

The Town and Country Planning (Hearings
Procedure) (Wales) Rules 2003 (Statutory
Instrument 1271)

As amended by Town and Country Planning
(Amendment of Appeals Procedures) (Wales)
Rules 2007 (Statutory Instrument 2007/2285)

Hearing Statement: Planning

**PINSW Reference:
APP/H6955/A/18/3194493**

APPELLANT:
The Co-Op

SITE:
Land North of Station Avenue, Chirk, Wrexham,
LL14 5NA

DATE:
March 2018

Report Drafted By	Report Checked By	Report Approved By
BM	MH	MH
09.03.18	13.03.18	16.03.18

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APPENDIX 1 Arboricultural Officer's second consultation response (July 2017)

1. INTRODUCTION

BACKGROUND

- 1.1 This Hearing Statement has been prepared by Hourigan Connolly on behalf of The Co-Op (hereafter referred to as 'the Appellant'), in relation to an appeal against the refusal of outline planning permission by Wrexham County Borough Council (hereafter referred to as 'the Council') for the residential development of up to 22 no. units and associated works with all matters reserved except for access in respect of land north of Station Avenue, Chirk, Wrexham, LL14 5NA.
- 1.2 The application was refused on 11 August 2017 by the Members of the Council's Planning Committee and contrary to the advice of Officers. The appeal was submitted to the Planning Inspectorate Wales (PINSW) on 26 January 2018 and was given the appeal reference APP/H6955/A/18/3194493. The appeal is due to be heard by way of a Hearing on 22 May 2018.
- 1.3 This Hearing Statement has been prepared in accordance with PINSW Procedural Guidance *Planning Appeals and Called-In Planning Applications – Wales (June 2016)*. This Hearing Statement will address Planning matters and should be read in conjunction with the following accompanying Hearing Statements which cover the technical matters of Heritage and Arboriculture:
- Heritage Hearing Statement – Prepared by Anne Lloyd Morris of Heritage Planning Consultancy.
 - Arboriculture Hearing Statement – Prepared by Alistair McLeod of Ascerta.
- 1.4 This Hearing Statement builds on the Grounds of Appeal submitted with the appeal forms which summarised the planning merits of the case for the Appellant. Please note, where reference is made in this Hearing Statement to a document contained in Annex 1, it refers to the Annex 1 submitted with the original Appeal and Grounds of Appeal.
- 1.5 The Appellant has also submitted a draft Statement of Common Ground (SoCG) with the appeal and has engaged with the Council in order to agree as many factual matters as possible in order to save Hearing time. Technically, a SoCG is not required as part of the Hearing process (it is a prerequisite for Inquiries), and as such the Appellant is making best endeavours to ensure the SoCG will be submitted to PINSW at the earliest opportunity.
- 1.6 The Appellant will also be seeking to agree a Planning Obligation with the Council. As with the SoCG, discussions are on-going with the Council regarding the legal agreement and best efforts are being made to ensure that a Certified copy will be provided at the nine-week stage in accordance with the PINSW timetable.

PROCEDURAL MATTERS – COSTS

- 1.7 During the determination of the application, negotiations had progressed on a cordial and constructive basis with the Case Officer in order to resolve technical matters. The application was to be determined by Members of the Planning Committee on 31 July 2017. At that Committee the Development Control Manager provided a concise and accurate description of the proposals, detailing the numerous discussions that had taken place between the Appellant, the Case Officer and other officers at the Council, specifically the Arboricultural Officer, Conservation Officer and the Local Highways Authority (Wrexham County Borough Council). The Development Control Manager focused his discussions on the impact of the proposals on trees, and in particular those two trees which are positioned within the frontage of the appeal site and are proposed to be removed.
- 1.8 A link to the webcast was provided in the Grounds of Appeal Statement submitted with the Appeal, but the link has since expired. However, in summary the Development Control Manager made it very clear to the Committee that the proposals did not involve *the wholesale removal of trees or the destruction of the area*, but that two trees were proposed to be removed and replacement trees were to be provided. The Development Manager made it abundantly clear that one tree to be removed is protected by a Tree Preservation Order (TPO) (a lime tree known as T6) and had been subject to investigation by qualified arboricultural professionals. This tree was confirmed to be suffering from disease (known as *dieback*) with suppressed growth, and is not one of the better specimens of trees within the appeal site boundaries. The second tree, T5 (a sycamore tree), is protected by virtue of it being located within the Chirk Conservation Area.
- 1.9 Despite the above detail being reported to the Committee, some Committee Members were unable to agree with this position, and they resolved to defer the consideration of the application to the next Planning Committee to allow for a site visit to be undertaken in order for Members to further consider the impact of the development on the existing trees. To be clear at this stage, the Members did not provide any evidence to refute that which the Development Control Manager was presenting in relation to the quality / health of the trees.
- 1.10 The Planning Committee considered the planning application a second time the following week on 11 August 2017 having completed their site visit on the same day. As with the first committee, the Development Control Manager provided an accurate summary of the details of the planning application, making specific reference to the impact of the development on the trees and access arrangements. In the end, Members took the view that the removal of two trees within the appeal site frontage would have an unacceptable impact on the Conservation Area and the application was refused by 7 votes to 6.
- 1.11 Whilst it is accepted that Members have the right to disagree with their Officers' recommendations for determining planning applications, as the democratic process of Planning Committees allows, it is the Appellant's view that Members were unwavering in their mindset in relation to this

application and incorrectly challenged the evidence that was presented to them by way of the application submission details, and as reiterated verbally at Committee by the Council's Development Control Manager.

- 1.12 In this regard, the Appellant's view is that the Council's conduct during the determination of the application may have comprised unreasonable behaviour, in the context of Annex 1 to Welsh Office Circular 23/93 *Award of Costs Incurred in Planning (and Compulsory Purchase Order) Proceedings*. Accordingly, the Council is hereby notified that the Appellant will consider an application for a full award of costs during the course of this appeal, subject to seeing the evidence contained within the Council's Hearing Statement and any evidence presented on the day at the Hearing, either by the Council or any other parties who attend.

APPEAL DOCUMENTS

- 1.13 The Appellant invites the Inspector to have regard to all of the appeal documents submitted, including the appeal forms submitted online via the Planning Portal. However, if the appeal is allowed, the only drawings which should form the basis of any planning permission are:

- Location Plan ĩ Reference 5962(P)100.
- Site Access Drawing ĩ Reference SCP/15234/SK01_Rev B.
- Planting Plan sheet 1 of 2 ĩ Reference 2745_201_Rev B.
- Planting Plan sheet 2 of 2 ĩ Reference 2745_202_Rev B.
- Replacement of T6 ĩ Reference P.585.15.05.

2. THE APPEAL SITE & SURROUNDING AREA

INTRODUCTION

- 2.1 Location Plan i Reference 5962(P)100 identifies the extent of the appeal site. This was included in the original planning application submission and repeated in Annex 1¹ as part of the appeal submission.

THE APPEAL SITE AND SURROUNDING AREA

- 2.2 The vacant and overgrown site extends to circa 1.05 hectares (2.59 acres) and is located in Chirk, approximately 11km (6.8 miles) south of Wrexham. The appeal site is approximately 1km west of the Chirk Bypass (A5) and approximately 240m east of Chirk town centre. Chirk railway station is a short walk from the appeal site, 300m to the west, which provides regular services to Chester and Shrewsbury.
- 2.3 The Appeal site and Surrounding Area is described in detail in Section 2 of the Grounds of Appeal Document.

SUSTAINABILITY CONSIDERATIONS

- 2.4 The Highways Assessment Technical Note² (prepared by SCP) submitted in support of the outline planning application identifies local shops, service and educational establishments to meet day-to-day needs. The Technical Note outlines the proximity of these facilities in relation to the appeal site.
- 2.5 The Technical Note also identifies local transport provision in the form of bus services and the railway station at Chirk and assesses the proximity of public transport facilities in relation to the appeal site.
- 2.6 In terms of accessibility the Technical Note concludes that there are a range of facilities to meet day to day needs within walking and cycling distance of the appeal site. Public transport facilities are located in close proximity of the appeal site providing sustainable travel links to higher order centres and employment areas.
- 2.7 In relation to primary and secondary schools, the Committee Report advises that the local education authority had confirmed that there is sufficient capacity in local schools to accommodate the proposed scheme.

¹ See Annex 1 – Appeal Document 9

² Annex 1 – Appeal Document 21

SUMMARY

- 2.8 In summary the appeal site comprises an unremarkable vacant parcel of land.
- 2.9 The appeal site is closely associated with Chirk and connections are available between the appeal site and settlement to foster journeys on foot, by bicycle, by public transport and by private motorised vehicles.
- 2.10 The surrounding area has a range of facilities to meet day to day needs and there is capacity within local services to accommodate the proposed development.

3. PLANNING HISTORY

INTRODUCTION

- 3.1 The Planning History of the site is described in detail in Section 3 of the Grounds of Appeal Document.

4. STATUTORY AND OTHER DESIGNATIONS

- 4.1 This Section repeats that submitted in Chapter 4 of the Grounds of Appeal Document. It has been repeated in full for ease of convenience, and because statutory designations go to the heart of the reason for refusal.

TREE PRESERVATION ORDERS

- 4.2 Some of the mature lime trees along the southern boundary of the application site are covered by Tree Preservation Order (TPO) No. 59 which was made in 2003. As submitted in the application details, proposed vehicular access into the appeal site will necessitate the removal of two no. trees (T5 and T6) and a short length of hedgerow (H1).
- 4.3 Tree T6 forms part of the TPO, however tree T5 does not but is protected by virtue of being located within the Chirk Conservation Area.
- 4.4 An Arboricultural Impact Assessment (AIA) was submitted with the planning application³. The investigative work and contents of the AIA were discussed with the Council's Arboricultural Officer prior to the planning application being submitted. The contents of those discussions were contained in Appendix 1 of the Planning Statement submitted with the original application⁴. Pertinent extracts of the advice provided by the Arboricultural Officer are repeated below for ease of reference:

"The proposed removal of a determined section of H1 is acceptable from an arboricultural perspective as the loss will be mitigated by hedgerow replacement within the red-line boundary of the site..."

...The proposed removal of the protected limes T5 and T6 is considered acceptable from an arboricultural perspective as both trees appear to be in a state of decline with diminishing amenity value. Tree losses are to be mitigated within the provision of adequate planting space designed to accommodate trees of a similar mature form into maturity with minimal impact upon neighbouring property..."

PUBLIC RIGHTS OF WAY

- 4.5 A public footpath runs parallel to the western boundary of the appeal site, leading northwards from Station Avenue before turning eastwards to connect to the B5070. This public right of way

³ See Annex 1 – Appeal Document 17 and updated AIA at Appeal Document 27

⁴ See Annex 1 – Appeal Document 12

is outside the application site and land owned by the Appellant and will be unaffected by the development proposed. An OS extract is provided below:

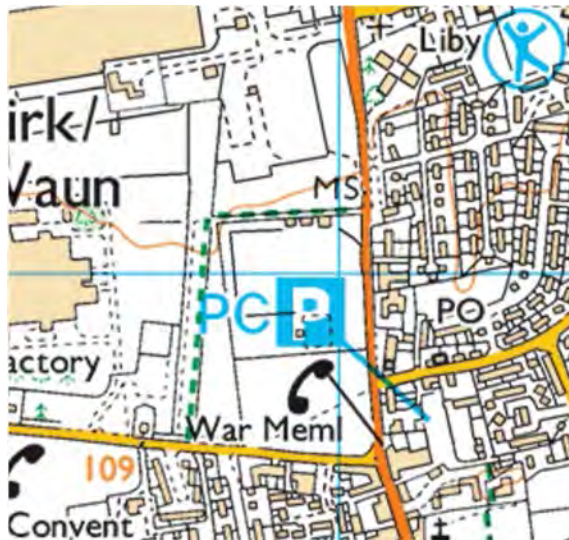


Figure. 4.1 – Extract from the TAN15 Development Advice Map.

FLOOD RISK

- 4.6 According to the TAN15 Development Advice Map the appeal site is located within Zone A and is at a low risk of fluvial flooding; see Figure 4.2 below. Accordingly, a Flood Consequences Assessment was not submitted with the planning application; indeed, one was not requested by the Council during the determination of the application. The Local Flood Authority had no objections to the proposed development.



Figure. 4.2 – Extract from the TAN15 Development Advice Map.

DESIGNATED HERITAGE ASSETS

- 4.7 There are no listed buildings or Scheduled Monuments within proximity of the application site for which the application proposals have any implications.
- 4.8 Part of the appeal site is located within the Chirk Conservation Area. Figure 4.3 below illustrates the extent of the Conservation Area boundary in Chirk.

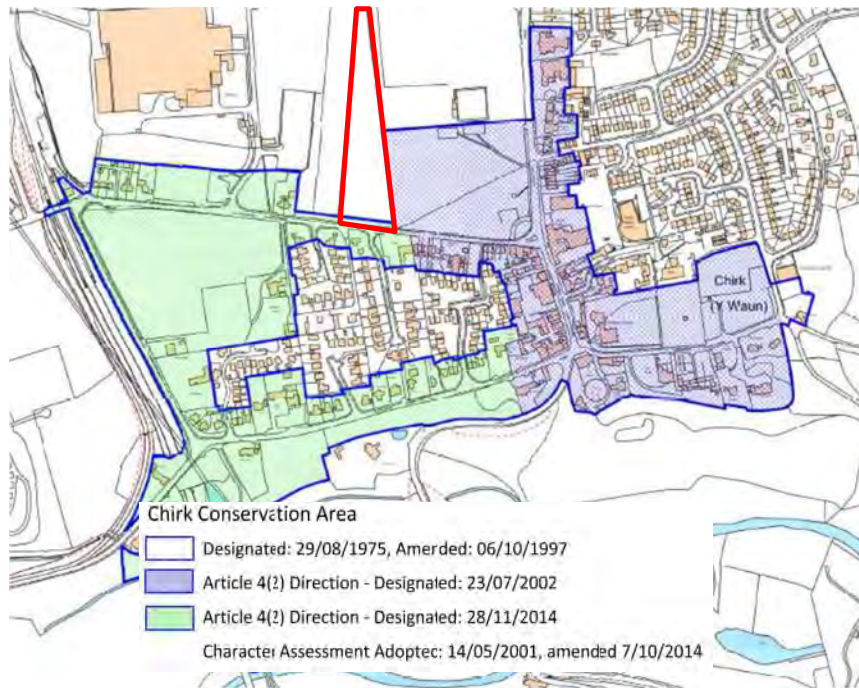


Figure. 4.3 – Chirk Conservation Area (Appeal site shown in red).

