(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

(a) for loss of development value or other diminution in the value of the land;

(b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

(c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or

(d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

"owner" has the meaning given to it by section 34 of the Forestry Act 1967.

CONFIRMATION OF ORDER

This Order was confirmed by the Wrexham County Borough Co
modification on the ....25th..... day of ....April 2017.....

OR

This Order was confirmed by the Wrexham County Borough Council subject to the modifications indicated by ....., on the ..... day of .....

.....
Authorised by the Council to sign in that behalf

115/17

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Wrexham County Borough Council on the .....day of .....

.....
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Wrexham County Borough Council on the ..... day of .....under the reference number
.....

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Wrexham County Borough Council on the ..... day of ..... under the reference number
.....

.....
Authorised by the Council to sign in that behalf

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	London Plane	Homebase Ltd
T2	London Plane	"
T3	London Plane	"
T4	London Plane	"
T5	Manna Ash	"
T6	Manna Ash	"
T7	Manna Ash	"
T8	Manna Ash	"
T9	Manna Ash	"
T10	London Plane	"
T11	London Plane	"
T12	London Plane	"
T13	London Plane	"
T14	London Plane	"
T15	London Plane	"
T16	London Plane	"
T17	Common Alder	"
T18	Sycamore	"
T19	Cherry	"
T20	Silver Birch	"
T21	Silver Birch	"
T22	Silver Birch	"
T23	Silver Birch	"
T24	Manna Ash	"
T25	Manna Ash	"
T26	Manna Ash	"
T27	Manna Ash	"
T28	Manna Ash	"
T29	Silver Birch	Sainsbury Ltd
T30	Silver Birch	"
T31	Manna Ash	"
T32	Narrow leaf Ash	"
T33	Silver Birch	"
T34	Silver Birch	"
T35	Norway Maple	"
T36	Norway Maple	"
T37	Norway Maple	"
T38	Norway Maple	"
T39	Norway Maple	"
T40	Norway Maple	"

T41	Norway Maple	Sainsbury Ltd
T42	Narrow leaf Ash	"
T43	Cherry	"
T44	Cherry	"
T45	Narrow leaf Ash	"
T46	Norway Maple	"
T47	London Plane	"
T48	London Plane	"
T49	Norway Maple	"
T50	Norway Maple	"
T51	Narrow leaf Ash	"
T52	Cherry	"
T53	Cherry	"
T54	Narrow leaf Ash	"
T55	Norway Maple	"
T56	Norway Maple	"
T57	Norway Maple	"
T58	Narrow leaf Ash	"
T59	Cherry	"
T60	Cherry	"
T61	Narrow leaf Ash	"
T62	Norway Maple	"
T63	Norway Maple	"
T64	Norway Maple	"
T65	Norway Maple	"
T66	Norway Maple	"
T67	Norway Maple	"
T68	Norway Maple	"
T69	Norway Maple	"
T70	Fastigiate Hornbeam	"
T71	Narrow leaf Ash	"
T72	Cherry	"
T73	Cherry	"
T74	Narrow leaf Ash	"
T75	London Plane	"
T76	London Plane	"
T77	London Plane	"
T78	London Plane	"
T79	London Plane	"
T80	London Plane	"
T81	London Plane	"
T82	London Plane	"
T83	London Plane	"
T84	Sycamore	"
T85	Silver Birch	"
T86	Silver Birch	"
T87	Sycamore	"
T88	Cherry	"
T89	Cherry	"
T90	Cherry	"

T91	Italian Alder	Sainsbury Ltd
T92	Cherry	"
T93	Cherry	"
T94	Narrow leaf Ash	"
T95	Cherry	"
T96	Cherry	"
T97	Narrow leaf Ash	"
T98	Silver Birch	"
T99	Cherry	"

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
None		

Groups of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	3 No Pine	Homebase Ltd
G2	3 No Cherry	Homebase Ltd
G3	23 No lime, 19 No Norway Maple 4 No Cherry	Sainsbury Ltd

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
W1	Mixed broadleaf	Homebase Ltd / Sainsbury Ltd

SCHEDULE 2

PART I
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	(a) In subsection (1)— (i) omit— ", in such manner as may be prescribed by a development order,", "such" in the second place where it appears, and "as may be so prescribed"; and (ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission". (b) In subsection (2)— (i) after "contain" insert ", as regards each such order"; and (ii) for paragraphs (a) and (b) substitute— (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.". (c) Omit subsections (3) and (4) (as required by section 198(4)).

