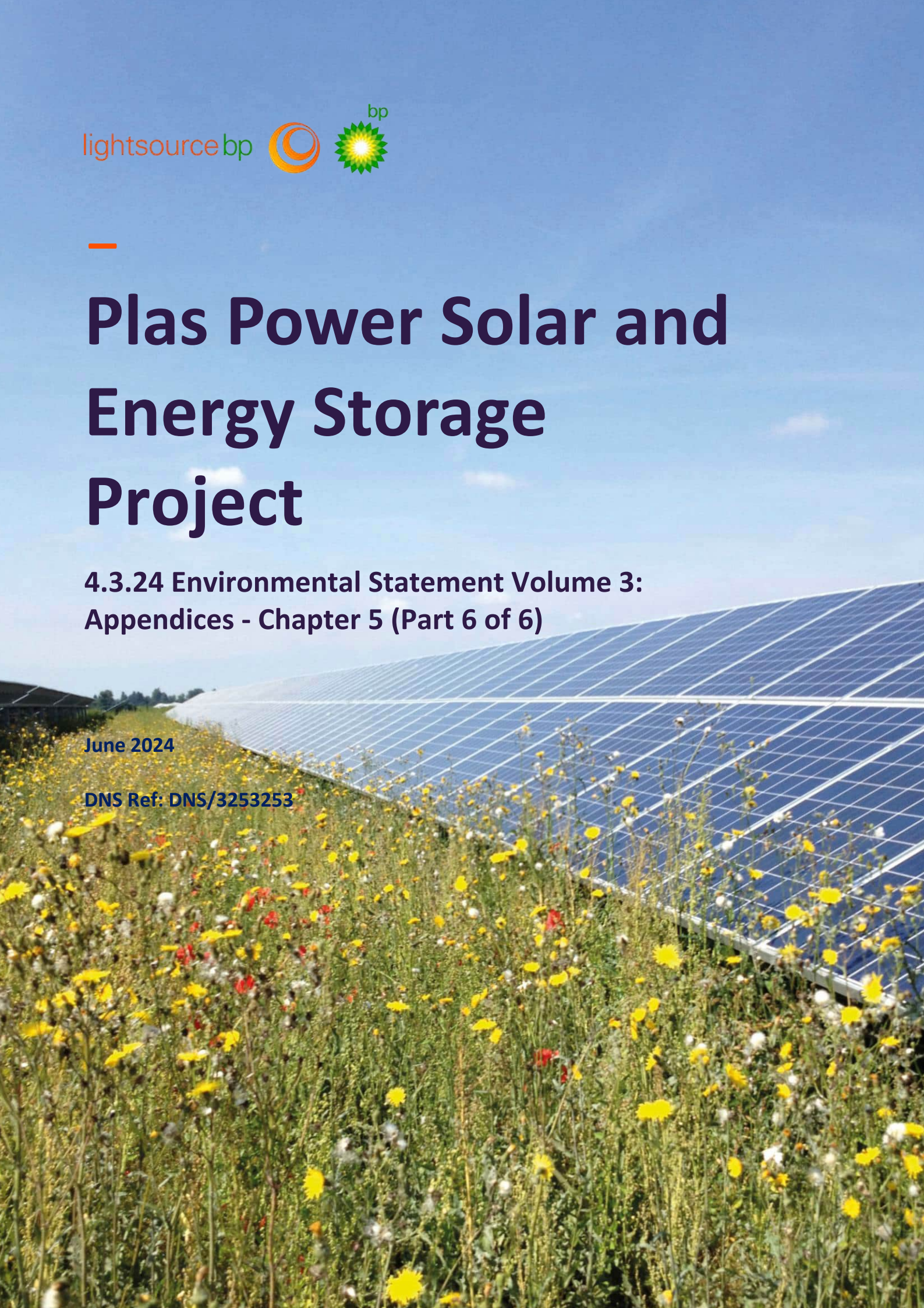


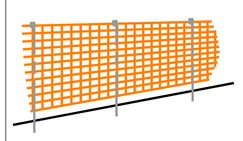
Plas Power Solar and Energy Storage Project

4.3.24 Environmental Statement Volume 3: Appendices - Chapter 5 (Part 6 of 6)

June 2024

DNS Ref: DNS/3253253

VISUAL TREE PROTECTION BARRIER
Secondary tree protection barrier
(Not to scale)



- To identify trees and vegetation not immediately adjacent to construction works.
- 1m high heavy duty hi-vis barrier mesh
- Erected and fitted to metal poles, timber stakes or railway pins driven into the ground at regular intervals

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Notes

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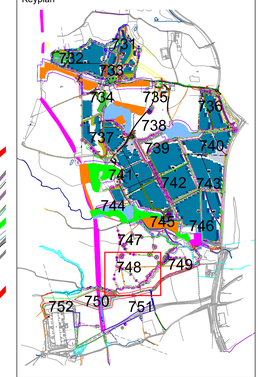
- Category A - High quality
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- Category U - Unsuitable for retention

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- Restored ancient woodland site
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  APN 12 - 'Through the Trees to Development'

Keyplan



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C	Layout updated, minor amends	JB	DC	25.01.24
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MAKING COMPLEX EASY

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Project: Plas Power Solar and Battery Storage

Title: Tree Protection Plan

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For Planning	SH	JB

Job Ref	Scale @ A0	Date Created
JSL3859	1:500	09/23

RPS Drawing / Figure Number	Rev
748	D

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Route cable around outside of bend to avoid major roots/ trenchless techniques/ hand dig within RPA under Arboricultural supervision.

Route cable to North to avoid major roots/ trenchless techniques/ hand dig within RPA under Arboricultural supervision.

Route cable to to avoid major roots/ trenchless techniqu hand dig within RPA under arboricultural supervision.

Scale Bar
0m 25m 50m

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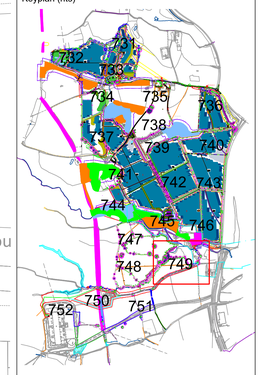
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For Planning	SH	JB

Job Ref	Scale @ A0	Date Created
JSL3859	1:500	09/23

RPS Drawing / Figure Number	Rev
749	D

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Scale Bar: 0m, 25m, 50m

Route cable to north to avoid major roots

Route cable to east to avoid major roots..

Route cable around outside of bend to avoid major roots; hand dig within RPA under arboricultural supervision/ Trenchless techniques.

Route cable to avoid RPAs/ trenchless techniques/ Hand dig within RPA under arboricultural supervision.