- 4.9 The appeal site abuts the Chirk Conservation Area to the east, specifically Sub Area 3 Holyhead Road. Part of the appeal site frontage (along the southern boundary) is however included within the Conservation Area, specifically Sub Area 4 Station Avenue, Station Road and Castle Road.
- 4.10 That part of the appeal site which sits within in the Conservation Area comprises the land, grass verge and trees located between the metal post and rail fencing which runs parallel to the appeal site's southern boundary, and the back of the pavement on Station Avenue. Figure 8 of the Chirk Conservation Area Assessment and Management Plan (page 42) confirms the boundary of the Conservation Area; an extract is shown below at Figure 4.4:

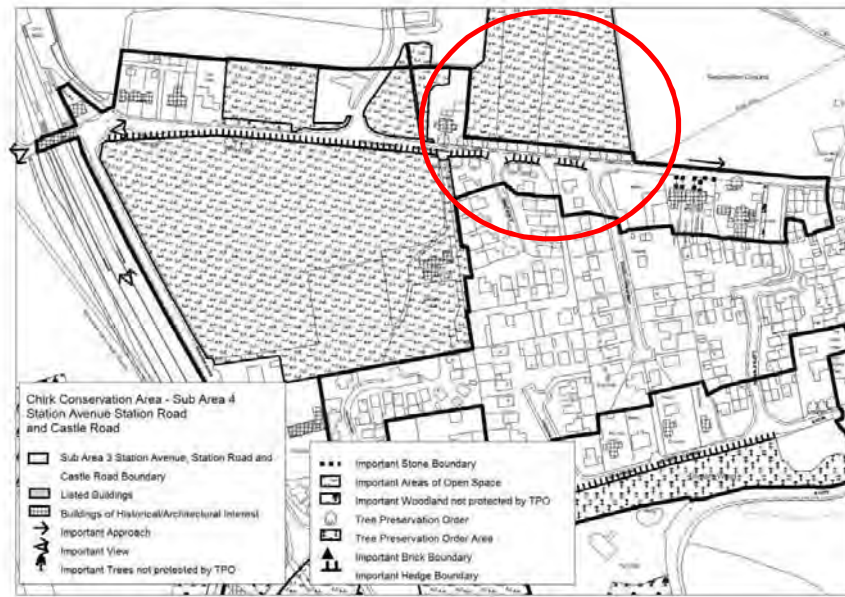


Figure – 8 Station Avenue & Castle Road Sub-area Character Map (North)

Figure 4.4 – Extract from Figure 8 of the Chirk Conservation Area Assessment and Management Plan with site location circled in red.

- 4.11 Other than the proposed site access, no built development would extend into the Conservation Area.
- 4.12 Chirk is also within the buffer zone of the Pontcysyllte aqueduct and Canal World Heritage Site (as, indeed, are extensive tracts of the Borough):



Figure. 4.5 – World Heritage Site and Buffer Zone (Source: Wrexham CBC).

- 4.13 Heritage matters were given full consideration in the Planning Statement⁵, with Chapter 9 of that Statement dealing with the Conservation Area and World Heritage Site designations in detail.

⁵ See Annex 1 – Appeal Document 12

5. THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

DEVELOPMENT PLAN CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 In this instance, the Development Plan comprises the adopted Wrexham Unitary Development Plan (UDP) and this remains the starting point for the determination of this appeal.
- 5.3 The Wrexham UDP was adopted in February 2005 and covered the Plan period 1996 to 2011. The UDP is therefore time expired and whilst the UDP forms the Development Plan its policies and provisions should be afforded decreasing weight in favour of other material considerations such as national planning policy.
- 5.4 The appeal site comprises unremarkable, greenfield land within the Chirk settlement boundary. It is not designated as either formal (or informal) public open space on the UDP Proposals Map or otherwise protected from redevelopment in policy terms.
- 5.5 The UDP is time expired. The Settlement Limits contained within the UDP are a reflection of development need for the Plan period 1996 to 2011; they must therefore be afforded limited weight, especially given that the Council cannot demonstrate a 5 year supply of deliverable dwellings (as it acknowledges) and the Local Development Plan (LDP) (1) for Wrexham was withdrawn in the Spring of 2012 and the delivery agreement for the LDP (2) was revised in December 2014 to account for slippage in the plan-making process. The anticipated date of adoption is now Spring 2019.

UDP PART 1 – STRATEGIC POLICIES

- 5.6 Part 1 of the UDP deals with strategic policies. The appeal proposals are commensurate with the following general policies.

POLICIES PS1, PS2, PS4 AND PS11 – THE BROAD LOCATION OF DEVELOPMENT, AND BIODIVERSITY

- 5.7 The application site lies within the Settlement Limit for Chirk. Policy PS1 states that new development for housing, employment, and community services will be directed to within defined settlement limits/employment areas. Clearly, the appeal site is an acceptable location for residential development in principle and compliant with the Development Plan in this respect. This view is supported by the Council's Policy Officer who confirmed, by email on 14 June 2017,

- that there were no policy objections to the proposals in principle, subject to compliance with general development principles (refer to Section 23B of the Appeal Questionnaire).
- 5.8 Policy PS2 requires that development must not materially detrimentally affect countryside, landscape/townscape character, open space or the quality of the natural environment. Given that there were no objections to the scheme from any statutory consultees in respect of these matters, again, the appeal proposals are compliant with the Development Plan in this respect.
- 5.9 Policy PS4 states that development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of the alternative to the car. The appeal proposals comprise development within the Settlement Limit for Chirk and would not therefore extend development beyond it, thereby maintaining the existing settlement pattern. The layout of development has been reserved for future consideration, however the new dwellings could be presented in a layout which complements the existing patterns of built form in Chirk.
- 5.10 As set out above at Paragraph 2.10, the Highways Assessment Technical Note⁶ (prepared by SCP) and submitted in support of the application identified local shops, service and educational establishments to meet day-to-day needs. The Technical Note outlined the proximity of these facilities in relation to the appeal site. The Technical Note also identified local transport provision in the form of bus services and the railway station at Chirk and assessed the proximity of public transport facilities in relation to the appeal site.
- 5.11 In terms of accessibility the Technical Note concluded that there are a range of facilities to meet day to day needs within walking and cycling distance of the appeal site. Public transport facilities are located in close proximity of the appeal site providing sustainable travel links to higher order centres and employment areas. In relation to primary and secondary schools, the Committee Report advises that the local education authority had confirmed that there is sufficient capacity in local schools to accommodate the proposed scheme.
- 5.12 The Council raised no concerns with the sustainability credentials of the site. In conclusion, the proposals are compliant with Policy PS4.
- 5.13 Finally, with regards Policy PS11 it states that encouragement will be given to proposals which improve the biodiversity value of sites. The Officer's report to Committee confirmed that there were no ecological concerns with the appeal proposals, subject to a condition which controlled the future use of external lighting. Furthermore, the Officer noted that the informal open space proposed for the north of the site provides a good opportunity for increasing both biodiversity and increasing canopy cover (Page 42).
- 5.14 The development proposals present the opportunity to improve the biodiversity credentials of the site, through positive management of soft landscaping across the site and including the informal

⁶ Annex 1 – Appeal Document 21

open space, and in conjunction with a sensitive lighting scheme, to encourage the continued foraging and commuting by bats, and any other animal species which visits the site. To conclude, the proposals are compliant with Policy PS11.

UDP PART 2 – SPECIFIC POLICIES

AND LOCAL PLANNING GUIDANCE NOTES

- 5.15 Next, the Council's UDP Part 2 Specific Policies are dealt with, along with the accompanying Local Planning Guidance Notes where relevant.

POLICY GDP1 – DEVELOPMENT OBJECTIVES

- 5.16 Policy GDP1 sets out the relevant design and amenity requirements for all new development. The appeal was submitted in outline, however it was accompanied by a parameters plan which provided an indication of where the new housing could be built within the site parameters. Accordingly, at this stage, it is not necessary to consider matters of detail with respect to design matters, however, Policy GDP1 was considered in full when the Appellant prepared the illustrative masterplan as described in the Design and Access Statement which accompanied the original outline planning application submission.
- 5.17 The Officer's report to Committee considered the illustrative masterplan and made it clear to Members that the Council could broadly rely upon the contents of that plan in determining the anticipated impact of the appeal proposals. Having taken this into consideration, the Officer concluded that the appeal proposals accorded with Policy GDP1. In this regard therefore, the development is compliant with Policy GDP1.

POLICY GDP2 – CAPACITY OF INFRASTRUCTURE AND COMMUNITY FACILITIES

- 5.18 Policy GDP2 is listed in the Decision Notice, but the text has not been included in the Appeal Questionnaire. For the avoidance of doubt, it is repeated in full below:

"Where the capacity of infrastructure, including community facilities, is likely to be deficient as a consequence of new development, a planning agreement/obligation will be negotiated whereby the developer provides the additional capacity either on or off-site, and/or provides funding for the Council to provide the additional capacity itself. Requirements will be fairly and reasonably related in scale and kind to the proposed development."

- 5.19 The Officer's report confirmed that there was no requirement of the Appellant to make a contribution to any community facilities; it was concluded that the proposals would not have an

unacceptable impact on the capacity of infrastructure in the local area. The proposed legal obligation is required to secure the future maintenance of all communal areas including the driveways, parking areas, hard and soft landscaped areas and planted features.

- 5.20 In conclusion, the proposals are compliant with Policy GDP2.

POLICY EC4 – HEDGEROWS, TREES AND WOODLAND

AND LOCAL PLANNING GUIDANCE NOTE 17 – TREES AND DEVELOPMENT

- 5.21 Policy EC4 is quoted in the reason for refusal. Policy EC4 states that proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape:

“Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.”

- 5.22 As set out in the Grounds of Appeal document, whilst the appeal development proposes the removal of two protected trees, these are in an acknowledged state of decline. This position was established with the Council at numerous stages during the course of the application being considered; firstly, during the consultation period, secondly in the Committee Report, and thirdly when the Development Control Manager verbally reported the application at Planning Committee on two separate occasions.
- 5.23 The Council has included Local Planning Guidance Note (LPGN) no. 17 Trees and Development in the Appeal Questionnaire, however it is noted that no reference was made to this LPGN in any of the consultation responses, nor in the Officer’s assessment in the report to Committee⁷.
- 5.24 As this is a key issue at the heart of the reason for refusal, an assessment of the proposals against this Policy is discussed in detail in the following Chapter, Chapter 6 ‘The Case for the Appellant’. The issue is also dealt with in a more technical manner in the accompanying Hearing Statement prepared by Alistair McLeod of Ascerta; these two Hearing Statements should be read in conjunction with one another.

⁷ It is referenced at the start of the Report on Page 33 as being relevant, but no further reference or assessment to this document is made.

POLICY EC6 – BIODIVERSITY CONSERVATION

AND LPGN NO. 32: BIODIVERSITY AND DEVELOPMENT

- 5.25 Policy EC6 states that development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Furthermore, measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.
- 5.26 For the avoidance of doubt, the site is not located within or close to any sites of biodiversity interest. In addition, there are no ecological constraints to development, as discussed at Paragraphs 5.13 and 5.14 above.
- 5.27 The Council has included LPGN no. 32 Biodiversity and Development in the Appeal Questionnaire, however it is noted that no reference was made to this LPGN in any of the consultation responses, nor in the Officer's assessment in the report to Committee⁸.
- 5.28 In that regard, the appeal proposals are compliant with Policy EC6 and LPGN no. 32.

POLICY EC7 – CONSERVATION AREAS

- 5.29 Policy EC7 is also quoted in the reason for refusal. Policy EC7 states that within, and in close proximity to, Conservation Areas, the priority will be to preserve and/or enhance those buildings, structures, streets, trees, open spaces, archaeological remains, views, and other elements which contribute to the unique character of the area:

"New buildings and alterations or additions to existing buildings in conservation areas, whether listed as of special architectural or historic interest or not, must reflect the design and character of the area as a whole and the form, scale, detailing and materials of existing buildings."

- 5.30 As set out in the Grounds of Appeal document, the proposals provide for the removal of two failing trees and their replacement with good specimen trees which would be appropriately sized and positioned to make a positive contribution to the Conservation Area. The removal and replacement of the trees would preserve the character and appearance of the Conservation Area in the first instance, with the Conservation Area being enhanced as the good quality replacement trees grow.

⁸ It is referenced at the start of the Report on Page 33 as being relevant, but no further reference or assessment to this document is made.

- 5.31 It has already been established that the two trees to be removed are not valuable and do not make a positive contribution to the character of the Conservation Area. In addition, the proposed mitigation measures, i.e. the replacement two trees, are wholly within the control of the Appellant and would reinstate the integrity and continuity of the Conservation Area and the streetscape of Station Avenue. Furthermore, whilst a break in the tree lined avenue will be necessary to facilitate the access arrangements, this break will not be incongruous in this part of the Chirk Conservation Area.
- 5.32 As this is a key issue at the heart of the reason for refusal, an assessment of the proposals against this Policy is discussed in detail in the following Chapter, Chapter 6 'The Case for the Appellant'. The issue is also dealt with in a more technical manner in the accompanying Hearing Statement prepared by Anne Lloyd Morris of Heritage Architecture and Planning; these two Hearing Statements should be read in conjunction with one another.