Section 70 (determination of applications: general considerations)	(a) In subsection (1)— (i) substitute— "Subject to subsections (1A) and (1B), where" for "Where"; "the authority" for "a local planning authority"; "consent under a tree preservation order" for "planning permission" where those words first appear; and "consent under the order" for "planning permission" in both of the other places where those words appear; (ii) after "think fit", insert— "(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and (iii) omit "subject to sections 91 and 92,". (b) After subsection (1) insert— "(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area. (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).". (c) Omit subsections (2) and (3).
Section 75 (effect of planning permission)	(a) In subsection (1) substitute— (i) "Any" for the words from "Without" to "any";

	(ii) "consent under a tree preservation order" for "planning permission to develop land"; (iii) "the consent" for "the permission"; and (iv) "the land to which the order relates" for "the land". (b) Omit subsections (2) and (3).
Section 78 (right to appeal against planning decisions and failure to take such decisions)	(a) In subsection (1) substitute— (i) "the authority" for "a local planning authority"; (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear; (iii) "consent under such an order" for "planning permission" in the second place where those words appear; (iv) for paragraph (c) substitute— "(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,". (b) Omit subsection (2). (c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute— "in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served— (a) in respect of a matter mentioned in any of

	paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow; (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.". (d) For subsection (4), substitute— "(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).". (e) For subsection (5), substitute— "(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.".
Section79 (determination of appeals)	(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority". (b) Omit subsection (3). (c) In subsection (4), substitute— (i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5"; (ii) "consent under a tree preservation order" for "planning permission"; and (iii) "the authority" for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65

	or 71.". (d) Omit subsections (6) and (6A). (e) In subsection (7), omit the words after "section 78".

PART II
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and

(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

(a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

(1) Where the authority—

(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;

(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

(1) On an appeal under section 78 the Secretary of State may—

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

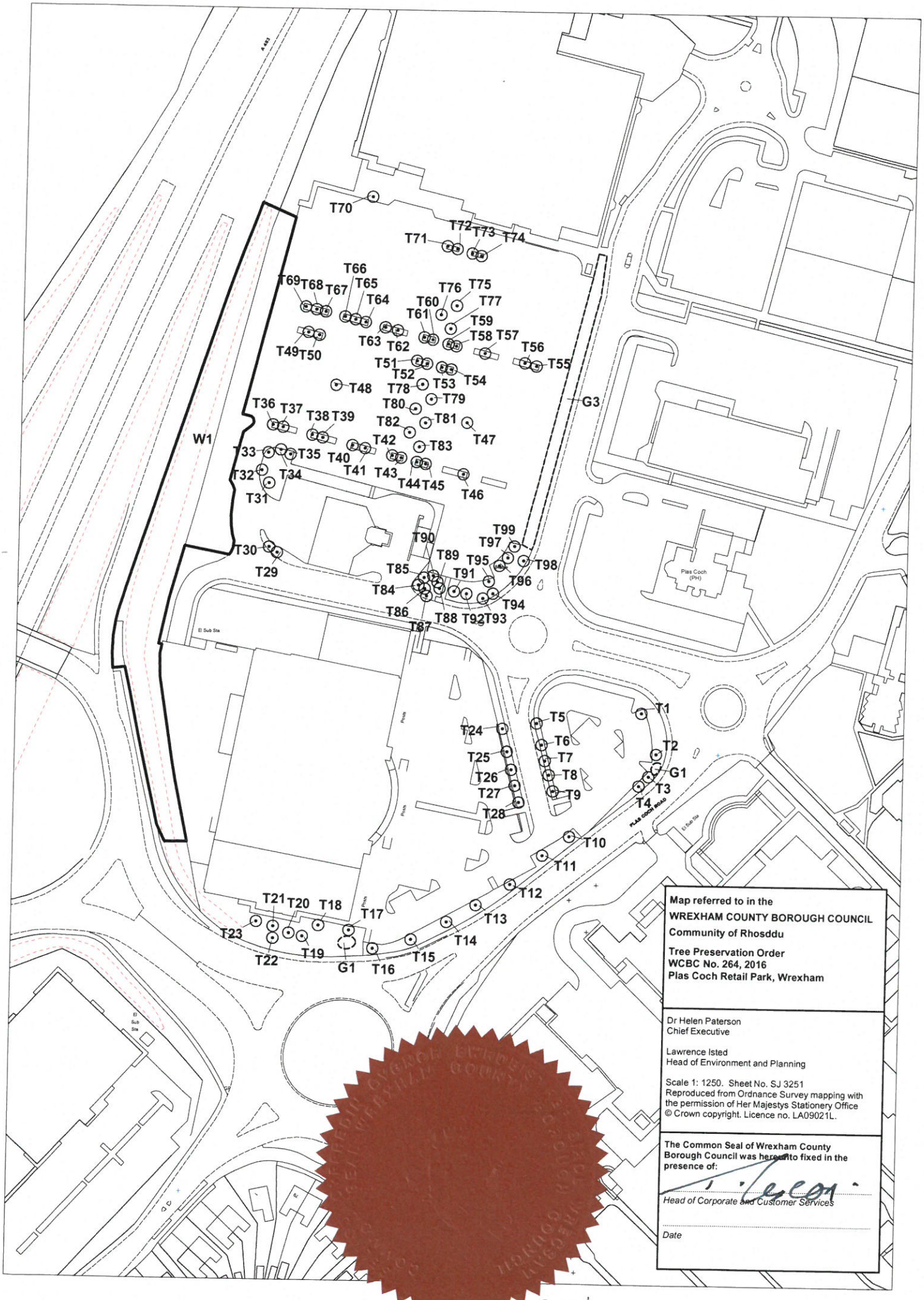
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(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.



