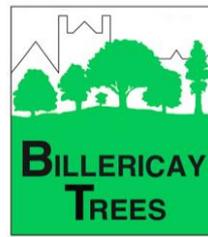


The Billericay Tree Warden's Bi-monthly News-sheet
July 2022



Conserving Our Tree Heritage
In association with Billericay Town Council

Our News-sheets are now available to view on the Billericay Town Council's website and back issues are listed under the header "The Town". There are also tree related Fact Sheets included to advise residents. The Factsheets can also be viewed on Facebook at <https://tinyurl.com/k8bzd772>.
<https://tinyurl.com/3hxxy5m9>

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1] Sanctuary Given to the Two Vandalized Pilgrim 400 Trees:-

The Billericay Town Council had funded two specially cultivated Bramley apple trees for the 400th commemorative sailing of the Pilgrim Fathers to America from Plymouth. With the Covid-19 pandemic on the go these were originally planted in April 2021 at the Festival Gardens. Unfortunately soon afterwards they were twice vandalized; so we took them into care and affected a repair to their damaged stems. A little wooden splint, some glue and a rubber band did the trick! We then had the idea to request that the Great Burstead Church give the trees sanctuary in their church grounds. The link being that Christopher Martin, the Church Warden back in 1620, sailed as a Pilgrim Father on the Mayflower. But circumstance dictated that we held the trees for nearly a year before planting them out in the church grounds on Saturday 14th May 2022. Two volunteers are to regularly water the trees until they are established. We hope to install a plaque commemorating the event. It's thanks to the Reverend Michael Hall for making this possible. It had not escaped our attention that the Pilgrim Fathers and the trees both had a difficult journey! – Photographs - Left by Paul Butterworth and right by JS. Featured right are Nathan Hume; Elizabeth Day; Neil Sumner & Paul Butterworth.



2] The Grey Lady Place Incident (GLP):-

There has been an incident at the GLP whereby due to research not being undertaken properly by the Agents and the Tree Surgeon that they hire, two TPO Sycamore trees were at risk of being felled without permission from the Basildon Borough Council (BBC). Had the felling taken place without permission, then both the GLP Agency and the Tree Surgeon would have been complicate and received enormous fines. There had been a breakdown in communication between the GLP's Agents and the Tree Surgeons that led to a misunderstanding – Each thought that the other had checked for TPO status. The BTW averted this incident in the nick of time by informing the

BBC's Enforcement Officers. The Agency FirstPort (based in Luton) is now reviewing their management activity at the GLP so as to avoid future tree problems. A Planning Application for the felling a mature fir tree has since been withdrawn by FirstPort and is being reconsidered. They also acknowledge that trees on a site can raise the market value.

There is currently a Planning Application for the GLP to undertake various other tree work but identifying exactly what that entails would require a new map to supersede the very much out-of-date map that is currently in use.

The GLP has a park-like ambience due to its Victorian redbrick and stone architecture and its mature trees within its courtyards. These will need to be carefully maintained not only to continue the town's Tree Heritage but to attract new clients to the site. The GLP trees that border the periphery of the site are also a very welcomed "Street Scene" amenity element that enhances the bordering roads.

The BTW thought that this was an opportune moment to approach our proactive environmental Councillor and float the idea that the GLP should be designated as a "Conservation Area" for its overall protection. Its history, its architecture as a Victorian almshouse and its fine mature trees are an asset to the town. This was agreed to and the GLP has been added to the **Local Plan** list of historical sites that need to be considered for added protection across the Borough.

3] Strawberry tree – The Grey Lady Place c.2008

Up until 2008, there was a classic example of a Strawberry tree (*Arbutus unedo*), native to the British Isles at the GLP until it was felled. As we understand it, it was a UK "Champion" tree. It had been planted in 1893 making it 129 years of age. We are not aware of the reason why it was felled but possibly the risk of falling deadwood was a factor. The tree flourished well within the microclimate of the courtyard. Several residents have since spoken favourably of the tree's ambience, its sense of peace and the shade it provided. This had been a classic "Heritage Tree" for the town. The BTW has requested of the GLP's Agents to provide two "heavy standard" Strawberry trees as replacements should other trees be removed.



Strawberry Trees:-:-

We are only aware of a few Strawberry trees in the Billericay area. There is a mature example in the garden along Prince Edward Road, another in the Pleasant Drive area and several others in private gardens in Little Burstead village. There is also two of the bush form "Compacta" in a garden in southwest Billericay planted for the Queen's Jubilee initiative.