POLICY EC12 – DEVELOPMENT AND FLOOD RISK AND POLICY EC13 – SURFACE WATER RUN-OFF

- 5.33 Policies EC12 and EC13 confirm that development proposals within defined flood plains will only be permitted in certain circumstances, and that proposals which result in unacceptable adverse impact on the water environment due to additional surface run-off will not be permitted.
- 5.34 The appeal site is not within an area at risk of flooding, and as set out in the original Planning Statement (with the application submission), infiltration tests demonstrate that a soakaway system can be achieved, in accordance with Sustainable Urban Drainage (SUDs) principles. An appropriate drainage strategy has been identified which can be supplemented through further detailed design at the reserved matters stage. Accordingly, the appeal development is compliant with Policies EC12 and EC13 and there are no flood risk or drainage reasons why planning permission should not be granted.

POLICY T8 – PARKING

AND LPGN NO. 16: PARKING STANDARDS

- 5.35 Policy T8 confirms that development granted planning permission will be required to provide vehicle parking spaces on site, or nearby, in accordance with the Council's current parking standards. The Officer's report to Committee also refers to LPGN no. 16 (contained in the Appeal Questionnaire at Section 23F), and confirms that on-site parking provision can accord with LPGN no. 16 and that a safe and satisfactory vehicular access formed part of the appeal proposals.
- 5.36 The development therefore accords with Policy T8.

POLICY T9 – WALKING, CYCLING AND HORSE RIDING ROUTES

- 5.37 Policy T9 states that development proposals will be required to provide walking and cycling routes, where feasible and appropriate, that link with existing or proposed walking and cycling routes, and integrate with the public transport system. Opportunities for horse riding along these routes will be secured where appropriate.
- 5.38 As referred to in Chapter 4 above, a public footpath runs parallel to the western boundary of the appeal site, leading northwards from Station Avenue before turning eastwards to connect to the B5070. This public right of way is outside the application site and land owned by the Appellant and will be unaffected by the development proposed. Future residents would be able to utilise this footpath thereby encouraging its continued maintenance to the benefit of all users. In addition, as previously discussed, the site is located in a sustainable position in the settlement of Chirk, close to the existing public transport network. The proposals are in compliance with Policy T9.

UDP - CONCLUSIONS

- 5.39 The Decision Notice⁹ states that in reaching its decision, the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan. These policies have been discussed in length above. It must be inferred that the Council does not contend that the appeal proposals are contrary to those policies within the UDP deemed relevant, but which are not referred to within the single reason for refusal. Furthermore, the Council does not contend that the appeal proposals are contrary to Planning Policy Wales (PPW) or any other statutory policy or guidance.
- 5.40 It is noted that the reason for refusal refers specifically to Policy EC7 (Conservation Areas) but this is not listed on the Decision Notice. Conversely, Policy EC6 (Biodiversity Conservation) is listed on the Decision Notice, but is not referred to in the reason for refusal. An assessment of the appeal proposals against these two policies is set out in this Hearing Statement.
- 5.41 The proposals comply with all relevant policies of the Unitary Development Plan. There is no policy reason why the Appeal proposals should be refused.

OTHER MATERIAL CONSIDERATIONS

- 5.42 At Chapter 6 of the Grounds of Appeal Document, a list of other policy documents and guidance was provided, being considered material to the determination of the Appeal. These have been considered in full having regard to their relevance to the Appeal proposals with those most pertinent being discussed below.

⁹ See Annex 1 – Appeal Document 7

WALES SPATIAL PLAN (2008 UPDATE)

- 5.43 The Wales Spatial Plan (2008 Update) confirms that Wrexham is in the North East ï Border and Coast Strategy Area. Wrexham is seen as a Key Settlement of National Importance, a Key Regeneration Area, and a Key Business Sector Area. Key elements in realising the vision for North East Wales includes strengthening key hubs as a focus for investment in, amongst other things, housing, as well as protecting and enhancing the natural and built environment. The Appeal proposals would comply with the aims of the vision for the North East Spatial Area.

PLANNING POLICY WALES (PPW) (8TH EDITION, NOVEMBER 2016)

- 5.44 As set out in the Planning and Heritage Statement submitted with the original outline planning application, Planning Policy Wales (PPW) (8th Edition, November 2016) sets out the main policy objectives and principles which underpin the Planning system in Wales and should, therefore, be afforded significant weight in decision-taking.
- 5.45 PPW confirms that there is a presumption in favour of sustainable development in decision taking.
- 5.46 PPW also requires that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.
- 5.47 With regard heritage matters, PPW states that:

“6.3.1 Conservation area designation is the main instrument available to local planning authorities to give effect to conservation policies for a particular neighbourhood or area. They must designate as a conservation area any ‘area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’...

6.3.2 Local planning authorities are required to formulate and publish proposals for the preservation or enhancement of conservation areas. The positive management of conservation areas is necessary if their character or appearance is to be protected and enhanced...”

“6.4.6 Development plan policies should make it clear that development proposals will be judged for their effect on the character and appearance of conservation areas, as identified in the assessment and proposal document, to ensure that any new development is in accord with the area’s special architectural and historic interest. While the character or appearance of conservation areas must be a major consideration, it cannot prevent all new development.”

- 5.48 The Appeal proposals are compliant with the requirements of PPW, which should be afforded significant weight in the determination of this Appeal. The site is sustainably located in terms of

access to local services and amenities in Chirk town centre and beneficially located in terms of access to Chirk railway station.

- 5.49 The development would also meet an identified shortfall in market housing and not have an unacceptable impact on character and setting of the adjoining Conservation Area. Accordingly, the Appeal proposals should benefit from the presumption in favour of sustainable development.

TECHNICAL ADVICE NOTES (TANS)

- 5.50 The Council has made no reference to TANS in its consideration of the appeal proposals, nor are they referred to in the Decision Notice. That said, the Appellant has reviewed those TANS which are relevant to the Appeal proposals and, as set out in the original Planning and Heritage Statement, considers TAN1 to be the most pertinent and is discussed below.

- 5.51 TAN1 confirms that local planning authorities that do not have either an adopted LDP or UDP will be unable to demonstrate whether or not they have a 5-year housing land supply and effectively will be considered not to have a 5-year supply. Furthermore, TAN1 confirms that, in scenarios where a Council cannot demonstrate a 5-year supply of housing land, the impact on decision-taking is thus:

“6.2 The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.”

- 5.52 As Wrexham cannot currently demonstrate a 5 year housing land supply, and the Development Plan is out-of-date and the replacement Local Development Plan is still in preparation, the potential delivery of 22no. dwellings as part of the Appeal proposals must be given considerable weight in this Appeal decision.
- 5.53 With regards the other TANs, the Appellant will address the relevance of these should they be addressed in the Council's Hearing Statement, and should they be discussed on the day as part of the Hearing discussions.

OTHER MATERIAL CONSIDERATIONS - CONCLUSIONS

- 5.54 The appeal proposals are clearly supported by other material considerations, not least the Council's housing land supply position. There is a pressing urgency to identify deliverable housing land in order to prevent the situation deteriorating further. This is given added impetus given the limited progress made on the LDP (2). The appeal site is within the settlement boundary

of Chirk and located in a sustainable position within walking distance of sustainable modes of transport and other local facilities and amenities.

- 5.55 In line with national planning policy, the Appeal proposals benefit from the presumption in favour of sustainable development.

6. THE CASE FOR THE APPELLANT

BACKGROUND

- 6.1 On 21 December 2016, the Appellant applied to the Council for outline planning permission. The description of development on the application form was:

“Outline application (including means of access) for up to 24 dwellings and associated works”.

- 6.2 During the Council’s consideration of the application, the application description was changed. An email from the Council dated 14 July 2017¹⁰ confirmed that the description would be changed to:

“Outline application for residential development of up to 22 no. units and associated works with all matters reserved except for access”.

- 6.3 The application was due to be determined by the Members of the Planning Committee and was recommended for approval by planning officers, with the officers’ report being made available in advance of the Committee in accordance with the Council’s committee procedure.

OTHER TECHNICAL MATTERS

- 6.4 Firstly, other technical matters are dealt with before turning to the key matters which specifically relate to the reason for refusal.

- 6.5 As reported in the main Committee Report and the Addendum Report (both produced for the meeting of 31 July 2017)¹¹, the application was not subject to any objections from the following statutory consultees:

- Local Highways Authority.
- Public Protection.
- Welsh Water.
- Ecology and Biodiversity Officer.
- Natural Resources Wales.
- Local Flood Authority.
- Arboricultural Officer.

¹⁰ See Annex 1 – Appeal Document 35

¹¹ See Annex 1 – Appeal Document 37

- Planning Policy.

- 6.6 The relevant correspondence is contained in the Appeal Questionnaire documents provided by the Council at Section 23B.
- 6.7 It should be noted that the Committee Report does not make explicit reference to a consultation response from the Council's Conservation Officer. However, the Addendum Report makes it clear (at page 4) that following revisions to the scheme, the Conservation Officer had no objections to the proposals as amended. The consultation responses from the Conservation Officer received during the determination of the application confirmed this also¹².
- 6.8 As mentioned above, Policy EC6 (Biodiversity Conservation) is listed in the Decision Notice as a relevant policy which the Council had regard for when determining the appeal proposals. For the avoidance of doubt, there was no objection to the proposals from the Council's ecologist. Initial concerns had been expressed – see the email dated 25 January 2017 contained at Section 23B. However, on the basis of additional bat survey work being completed, (see document 26 of Annex 1 – Daytime Bat Survey of the Lime Tree proposed for removal on the site frontage (dated March 2017)), the Council's Ecologist confirmed they were happy to remove this objection - refer to second email dated 06 April 2017. Furthermore, Natural Resources Wales confirmed by letter (dated 18 January 2017) that they did not object to the proposals.
- 6.9 In short, there is no other technical matters which would constrain development at the appeal site. That leaves Heritage and Arboricultural matters to be addressed in this Hearing Statement.

REASON FOR REFUSAL

- 6.10 The application was considered by Council Members at two Planning Committees – on 31 July 2017¹³ and 11 August 2017 (the report from the July committee was simply repeated for the August committee) – being deferred from the first committee to allow for the committee Members to undertake a site visit on the second date. The application was finally considered at the second committee and was resolved to be refused on 11 August 2017 for the following singular reason:

“The proposed development would result in the loss of two protected trees of significant amenity value within an existing tree lined avenue. The removal of these trees would not only create an unnatural break within this avenue, but would have detrimental impact upon the character and appearance of the conservation area. To allow this development would therefore be contrary to Wrexham Unitary Development Plan policy EC7 which prioritises the need to preserve or enhance those elements including trees which contribute to the unique character of the area. Similarly the proposal would be contrary to Policy

¹² See Annex 1 – Appeal Document 38

¹³ See Annex 1 – Appeal Document 37

EC4 which seeks to prevent development which results in the loss or significant damage to valuable trees.”

6.11 As set out in the Grounds of Appeal, the Council’s reason for refusal can be broken down into the following constituent elements which will be addressed in turn in this Hearing Statement and the accompanying Hearing Statements which deal with Heritage and Arboriculture:

- i. The Council allege that the removal of two protected trees would create an unnatural break within the tree lined avenue.
- ii. The Council allege that the removal of the two trees would have a detrimental impact upon the character and appearance of the conservation area.
- iii. The Council allege that the proposals would result in the loss to valuable trees.
- iv. The Council conclude that the proposals are contrary to UDP Policies EC4 and EC7.

I. REMOVAL OF TWO PROTECTED TREES WOULD CREATE AN UNNATURAL BREAK WITHIN THE TREE LINED AVENUE

6.12 The two trees proposed for removal were assessed during the determination of the application (refer to the Arboricultural Impact Assessment submitted with the application)¹⁴ and confirmed to be in poor health.

6.13 The Council’s Arboricultural Officer was content with the results of the AIA and had no objection to the proposals¹⁵. This is discussed in further detail below.

6.14 The Officer’s report to Planning Committee contained six figures on pages 39-41 to assist the Members in appreciating the visual impact that the removal of the two trees would have on the streetscape. These figures were extracts taken from the photomontages submitted by the Appellant¹⁶ and which depicted the before and after views of the site following the removal of the trees and construction of the dwellings. The Officer’s report made it clear that the professional view of the Council’s Officers, in respect of the impact of the development on the Conservation Area, was that the figures ‘*demonstrate the negligible impact that the removal of the two trees will have upon the street scene*’ (page 39 of the Officer’s report).

6.15 The accompanying Hearing Statement prepared by Anne Lloyd Morris deals with this specific issue in further detail. In summary, Ms Morris notes that the avenue of trees along the road

¹⁴ Annex 1 – Appeal Document 17 and updated AIA at Appeal Document 27

¹⁵ Annex 1 – Appeal Document 39

¹⁶ Annex 1 – Appeal Document 25

makes a significant historic, visual and amenity contribution to the Conservation Area as a whole and to Station Avenue in particular. However the replacement of the mature Lime tree with a replacement Lime tree of a suitable variety, size and maturity will mitigate against the loss of the original decaying and damaged Lime tree and will serve to preserve and enhance and revitalise the special historic character and appearance of Station Avenue and the Chirk Conservation Area as a whole. With regards the replacement of the sycamore, Ms Morris is clear that a replacement in the same vicinity will neither preserve nor enhance the avenue of Lime trees, but it may have some visual and amenity value if re-planted elsewhere within the Appeal site boundary, which will enhance the character and appearance of the Chirk Conservation Area as a whole. The proposals provide the opportunity to respect the regular, regimented spacing of the original lime trees.

UNNATURAL BREAK - CONCLUSION

- 6.16 To conclude, none of the Council's Officers took the view that the removal of the two trees would result in an unnatural break in the tree-lined avenue of this section of Station Avenue and Members were advised of this at two separate Planning Committees. The submitted photomontage visuals provided an excellent aide for Members to fully appreciate the impact the removal of the trees would have on the streetscene and demonstrated, to the satisfaction of the Council's Officers, that there would be a negligible impact. The Appellant concurs with this view.
- 6.17 The development proposals include the removal of two trees from the site frontage, however this would not create an unnatural break within the tree lined avenue. Whilst a break in the tree lined avenue will be necessary to facilitate the access arrangements, this break will not be incongruous in this part of the Chirk Conservation Area.