Map referred to in the
WREXHAM COUNTY BOROUGH COUNCIL
Community of Rhosddu

Tree Preservation Order
WCBC No. 264, 2016
Plas Coch Retail Park, Wrexham

Dr Helen Paterson
Chief Executive

Lawrence Isted
Head of Environment and Planning

Scale 1: 1250. Sheet No. SJ 3251
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The Common Seal of Wrexham County Borough Council was hereunto fixed in the presence of:

Head of Corporate and Customer Services

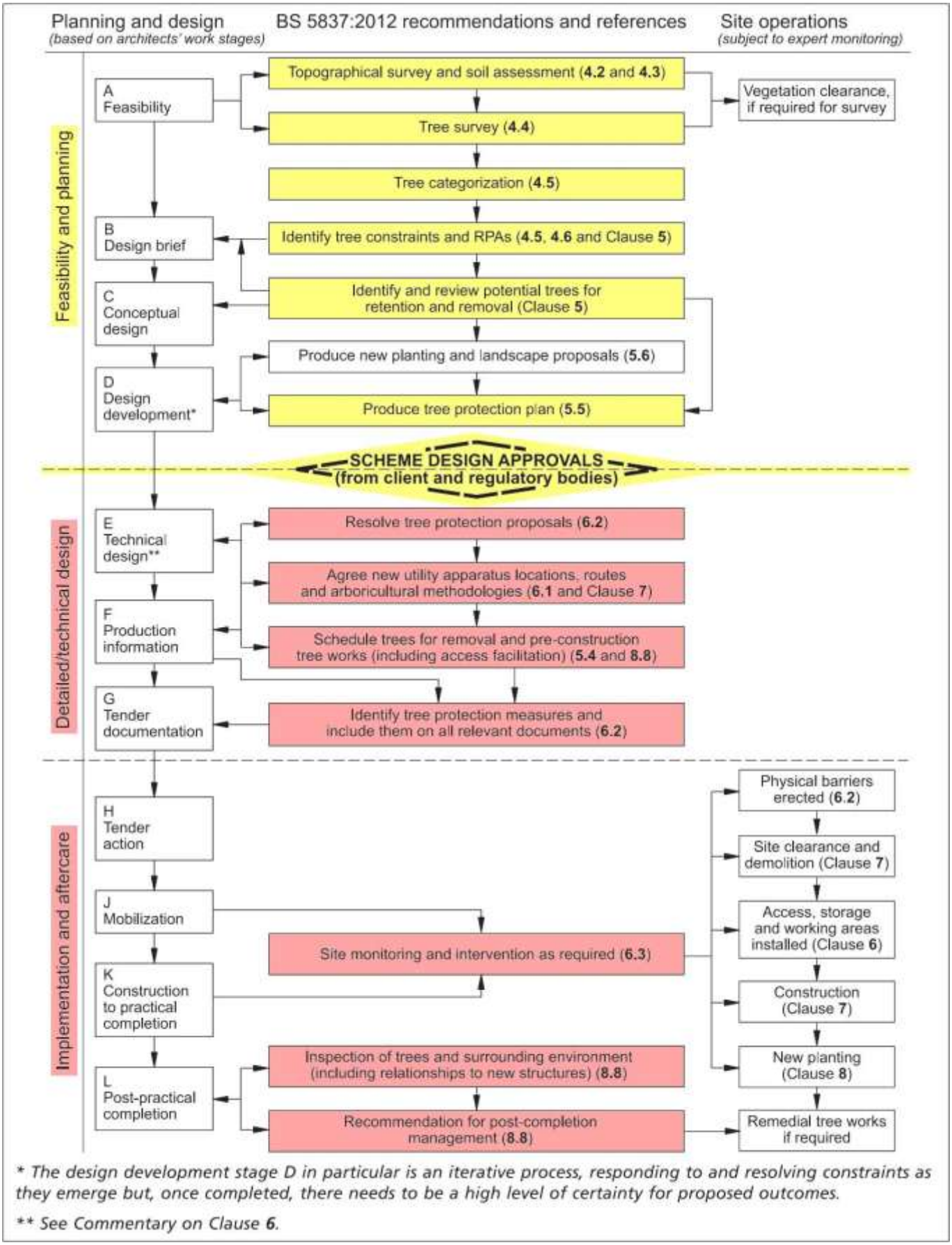
Date

353/16

Appendix G

Advisory Information & Sample Specifications

1. BS 5837:2012 Figure 1 - Flow Chart – Design and Construction & Tree Care



** The design development stage D in particular is an iterative process, responding to and resolving constraints as they emerge but, once completed, there needs to be a high level of certainty for proposed outcomes.*

*** See Commentary on Clause 6.*

2.

European Protected Species and woodland operations. (V4)

Complete all sections of the Checklist

Checklist

1 Are you within, or close to, the known mapped range of any of the protected species OTHER THAN BATS which are potentially everywhere? Tick any that apply.
See distribution maps in the Good Practice Guidance for each species -

- ☐ Dormice
- ☐ Otters
- ☐ Great crested newts
- ☐ Sand lizards
- ☐ Smooth snakes

YES / NO

2 Does your wood contain any of the following habitats? Tick any that apply.

- ☐ Old trees with holes and crevices which might be used bats
- ☐ Species rich scrub/coppice, early growth stage plantations and forest interfaces
- ☐ Rivers on which otters might be found
- ☐ Ponds which might be occupied by great crested newts
- ☐ Open areas on heathy soils

YES / NO

3 Have any of the protected species been recorded in this wood or on adjoining sites? Tick any that apply.