Mill

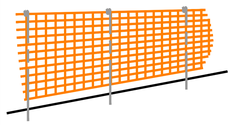
The White House

Bersham

The Coach Hou

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VISUAL TREE PROTECTION BARRIER
Secondary tree protection barrier
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Scale Bar
0m 25m 50m

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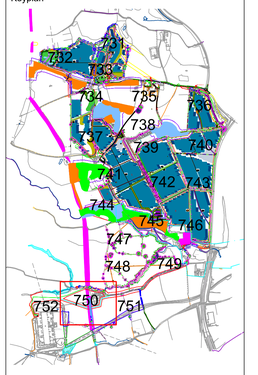
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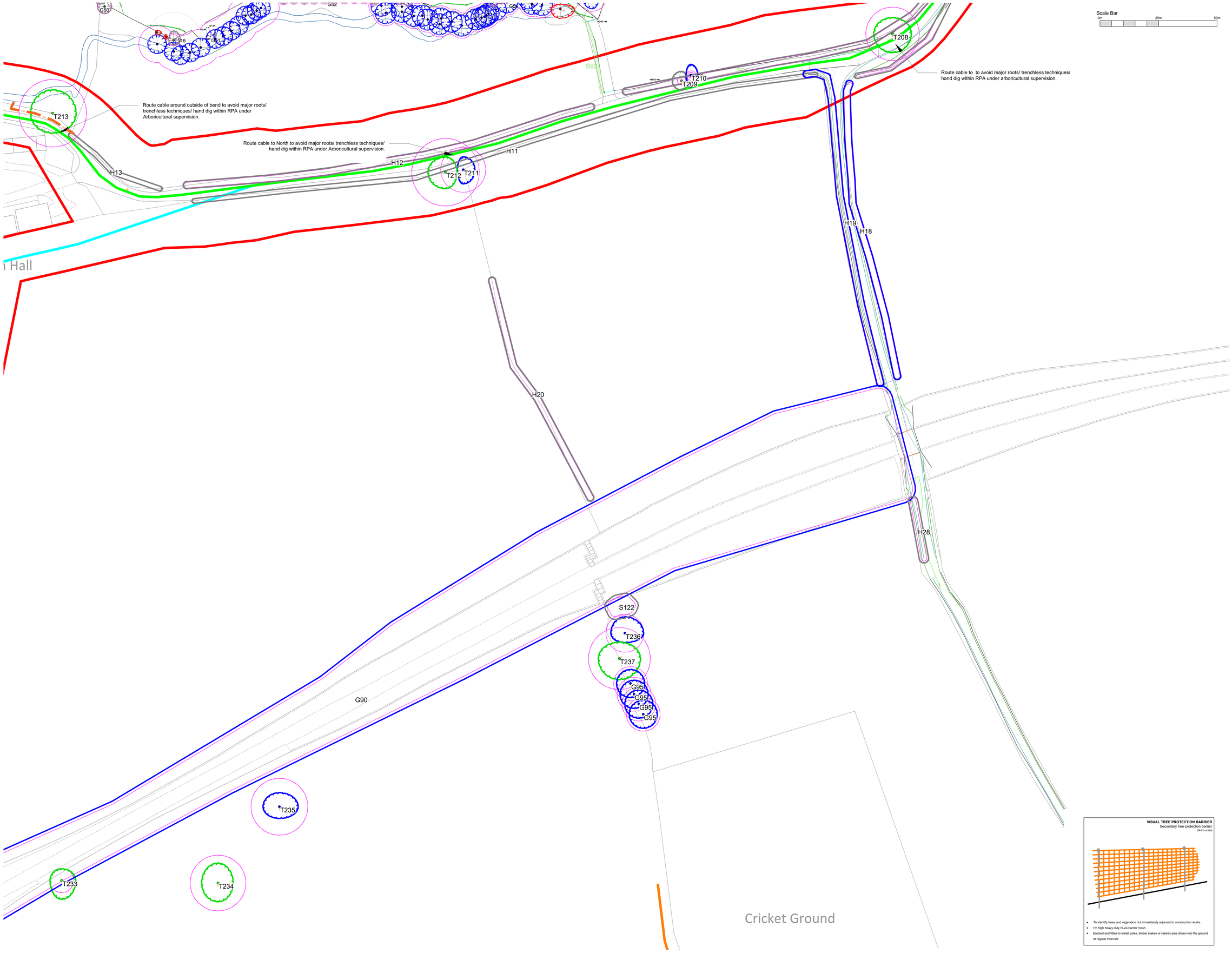
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RPS Drawing / Figure Number: 750

Rev: D

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Scale Bar

0m 25m 50m

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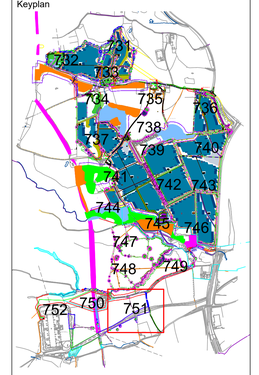
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751	D

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Scale Bar
0m 25m 50m

(A3)

Cable route to align with existing ploughed field.

Trenchless techniques or minor vegetation breach.

Pond

W1

G91

Isorsaf Legacy / Legacy Substation

Key

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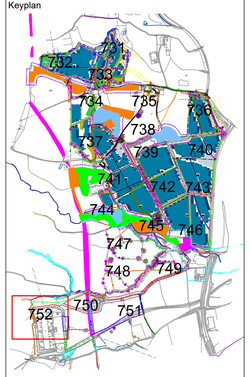
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Appendix A

Survey Methodology

General

This report was authored by Jake Bailey, Senior Arboriculturalist of RPS Group.

The report and survey were carried out in general accordance with the requirements set out in BS 5837:2012 “Trees in Relation to Design, Demolition and Construction – Recommendations”.

Trees were inspected from ground level during a site visit. All data was recorded electronically within a AxciScape 4.02 project and then upon return to the office it was imported into an MS Access database. Individual tree numbers and locations were plotted by eye on to a drawing at the time of the survey. Tree positions were then related to a Topographical survey of the site provided, where not shown on the topographical survey tree positions have been plotted by eye only and require confirmation.

Trees were not climbed or inspected below ground level and inaccessible trees will have best estimates made about the location, physical dimensions and characteristics.

The locations of the trees were based upon topographic survey of the site provided by the client.

The survey assesses individual trees and groups of trees for quality and benefits within the context of proposed development. The quality of each tree or group of trees has been recorded by allocating it to one of four categories as described the table below. These categories have been differentiated on the Tree Constraints Plan (JSL4796_700).

The survey information was recorded on the attached schedule (Table 1) in general accordance with the guidance contained within Section 4 of BS 5837:2012 “Trees in Relation to Design, Demolition and Construction - Recommendations".

Tree Constraints Plan

The Tree Constraints Plan (see drawing JSL3859_700) is designed to show the influence that the trees have upon the site by virtue of their size and position. The plan seeks to act as a design tool that shows both the above and below ground constraints presented by the trees.

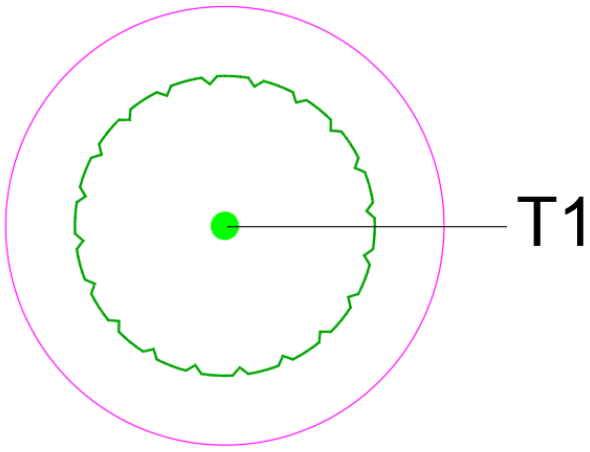
The information provided within this section of the report is to assist in the interpretation of the Tree Constraints Plan and aims to ensure that those trees selected for retention can be successfully integrated within the proposed development.