II. REMOVAL OF THE TWO TREES WOULD HAVE A DETRIMENTAL IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

- 6.18 The proposals provide for the removal of two failing trees and their replacement with trees of a suitable quality and stature, and which would be appropriately sized and positioned to make a positive contribution to the Conservation Area.
- 6.19 Following lengthy discussions with the Arboricultural Officer during the determination of the application, the Appellant submitted details of the replacement for the TPO protected lime tree in the form of a detailed drawing i see Annex 1 Document 32. Upon receipt of these details, the Arboricultural Officer's second consultation response confirmed that he was content with these details. This consultation response is contained in the Council's Appeal Questionnaire, and is contained in Appendix 1 to this Statement for convenience. For the avoidance of doubt, the Officer's Report repeats this consultation response (at pages 41-42). Members were therefore advised that in the Officer's professional opinion, the proposed mitigation for the removal of two

- trees would be acceptable and would not have a detrimental impact on the Conservation Area, from an arboricultural point of view.
- 6.20 With regards comments from the Council's Conservation Officer, initially the Conservation Officer objected to the proposals. This is set out in their consultation response dated 09 January 2017¹⁷, stating that the *'special character of the Conservation Area derived from their cumulative impact and continuity along the avenue which should be strengthened and maintained not diminished through incremental loss.'* The Officer further commented that *'in my opinion the trees form such a valuable feature of the town and conservation area as well as the approach to the World Heritage Site that I cannot support their removal without replacement'*.
- 6.21 In the time between January 2017 and the date of the application first being reported to Planning Committee on 31 July 2017, numerous discussions took place between the Appellant and the Officers of the Council. The Inspector will note from the Annex 1 submitted with the Grounds of Appeal, that a number of revised and updated documents and drawings were submitted to the Council in order to address the concerns relating to both arboricultural and heritage matters. The Appellant and the Council's Planning Officer worked hard to reach a position where the Officer was comfortable that the development was acceptable in planning policy terms and therefore could be recommended for approval by the Planning Committee.
- 6.22 As part of those discussions, the Appellant submitted details for the proposed replacement of the TPO protected lime tree. Following submission of these details, the Conservation Officer confirmed in their consultation response dated 22 June 2017 the following:
- 'My main objection to the proposed development was the loss of the protected tree to the frontage of the site to enable access to the land but resulting in the erosion of the character of the conservation area. Although the tree will still be removed, I understand it will be replaced with one of suitable size and quality so that in the long term the character of this part of the conservation area will not be unduly harmed (on the understanding that the existing tree is in a state of decline). Provided Jon is satisfied that the new tree can successfully establish within such close proximity to the access then I no longer raise any objections to the proposals.*
- The proposed site layout is acceptable and clearly detailed designs will need to be carefully considered to ensure they enhance the character and appearance of the surrounding conservation area.'*
- 6.23 The above comments were included in the Officer's report to Committee, so the Members could be in no doubt that the Council's Conservation Officer was content with the proposals, concluding

¹⁷ Annex 1 – Appeal Document 38, Page 3

- that the development would not have a detrimental impact on the character and appearance of the Conservation Area. As the proposals are in outline, the Council has the security of being able to control detailed design at the Reserved Matters stage.
- 6.24 Again, the accompanying Hearing Statement prepared by Anne Lloyd Morris addresses the impact of the development on the Conservation Area concluding that, with careful replacement of the two trees in specific locations could preserve the Conservation Area.

DETRIMENTAL IMPACT ON THE CONSERVATION AREA - CONCLUSION

- 6.25 To conclude, the removal and replacement of the trees would preserve the character and appearance of the Conservation Area in the first instance, with the Conservation Area being enhanced as the good quality replacement trees grow. In addition, the replanting of the sycamore tree beyond the regimented line of the historic lime trees would enhance the Conservation Area.

III. THAT THE PROPOSALS WOULD RESULT IN THE LOSS TO VALUABLE TREES

- 6.26 It has been discussed at length already in this Hearing Statement that the two trees to be removed are not valuable and do not make a positive contribution to the character of the Conservation Area.
- 6.27 It has also already been described how the proposed mitigation measures, i.e. the replacement two trees, are wholly within the control of the Appellant and would reinstate the integrity and continuity of the Conservation Area and the streetscape of Station Avenue.
- 6.28 The accompanying Hearing Statement prepared by Alistair McLeod of Ascerta addresses this specific issue in further detail. In summary, Mr McLeod concludes that the proposed position of the access into the Appeal site represents, from an arboricultural perspective, the least visually intrusive point along the site frontage, involving as it does only the loss of two low value trees as agreed with the Council's Arboricultural Officer.
- 6.29 Provision has been made within the Appeal proposals for the adequate replacement of those trees to be removed, as well as additional planting of trees and shrubs, the combined effect of which will be the increase in canopy cover in this part of the borough. This is in addition to the introduction of a more diverse age structure along the site frontage which is not only a direct benefit for the future of the avenue feature, but which will enhance the integrity of the tree cover for the longer-term benefit of the local landscape.

LOSS TO VALUABLE TREES - CONCLUSION

- 6.30 In conclusion, both the Council's Arboricultural Officer and the Appellant's Arboricultural Consultant agreed that the two protected trees proposed for removal are in a state of decline,

displaying evidence of ill-health, i.e. die-back, historical main stem failure, reduced height (compared with adjacent trees), and individual stem failures. The Arboricultural Officer concluded that both trees comprise a moderate level of individual merit, with their contribution to the street scene, TPO and Conservation Area being low.

- 6.31 In short, the proposals would remove two trees which are not good examples of their species, to be replaced by good quality specimens of a suitable size and stature. The proposals would not result in the loss to valuable trees.

IV. THE PROPOSALS ARE CONTRARY TO UDP POLICIES EC4 AND EC7

- 6.32 Policy EC4 states that proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape:

“Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.”

- 6.33 Taking all of the above into account, and the evidence set out in the accompanying Hearing Statement by Ascerta, it has been shown that the proposals are not contrary to Policy EC4.

- 6.34 Policy EC7 states that within, and in close proximity to, Conservation Areas, the priority will be to preserve and/or enhance those buildings, structures, streets, trees, open spaces, archaeological remains, views, and other elements which contribute to the unique character of the area:

“New buildings and alterations or additions to existing buildings in conservation areas, whether listed as of special architectural or historic interest or not, must reflect the design and character of the area as a whole and the form, scale, detailing and materials of existing buildings.”

- 6.35 The application subject to this appeal was made in outline, therefore the Council can control the detailed design of the built form at the Reserved Matters stage. As detailed in preceding Chapters, the only part of the appeal site that sits within the Conservation Area is the site frontage where the existing trees are located. None of the proposed built form would be positioned within the Conservation Area.

- 6.36 Policy EC7 makes it clear that the priority will be to preserve and/or enhance (amongst other things) those trees which contribute to the unique character of the area. It has already been established that the two trees required to be removed to facilitate access to the proposed development make a low contribution to the Conservation Area, in arboricultural terms. In heritage terms, the Council's Conservation Officer advises that the special character of the area derives from the cumulative impact of the trees and their continuity along the avenue. The Conservation Officer was also clear that she could not support their removal without their replacement. As it has been made clear above, the proposals include for the replacement of the

two trees and the Conservation Officer was content to remove her initial objection. In this regard, the cumulative impact of trees along the avenue would not be detrimentally affected as new trees would be planted.

- 6.37 As detailed above, the view shared by both the Appellant and the Council's professional Officers is that the two trees to be removed are not valuable and are not in good health, making a low contribution to the Conservation Area. The proposals include the removal of these two trees and their replacement with good specimens. In this regard therefore, the proposals would preserve the Conservation Area in the short term by providing two replacement trees, and enhance the Conservation Area in the long term as the two healthy trees grow. The proposals comply with Policy EC7.

COMPLIANCE WITH POLICIES EC4 AND EC7 - CONCLUSION

- 6.38 It has been shown that the proposals are in compliance with Policies EC4 and EC7.
- 6.39 In addition to this, any loss of protected trees is outweighed by the proposed replacement planting and the overall benefits of the scheme, including contributing to the supply of housing land at a time when the Council cannot demonstrate a 5 year supply of housing land; the direct and indirect economic benefits; and beneficial environmental improvements. To conclude, the development wholly complies with the relevant policies contained in the Development Plan.

7. PLANNING OBLIGATION

- 7.1 As discussed in Chapter 5 (Paragraph 5.19), a draft Unilateral Undertaking under Section 106 of the Town and County Planning Act 1990 has been submitted with the appeal. This was included in the Appeal submission along with the appeal forms and Grounds of Appeal. The draft document was also emailed directly to the Council on 01 March 2018 for their review and agreement. The draft document confirms that the Appellant is agreeable to entering into an obligation under Section 106 requiring the provision of a Management Company for the future maintenance by the applicant of all communal areas including the driveways, parking areas, hard and soft landscaped areas and planted features.
- 7.2 The details of this obligation were set out in the Officer's Report to committee and there has never been any doubt, during the determination of the application and the subsequent preparation of the appeal, that the Appellant would be happy to agree to this obligation and the Unilateral Undertaking has been drafted in good faith to reflect this.
- 7.3 The Appellant is engaging with the Council to seek to ensure that the Inspector has a certified copy of the Unilateral Undertaking in advance of the date of the Hearing.
- 7.4 Should the position change from that described above, the Appellant reserves the right to review the matter if further detailed information is provided as evidence to this appeal in this regard.

8. CONDITIONS

8.1 As set out in the SoCG, planning conditions are used to control the detail of development and would need to be imposed on any grant of planning permission. Chapter 15 of the SoCG included submitted with the Grounds of Appeal included at Chapter 15 a list of draft conditions agreed between both parties in the event the Inspector allows the Appeal.

8.2 For clarification, these conditions are repeated below and comprise the same list of draft conditions contained in the Council's Committee Report dated 31 July 2017, apart from the amendment suggested in the wording of Condition 16 as described below. The text with a ~~strike through~~ is proposed to be replaced by the text in red.

1. *Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:*
 - a. *the layout of the building(s)*
 - b. *the scale of the building(s)*
 - c. *the appearance of the building(s)*
 - d. *the landscaping of the site*
2. *Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.*
3. *The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.*
4. *This permission shall provide for a maximum of 22 No. dwellings.*
5. *No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority.*

Where a SuDS scheme is to be implemented, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;*
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,*
- iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.*

- 6. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 5. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.*
- 7. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.*
- 8. As part of the reserved matters application, a scheme of noise insulation and/or attenuation measures shall be submitted to and approved in writing by the Local Planning Authority.*
- 9. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday unless the prior written approval of the Local Planning Authority has been obtained.*
- 10. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.*
- 11. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 40 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no*

obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

- 12. Prior to first use of the development hereby approved, the vehicular access shall be laid out in strict accordance with approved plan ref: SCP/15234/SK01 Rev B.*
- 13. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:*
 - 1) Detailed layout, lighting, design, drainage and construction of the internal estate road and footways. The scheme as is approved shall be fully implemented prior to first use of the development.*
- 14. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.*
- 15. An external bat friendly lighting scheme shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the development.*
- 16. With the exception of the hedgerow removal and Trees referenced T5 and T6 required to form the vehicular and pedestrian access, all other the existing trees, shrubs and hedges shown on drawing refs: P.585.15.05, 201 Rev B and 202 Rev B shall be permanently retained and shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of **an appropriate** the equivalent size and species all within a timescale to be approved in writing by the Local Planning Authority.*
- 17. As part of the reserved matters application, a detailed Arboricultural Implication Assessment dealing comprehensively with all tree issues (including shading of the residential plots) shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Assessment as is approved. This Assessment shall include all trees with a stem diameter of 75 mm or above (including crown spreads and stems) and the trees shall be colour coded and shown accurately on a topographical land survey.*

18. *As part of the reserved matters application, a Landscaping Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be managed and maintained in strict accordance with these details as are approved.*
19. *The landscaping plan to be submitted as part of the reserved matters application shall include replacement planting in respect of tree nos. T5 and T6, within the development frontage.*
20. *No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.*
21. *No part of the development shall commence until details of underground and overhead services have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details as approved.*
22. *Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SJ28379702 and SJ28379701 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.*

9. CONCLUSION

9.1 Hourigan Connolly is instructed by the Co-Op to submit an appeal against the decision of Wrexham County Borough Council in respect of land north of Station Avenue in Chirk, Wrexham.

9.1 The document comprises the Hearing Statement on behalf of the Appellant and has been prepared in accordance with the Planning Inspectorate Wales (PINSW) Procedural Guidance *Planning Appeals and Called-In Planning Applications – Wales* (June 2016).

9.2 This evidence in this Statement is supported by the accompanying Statements which address the specific matters of arboriculture and heritage.

9.3 It has been shown that the proposals are not contrary to UDP Policy. In addition there are compelling material considerations which lend considerable support to the Appeal proposals. In summary, these comprise:

- The UDP is out-of-date.
- The Council is unable to demonstrate a five year supply of deliverable dwellings and the situation has deteriorated year-on-year since 2012.
- The appeal site comprises unremarkable, greenfield land within the settlement boundary.
- The appeal site is closely related to Chirk.
- The appeal site is located in close proximity to shops, services and public transport.
- The proposals would deliver a multitude of benefits including contributing to the supply of housing land, direct and indirect economic benefits, and environmental improvements.
- The proposals provide for the active conservation and management of protected trees.
- The proposals would not have a detrimental impact on the Conservation Area.
- The proposals will preserve the Conservation Area and replacement planting will enhance it.
- There are no technical objections from any statutory consultees; it has already been demonstrated that the Appeal proposals are acceptable from a transportation, heritage, arboricultural, ecological, and acoustic perspective.