Indicate which sources of information you have checked:

- ☐ National Biodiversity Network (www.nbn.org.uk)
- ☐ Local Biological Records Centre
- ☐ Local Wildlife Trust
- ☐ Other

Specify Other:

YES / NO

4 Have your inspections or any expert surveys found any of the following signs or evidence? Tick any that apply.

- ☐ Signs (e.g. otter spraint, nuts gnawed by dormice, leaves folded by newts)
- ☐ Sightings (or echo-location)
- ☐ Potential breeding or roosting sites (e.g. veteran trees, old trees with crevices, riverside hollow trees, ponds, timber stacks, large fallen deadwood)
- ☐ Confirmed breeding or roosting sites (i.e. evidence of sites actually being used)

Details:

YES / NO

CHECK POINT

If you have answered NO to ALL of the above then only bats need to be considered in your operations.

If you have answered YES to any of the above then the species concerned must be considered as well as bats.

5 Do the operations comply with Good Practice for bats and any other species found (or likely to be found in your wood) or can the operations be modified to do so?
Details: Use reverse of form to expand as required:

YES / NO

6 Whether or not a licence is required...
Has the information been communicated to operators (including the location of breeding sites and sensitive areas)? Tick any that apply.

- ☐ Included in documentation (e.g. contract, letter of instruction, site assessment or other management plan)
- ☐ Shown to operators and/or their supervisor
- ☐ Marked with paint or hazard tape
- ☐ Shown on the site plan

Other means:

YES / NO

7 Have arrangements for supervision been made to ensure Good Practice guidance is complied with during the operations?
Details:

YES / NO

Details

Name of Wood:

Grid Reference: ☐☐ ☐☐☐☐☐☐

Area: (ha) ☐☐☐☐.☐☐

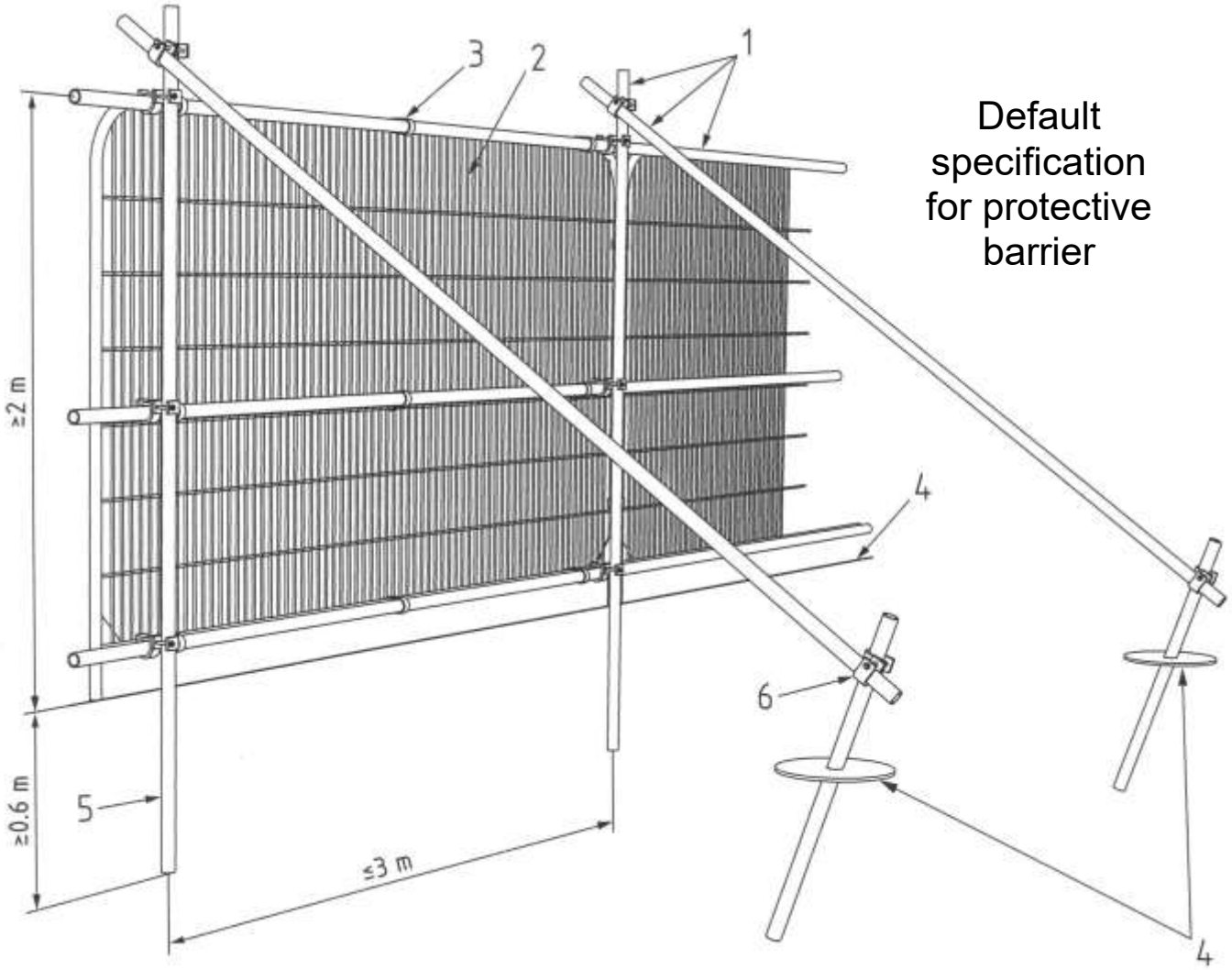
Date of Assessment: ☐☐ ☐☐ ☐☐☐☐

Name of Assessor:

Notes

- A licence is not required but continue to sections 6 and 7 below
- You will need to obtain a licence BEFORE carrying out the work (see EPS Licence Application Forms and Notes)
- You may commit an offence if you do not tell your operators about the protected species in your wood.
- You may commit an offence if you do not take steps to ensure that your operators comply with the Good Practice guidance.