It should be noted that some of the tree positions shown on the plan have been plotted using the provided topographical survey and others by eye to an Ordnance Survey base map and as such should be considered to be of a provisional nature.

Root Protection Areas

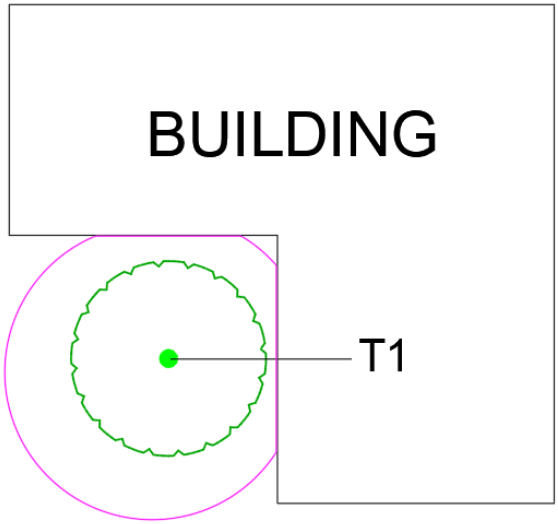
Root Protection Areas for each tree and group of trees surveyed have been determined in accordance with BS5837:2012 and a schedule of Root Protection Areas is attached to this report as Table 2.

As shown to the right, Root Protection Areas (RPA's) for the trees, where no significant constraints to root development are considered to be present, have been plotted onto the Tree Constraints Plan as circles, with the tree located centrally, extending to encompass the area of ground, and thus the rootable soil volume, required for protection.



Where tree root spread is considered to have been influenced by site conditions the trees RPA's have been plotted to the Tree Constraints Plan as a polygon. The plotted polygon is of the **same area** as it would be as a circle and its shape reflects an arboricultural assessment of likely root distribution.

An example of a polygonal RPA, considered appropriate due to the presence of a building in close proximity to a tree, is shown to the right.



Where possible all development, including new hard landscaping, shall be situated outside of the retained trees designated Root Protection Areas.

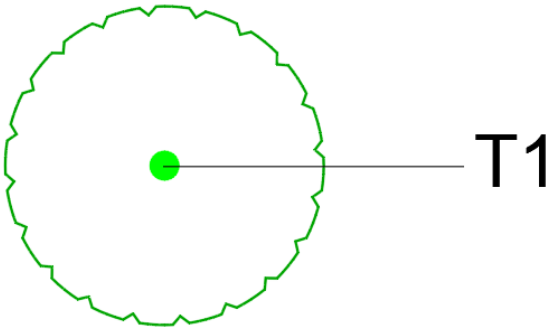
Existing Canopy Spreads

The existing canopy spreads of the trees on site are shown on the Tree Constraints Plan as depicted here.

The current spread of the tree is a constraint due to its dominance, size and movement in strong winds.

It will typically be unacceptable to design any built development within the current spread of a tree.

Where built development is proposed in close proximity to existing trees consideration should be given to the amount of working space required to allow its construction.



Canopy Height / Clearance

The height and growth direction of the lowest branch of each tree is recorded in the Tree Data Schedule contained within this report as Table 1, the lowest branch height of a tree is shown on the Tree Constraints Plan. Additionally, the vertical clearance of the trees canopy above ground level is recorded within the Tree Data Schedule.

The two figures can be used to inform the extent to which a trees crown may be at risk of damage during development as a result of vehicular or plant movements within the site and to assess the need for additional protective measures to be implemented to protect low branches.

In particular it should also be noted that where the Root Protection Areas for retained trees do not extend to the edge of existing canopy spreads it is possible that those parts of the trees extending beyond the RPA fencing may sustain damage during construction. Where this occurs, there are two primary options available to manage and minimise the potential for damage to tree canopies to occur during development and these may be used singularly or in combination. The first option is to create a Construction Exclusion Zone (CEZ), by the erection of protective fencing, around the full extent of the trees. The second is to undertake pre-development pruning works to the trees to reduce the potential for branch damage to occur.

Appendix B

BS5837 Cascade Chart for Tree Quality Assessment

Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Trees unsuitable for retention (see Note)				
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	□ Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) □ Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline □ Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality *NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see **4.5.7**.*			Dark Red
	1 Mainly arboricultural qualities	**2 Mainly landscape qualities**	**3 Mainly cultural values, including conservation**	
Trees to be considered for retention				
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	Light Green
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value	Mid Blue
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value	Grey

Cascade chart for tree quality assessment

Appendix C

Tree Protection Barriers and Ground Protection

Root Protection Area Barrier Details

Since trees are living organisms which interact with their immediate environment any changes made to their surroundings may have a bearing on that trees future. Developing a site will undoubtedly place any trees within close proximity under some level of stress, which could predispose them to infection. The aim of this method statement is to limit the amount of stress induced by introducing protection measures.

The most effective way of offering protection is by erecting protective barriers set at a distance from the tree stem using the methods given within BS 5837: 2012 Trees in Relation to Design, Demolition and Construction. Barriers should be braced and constructed to resist impacts; see Figures 1 & 2 below for barrier specifications. Barriers can be of an alternative specification to that within the BS5837:2012 provided it is approved by the Local Planning Authority Tree Officer.

Barriers should be erected before any works commence on site with the exception of recommended tree work. Areas of retained and future structure planting should be similarly protected.