9.4 For these reasons, the Appellant respectfully requests that the Appeal be allowed.

Appendix 1

Beverley Moss

From: Richard Lomas (Commercial Investment) <richard.lomas@coop.co.uk>
Sent: 03 January 2018 09:53
To: Marc Hourigan; Beverley Moss
Subject: FW: Station Avenue, Chirk P/2016/1165
Attachments: image001.jpg@01D2FA41.1C566D10; 43265464.pdf; P_2016_1165.docx

Regards

Richard Lomas BSc DipTP MRTPI

Planning Manager

Commercial & Investment Property

richard.lomas@coop.co.uk

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coop.co.uk

Letters: Department 10108, 5th Floor, 1 Angel Square, Manchester, M60 0AG

Parcels: Co-operative Group, care of Swiss Post Solutions Ltd, Unit 550, Metroplex Business Park, Broadway, Salford Quays, Manchester M50 2UE

From: Sharon Holman [mailto:Sharon.Holman@wrexham.gov.uk]
Sent: 11 July 2017 12:36
To: Richard Lomas (Commercial Investment) <richard.lomas@coop.co.uk>
Subject: Station Avenue, Chirk P/2016/1165

Hi Richard,

I was just about email you to ask you for a plan schedule to make sure that I have everything! Also could you confirm that the following description is as you want it:

‘OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 22 NO. UNITS WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS’

Please see attached final responses from the tree officer and local member.

I am currently writing the committee report but there won't be a draft available until 26th July.

Finally, can you confirm withdrawal of the TPO application (P/2017/0350) by return please?

Kind regards
Sharon

The primary arboricultural issue with this application is the proposed removal of two protected trees adjacent to Station Avenue in order to provide a suitable vehicular access point into the development. Of the two trees, one is a multi-stemmed, mature sycamore set back from the highway and subject to Conservation Area protection with the second being a mature lime tree subject to TPO WCBC 59 (T14) and identified within the application survey and for the purpose of this report as T4.

The sycamore is considered to have reduced amenity value due to its poor form and suppression by adjacent and dominant trees, the removal of the tree would be considered acceptable providing its contribution to the overall canopy cover along Station Avenue is mitigated through replacement planting in a location as near to as practicable to the location of the sycamore itself.

The removal of the lime tree (T4) is more contentious due to both the elevated protective status of the tree and its amenity contribution within the significant tree-lined feature present along Station Avenue. Whilst the tree has been identified within the survey as a category 'B' feature, my own assessment reduced the retention value of the tree to a category 'C' due to the level of die-back and dead material present within the upper crown, the tree is also considered to be of a reduced stature compared to similar adjacent lime trees in Station Avenue.

Despite the reduced values of both the lime tree (T4) and the sycamore their removal must be mitigated through appropriate replacement planting. The applicant has agreed and provided details regarding the replacement of T4 with the proposed 'like for like' planting located approximately 2.0m from the location of T4 and of a supplied size and form capable of providing instant amenity. The tree to replace the sycamore has not been discussed as yet but will be required to be a suitable species to be planted within the site boundary and again, adjacent to Station Avenue.

The overall plot layout is acceptable with appropriate protection afforded to the existing hedgerow to the eastern boundary through well-considered design. The hedgerow itself requires maintenance and rejuvenation in parts and a hedgerow management plan should be submitted to address this.

Plots adjacent to or within influencing distance of existing trees should have appropriate foundations installed in accordance with NHBC guidelines to reduce risks of direct or indirect structural damage as a result of root activity / influences.

The informal open space area (IOS) to the north of the site provides a good opportunity for increasing both biodiversity and increasing canopy cover in accordance with WCBC UDP Policy EC04, WCBC Tree & Woodland Strategy (objective 1(9)) and LDPN 17 'Trees & Development'

The proposed tree planting within the IOS as shown within 'Planting Plan 202' should be improved upon with additional planting of trees with potential large stature such as *Tilia* spp, *Quercus* spp, *Pinus* spp, *Acer* spp; large tree species capable of providing a significant visual 'back-drop' to the development whilst increasing canopy cover.

Proposed tree planting within residential garden areas should be increased with a greater mix of small ornamental tree species to improve plant diversity across the site.

Should consent be granted the following conditions should be attached:

ZD10 064R	ARBORICULTURAL METHOD STATEMENT No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with Method Statement as is approved. The Method Statement shall include the following: 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2005; 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted; 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone , including any related sections and method for avoiding damage to retained trees; 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires; 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority; 6) Method for protecting retained trees during demolition works; 7) Details of all proposed tree works, including felling and pruning.
ZD17 064R N12N	ARBORICULTURAL SUPERVISION No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2005 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.
ZD22 012R N04N	(PRE-COMMENCEMENT) SUBMISSION OF LANDSCAPE SCHEME No part of the development shall commence until full details of a hard and soft landscaping scheme together with a timescale for the implementation of works have been submitted to and approved in writing by the Local Planning Authority.
ZD27 110R	SUBMISSION OF ADDITIONAL SERVICE/ DRAINAGE LAYOUT DETAILS No part of the development shall commence until details of underground and overhead services have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details as approved.

Your Ref : APP/H6955/A/18/3194493
Our Ref : 2018-03-19 PINSW
Date : 19 March 2018

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Sophie Godfrey
The Planning Inspectorate Wales
Crown Buildings
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BY EMAIL: wales@pins.gsi.gov.uk

Dear Ms Godfrey

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

LAND NORTH OF STATION AVENUE, CHIRK, WREXHAM, LL14 5NA

LPA REFERENCE: 2016/1165

APPEAL REFERENCE: APP/H6955/A/18/3194493

Accompanying Documents

In accordance with the timetable for the above Appeal, please find enclosed the Hearing Statement prepared on behalf of the Appellant. I confirm that the Hearing Statement comprises three separate documents which are to be read in conjunction. These documents are as follows:

- Hearing Statement ĩ Planning ĩ Prepared by Hourigan Connolly.
- Hearing Statement ĩ Heritage ĩ Prepared by Heritage Planning Consultancy.
- Hearing Statement ĩ Arboriculture ĩ Prepared by Ascerta.

The above documents are provided by email only as this is the Planning Inspectorate Wales's preferred mode of communication.

Statement of Common Ground and Planning Obligation

As my colleague, Beverley Moss advised you over the telephone on 15 March 2018, a draft Statement of Common Ground was submitted with the Grounds of Appeal and have also been sent directly to the Council for their comments. To date, the Council has not provided any comments on this draft document, and we continue to engage with them so that we might be in a position to provide the Inspector with a signed Statement of Common Ground as soon as possible.

Similarly, we are engaging with the Council with regards the Section 106 Planning Obligation and again, hope to be able to present this to the Inspector at the earliest opportunity.

Conditions

As with the above, the Appellant has engaged with the Council to seek to agree conditions to be imposed should the appeal be allowed, in order to save time at the Hearing.

Costs

I confirm that at this stage the Appellant has no intention of submitting a costs application but reserves its position until it has seen and heard the Council's evidence.

Summary

I trust that the submission of the Hearing Statement is in order and look forward to receiving a copy of the Council's evidence and any comments you may have received from other interested people or organisations.

If you have any queries please contact me or my colleague Beverley Moss.

Yours sincerely

A large black rectangular redaction box covering the signature of Marc Hourigan. Above the box, there are some faint, handwritten scribbles in black ink.

MARC HOURIGAN BA (Hons) BPI MRTPI
Executive Director

cc: Chris Edge Co-Op
 Beverley Moss Hourigan Connolly

Encl.

Land to the North of
Station Avenue
Chirk, Wrexham
LL14 5NA

Statement on
Arboricultural Issues

Prepared by
Alistair McLeod

March 2018

Planning Inspectorate Ref: **APP/H6955/A/18/3194493**
Wrexham County Borough Council Ref: **P/2016/1165**

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1.0 Qualifications & Experience

- 1.1 My name is Alistair McLeod. I am the owner and Principal Arboricultural Consultant with Ascerta, based at Mere One, Mere Grange, Elton Head Road, St Helens WA9 5GG.
- 1.2 I have been involved in professional arboriculture since 1987. In 1991 I qualified with a National Diploma in Arboriculture from Merrist Wood College of Agriculture and Horticulture in Surrey, England. In 2007 I gained the Professional Diploma in Management from the Open University.
- 1.3 My early career in arboriculture involved working within the private sector, both as a self-employed contractor and in full time employment for a number of contractors throughout the UK and Europe. During this time I gained extensive experience of the maintenance of public and privately owned trees as well as contract implementation and management.
- 1.4 Between February 1995 and February 2007 I was employed by OCA UK Ltd (now part of the Landscape Planning Group of companies), as an arboricultural consultant. In February 2007 I formed my own business, where I now work as Principal Arboricultural Consultant.
- 1.5 My main specialisms are the assessment of project feasibility in relation to arboricultural constraints, the gathering of site data in relation to trees and landscape features, the preparation of reports to support planning applications and the provision of advice to clients in relation to the Town & Country Planning Act 1990, the Town & Country Planning (Scotland) Act 1997, the Forestry Act 1967 (amended) and the various Statutory Instruments relating to trees.
- 1.6 I have worked for and alongside a wide range of clients, including Local & County Authorities, PLCs, Surveyors, Engineers, Architects, Landscape Architects, Loss Adjusters, Insurance Companies, Property and Land Developers, Housing Associations (Registered Social Landlords), Civil Aerodromes, Military Aerodromes, Universities, Charities and Private Individuals.
- 1.7 I have attended formal and informal public inquiries and regularly supply advice as part of design, project management and consultant / legal teams and as part of multi-disciplinary teams involving Arboriculturists, Landscape Architects, Ecologists, Town Planners, Architects, Surveyors, Loss Adjusters and Engineers.

2.0 Introduction

- 2.1 I have been instructed by the Co-op (the client) to prepare this statement in relation to the arboricultural aspects of the proposed development and to respond to the single reason for refusal that relates to trees.
- 2.2 The development involves an Outline application for the residential development of up to 22no. units and associated works, with all matters reserved except for access. In order to achieve the proposal, it will be necessary to remove one tree protected by a Tree Preservation Order, and one tree protected by virtue of its location within a Conservation Area. Provision is made within the application for the adequate replacement of these trees.
- 2.3 I confirm that I am familiar with the site and its surroundings, having visited the site at the time of the original tree survey in August 2015 and having prepared the report 'Arboricultural Impact Assessment' dated November 2015 that was submitted with the original planning application under Wrexham County Borough Council's reference P/2016/1165. Following revisions to the proposed layout at the request of the local authority tree officer, Revision A of that report was produced in March 2017. Subsequently, and addressing a minor policy related error, Revision B of the Arboricultural Impact Assessment was issued in January 2018. Revision B of the report can be found at **Appendix 1** to this statement.

I confirm that I have visited the site on several occasions since August 2015, including attending a site meeting with the Wrexham County Borough Council Arboricultural Officer, Mr Jon Brewin, on 3rd May 2017 to discuss the application with a view to minimising the impact on trees.

- 2.4 In providing evidence to the hearing I shall refer to the information submitted with the original planning application, as well as current guidance in relation to trees and development.

3.0 Reason for Refusal

- 3.1 The decision notice issued by Wrexham County Borough Council on 11th August 2017 contains one single reason for refusal as follows:

"The proposed development would result in the loss of two protected trees of significant amenity value within an existing tree lined avenue. The removal of these trees would not only create an unnatural break within this avenue, but would have detrimental impact upon the character and appearance of the conservation area. To allow this development would therefore be contrary to Wrexham Unitary Development Plan policy EC7 which prioritises the need to preserve or enhance those elements including trees which contribute to the unique character of the area. Similarly the proposal would be contrary to Policy EC4 which seeks to prevent development which results in the loss or significant damage to valuable trees."

4.0 Planning Policy & Relevant Legislation

- 4.1 Planning Policy Wales (PPW; 2016) sets out the land use planning policies of the Welsh Government and how these are expected to be applied. It provides the policy framework for the preparation of local authority development plans.
- 4.2 PPW is supplemented by a series of Technical Advice Notes (TANs), of which TAN 10 *Tree Preservation Orders* (1997) gives guidance on where local planning authorities are to make adequate provision for the preservation and planting of trees when granting planning permission, through the process of making Tree Preservation Orders (TPOs). TAN 10 also sets out wider legislation as it relates to trees as well as a factual account of how that legislation applies to trees.
- 4.3 The site lies within the Wrexham County Borough Council administrative area and is subject to the Wrexham Unitary Development Plan (adopted February 2005). Policy EC4 *Hedgerows, Trees and Woodlands* contained within the document applies to the subject site in relation to trees. This policy states:

Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.c

Policy EC7 of the UDP also makes reference to trees as follows:

Within, and in close proximity to, conservation areas, the priority will be to preserve and/ or enhance those buildings, structures, streets, trees, open spaces, archeological remains, views, and other elements which contribute to the unique character of the area. New buildings and alterations or additions to existing buildings in conservation areas, whether listed as of special architectural or historic interest or not, must reflect the design and character of the area as a whole and the form, scale, detailing and materials of existing buildings.

- 4.4 Local Planning Guidance Note No.17 *Trees and Development* and Local Planning Guidance Note No.32 *Biodiversity and Development* supplement the above policies and provide guidance for consideration during the design and planning process.
- 4.5 A number of trees located along Station Avenue are protected by the Wrexham County Borough Council (Community of Chirk) Tree Preservation Order 59, 2003. The Order took provisional effect on 22nd April 2003 and was confirmed on 6th August 2003. The map and schedule to the Order lists 39 individual trees and one group of trees, extending for the majority of the length of Station Avenue.

4.0 Planning Policy& Relevant Legislation (Continued)

- 4.6 A copy of the Tree Preservation Order is produced at **Appendix 2** to this statement.
- 4.7 The southern boundary of the site, including the strip of land containing the aforementioned trees as well as the site boundary hedgerow and numerous self seeded trees and scrub, is located within the Chirk Conservation Area. A detailed analysis of the Conservation Area is provided within the Heritage Impact Statement prepared by Anne Lloyd Morris.

5.0 Current Arboricultural Standards

- 5.1 There are a number of arboricultural industry standards and guides that are accepted widely in relation to the planning and implementation of developments within proximity to trees. These documents are routinely referred to during the planning and decision making process where trees and woodlands are present within or adjacent proposed development sites.

