

# Report to Area Plans West Sub-Committee



## Date of Meeting 22 September 2010

**Subject: Confirmation of Tree Preservation Order EPF/74/10  
Honeylands, Honey Lane, Waltham Abbey**

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Democratic Services Officer: Mark Jenkins (01992 564607)**

### **Recommendation:**

That Tree Preservation Order TPO/EPF/74/10 be confirmed without modification.

### **Background**

Tree Preservation Order EPF/74/10 was made on the 30<sup>th</sup> March 2010. It seeks to protect 30 trees individually designated, mostly oaks, and several groups of trees, largely in open land at the rear of Honeylands, and the Leverton County Primary & Infants School, Honey Lane, Waltham Abbey. The order was made as part of the Essex County Council Tree Preservation Order re-protection programme. It was a selective order, protecting the best and largest trees found to be present, but together with trees that it was considered would be of importance in the future.

### **The Grounds of Objection:**

An objection has been received from the owner of 262 Roundhills, Waltham Abbey in respect of an oak, T1 on the schedule. The main reason given for the objection is that the owner of 262 Roundhills is pursuing an insurance claim in respect of subsidence caused by this Oak to his property. He states that he wishes to have the Oak tree felled, his house having already been underpinned once before due to the impact of the tree, damage now having re-occurred. He also points out that the tree has continued to grow, and has not been managed, to the extent that the branches now touched his property.

Following on from this an application under the TPO has recently been received to fell the tree; it has not yet been registered because it lacked necessary information. The prospective application however, alleges that the particular Oak tree is causing substantial damage to the property. The application was made on behalf of the Highways Agency, as owner of the land.

### **The Director of Planning and Economic Development comments as follows:**

The Oak tree is a fine specimen, in good health, with a potentially long life expectancy, forming an important visual back drop to properties in Roundhills. Minor issues, of overhanging branches etc, could readily be resolved by pruning, if the owners were willing to fund it. Alternatively the ends of the branches could be cut back by the property owner, subject to consent.

The decision on the planning application, if and when the necessary details should be received, would come to committee for decision. The recommendation would then be made as a result of a balancing operation between the value of the tree and the strength of the evidence linking the tree to damage to the property, and any other issues.

At this stage it would be premature to undertake that balancing operation. The objector gives no background to his claim that the tree was implicated in the damage. The application is recent; and because it was incomplete the ability to query the data has not yet come about.

Therefore, it is concluded that it would be premature to allow the tree to be removed, which would be likely to be the result of a failure to confirm the Tree Preservation Order in respect of this particular tree.

Members should be aware that applications under Tree Preservation Orders do give rise to the ability to claim compensation. On the other hand, compensation would only be payable were the Council to withhold consent, and were evidence be presented that the tree was indeed causing the problem, and that the refusal to give consent had led to a financial loss. There is no ability to claim compensation as a result of confirmation of the order as such.

**Recommendation:**

That TPO/EPF/74/10 be confirmed without modification.