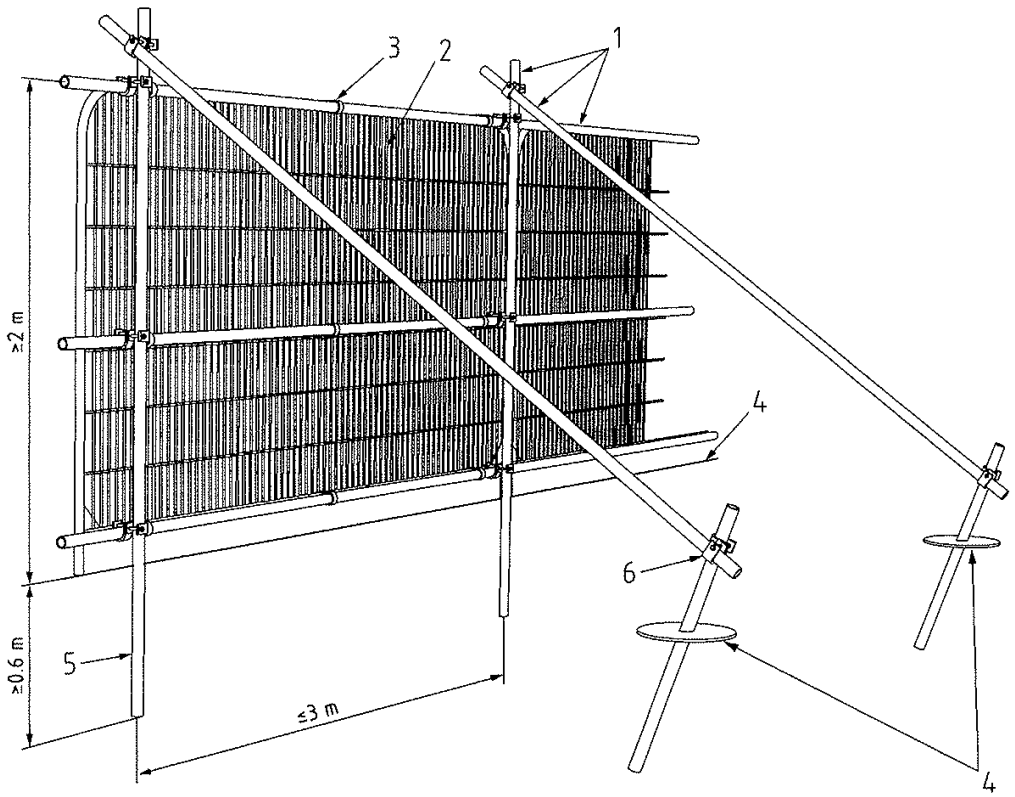
All personnel should be made aware of the protected areas and instructed to keep them free of materials, waste and excess soil. Soil disturbance should be prohibited and travel of any kind, including foot traffic should also be excluded within the root protection area (RPA) unless previously agreed and adequate ground protection has been installed.

Where foot traffic is agreed within the RPA, single thickness scaffold boards laid over a compressible material on a geotextile or supported by scaffold should suffice. Where vehicular access through the RPA is agreed an engineer should be consulted to design adequate ground protection methods.

Suggested Barrier Specification (as per BS5837: 2012)

Figure 1

Figure 2 **Default specification for protective barrier**

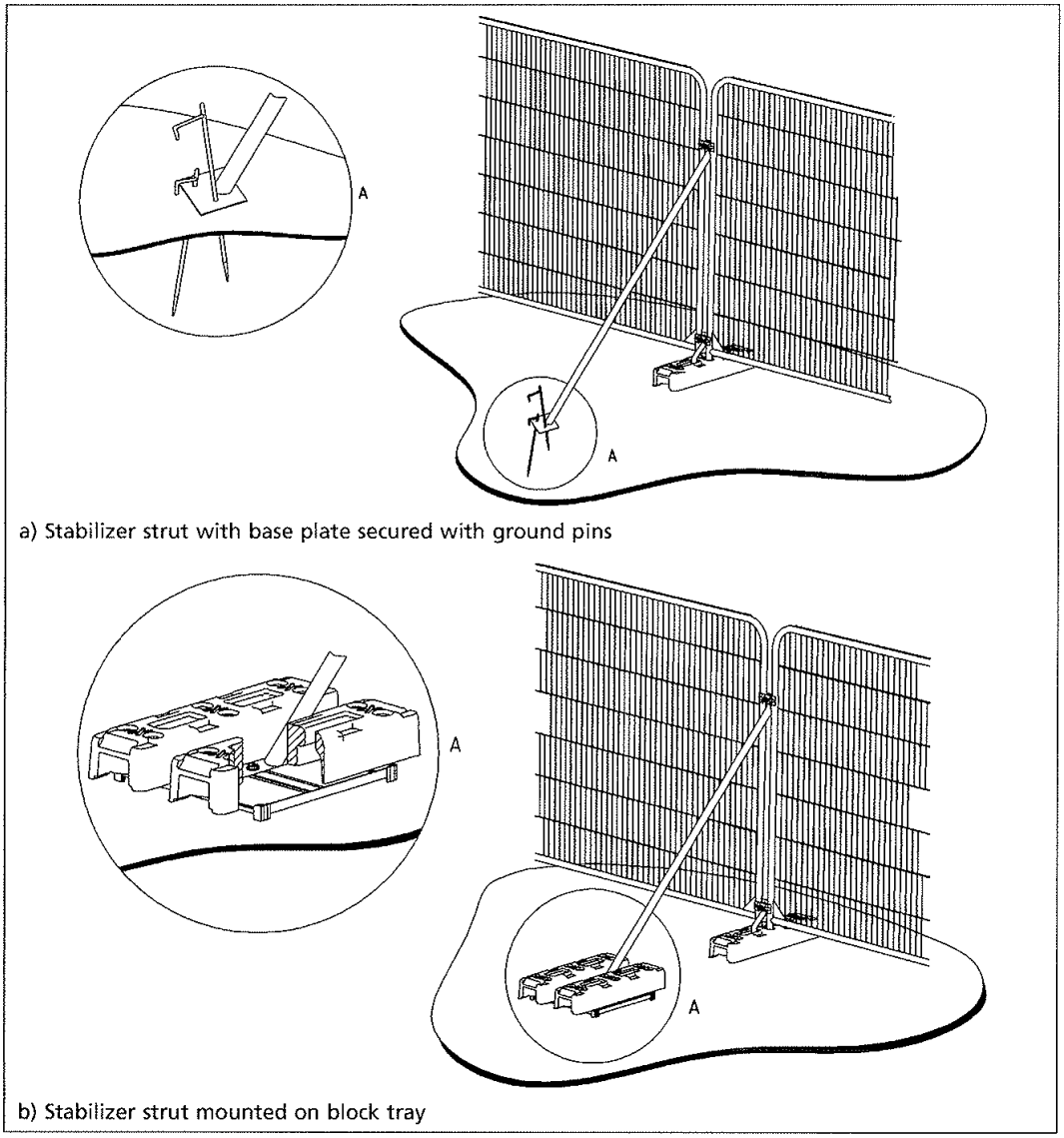


Key

1 Standard scaffold poles
2 Heavy gauge 2 m tall galvanized tube and welded mesh infill panels
3 Panels secured to uprights and cross-members with wire ties
4 Ground level
5 Uprights driven into the ground until secure (minimum depth 0.6 m)
6 Standard scaffold clamps

Figure 2.

Figure 3 **Examples of above-ground stabilizing systems**



a) Stabilizer strut with base plate secured with ground pins

b) Stabilizer strut mounted on block tray

Figure 3.