British Standard 5837: 2012 *Trees in relation to design, demolition and construction – Recommendations* is the most relevant reference and provides current recommendations and guidance on the relationship between trees and design, demolition and the construction processes. It sets out the principles and procedures to be applied to achieve a harmonious and sustainable relationship between trees and structures.

6.0 Response to the Council's reason for refusal

- 6.1 Only one reason for refusal was cited within the decision notice, as follows:

“The proposed development would result in the loss of two protected trees of significant amenity value within an existing tree lined avenue. The removal of these trees would not only create an unnatural break within this avenue, but would have detrimental impact upon the character and appearance of the conservation area. To allow this development would therefore be contrary to Wrexham Unitary Development Plan policy EC7 which prioritises the need to preserve or enhance those elements including trees which contribute to the unique character of the area. Similarly the proposal would be contrary to Policy EC4 which seeks to prevent development which results in the loss or significant damage to valuable trees.”

- 6.2 Looking at the reason for refusal, I would address each of its constituent elements as follows:

a) The loss of two protected trees of significant amenity value:

It is important to note the subtle distinction between the types of protection afforded to the two trees in question. Of those trees, only one (T6, Lime, of our tree survey) is protected by the Tree Preservation Order (T14 of the Order), with the other (T5, Sycamore, of our tree survey) being afforded protection by virtue of its location within a Conservation Area.

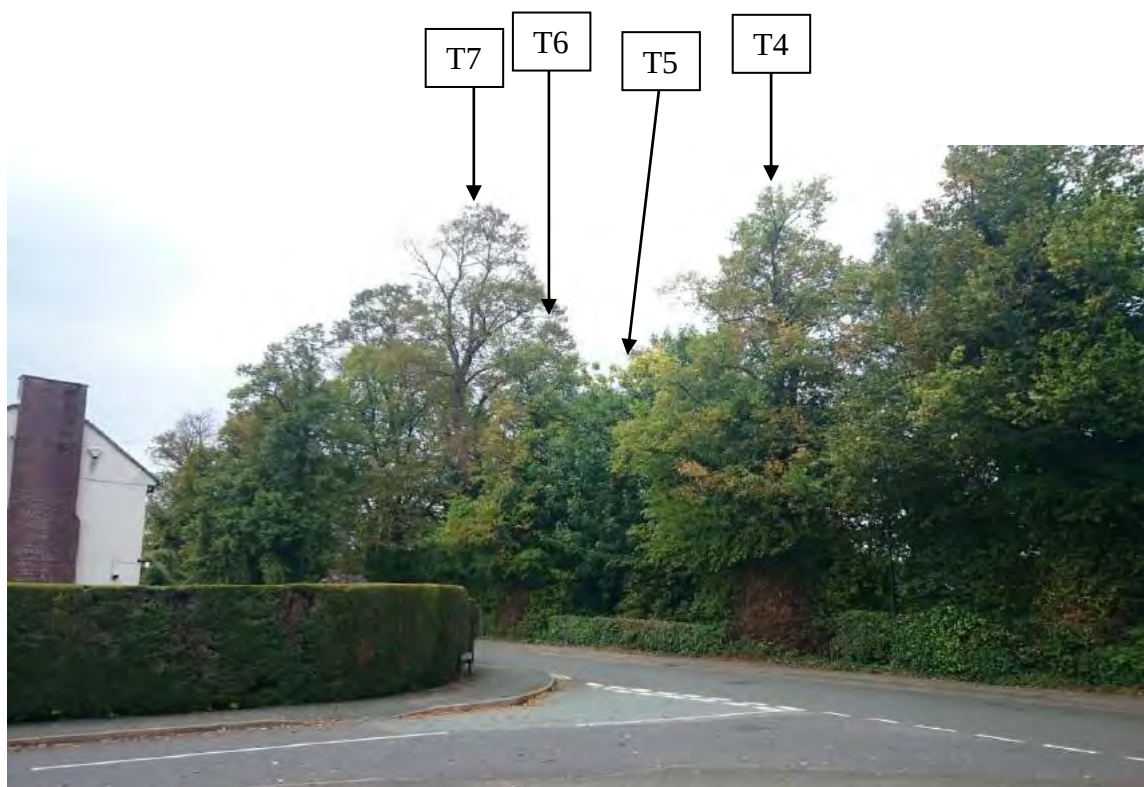
The Sycamore T5 is a self-seeded tree of limited visual value, out of context in the local landscape with the more formal and prominent trees adjacent Station Avenue. I consider it unjustifiable to suggest that this tree has ‘significant amenity value’ given its size and limited visibility in the street scene.

6.0 Response to the Council's reason for refusal (Continued)

In addition to the fact that T5 has very little visual amenity value, the nature of tree related statutory controls is that should a planning authority wish to retain and protect a tree within a Conservation Area that is subject to a notification of proposed removal (irrespective of whether that is included within a development related planning application or separately via a Section 211 [of the Town & Country Planning Act 1990] notice), the only course of action that it may take to legally secure its retention following the submission of such a notice is to create a Tree Preservation Order in order to secure control over the future of that tree. It is noted that no such Order has been made in respect of this tree, therefore I would assume that the Council is of the opinion that the tree is not of such value within the landscape as to warrant consideration for retention.

Whilst the Lime tree T6 is included within the Tree Preservation Order, its condition and size is such that the contribution it makes to the street scene is at best limited. As is clearly stated within the Arboricultural Impact Assessment, and agreed by the WCBC Arboricultural Officer, the tree has suffered damage in the past, including losing its 'leader', resulting in the likelihood of decay at that wound and predisposing it to future problems and deterioration in structural integrity in its upper canopy. Visually, the tree is lost against the backdrop of much larger trees to the west.

The picture below is of a view along part of Station Avenue from the junction with Castle Crescent, with the positions of trees at and adjacent the point of proposed access to the site indicated. I do not consider that the trees proposed for removal are of significant amenity value.



6.0 Response to the Council's reason for refusal (Continued)

b) The alleged creation of an unnatural break within the tree lined avenue:

The integrity of the avenue feature along the highway has already been fragmented to a degree by the loss of a number of trees through the years, most notably along the southern side of Station Avenue. The images within the Heritage Impact Statement (figures 7 & 8) clearly show trees lining both sides of the road, many of which have been lost for one reason or another. The nature of trees is that with or without various development impacts, some trees become diseased or die and if not replaced, then the integrity of avenue features such as in this case is subject to a degree of erosion.

Along the frontage of the appeal site, it is notable that one of the trees subject to the Tree Preservation Order (T15 of the Order) has been lost since the Order was made, so some time after 2003. With no replacement tree having been planted, there is an existing 'gap' in the line of protected trees at the point where access to the site is proposed. The removal of one further low quality tree (T6) will not be visually significant in the context of the wider avenue. In fact, the development presents an opportunity to provide a replacement not only for the tree that is proposed for removal, but also the tree that has previously been lost (T15 of the Order), thereby enhancing the integrity of the avenue for the longer term benefit of the landscape.

c) The alleged detrimental impact on the character and appearance of the Conservation Area:

Whilst this issue is addressed in both the Planning and Heritage Impact Statements, I confirm that in the absence of any maintenance and formal management of the strip of land alongside Station Avenue, there is no 'vehicle' for the longer term safeguarding of the protected trees. The development of the site presents an opportunity to ensure the proper maintenance and management of those trees, including the planting of new trees to replace those lost (as is proposed), ensuring that those new trees survive and thrive. In arboricultural terms, this is a positive impact on the long term character and appearance of the Conservation Area. In the absence of such provision for the planting of new trees in a structured manner, it is likely that the quality of canopy cover along the avenue will deteriorate as emerging self-seeded species (such as Sycamore) replace the formal landscape feature as the Lime trees eventually decline and are lost.

d) That the proposals are contrary to UDP Policies EC4 & EC7:

It is clear from the arboricultural survey and agreement reached with the WCBC Arboricultural Officer that those trees proposed for removal have no particular arboricultural merit and therefore cannot be considered as valuable. With the inclusion of formal landscape planting and management proposals within the application, including the provision for replacing the protected Lime tree, I consider that the development as proposed presents an opportunity to enhance the long term arboricultural value of not only the site frontage, but the wider site as well. I therefore consider that the proposals are fully aligned with policy EC4 of the UDP

6.0 Response to the Council's reason for refusal (Continued)

The nature of trees is, unfortunately, that they have a finite life expectancy, therefore in the absence of positive management, formal features can be eroded or lost completely. Station Avenue is a good example of this, where trees that once formed a majestic feature have been lost over the years without any apparent provision for their replacement and thus continuity of both canopy cover and the visual feature. The development of the appeal site, which includes provision for the replacement of protected trees as well as more formalised management of the strip of land adjacent Station Avenue, represents a tangible enhancement of this particular feature of the Conservation Area, which is wholly consistent with policy EC7 of the UDP.

7.0 Other matters

- 7.1 From the initial stages of the proposals to develop the site, we have actively engaged with Wrexham County Borough Council and have adopted a tree-led design approach in order to minimise the impact on the arboricultural features within and immediately adjacent the site. Our discussions with the WCBC Arboricultural Officer have been positive, and following a site meeting to discuss the impact of the proposed site access on the protected trees, an application was made under the Tree Preservation Order for the pruning of basal growth to tree T4 of our survey to allow a more detailed assessment of the visibility splay impacts on this tree. Subsequently the tree was plotted more accurately on the topographical survey, confirming that its position is actually outside of the proposed visibility splay. This meant that the TPO application could be withdrawn in order to prevent wasted time and effort.
- 7.2 Further details were discussed, submitted and agreed with the Arboricultural Officer in respect of the proposed replacement of T6, the size of tree proposed, species and planting position. The proposed planting position was chosen as close to the position of the original tree as possible, this having the effect of securing a tree in the position of the original tree on the TPO map and removing any immediate need for the creation of a new Tree Preservation Order to protect the replacement tree. Significant landscape enhancements across the wider site, including the planting of a mixture of trees and shrubs, were also proposed via the landscape scheme submitted with the application. Details of the planting proposal to replace T6 can be found at **Appendix 3**.
- 7.3 Upon updating the surveys and access proposals, the WCBC Arboricultural Officer confirmed that he was happy with the proposals and had no objection to the development. A copy of Mr Brewin's email can be found at **Appendix 4** to this statement, from which pertinent extracts are as follows:

'The proposed removal of a determined section of H1 is acceptable from an arboricultural perspective as the loss will be mitigated by hedgerow replacement within the red-line boundary of the site...'

'The proposed removal of the protected limes T5 and T6 is considered acceptable from an arboricultural perspective as both trees appear to be in a state of decline with diminishing amenity value.'

7.0 Other matters (Continued)

- 7.4 In the context of the wider landscape, the development proposals involving the loss of only one tree protected by the Tree Preservation Order is negligible given that in excess of 39 are protected and still exist along Station Avenue. Currently there is no formal provision for the continuity of tree cover along the avenue, however the inclusion within the development proposals of new planting, both within the wider landscape scheme and specifically to address the replacement of the Lime tree proposed for removal, goes some way to providing a more structured scheme to safeguard the integrity of this part of the Conservation Area.

8.0 Conclusions

- 8.1 From the early stages of the design process, those protected trees along the frontage of the appeal site with Station Avenue have influenced the design process and all efforts have been made in order to minimise the impact on those trees. This is entirely consistent with the principles of BS5837: 2012 *Trees in relation to design, demolition & construction – Recommendations*.
- 8.2 The proposed position of the access into the appeal site represents, from an arboricultural perspective, the least visually intrusive point along the site frontage, involving as it does only the loss of two low value trees as agreed with the WCBC Arboricultural Officer.
- 8.3 Provision has been made within the application proposals for the adequate replacement of those trees to be removed, as well as additional planting of trees and shrubs, the combined effect of which will be the increase in canopy cover in this part of the borough, as well as the introduction of a more diverse age structure along the site frontage, which is a direct benefit for the future of the avenue feature and which will enhance the integrity of the tree cover for the longer term benefit of the local landscape.
- 8.4 It is my opinion that the proposals, as submitted under this application, to develop the appeal site are not at conflict with the tree related policies within the UDP. I therefore respectfully request that the appeal be allowed.

Statement on
Arboricultural Issues

Appendix 1

Planning Inspectorate Ref: **APP/H6955/A/18/3194493**
Wrexham County Borough Council Ref: **P/2016/1165**

Ascerta

Landscape, Arboricultural & Ecological Solutions
for the Built Environment

Arboricultural Impact Assessment

Land off Station Avenue
Chirk
LL14 5LR

November 2015

Rev.	Date	Details
A	16 March 2017	Revised layout to accommodate tree officer comments
B	18 January 2018	Report revised in line with Welsh Planning Policy

Ascerta

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Appendix 2	Drawing P.585.15.01 <i>Tree Survey</i> Drawing P.585.15.02 <i>Tree Protection Drawing</i> Drawing P.585.15.03 <i>Shading Impacts</i>

EXECUTIVE SUMMARY

A survey of the existing trees on and adjacent land off Station Avenue, Chirk, has been carried out by a suitably qualified and competent Arboriculturist in accordance with British Standard 5837: 2012 *Trees in relation to design, demolition and construction – Recommendations*.

The purpose of the survey and of this report is to identify the impact of the proposed development of the site on trees, both within and immediately adjacent the site, in accordance with the provisions of BS5837: 2012.

The development of the site will potentially involve the construction of twenty three residential dwellings within the triangular plot of land to the north of Station Avenue, however the basis of this report is mainly to assess the impact of providing an access to the land in question. The provision of a suitable access will require the removal of a small number of existing trees and in the absence of suitable controls, has the potential to have an indirect impact on a number of the trees proposed for retention.

Mitigation for the impact of the development can be provided in the form of the following:

- The erection of protective fencing in advance of the commencement of the development to safeguard the root systems of retained trees;
- The agreement, in advance of the commencement of the development, together with the implementation during the construction phase, of a methodology for the protection of retained trees.

