

<p>TO CONSIDER AN OBJECTION TO THE MAKING OF A TREE PRESERVATION ORDER, No. 09/2010, At Thirlmere Close, Coniston Way and Derwent Way, Great Notley, Braintree</p>	<p>Agenda No: 5</p>
<p>Corporate Priority: The Environment is clean and green Report presented by: Tessa Lambert Report prepared by: External consultant</p>	
<p>Background Papers: Tree Preservation Order 09/2010 file ECC Tree Preservation Order 3/60 Letters of objection dated 24th & 26th April 2010 Letters addressing objections dated 27th & 30th April 2010 Email confirming objections maintained dated 30th April 2010 Letter confirming objections maintained dated 12th May 2010 TEMPO Assessment (Tree Evaluation Method for Preservation Orders)</p>	<p>Public Report</p>
<p>Options: 1) To confirm the Tree Preservation Order in the interests of amenity. 2) Not to confirm the provisional Tree Preservation Order and allow the owner to prune/fell the tree as he sees fit.</p>	<p>Key Decision: NO</p>
<p>Executive Summary</p> <p>This report is to consider the objections raised by OCA UK Limited on behalf of their client Cunningham Lindsey regarding T6 (an Oak in the back garden of 1 Thirlmere Close) to the making of Tree Preservation Order No. 09/2010. It also considers the objection submitted by the owner of the property.</p> <p>Tree Preservation Order 09/2010 was made in March 2010 to provide continuity of protection following the revocation of Essex County Council Tree Preservation Order 3/60.</p>	
<p>Decision:</p> <p>That Tree Preservation Order No. 09/2010 is confirmed</p>	

Purpose of Decision:	
To seek confirmation of a Tree Preservation Order	
Corporate implications [should be explained in detail]	
Financial:	N/a
Legal:	N/a
Equalities/Diversity	N/a
Customer Impact:	N/a
Environment and Climate Change:	If the order is not confirmed there is a risk that the visual amenity of the area will be diminished, and the trees ability to contribute to climate change adaptation will be reduced/lost.
Consultation/Community Engagement:	Statutory process for notifying relevant parties
Risks:	Loss of trees the subject of the TPO
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Background

On 31st March 2010, Tree Preservation Order No.09/2010 was served on the owners of a total of 11 trees in the Derwent Way, Coniston Close and Thirlmere Close area of the White Court Estate at Great Notley. The Order was made to ensure continuity of protection of the most important trees on the Estate following the decision by Essex County Council to revoke the original 'blanket' Order made in 1960 (ref: 3/60). All of the trees were assessed using the 'TEMPO' (Tree Evaluation Method for Preservation Orders).

Following service of the Order, 2 objections were received to the inclusion of tree T.6, an Oak:

- Letter dated the 24th April 2010 from the occupiers of 1, Thirlmere Close (see Appendix 1 to this report). The response to that objection, dated the 30th April,

is attached as Appendix 2. This was followed by a letter, dated the 12th May, from the occupiers confirming they wished to maintain their objection.

- Letter dated the 26th April 2010 from consultants acting for the insurance company's Loss Adjusters (see Appendix 3 to this report). The response to that objection, dated the 27th April, is attached as Appendix 4. This was followed by an e-mail dated 30th April confirming that they maintained their objection (see Appendix 5).

At the time of writing this report, no further information or application has been received from either of the parties who are objecting to the making of this Order.

Comments

The tree has been properly assessed against recognized criteria, and the objectors have not sought to challenge its amenity value. The issue is that the oak is implicated in the alleged subsidence damage being sustained by the property.

Despite the time that has elapsed since submitting their objections, neither objector has provided any evidence to support the allegation.

Should this Order be confirmed, and conclusive evidence that the tree is a significant contributory factor in any subsidence is subsequently forthcoming, it is open to the objectors to apply for an appropriate consent to carry out works to the tree.

No objections have been received to the inclusion of any other trees made subject to this Order.