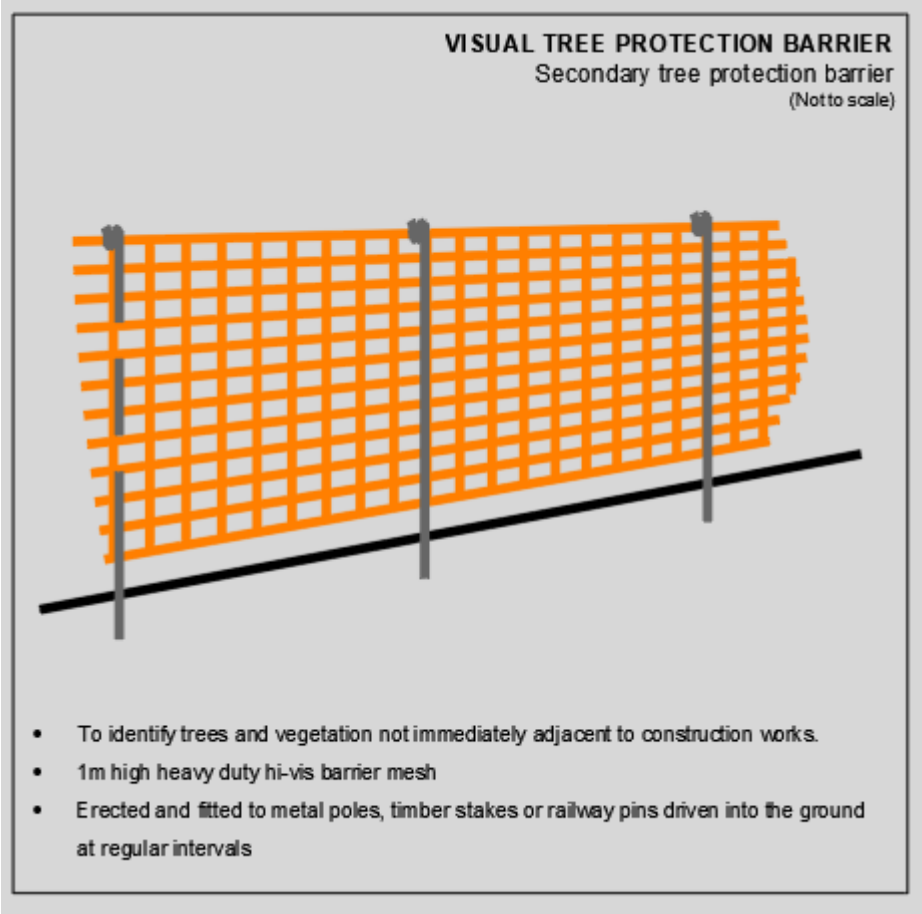
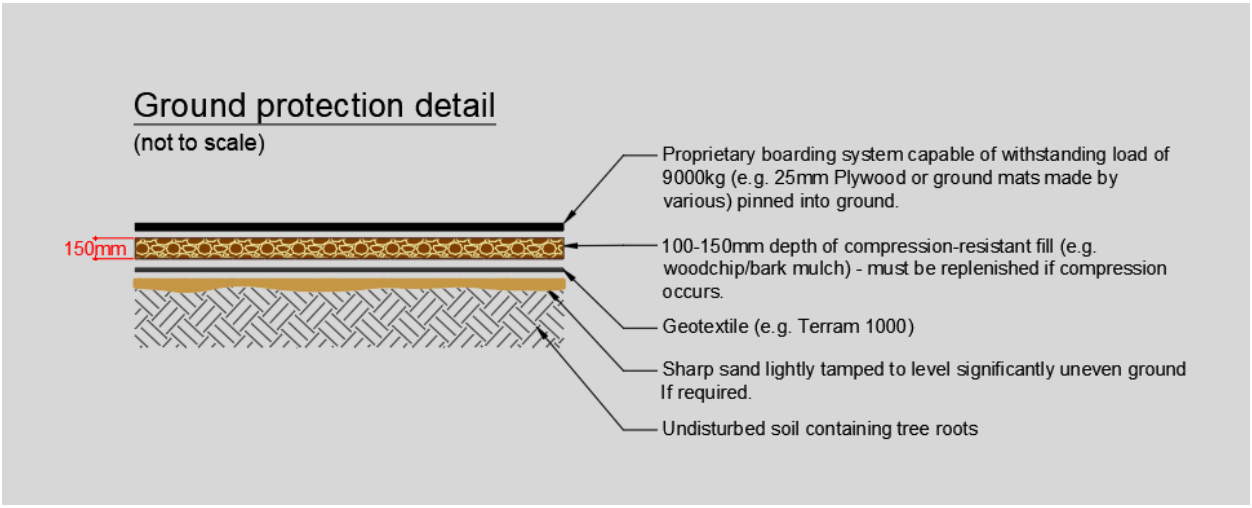

VISUAL TREE PROTECTION BARRIER
Secondary tree protection barrier
(Not to scale)
To identify trees and vegetation not immediately adjacent to construction works.
1m high heavy duty hi-vis barrier mesh
Erected and fitted to metal poles, timber stakes or railway pins driven into the ground at regular intervals

Figure 4. Example Ground Protection Detail.



Appendix D

Construction Exclusion Signage – Example





Appendix E

Arboricultural Glossary

Abiotic Factors - Non-living factors of the environment, including temperature & wind.

Age-class - A general classification of the tree into either - young, semi-mature/maturing, mature, over-mature, or senescent.

Apical Bud/Shoot – The apical bud, also known as the leading shoot, is responsible for shoot extension and is dominant.

Apical Dominance – A singular, leading shoot remains dominant.

Arboreal - In connection with, or in relation to, trees.

Arboriculturist – Person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction.

Arboricultural Implications Assessment (AIA) – Study, undertaken by an arboriculturist, to identify, evaluate and possibly mitigate the extent of direct and indirect impacts on existing trees that may arise as a result of the implementation of any site layout proposal.

Arboricultural Method Statement (AMS) – Methodology for the implementation of any aspect of development that has the potential to result in the loss of or damage to a tree. Note The AMS is likely to include details of an on-site tree protection monitoring regime.

Biotic factors - Living factors. For example, animals and pathogens.

Bottle Butt – Term used to describe shape of stem base, usually associated with an internal defect – refer to 'Reaction Wood' below.

Branch union/junction - The point at which a branch joins a larger stem. Can be a point of weakness, especially in certain species.

Cambium - A lateral meristem (see below) in vascular plants located just beneath the bark responsible for secondary growth, e.g. production of annual growth rings.

Canker – A clearly defined area of dead and sunken or malformed bark, caused by bacteria or fungi. Can have a bearing on structural integrity of infected limb(s) depending on size and location.

Chlorosis/Chlorotic – Abnormal yellow or yellow-green coloration of usually green leaves. Essentially a reduction of chlorophyll levels often as a result disease or nutrient deficiency.

Co-dominant stems - A growth characteristic, where two or more stems of similar size grow from the same point. Can create an inherent weakness.

Compaction - The compressing & hardening of soil around tree root systems, due to vehicular/pedestrian use etc. Loss of pore space between soil granules limits water movement and gaseous exchange, and inhibits root growth.

Competent person – Person who has training and experience relevant to the matter being addressed and an understanding of the requirements of the particular task being approached

Note 1 A competent person understands the hazards and the methods to be implemented to eliminate or reduce the risks that can arise. For example, when on site, a competent person is able to recognise at all times whether it is safe to proceed.

Note 2 A competent person is able to advise on the best means by which the recommendations of this British Standard may be implemented.

Condition – Assessment based on a visual and professional view giving consideration to many factors such as tree health, structural integrity and suitability of its position.

Construction Exclusion Zone – Area based on the RPA (in m²), identified by an arboriculturist, to be protected by development, including demolition and construction work, by the use of barriers and/or ground protection fit for purpose to ensure the successful long-term retention of a tree.