Compensation for the impact of the development, together with landscape and biodiversity enhancements can be achieved by way of the following:

- The planting of trees and shrubs as part of a comprehensive landscape scheme to replace any trees lost and to integrate the development into the wider landscape;
- The planting of native hedges where possible to provide linear habitats that link to habitats located off site;
- The use of a mixture of native and ornamental species within planting schemes, where those species are suited to the site and local landscape.

1.0 Introduction

- 1.1 Ascerta has been instructed by Co-operatives Estates to carry out a survey of the trees within and immediately adjacent land to the north of Station Avenue, Chirk, and to assess the potential impact of the development as proposed on trees within / adjacent the site in accordance with British Standard 5837: 2012 *Trees in relation to design, demolition and construction – Recommendations*.
- 1.2 The site was originally visited on 26th August 2015 by Robert Armitage BSc (Hons), a competent and qualified arboriculturist with experience of the UK and European arboricultural and landscape industries within the context of the planning system. During the site visit, a survey was carried out of the trees growing both on and immediately adjacent the site to the standards contained within BS5837: 2012. Subsequent visits have been made to assess various development proposals and their potential impact on retained vegetation and this report presents the results of the survey, provides an assessment of the impact of the development and includes recommendations for further actions, where applicable, in order to mitigate any potentially negative effects of the development on tree cover within the local landscape.

2.0 Objectives

- 2.1 Our client's objective is to develop the site for residential purposes, including the provision of an access to the site from Station Avenue.
- 2.2 Our objectives are as follows:
- Identify what arboricultural features exist presently within and adjacent the site and to record and categorise them in a manner consistent with BS5837: 2012;
 - Identify what trees will need to be removed directly as a result of the proposed development of the site;
 - Identify any indirect impact from the proposed development on trees proposed for retention;
 - Provide an indication of what protection measures can be implemented as part of the development of the site to ensure the physical protection of retained trees;
 - Provide recommendations for mitigation and compensation in terms of new planting or enhancement of existing features of arboricultural, landscape or ecological interest or importance;
 - Provide any other recommendations to assist our clients in achieving their objectives whilst satisfying current legislation or policy guidance in relation to the woody vegetation on site.

3.0 Planning Policy & Relevant Legislation

- 3.1 Planning Policy Wales (PPW; 2016) sets out the land use planning policies of the Welsh Government and how these are expected to be applied. It provides the policy framework for the preparation of local authority development plans.
- 3.2 PPW is supplemented by a series of Technical Advice Notes (TANs), of which TAN 10 *Tree Preservation Orders* (1997) gives guidance on where local planning authorities are to make adequate provision for the preservation and planting of trees when granting permission through the process of making Tree Preservation Orders (TPOs). TAN 10 also sets out wider legislation as it relates to trees.
- 3.3 The site lies within the Wrexham County Borough Council administrative area and is subject to the Wrexham Unitary Development Plan (adopted February 2005). Policy EC4 *Hedgerows, Trees and Woodlands* contained within the document applies to the subject site in relation to trees and has been taken into account when writing this report.
- 3.4 We are advised by Wrexham Council that the linear group of Lime trees along the front of the site are protected by Tree Preservation Order 59, 2003. The Order protects 39 individual trees and one group of trees. These trees therefore have the benefit of statutory control. The site is also located within a Conservation Area, therefore those trees of relevance are also afforded protection in respect of this legislation.
- 3.5 British Standard 5837: 2012 *Trees in relation to design, demolition and construction – Recommendations* provides current recommendations and guidance on the relationship between trees and design, demolition and the construction processes. It sets out the principles and procedures to be applied to achieve a harmonious and sustainable relationship between trees and structures.
- 3.6 Notwithstanding the aforementioned policies and legislation, consideration should also be given to any impacts from the proposed development in respect of the Hedgerow Regulations 1997 and the Forestry Act 1967 (and specifically the potential need for a felling licence), as well as existing UK and European legislation relating to wildlife and nature conservation.

4.0 Surveys & Survey Methodology

- 4.1 We have been supplied with a digital copy of the topographical survey for the site, which largely satisfies section 4.2 of BS5837: 2012. Any features of arboricultural or landscape interest that have been excluded from the original version of the topographical survey (for example trees located off site but within a distance from the boundary of the site equal to or less than 12 times the stem diameter of that tree) have been added to the plan manually.
- 4.2 Our assessment of the soils within the site, based on local site conditions, geography, available soil maps and our own experience of soils across the United Kingdom, indicates that the soils on site are likely to contain a clay element, but that this will have a plasticity index in the low/medium range. Any further details or confirmation of the exact nature of soil conditions on site will require further, more rigorous sampling and analysis. It is not however anticipated that the clay content will cause specific issues relating to retention of trees given the impact of the development proposals, providing that consideration is given to this aspect in advance of and during the construction phase of the development. Provision will need to be made for the protection of soil structure in key areas during the construction phase and the repair of any damage post construction. Further details are provided throughout this report and final details can be secured via planning condition.
- 4.3 Our survey of the trees within and adjacent the site was carried out by a qualified and competent arboriculturist in accordance with sections 4.4 and 4.5 of BS5837: 2012 on 26 August 2015 during warm, sunny weather conditions. Subsequent assessments have been made to determine the optimum position for an access with as little impact on tree cover as possible. Those trees surveyed have been numbered sequentially; although for the purposes of this project they have not been tagged. The trees have also been categorised in accordance with section 4.5 and Table 1 of the Standard.
- 4.4 Where relevant and where the quality of shrub masses and hedges justifies recording, details have been recorded to the tree survey plan and tree data tables.
- 4.5 Where trees are surveyed that require immediate attention, for example to abate a nuisance, prevent a serious hazard to life or property, or are affected by a pathogen or pest that could cause widespread damage unless it is controlled, notification will be issued to the relevant person or organisation such that appropriate action can be taken.
- 4.6 Root Protection Areas for those trees surveyed have been calculated in accordance with the formulas within section 4.6 and Annex C of the Standard and can be found within the tree data tables that accompany this report. The tree data tables also contain a key to abbreviations used and the rationale for determining Root Protection Areas for groups of trees and woodlands (where applicable).

5.0 Survey Results & Impact Assessment

- 5.1 Across the wider site, twenty individual trees, four groups of trees and one hedge were recorded during our survey, the details of which can be found within Appendix 1 to this report and cross referenced with drawing P.585.15.01 *Tree Survey*. Table 1 below summarises those trees to be removed for the proposed access, provides comments on the quality of vegetation across the site and suggests possible opportunities for mitigation / compensation:

Table 1: Trees proposed for removal as part of the development of the site.

Tree(s) to be removed	Comments	Mitigation / Compensation Opportunities
H1 (in part), T5 and T6	The site is fronted by a linear group of mature Lime trees that provide some good site definition and reasonable screening. However, several of the trees, including T6, are showing symptoms of decline, with main leading stems and branches beginning to die back and decay. Elsewhere on the site, the eastern boundary comprises overgrown hedging with intermittent emerging trees, some of which towards its northern end have high aesthetic value as individuals.	Those trees removed can be replaced with new planting either side of the proposed access point. In addition to this, the development proposal presents an opportunity to enhance the long term potential of the site frontage through the addition of a quality secondary canopy to ultimately replace the mature tree stock as and when it eventually declines. Over and above this, the development of the site for residential purposes will undoubtedly involve the planting of a number of trees and shrubs across the site, thereby adding to the canopy cover of the local landscape at the expense only of relatively low quality grassland.

In addition to the trees proposed for removal, the development may in some instances have the potential to have an indirect impact on those trees proposed for retention. Where potential indirect impacts exist, arrangements will need to be made to safeguard the retained trees from damage during the construction phase.

- 5.2 **Hedgerows:** In accordance with the Hedgerow Regulations 1997 ‘important’ hedgerows (in the context of the Regulations) should not be removed without a Hedgerow Removal Notice issued by the relevant Local Authority, unless that removal is subject to an appropriate consent under the Town and Country Planning Act 1990. In this instance the proposal would be subject to receipt of a planning approval, within which provision can be made for replacement planting for any hedgerow removed that is considered important in accordance with the requirements of the Regulations.

5.0 Survey Results & Impact Assessment (Continued)

- 5.3 **Potential for Shading:** Mature trees in urban and suburban areas add significant value and environmental benefits to properties; however, it is acknowledged that some residents are averse to living in close proximity to trees because of shading. Drawing P.585.15.03 *Shading Impacts* shows an illustrative representation of how the trees along the site frontage cast shade into the site based on current tree heights along the site frontage and other known factors, including tree location and general canopy dimensions. The current proposed layout has been added to the drawing, which clearly shows that those plots fronting towards Station Avenue will not be adversely affected by shade. It is acknowledged that due to different angles of the sun at different times of day throughout the year, shade patterns will alter, however the distance of the plots from retained trees is such that they will not be affected by shade to the point where requests for tree work are likely.
- 5.4 **Boundary Screening:** Trees located adjacent to the boundaries of the site make a welcome contribution to the screening of views and can be complemented by the planting of new trees and shrubs such as to filter views and integrate the development into the surrounding landscape where boundaries are weak. This will be particularly effective along the western and northern boundaries of the site as there is currently a significant lack of trees and hedges in these locations. These enhancements can be included within a planting scheme at the landscape phase of the development.
- 5.5 **Long Term Spatial Constraints:** Until a final layout has been agreed, it is difficult to determine whether there will be any long term spatial constraint issues. Whilst it is not possible to predict what actions future residents will seek to take in respect of trees within or adjacent their properties, the proposed layout can nevertheless be designed to minimise potential issues in the longer term.
- 5.6 **Future Nuisance from Trees:** Although there can often be a nuisance value attached to trees in close proximity to residential dwellings (leaf / fruit drop for example), the layout can be designed to minimise the extent to which this may be an issue.
- 5.7 **Existing Areas of Hard Standing:** The existing footpath adjacent Station Avenue will need to be adjusted to accommodate the proposed access between trees T4 & T7. Whilst some works will be required within the root protection areas of retained trees, the extent of these works is limited and therefore provided that an element of care is taken, the impact on retained trees will not be excessive. This has previously been discussed and agreed with the local planning authority tree officer.

5.0 Survey Results & Impact Assessment (Continued)

- 5.8 **Proposed Areas of Hard Standing:** With the removal of trees T5 & T6, the proposed access road will be positioned outside the root protection area of trees either side (T4 & T7). Provided that construction activities are agreed in advance and suitable tree protection measures implemented in advance of the construction phase, there should be little if any potential harm to those trees proposed for retention. Given the location of the proposed access and the relationship with adjacent trees, construction methodologies involving the use of geotextiles are not considered to be required in this instance. It will however be necessary to safeguard retained trees either side of the access from the physical construction activities by the erection of suitable protective fencing.
- 5.9 **Proposed Buildings Located Adjacent / Within Root Protection Areas:** There are no buildings proposed within or immediately adjacent root protection areas of those trees to be retained, therefore subject to all agreed methodologies for the physical protection of retained trees, there should be no significant impact from the development process.
- 5.10 **Proposed Drainage & Domestic Services:** At the planning application stage of the project, details of proposed drainage arrangements and provision of domestic services (gas, electricity, telephone, cable etc) are generally not known. During the installation process however, general guidance can be obtained from the National Joint Utilities Group publication *Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Volume 4* such as to minimise the impact of works on retained trees. It is assumed that drainage for the site will need to connect to the existing infrastructure along Station Avenue. Provided that excavations are contained and controlled, the risk of unnecessary damage to retained trees should be minimal.
- 5.11 **Working Space During the Construction Phase:** The removal of T5 and T6 will allow adequate working space either side of the new entrance road to limit any adverse impacts to adjacent retained trees during the construction phase. With careful site works that are sympathetic to trees, in conjunction with tree protection fencing erected in advance of any construction works, there should be very little impact on retained trees during the construction phase.
- 5.12 **Access Facilitation Pruning:** There should be no requirement for access facilitation pruning in order to accommodate the development.
- 5.13 **Protection of Planting Areas:** It is often desirable to fence off areas that are to be newly planted to protect the soil structure. Given the scale of the proposed development against the size of the actual site, it is possible that areas can be set aside for landscaping / planting, particularly around the fringes of the site. This would be a significant benefit to proposed new planting and provide an immediate quality rooting environment for new plants.

5.0 Survey Results & Impact Assessment (Continued)

- 5.14 **Requirement for an Arboricultural Method Statement:** It would be beneficial to agree and implement a Method Statement for Tree Protection (an Arboricultural Method Statement) to ensure that retained trees are adequately protected from the outset and that no unnecessary harm occurs during the construction phase. Section 6 of this report contains further details of the aspects of the development that could successfully be controlled, which can in turn be subject to a suitably worded planning condition.
- 5.15 **Planning for New Landscaping:** If not considered carefully at the design stage, new planting and landscaping can have an adverse impact on existing trees and cause long term problems for future residents. Care should be taken in the design of new landscapes to prevent physical damage to retained trees during the planting process, and to ensure that schemes are designed to survive and thrive rather than compete for resources. Similarly new trees and shrubs should not be planted where they will cause damage to structures, either directly or indirectly in the future. Table A1 at Annex A of the Standard gives advice on minimum distances for new trees from structures to avoid direct damage from future tree growth. Further advice should be sought from the project arboriculturist and a suitably qualified and experienced engineer as to the potential indirect impact of trees on structures in the long term (from clay shrinkage subsidence).

