

# **Report to the Cabinet**

**Report reference: C/073/2007-08.**

**Date of meeting: 12 November 2007.**



**Epping Forest  
District Council**

**Portfolio: Planning & Economic Development.**

**Subject: Loughton Town Centre Enhancement – Re-provision of Trees.**

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## **Recommendations/Decisions Required:**

- (1) To note the position in respect of the re-provision of trees in Centric Parade as part of phase II of the Loughton Town Centre enhancement scheme; and**
- (2) To receive a further report once the investigations and consideration of the Highway Authority with regards to the adoption of the land as public highway is known.**

## **Report:**

1. As part of phase II of the Loughton Town Centre Enhancement (TCE), Centric Parade was 'pedestrianised', with the former car parking spaces being relocated as parallel parking on the High Road. To achieve this it was necessary to reach agreements with adjoining property owners, which enabled the Council to undertake paving and surfacing works back to the property frontages. This is known as 'accommodation works'.

2. In most cases agreement was achieved with owners unconditionally, but in the case of numbers 196 – 200 High Road (part of Centric Parade) the owners insisted that before agreement would be given, four trees would have to be removed. The trees in question were located on the private land but had been maintained by the highway authority as though they were part of the publicly adopted highway.

3. Officers and local Councillors sought, through negotiation, to convince the owners that this was an unnecessary and undesirable action, but were unable to do so. Therefore, in order that the overall enhancement scheme was not compromised, it was agreed that the trees should be removed. This action resulted in considerable local concern, since the trees were a key element of the local street scene.

4. The original concept of the enhancement scheme always had within it the provision of new or additional street trees. Therefore, whilst the loss of these particular trees was regrettable, it was always the intention that other trees would be provided to take their place, albeit in a different location. However, this has proven to be difficult to achieve for the following reasons:

(a) establishing the ownership of the land which provides the best opportunity to re-provide the trees; and

(b) the proximity of statutory undertakers equipment under the paved surface

5. A land registry search shows the land as unregistered. The land also falls outside of that currently designated in the public record as adopted highway, and there is therefore a risk of challenge to the Council should it simply proceed to re-provide trees in this location.

6. Officers have opened discussions with the County Council as to whether the land should be considered as, and adopted as, public highway. The land in question has for many years been viewed as public highway and when this Council operated as Agents to the County Council for the highway service, works were undertaken as though it was public land. The new West Essex Manager has therefore agreed to investigate the history of the land with a view to adopting it as public highway. Adoption does not confer ownership but highway rights do take precedence over all others and adoption would enable the Council, subject to a technical appraisal, to re-provide trees or if that was not possible to provide surface planters.

**Statement in Support of Recommended Action:**

7. The frustration of the local community over the time taken to resolve this matter is understood. However, it is important that the status of the land is confirmed and that it be adopted as public highway before the Council undertakes works which may have an impact on adjoining properties. The Council remains committed to the re-provision of trees in centric Parade either through normal planting or through the use of surface planters as soon as the ownership/responsibility issues have been resolved.

**Other Options for Action:**

8. The only alternative options are:

(a) go ahead and re-provide trees without determining land ownership; this is not recommended due to the risks to the Council; or

(b) abandon the issue altogether and inform the community that, given the prospective technical difficulties, no further action is to be taken.

**Consultation Undertaken:**

9. None at this stage.

**Resource Implications:**

**Budget Provision:** Nil at this stage, but otherwise within the TCE budget.

**Personnel:** Nil.

**Land:** Depends upon outcome of ownership determination.

**Council Plan 2006-10/BVPP Reference:** N/R.

**Relevant Statutory Powers:** N/R.

**Background Papers:** Previous Cabinet reports regarding the Town Centre Enhancement in Loughton Town Centre.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** None.

**Key Decision Reference (if required):** Not a key decision.