Coppice - The method of managing trees by cutting the stems at between 1.0 inch and 1.0 foot from the ground level on a regular cycle, the cut stumps of the trees or shrubs are allowed to re-grow many new stems.

Crown spread - Gives distances between extreme limits of the crown and the stem, usually along the four compass points. Helps to show crown symmetry.

Crown Reduction – The removal of branch ends to reduce the extreme limits of a trees branch spread and height.

Crown Thin – The removal of selected branches within the crown to thin the internal branch structure.

D.B.H. - 'Diameter at Breast Height', an industry standard to gauge tree stem size and development. Within arboriculture, breast height is taken to be 1.5m above ground level.

Dieback - The reduction in crown vigour and extension growth progressing to death of distal parts; often associated with decline.

Epicormic/adventitious growth - New growth from dormant buds that can often form tenuous attachments. Although some species readily form such shoots, it can be an indication of stress.

Feathered Whip – Size of tree for planting, usually ranging from 1.25m to 2.5m in height.

Form - A general assessment of the shape and position of the tree within its' environment.

Frass – Debris such as bore dust left by wood boring insects.

Hanger – Term used to describe a branch that has become detached and is being supported by other branches. Can be a hazard to persons and property below.

Hazard Beam – After the loss of a distal part, a limb concentrates growth upwards creating adverse end weights that can render the limb susceptible to failure.

Heavy Standard – Size of tree for planting, usually above 3.5m in height.

Included bark – Growth characteristic usually caused when two or more stems/branches growing in close proximity 'fuse' together entrapping the bark from when the parts were separate in the middle, creating a structural weakness.

Meristem - The undifferentiated plant tissue from which new cells are formed, such as that at the tip of a stem or root.

Meristematic Disorder – A growth disorder caused by a disruption of the meristem (see above) from any of a number of biotic factors (see above). Manifests as growths such as 'Witches Brooms' & 'Galls'.

Necrosis/Necrotic – Death of tissues usually characterised by a blackening in colour.

Occlusion/Occluded – Normally used to describe the overgrowth of a wound. Also, immoveable foreign objects in contact with a tree part can become encased or 'occluded' by the tree as it grows incrementally.

Pathogen - An agent that causes disease, especially a living microorganism such as a bacterium or fungus.

Plasticity index - The table used to calibrate the shrinkability of a clay soil.

Pollard – The removal and subsequent regular re-removal of the crown of a tree above animal browsing height. Can be an effective method of controlling the size of trees in urban areas. This is ideally begun in the trees early stages and maintained throughout its life.

Reaction wood - Essentially additional wood laid down by the tree to compensate for structural defects such as cavities.

Ring barking/Girdling – the removal of bark around the entire circumference of a stem or branch, causing the death of all distal parts.

Root Protection Area (RPA) – Layout design tool indicating the area surrounding a tree that contains sufficient rooting volume to ensure the survival of the tree, shown in plan form in m².

Saprophyte – An organism which exists on dead plant material.

Scaffold branches - The main structural branches within the crown.

Services – Any above ground and piped and/or ducted underground infrastructure including water main, electricity supply, gas supply, fibre optic utilities, telecommunications cabling, storm and foul water drainage, including temporary storage for run-off, pumping stations, interceptors and other allied buried structures.

Shrinkable clay – Clay soil which alters in volume depending on moisture content. Property sited on shrinkable clay can suffer subsidence damage due to soil desiccation; this can be due to the water uptake of nearby vegetation, including trees.

Special engineering – design of a structure with the physiological requirements of trees as the priority.

Standard – Size of tree for planting, usually ranging from 2m to 3.5m in height.

Structure – Man-made object, such as a building, carriageway, path, wall, services, and built and excavated earthworks.

Transplant – (1) size of tree for planting, usually ranges from 0.2m to 0.9m in height (2) the relocation of a tree or shrub including a given portion of the root system.

Tree Constraints Plan (TCP) – Plan prepared by an arboriculturist for the purposes of layout design showing the RPA and representing the effect that the mature height and spread of retained trees will have on layouts through shade, dominance, etc.

Tree Protection Plan – scale drawing prepared by an arboriculturist showing the finalised layout proposals, tree retention and tree and landscape protection measures detailed within the arboricultural method statement (AMS), which can be shown graphically.

U.L.E – 'Useful Life Expectancy' is an estimate based on currently known factors of the possible remaining life of the tree as an asset.

Veteran tree – Tree that, by recognised criteria, shows features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned.

Vigour - A general classification, as to the present and future potential growth and development of a tree. A comment regarding the health status of the tree specific to its species

Appendix F

TREE PRESERVATION ORDER WMBC 2 1975 AND BERHSAM CONSERVATION AREA

TOWN AND COUNTRY PLANNING ACT 1971.

(2)

THE BOROUGH COUNCIL OF WREXHAM MAELOR

in this order called " the authority " in pursuance of the powers conferred in that behalf by Sections 60 [and 61*] of the Town and Country Planning Act 1971, and subject to the provisions of the Forestry Act, 1967, hereby make the following Order :—

1. In this Order :—
" the Act " means the Town and Country Planning Act 1971 ;
" owner " means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years ; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more and a mortgagee in possession ; and
" the Secretary of State " means the Secretary of State for the Environment/Secretary of State for Wales.

2.—Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto‡ which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3.—An application for consent made to the authority† under article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4.—(1) Where an application for consent is made [to the authority]† under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent.

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands ; and every such register shall be available for inspection by the public at all reasonable hours.

5.—Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied —

(*a*) that the refusal or condition is in the interests of good forestry ; or

(*b*) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6.—(1) Where consent is granted under this Order to fell any part of a woodland other than consent or silvicultural thinning then unless —

(*a*) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or

(*b*) the authority with the approval of the Secretary of State dispense with replanting,

the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and section 175 of the Act, replant the said land in accordance with the direction.

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* Include only where Order contains a direction under section 61 of the Act.

† When Tree Preservation Order is made by a District Council on behalf of a County Council an application for consent should be made to the District Council. *See also* note at foot of this page.

‡ Map to be a scale of not less than 25 inches to one mile, except in the case of large-woodlands when the scale shall be 6 inches to one mile.

NOTE.—If it is desired to *fell* any of the trees included in this Order whether included as trees, groups of trees or wood, lands and the trees for the felling of which a licence is required under the Forestry Act, 1967, application must be made *not*

(2) Any direction given under paragraph (1) ...

(a) species ;

(b) number of trees per acre ;

(c) the erection and maintenance of fencing necessary for protection of the replanting ;

(d) the preparation of ground, draining, removal of brushwood, lop and top ; and

(e) protective measures against fire.

7.—On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a river authority, a drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board, restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board under those byelaws and the condition or direction shall have effect accordingly.

8.—The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

9.—Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage.

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10.—In assessing compensation payable under the last preceding Article account shall be taken of :

(a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

11.—(1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State on the appeal.