There may be others and it would be interesting to know their locations. All aspects of the tree are eye-catching – The red fruits (inedible!), the delicate but profuse clusters of white bell-shaped flowers, its dark green leaves and its dark red bark with its scaly-brown shredding ridges. It's a thoroughbred of tree design! They thrive well in micro-climate sheltered areas where they can cope with winter conditions.

4] Tree Loss at Norsey Wood Update:-

We still wait news from the BBC Enforcement as to whether or not the law was broken when the trees were felled in a garden that extends down to Norsey Wood's Main Ride. The trees were part of the ancient woodland and were on Green Belt. It has since been established that the land is legally owned by the Norsey Road property owner. Forest England is looking into the possibility of a prosecution as they were not consulted about the felling. We understand that a "condition" included within the Planning Application for the Norsey Road site requires a landscaping scheme to be approved by the BBC before the owner is allowed to move into his new home. *There may be leverage here for a reparation exercise leading to restored tree cover?*



Planning rules as they are, there seems little risk that a major structure will be allowed to be erected on the now treeless extended garden. But under "Permitted Development Rights" (PDR) the property owner can introduce a swimming pool, a hot tub, a garden shed and the now popular "outside kitchen" (a mini-structure in itself) without Planning permission. The photograph was taken from the Norsey Wood Main Ride looking north to Norsey Road. Note the adjacent extended gardens with their mature trees still intact.

Norsey Wood is one of the Borough's top amenity sites and is a very well managed Local Nature Reserve (LNR) with the designation as a Site of Special Scientific Interest (SSSI). The Basildon Borough Council (BBC) and the Norsey Wood Society (NWS) work in partnership to manage the Wood, and tree loss such as this, whether legal or illegal, has had a negative impact.

We understand that the BBC Tree Officers have surveyed the 2.5 acres of ancient woodland on the other three or four gardens that extend down to the Main Ride with a view to designate them a Group Woodland TPO. Progress on the legal work required to designate a TPO is notoriously expensive and invariably involves long legal searches and associated Council office time. *Should there be a risk that the trees are endangered the BBC can impose an immediate temporary protection order on them whilst the situation is investigated.*

5] The Demise of the Tye Common Road Pagoda Tree

A rare healthy and mature Pagoda tree (*Saphora japonica*) had been identified in a front garden along the Tye Common Road. It is similar to an acacia tree with broad panicles of pea-like creamy flowers. It had a high "Street Scene" amenity value and several residents had remarked upon its attractiveness. There are very few examples of this tree species in the Borough. We had informed the owner that it was a tree species of merit and special to the town. We had applied for a TPO designation but although a BBC Tree Officer attended site to assess if it qualified, it was felt that it just fell short of the criteria required. So we are sad to report that the owner decided to remove the Pagoda tree and two other trees in the front garden. The reason is unclear as to why the decision was made to remove all of the front garden of trees. Trees on private land that are not protected by a TPO can be felled without BBC permission.

6] Vandalism at South Green:-

Tree planting at South Green has been hit by two incidents of vandalism. The first when two trees of the Covid-19 Remembrance cherry tree circle were damaged and now a well-established Ash tree has also been vandalized by being cut in half. The BBC has since replaced the damaged trees in the cherry tree circle.

7] Tree Wardens Sometimes Turn Detective!

Some of our complex cases regarding tree issues are to do with land ownership problems. Long established and historical bridleways that wend their way through a residential housing estate are a case in point. The bridleway itself is usually the responsibility of the Local Authority but the narrow strip of land either side that it sits upon may still belong to the original housing estate Developer. So if trees on these strips of land require Health & Safety tree surgery work it is technically the responsibility of the Developer, the owner of the land. But they may not be in

business anymore and if they are they can be reluctant to respond. In English law, one needs the permission of the landowner to work on a tree. And Local Authorities can lack the resources to instigate expensive legal searches to prove land ownership if other than council land.

Sometimes these chunks of “left-over” development land can be of a sufficient size to erect a new property on and are sold off at land auction by the original Developer to a gap-site Developer who submits a Planning Application! The new landowner then becomes responsible for the trees on his newly acquired piece of land. There is one such area that includes a partially wooded and wildlife-rich area on the Queen’s Park Estate that has been the subject of several unsuccessful Planning Applications. Quite a few of the trees have a TPO designation. Thankfully, the little woodland has survived the ordeal and has now been attended to by a professional Tree Surgeon and left in good shape for both its Street Scene amenity and its wildlife value.