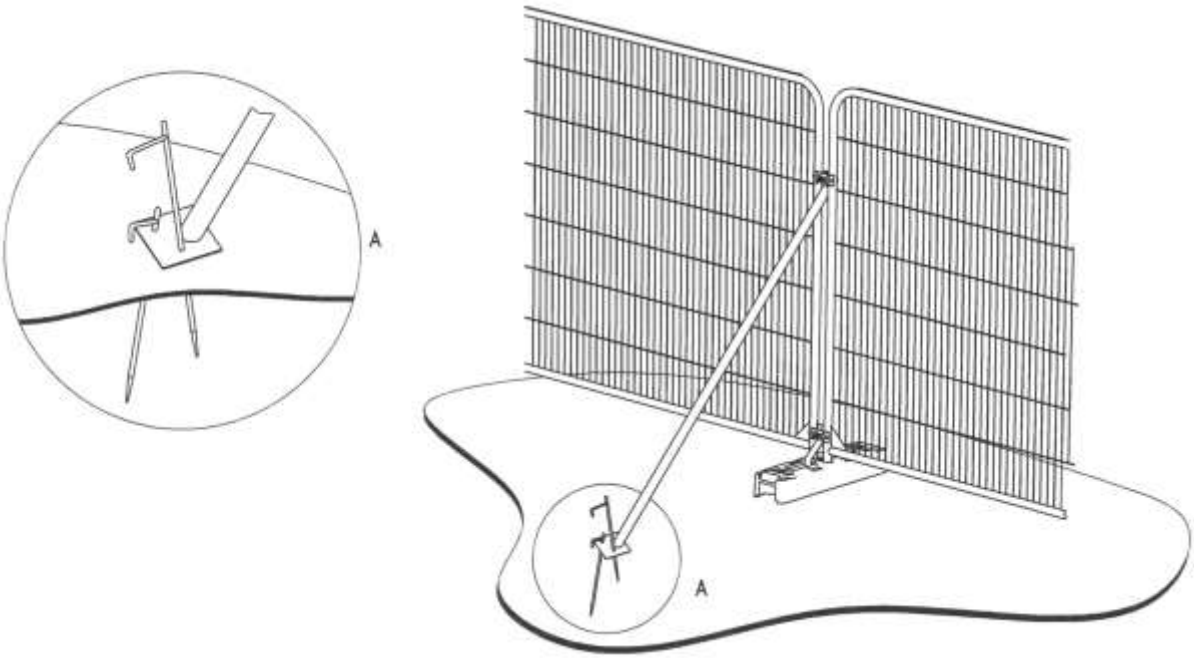
3. BS 5837:2012 Figure 2: Default specification for protective barrier



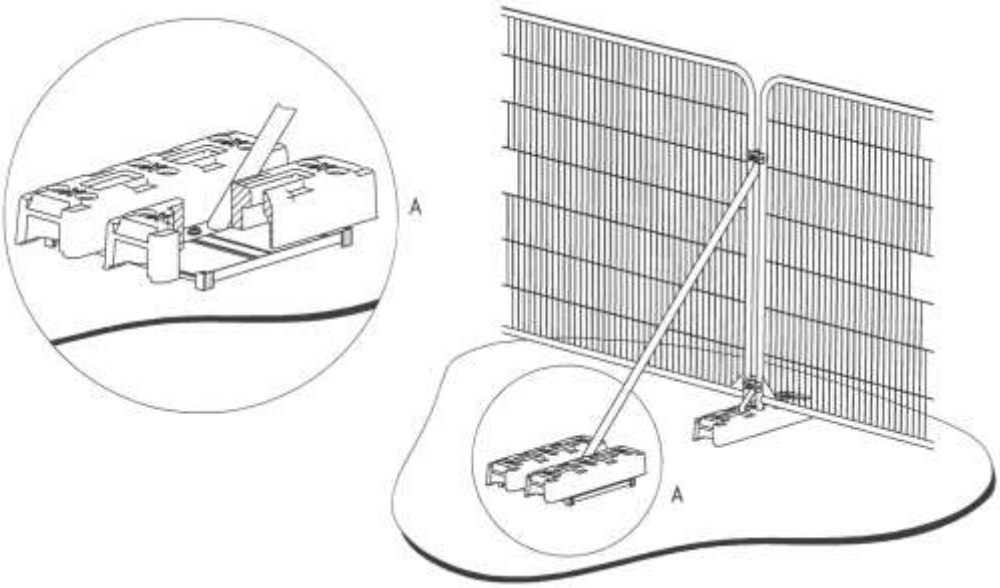
Key

1	Standard scaffold pole
2	Heavy gauge 2m tall galvanised 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 0.6m
6	Standard scaffold clamps

4. BS 5837:2012 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