12.—Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

13.—[(1) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on the 18th day of June 1975.]†

[(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.]‡

NOTE: Any person contravening the provisions of this Order is guilty of an offence under section 102 of the Act and liable on summary conviction to a fine not exceeding £50 ; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding £2 for every day on which the contravention is so continued. If a tree is wilfully cut down or destroyed, or if topping or lopping is carried out in such a way as to be likely to destroy the tree the fine is £250 or twice the value of the tree whichever is the greater. If a tree other than the one which is part of a woodland is removed or destroyed in contravention of the Order it is the duty of the owner of the land, unless on his application the local authority dispense with the requirement, to plant another tree of appropriate size and species, at the same place as soon as he reasonably can.

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† This provision is not to be included unless it appears to the authority that the Order should take effect immediately

‡ This provision may be included in relation to trees to be planted pursuant to a condition imposed under Section 59 of the Act.

TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

No. on Map.	*Description.*	*Situation.*
	SEE APPENDIX A	

TREES SPECIFIED BY REFERENCE TO AN AREA*

(within a dotted black line on the map)

No. on Map.	*Description.*	*Situation.*
A.1	The several oak, alder, ash, elm, hawthorn, sycamore, holly, rowan and field maple trees standing in the area numbered A.1 on the map.	2950,4908
A.2	The several sycamore, ash, yew and holly trees standing in the area number A.2 on the map.	2920.4899
A.3	The several oak, elm, alder, ash, field maple, holly and sycamore trees standing in the area number A.3 on the map.	2954.4877
A.4	The several Scots and Corsican pine trees standing in the area numbered A.4 on the map.	2953.4822
A.5	The several Scots pine, sycamore, larch and ash trees standing in the area numbered A.5 on the map.	2964.4826

GROUPS OF TREES*

(within a broken black line on the map)

No. on Map.	*Description.*	*Situation.*
	SEE APPENDIX B	

WOODLANDS*

(within a continuous black line on the map)

No. on Map	*Description.*	*Situation.*
-	NONE	-

SECOND SCHEDULE.

This Order shall not apply so as to require the consent of the authority to

(1) the cutting down of any tree on land which is subject to a forestry dedication covenant where

(a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled ;

(b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.

(2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme.

*(3) the cutting down, topping or lopping of a tree exempted from the provisions of this Order by section 60 (6) of the Act namely a tree which is dying or dead or has become dangerous, or the cutting down topping or lopping of which is in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.

(4) the cutting down, topping or lopping of a tree

(a) in pursuance of the power conferred on the Post Office by virtue of section 5 of the Telegraph (Construction) Act 1908 ;

(b) by or at the request of

(i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking ;

(ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line ;

(iii) a river authority established under the Water Resources Act 1963 or a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, the Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames, or Lee Conservancy Catchment Board, in relation to the maintenance improvement or construction of water courses or of drainage works ; or

(iv) the Secretary of State for Defence, the Secretary of State for Trade and Industry or the Board of Trade where in the opinion of such Secretary of State or Board the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations ;

(c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part ;

(d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden ;

[Where the trees are within the area administered by the Conservators of the River Thames]

[(e) in pursuance of the powers conferred on the Conservators of the River Thames by virtue of section 105 of the Thames Conservancy Act 1932.]

*NOTE: Section 62 (1) of the Act requires, unless on application of the owner the local planning authority dispense with the requirement, that any tree removed or destroyed under section 60 (6) of the Act, shall be replaced by another tree of appropriate size and species. In order to enable the planning authority to come to a decision, on whether or not to dispense with the requirement, notice of the proposed action should be given to the local planning authority which except in a case of emergency shall be of not less than five days.

THIRD SCHEDULE

Provisions of Part III of the Act as adapted and modified to apply to this Order.

33. (1) Without prejudice to the following provisions, as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

35. Reference of applications to the Secretary of State.—(1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any application referred to him under this section shall be final.

36. Appeals against decisions.—(1) Where an application is made to the authority† for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

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† When Tree Preservation Order is made by a District Council on behalf of a County Council an application for consent should be made to the District Council. See also note at foot of page 1.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any appeal under this section shall be final.

37. Appeal in default of decision.—Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—

(a) give notice to the applicant of their decision on the application ; or

(b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 35 of the Act ;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

45. Power to revoke or modify the consent under the order.—(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

(2) Subject to the provisions of sections 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State ; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an Order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

46. Unopposed revocation or modification of consent.—(1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

(2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

(3) The authority shall also serve notices to the same effect on the persons mentioned in subsection (1) above.

(4) The authority shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in subsection (2) (a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2) (b) of this section, take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 (2) of the Act.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

GIVEN under the Common Seal of the

the day of

in the year

nineteen hundred and

No. on Map.	Description.	Situation
T 1	Oak	2869.4892
T 2	Oak	2869.4891
T 3	Oak	2868.4890
T 4	Oak	2869.4887
T 5	Sycamore	2873.4877
T 6	Oak	2871.4866
T 7	Oak	2871.4865
T 8	Oak	2874.4862
T 9	Oak	2875.4861
T 10	Oak	2882.4858
T 11	Oak	2883.4857
T 12	Oak	2886.4855
T 13	Ash	2889.4852
T 14	Oak	2893.4848
T 15	Oak	2897.4842
T 16	Oak	2898.4839
T 17	Oak	2875.4868
T 18	Oak	2879.4867
T 19	Oak	2881.4867
T 20	Sycamore	2884.4866
T 21	Oak	2891.4866
T 22	Oak	2897.4870
T 23	Oak	2901.4867
T 24	Oak	2905.4867
T 25	Oak	2911.4847
T 26	Elm	2914.4845
T 27	Oak	2916.4841
T 28	Oak	2919.4851
T 29	Oak	2924.4918
T 30	Oak	2921.4913
T 31	Oak	2921.4910
T 32	Oak	2922.4905
T 33	Oak	2926.4918
T 34	Oak	2924.4915
T 35	Ash	2924.4911
T 36	Oak	2925.4910
T 37	Ash	2933.4906
T 38	Oak	2937.4902
T 39	Oak	2937.4899
T 40	Oak	2937.4898
T 41	Oak	2938.4895
T 42	Sycamore	2925.4896
T 43	Ash	2939.4889
T 44	Oak	2942.4889
T 45	Oak	2943.4889
T 46	Oak	2950.4888
T 47	Oak	2955.4887
T 48	Oak	2959.4886
T 49	Oak	2922.4908

APPENDIX B

No. on Map	Description	Situation
G 1	Group consisting of 6 Oak	2863.4895
G 2	" " " 3 Sycamore	2872.4871
G 3	" " " 10 Oak and 5 Wild Cherry	2892.4872
G 4	" " " 11 Oak, 7 Alder, 3 Ash, 2 Sycamore, 1 Birch, 1 Field Maple	2900.4887
G 5	" " " 11 Elm, 8 Ash, 8 Sycamore, 7 Alder, 4 Oak, 3 Rowan	2901.4854
G 6	" " " 5 Oak	2895.4848
G 7	" " " 6 Oak	2898.4836
G 8	" " " 6 Norway Maple	2908.4853
G 9	" " " 2 Oak	2927.4850
G 10	" " " 2 Ash and 2 Oak	2919.4843
G 11	" " " 4 Oak, 1 Sycamore, and 1 Ash	2913.4835
G 12	" " " 9 Oak, 1 Sycamore, and 1 Ash	2918.4828
G 13	" " " 9 Alder, 7 Ash, 1 Sycamore, 1 Elm and 1 Holly	2923.4866
G 14	" " " 3 Oak and 2 Ash	2927.4865
G 15	" " " 14 Oak, 3 Ash, 2 Birch, 3 Sycamore, 2 Elm and 1 Holly	2924.4875
G 16	" " " 5 Elm and 1 Alder	2934.4877
G 17	" " " 12 Sycamore, 1 Ash and 1 Oak	2931.4895
G 18	" " " 1 Ash, 1 Oak and 1 Elm	2927.4908
G 19	" " " 7 Oak, 4 Alder, 1 Ash, 1 Elm, 1 Sycamore and 1 Willow	2921.4923
G 20	" " " 5 Oak, 3 Elm and 3 Ash	2984.4860
G 21	" " " 7 Sycamore, 2 Elm and 1 Oak	2987.4833
G 22	" " " 1 Ash and 1 Oak	2912.4830

