group of 3 oaks along the field boundary are also visible from Honey Lane, and whilst it has been acknowledged that these trees are not without defects, they are still worthy of protection for their group effect. The trees represent the remains of part of the long standing field system, and are a typical and valuable part of the landscape character of this area. The Order is being made strategically and to pre-empt any proposals for development for this area of land.

In making this Order, the Council is acting in accordance with Policy LL7 of the Adopted Local Plan and Alterations (adopted 1998 and 2006).” It is considered that this justification does follow the Government guidance.

2. T2 is a Turkey oak which is adjacent to T3 and English oak. The objection in relation to this tree is that the Turkey oak is a non native introduced species and should not therefore be included within the Order. Government advice does not specify which species should or should not be included within an Order.

The objection in relation to Group1 refers to two trees being in poor health. The objector had wrongly identified which trees along the boundary are included within the group and one of the trees shown in a photograph has not been included. The second tree being objected to is the largest of the 3 oaks, a co dominant twin stemmed tree, which is acknowledged as having some structural defects. However, it is considered to have at least 10 years or more of life remaining and therefore, given its rural location, its inclusion with the group is considered acceptable.

Conclusions

This is a strategic Order being made to ensure the long term protection of these trees. Whilst it is acknowledged that the trees within Group 1 have defects by making this Order it will ensure that should any tree felling be required, replacement planting would be required, to retain a robust tree boundary along this side of the field. It is therefore recommended that the Order is confirmed without modification.