There is no such thing as “No Man’s Land” although jobbing and self-appointed “tree surgeons” will claim so! In England, all land is owned by someone, either by a County Authority, a Local Authority, a utilities company, a housing Developer, the Crown Estate, a private estate or by an individual. To help identify ownership there is the online HM Land Registry website but although it is informative for property searches it can fall short on identifying the ownership of small pieces of vacant land. For various reasons, ownership of some portions of land has been lost to history.

Border disputes, whether involving tree issues or not, can be contentious and result in bad feeling between neighbours and involve emotional stress. House deeds illustrate the border with a red line but it is understood that they are not legally precise as the scale is too small. For practical reasons, a border fence can sometimes be erected on the wrong side of a tree leading to a misunderstanding as to the trees ownership and even leading to the tree’s demise. Overhanging branches are another reason for disputes. If an understanding cannot be achieved between the two neighbours then a helpful course of action is to call in the services of a Mediator rather than an Arbitrator or a Solicitor. Unlike the latter two, a Mediator is unbiased in his approach and without taking sides interviews the two neighbours separately with a view to arriving at an agreeable solution to suit both parties. It is by far the cheapest option and after a cooling-off period has elapsed, common sense usually prevails! For more complex cases the services of a Land Surveyor may be necessary.

Tree Wardens cannot be everywhere at once but thankfully there are residents out there that are the “Natural Guardians” of the trees that are near to their homes and let the BTW know should threats occur to them. We then enter into dialogue with our Local Authority to seek their professional advice. We of course respect the resident’s anonymity. These trees have found a voice by proxy.

A long-lived hybrid Black Poplar in the southeast of the town, and probably our tallest street tree in Billericay, has had such protection and a watchful eye from three generations of the same family living nearby!

The sound of a chainsaw breaking the silence early on a Sunday morning or over a Bank Holiday weekend can be a sign of unauthorized tree felling! Obtaining the registration number of the vehicle at the scene will help the investigation. However, it is not always wise to approach those carrying out the work.

8] BTW Day-to-Day Actions:-

Over the last two months we have received quite a few tree related queries from our residents. Few of these are similar as each circumstance usually requires a different approach to assess. Should a tree query involve a legal aspect we then refer that to the professionals. Sometimes a visit is necessary for the more complex issues whilst others can be answered by email. However a common question is why a mature oak has been apparently over-trimmed with little foliage left. As oaks are a species that can be coppiced it has much resilience to what appears to our eyes as over-trimming. But that said we would advise that this apparent harsh treatment is not carried out in the spring and summer when the tree is actively growing and delivering water to its canopy. The tree could die of shock or take several years to recover. The presence of active bird nests could further complicate the issue. Ideally, tree work should be undertaken in the autumn and winter but Tree Surgeons are keen to find work throughout the year.

9] The Billericay Tree Wardens – A History:-

The idea of a Tree Warden group for the town had been raised at the Basildon Wildlife and Countryside Forum (BW&CF) held at the Norseby Wood Visitor Centre in c.2015 / 2016. But only after five oak trees were felled in 2017 outside the now Sainsbury's outlet adjacent the Gooseberry Green roundabout at the western end of Radford Way, was the idea discussed with the Billericay Town Council. And soon afterwards, the Billericay Tree Wardens were formed. Hamber Safes, the then owner of the land that the trees were on, felled the trees over an Easter weekend much to the consternation of local residents. The trees were not the subject of a TPO. As we understand it, the felling was at the advice of Sainsbury's to make way for the land deal. They did not want their new supermarket outlet screened by trees. However, it took several months liaising with the Essex County Council (ECC) to establish the rightful ownership of the land as it was outside of Hamber Safe's boundary fence and next to the roadside. Subsequently, Sainsbury's refused to introduce any landscaping on the site. The trees were not illegally felled. It was a sad loss as the oak trees had been a landmark in the area and appreciated by the local residents.

10] Planning Application Checks:-

Thank you to our BBC Planning Application team for checking that trees are not being unnecessarily targeted for removal or unreasonably reduced in size. We submit a "Comment" on the Planning Application as appropriate.

We would like to take this opportunity to say thank you to the various BBC and BTC Councillors who support our goals along with those local experts with specialist knowledge that have advised the BTW on various technical matters

A thank you must go to the Billericay Town Council for providing the BTW with advice, a meeting room at the BTC's Chantry Centre, moral support and Personal Liability and Personal Accident insurance whilst we are out in the field

The BTW's next members' committee meeting is scheduled for **Wednesday 10th August 2022 at 6pm
Unless otherwise stated, we are to opt for a Zoom meeting**



Prepared by the Billericay Tree Wardens [Editor JHS – July 2022]

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