GIVEN under the Common Seal of the
BOROUGH OF WREXHAM MAELOR

the eighteenth day of June

in the year
Nineteen hundred and seventy five

Agnes Mc Conville
Mayor

J.C. Hall.
Director of Administration and Legal Services.

281

LAND CHARGES

Dated 18th June 1975.

THE BOROUGH COUNCIL OF WREXHAM MAELOR

TOWN AND COUNTRY PLANNING ACT 1971.

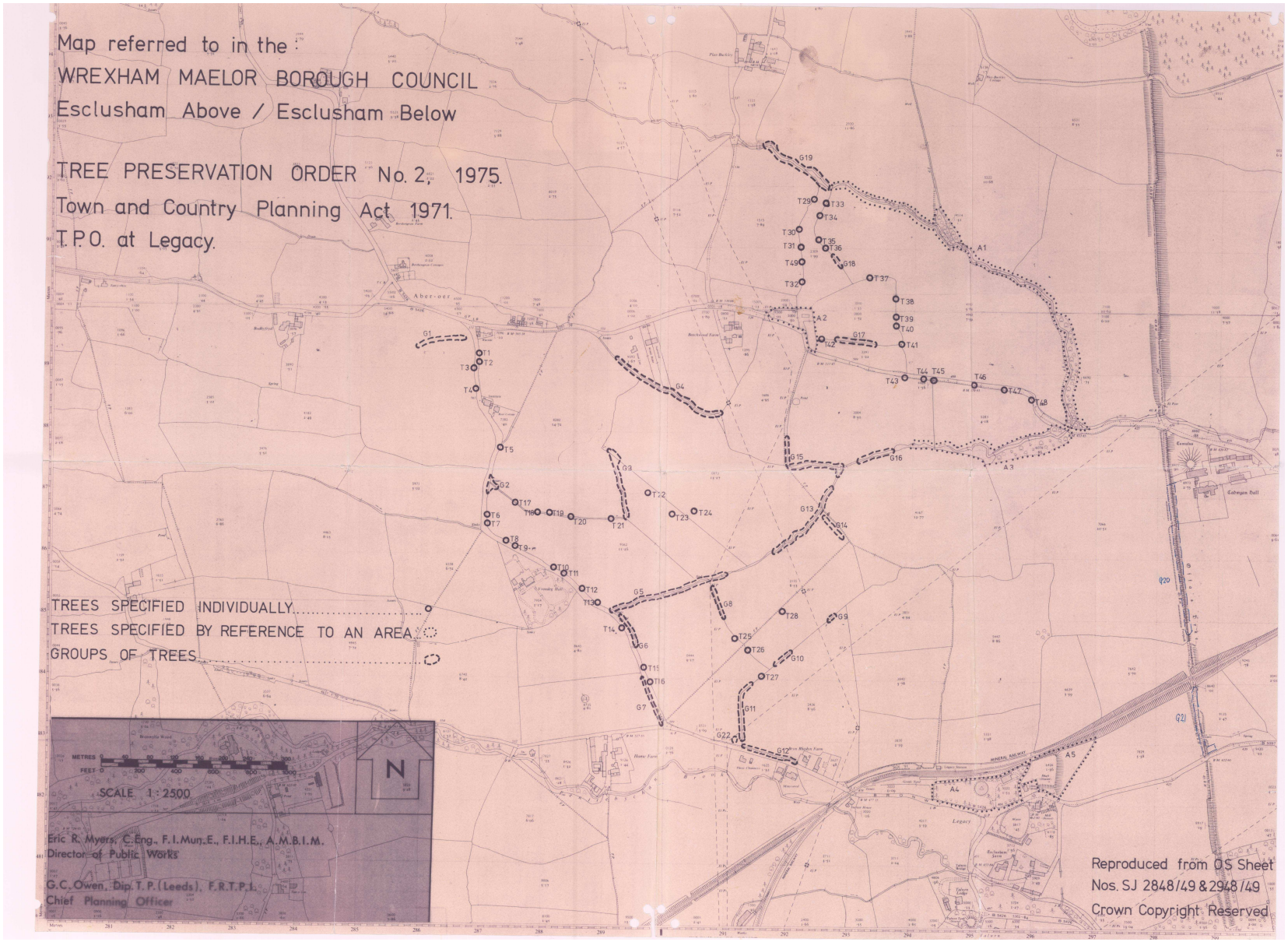
BOROUGH OF WREXHAM MAELOR (ESCLUSHAM ABOVE/ ESCLUSHAM BELOW) TREE PRESERVATION ORDER NUMBER 2, 1975

TREE PRESERVATION ORDER

relating to

Trees at Legacy, Rhostyllen, Near Wrexham, in the County of Clwyd.

Cat. No. T.C.P. 38.
Shaw & Sons Ltd., Shaway House, Lower Sydenham, SE26 5AH
Hadden, Best & Co., Ltd., Bell Green Lane, London, SE26 5AH S2337 (J)


Map referred to in the :
WREXHAM MAELOR BOROUGH COUNCIL
Esclusham Above / Esclusham Below
TREE PRESERVATION ORDER No. 2, 1975.
Town and Country Planning Act 1971.
T.P.O. at Legacy.
TREES SPECIFIED INDIVIDUALLY
TREES SPECIFIED BY REFERENCE TO AN AREA
GROUPS OF TREES
METRES
FEET
SCALE 1 : 2500
N
Eric R. Myers, C.Eng., F.I.Mun.E., F.I.H.E., A.M.B.I.M.
Director of Public Works
G.C. Owen, Dip. T.P. (Leeds), F.R.T.P.I.
Chief Planning Officer
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Bersham Conservation Area

Designated: 29/08/1975, Amended: 25/03/2003

Character Assessment Adopted: 15/12/2009

This document is available in Welsh

NORTH

Map not to scale

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

January 2014

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Conservation Area map of Bersham shows a blue boundary line outlining the extent of the Bersham Conservation Area designated 29th August 1975, and amended 25th March 2003.

There is a Bersham Conservation Area Character Assessment and Management Plan available which was adopted on 15th December 2009.

The map is presented at a size other than to-scale and was published on January 2014.

A north arrow symbol indicates the direction of north on the map, thereby showing how the map is oriented.

Branding logo identifying Wrexham County Borough Council.

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