

**TO CONSIDER THE REVOCATION OF TREE PRESERVATION ORDER, No. 9/2009
AT BUTLERS WOOD, BULMER**

Agenda Item 7

Portfolio Area: Enterprise & Culture
Report Presented by: Melvyn Crow, Landscape Services Manager

Background Papers: Tree Preservation Order 09/2009 file

Corporate Implications: Please refer to table at end of report

Options:

- 1) To revoke the Tree Preservation Order, and to re-serve the Order on all owners.
- 2) To revoke the Tree Preservation Order, and not to re-serve the Order on all owners.
- 3) Not to revoke the Tree Preservation Order

Risks: Compensation rights could arise if the Council subsequently refuses an application for tree work consent and the tree or a part of it then fails.

Executive Summary

Tree Preservation Order No. 09/2009 was made in respect of Butlers Wood, Bulmer, in March 2009.

The Order was served on the 2 parties believed to be the owners of the woodland. It has subsequently been learnt that these parties only own part of the woodland, and the remainder is owned by a further 5 parties. These parties will not have had an opportunity to make any representations to the making of the Order.

Decision

1. That Tree Preservation Order No. 09/2009 at Butlers Wood, Bulmer be revoked, and a new Order served on all of the owners.

Background

Butlers Wood, Bulmer has been subject to a Tree Preservation Order since 1949 (W.67 of T.P.O. 19/49). This Order was made by Essex County Council. That Council has decided that all Orders made by them should be revoked to remove any responsibility they may have for the administration of those Orders.

As part of this process, a limited amount of support has been given to District Councils for re-surveying these Orders, and establishing whether the trees/woodlands still meet the criteria for Tree Preservation. It is then for the District Council to decide whether to maintain the level of protection.

This woodland has been assessed as still meeting the criteria, and a new Order (09/2009) was made and served. Service was on the 2 parties understood to own the woodland, and they have not objected to the making of the new Order.

It has subsequently been discovered that there are a further 5 parties who own parcels of this woodland, but they would not have been aware of the service of the new Order.

Comments

Butlers Wood is a remnant of ancient semi-natural woodland, containing mainly oak and ash standards over hazel coppice. It is enclosed by a bank and ditch, and is registered in the Ancient Woodland Inventory.

It is a very prominent feature in the landscape immediately to the west of the A.131 – Halstead to Sudbury road, to the south of Bulmer.

In the interests of fairness and transparency, it is considered appropriate to revoke and re-serve this Order on all parties, to give them all an opportunity to make representations against the making of the Order.

There is currently no delegation to officers to revoke Tree Preservation Orders.

Corporate Implications			
Financial:	None		
Legal:	None		
Equalities & Diversity:	None		
Customer Impact:	None		
Environment & Climate Change:	If the order is not confirmed there is a risk that the visual amenity of the woodland will be diminished by inappropriate management, and the trees ability to act as carbon store will be reduced.		
Consultation/Community Engagement:	Local Committees		Partners
	Public		Staff
Key Decision:	No		
Public/Private Report:	Public		
Officer Contact:			
	Melvyn Crow		
Designation:	Landscape Services Manager		
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Grid Ref
TL 841 378

Gentr
Farm

Wood
View

Butler's Wood

W1

Waldegrave Wood

Green Lane (Track)

This is the map referred to in the
Braintree District Council Tree
Preservation Order No. 9/2009.
Lodge Farm

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Authorised Signatory

Planning Department

Date: FEBRUARY 2009

Ref: 116-4-685

Drawn: BH

Scale: 1:5000
TL 8437

TREE PRESERVATION ORDER 9/2009

BUTLERS WOOD
BALLINGDON HILL
BULMER