6.0 Tree Protection Measures

- 6.1 On the basis of the proposed layout and those trees proposed for retention, drawing P.585.15.02 *Tree Protection Drawing* shows our preliminary recommendations for the physical protection of retained trees throughout the construction phase. The plan, which can be finalised when the final layout is fixed, indicates the location of protective barriers, as well as the specification for construction of the protective fencing in accordance with Figures 2 & 3 of the Standard. These barriers will form a construction exclusion zone around the retained trees.
- 6.2 In addition to the erection of protective fencing, drawing P.585.15.02 *Tree Protection Drawing* shows areas where it would be beneficial to agree a tree protection method statement between the project arboriculturist, design & construction teams and the local planning authority tree officer. The method statement will need to address and make allowance for the following:
- All forms of access required to the site;
 - Site cabins and storage areas;
 - Proposed parking for site personnel;
 - Phasing of works;
 - Space required for excavations (including foundation excavations);
 - Any required special construction techniques (for example provision of porous surfaces);
 - The location and construction methodology for installation of services in close proximity to retained trees & hedges;
 - Any changes in ground levels and any resulting requirement for retaining structures;
 - Working space for cranes, plant and scaffolding; and
 - Management of waste products within the site.
- 6.3 Over and above the physical tree protection measures that should form the basis for the tree protection method statement, the following details should be provided within the method statement:
- Protection of the soil structure within the proposed planted areas (where applicable);
 - Planting operations within the root protection areas of retained trees;
 - Any required / additional precautions outside of construction exclusion zones in relation to the treatment & landscaping of garden or open space areas;
 - System of arboricultural site monitoring / schedule of site visits and resulting actions.

7.0 Summary of Impacts & Potential Mitigation Factors

- 7.1 Table 2 below summarises the impacts of the development as proposed on tree cover within and immediately adjacent the site. Comments are also provided on potential mitigation, compensation or special measures required in order to minimise the impact of the development and safeguard trees proposed for retention.

Table 3: Summary of the impacts of the development on trees within / adjacent the site.

Issue	Affecting	Mitigation / Compensation / Special Procedures
Trees / hedges to be removed.	H1 (in part), T5 and T6.	Appropriate compensation can be provided by way of new / replacement planting at the landscape stage of the project. Given the existing site, it is likely that the development will result in an improvement to the level of tree cover in the local landscape as a significant number of new trees, shrubs and hedges can be planted as part of the residential development. Significant biodiversity enhancements can also be achieved through the landscape proposals.
Indirect physical impact on retained trees.	Retained trees.	Tree protection fencing should be erected to an agreed specification in advance of the commencement of the development. Key areas where works are proposed within or immediately adjacent root protection areas of retained trees should be subject to a method statement, agreed in advance as a condition of planning consent.
Potential shading of properties / gardens.	Not applicable given the proposed layout.	The layout had been designed taking into account consultation comments from the local planning authority and plots positioned such that shading will not adversely affect the amenity of future residents.
Provision of new driveways / road / footpaths.	T4, T7, H1 & G2.	Works can be sympathetic to retained trees, with excavations carried out carefully and any exposed roots from retained trees pruned cleanly back to the soil surface. Tree protection fencing should be erected in advance of any works and should remain in-situ throughout the entire construction phase.
Protection of proposed planting areas.	Areas of site not subject to construction works.	These areas should be fenced off at the start of the development for the protection of soil structure.
Protective Fencing.	To be erected to an agreed specification in advance of the commencement of the development and retained in-situ throughout the course of the construction phase. Periodic inspections should be made by the project arboriculturist to ensure compliance with the specification.	

- 7.2 On the basis of the above and the contents of this report, it is considered appropriate that a Method Statement for Tree Protection be prepared as a condition of planning consent to demonstrate how trees proposed for retention can be suitably safeguarded. Together with the erection of tree protection fencing in advance of the commencement of the development, ensuring that it is retained in-situ throughout the construction phase, there should be no adverse impact on retained trees from the proposed development. The Method Statement should be adopted as a control document by site personnel.

8.0 Conclusions & Recommendations

- 8.1 The development as proposed, will directly require the removal of a small section of hedging and two existing trees (T5 and T6). The long term value of T6 is diminished slightly given its current condition and T5 is of relatively low quality. The removal of these trees and part of H1 can be compensated for by the planting of new trees, shrubs and hedges as part of the overall development of the site. Such planting can be designed to provide significant long term enhancements to the local landscape in terms of sustainability of canopy cover and diversity of species.

Suitable precautionary measures can be implemented in advance of and during the construction phase that limit any potentially adverse impacts from the development of the site and safeguard those trees retained for the long term benefit of the landscape. We therefore recommend that a tree protection (arboricultural) method statement be prepared and implemented as a condition of planning consent, to include provision for items listed at section 6 of this report, and that a landscape proposal be prepared to include provision for the planting of new trees, shrubs and hedging to replace those removed and to integrate the development into the surrounding landscape.

9.0 References

Planning Policy Wales (PPW; 2016);

Technical Advice Note 10 *Tree Preservation Orders* (1997);

British Standard 5837: 2012 *Trees in relation to design, demolition and construction – Recommendations*;

National Joint Utilities Group publication *Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Volume 4*.

Appendix 1

Site:	Land off Station Avenue, Wrexham	Surveyor:	Robert Armitage	 Landscape Trees Ecology
Client:	The Co-operative Estates	Survey Date:	26/08/15 (updated by A McLeod 18/09/15)	
Brief:	Tree Survey to BS5837:2012	Survey Conditions:	Warm, Sunny	

T. No	Species	Ht (m)	Stem DBH (mm)	RPA Radius (m)	Branch Spread				Ht Crown Clearance (m)	Age Class	P Condition	Structural Condition & General Comments	Preliminary	Est. (yrs)	Cat
					N	S	E	W					Recommendations		Grade
T1 (TPO T19)	Small leaved Lime	15	640	7.68	6	5	6	6	3	EM/M	F	Competing leaders from 3m rubbing and causing a bark included union. Slight lean towards adjacent park. Foliage appears in relatively poor condition. Large lost limb at 2m decaying into main stem.	No works required at this stage.	20	B2
T2 (TPO T18)	Lime	16	#700+	8.40	6	6	7	5	3	EM/M	F	Unable to measure stem due to dense epicormic growth. Element of dieback in canopy. Discoloured foliage.	Prune back epicormic growth.	20	B2
T3 (TPO T17)	Lime	10	#600	7.20	5	5	5	5	3	EM	F	Unable to measure stem due to dense epicormic growth. Dense Ivy coverage throughout. Not particularly prominent within the landscape.	Prune back epicormic growth & sever Ivy.	20+	B2/C2
T4 (TPO T16)	Lime	14	#500	6.00	6	6	5	5	3	EM/M	F	Unable to measure stem due to dense epicormic growth. Foliage discolouring.	Prune back epicormic growth.	20+	B2
T5 (NO TPO)	Sycamore	10	5 x #300	8.05	5	5	5	5	2	EM	F	Multi stemmed from the base. Dense ivy coverage. Multiple bark included unions. Low value.	Fell and replace elsewhere.	30+	B2/C2
T6 (TPO T14)	Lime	12	#550	6.60	4	6	4.5	4.5	3	EM	F/P	Some element of canopy dieback. Foliage discoloration in parts. Lost top in past, likely decay at this point. Not particularly prominent within the landscape. Dense Ivy on stem and scaffolds.	Fell and replace elsewhere.	20	B2
T7 (TPO T13)	Lime	21	#900	10.80	6	6	9	7	3	M	F	Canopy appears somewhat sparse and discoloured. Markedly taller than T3-T6 and more visually important to the streetscape.	No works required at this stage.	10+	B2

NOTE: The Category Grade applied to trees surveyed is consistent with the recommendations within Table 1 of BS5837: 2012, however this does not necessarily correlate with the visual importance of a tree within the wider landscape, nor does it dictate which trees should be retained at the cost of quality development. Where trees are to be lost to accommodate a development, recommendations will be made such as to provide suitable mitigation and compensation, and to integrate the development into the wider landscape.

Key to Abbreviations & Headings

T. No.: Tree number (T = Tree, G = Group, W = Woodland, H = Hedge, Cpt. = Compartment)

Stem DBH (Diameter at Breast Height): Measured at 1.5m above ground level*

Ht Crown Clearance: Canopy ground clearance

Structural Condition: Description of any observed defects

Cat. Grade: Tree quality assessment in accordance with BS5837: 2012

Species: Common name used

Root Protection Area Radius: Root Protection Area as per BS5837: 2012

Age Class: Y = Young, EM = Early Mature, M = Mature, OM = Over mature, D = Dead

Preliminary Recommendations: Made in respect of known / intended use of the site

* For groups of trees, the stem diameter of the largest tree in the group is generally used

Denotes estimated DBH where access was not possible

Ht: Approximate height of tree from ground level in metres

Branch Spread: Extent of canopy spread in metres to each of the four cardinal points

P (Physiological) Condition: G = Good, F = Fair, P = Poor, D = Dead

Est. (yrs): Estimated remaining contribution in years

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Brief:	Tree Survey to BS5837:2012	Survey Conditions:	Warm, Sunny	

T. No	Species	Ht (m)	Stem DBH (mm)	RPA Radius (m)	Branch Spread				Ht Crown Clearance (m)	Age Class	P Condition	Structural Condition & General Comments	Preliminary	Est. (yrs)	Cat
					N	S	E	W					Recommendations		Grade
T8 (TPO T12)	Lime	15	#830	9.96	6	6	6	6	3	EM/M	F	Some recent mechanical damage on main stem leaving a large open wound. Minor dead wood. Foliage appears in a reasonably good condition compared to the rest of the trees within the line.	No works required at this stage.	20+	B2
T9 (TPO T11)	Lime	22	#1100	13.20	7	7	8	8	3	M	F	Two large stems from near to the base of the tree with a large (3m), acutely angled bark inclusion. Significant foliage discoloration.	No works required at this stage.	20	B2
G1	Sycamore, Elder, Hawthorn, Lime, Ash	22	#150 - #200	2.40	6	6	6	6	0	Y/EM/M	F	Dense group growing next to road predominantly made up of self seeded, low value young trees often covered in Ivy. Nearest Station Avenue, mature Lime trees form a linear feature emerging from a 1m Hawthorn hedge. Understorey approximately 4m with occasional 10-12m Ash.	Sever Ivy where reasonable to do so.	30+	B2
G2	Hawthorn, Elder, Ash, Sycamore, Cherry	14	#140 ave	1.68	2	2	2	2	0	Y/EM/M	F	Previously maintained boundary hedge left to overgrow to approximately 6m with emerging young Sycamore, Ash and Cherry.	Cut back site side lightly.	30+	B2
T10	Ash	14	450	5.40	4	5	5	4	1.8	EM/M	F	Dense Ivy on stem. Vertical ribbing on stem indicates possible past internal cracking.	Prune branch tips back off site by 2m. Monitor for signs of deterioration in health or structural integrity.	20	C2
T11	Sycamore	14	#500 + #450 + #400	9.39	7	7	7	7	2	EM/M	F/G	Stem located just off-site. 2 stemmed from base. Good canopy vigour with a balanced canopy form.	No works required at this stage.	30	B2

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Key to Abbreviations & Headings

T. No.: Tree number (T = Tree, G – Group, W = Woodland, H = Hedge, Cpt. = Compartment)

Stem DBH (Diameter at Breast Height): Measured at 1.5m above ground level*

Ht Crown Clearance: Canopy ground clearance

Structural Condition: Description of any observed defects

Cat. Grade: Tree quality assessment in accordance with BS5837: 2012

Species: Common name used

Root Protection Area Radius: Root Protection Area as per BS5837: 2012

Age Class: Y = Young, EM = Early Mature, M = Mature, OM = Over mature, D = Dead

Preliminary Recommendations: Made in respect of known / intended use of the site

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Denotes estimated DBH where access was not possible

Ht: Approximate height of tree from ground level in metres

Branch Spread: Extent of canopy spread in metres to each of the four cardinal points

P (Physiological) Condition: G = Good, F = Fair, P = Poor, D = Dead

Est. (yrs): Estimated remaining contribution in years

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Client:	The Co-operative Estates	Survey Date:	26/08/15 (updated by A McLeod 18/09/15)	
Brief:	Tree Survey to BS5837:2012	Survey Conditions:	Warm, Sunny	

T. No	Species	Ht (m)	Stem DBH (mm)	RPA Radius (m)	Branch Spread				Ht Crown Clearance (m)	Age Class	P Condition	Structural Condition & General Comments	Preliminary	Est. (yrs)	Cat
					N	S	E	W					Recommendations		Grade
T12	Oak	11	1100	13.20	4	10	5	9	2.5	M	F	Multiple fungal fruiting bodies of <i>Inonotus dryadeus</i> observed around the base of the stem and on buttress roots. Canopy now one sided due to large lost limb. Foliage doesn't appear to be showing signs of low vigour.	The extent of decay caused by this fungus cannot be determined with any great deal of accuracy without more thorough testing and therefore its significance for the tree's stability is currently inconclusive. However, its presence alone warrants the need for a system of monitoring for deterioration in structural integrity and health. Prune canopy overhanging site back by 3m where natural target pruning allows.	10	B2
T13	Oak	14	1150	13.80	9	9	9	9	2	M	G	Positioned off-site adjacent public footpath. Ivy colonised. Good canopy form and condition. Prominent in landscape.	No works required at this stage.	30+	A1
H1	Hawthorn	1.8	#100 ave	1.20	0.5	0.5	0.5	0.5	0	Y/EM	F	Maintained linear hedge with emerging Lime trees.	Remove section for access.	20+	B2
G3	Hawthorn and Elder	2.5	40#	0.48	1	1	1	1	0	Y	F	Young, self seeded trees positioned sporadically. Off site.	No works required at this stage.	40+	C2
T14	Hawthorn	6	3 x 120	2.49	3	1.5	4	3	1.2	M	P	Low quality. Dense Ivy.	No works required at this stage.	20	C2
T15	Ash	15	180 210 100 275	4.83	5	2	4	3	1.2	EM	F	Multi stem. Low landscape value. Dense Ivy	Crown lift to 3.5m over site. Sever Ivy.	20	C2
T16 A + B	Hawthorn	8	150+120	2.31	3	2	3	3	1	M	P	Low quality. Dense Ivy.	No works required at this stage.		
T17	Ash	15	2x320	5.43	6	2.5	6	4	1.8	EM	F	Basal growth. Ivy. Twin stem. Could not inspect base.	Remove basal growth. Crown lift to 4m.	30	B2
T18	Elder	6	210+150	3.10	2	1	3	3	0.5	OM	P	Low quality. Unimportant in landscape	No works required at this stage.	10	U

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Denotes estimated DBH where access was not possible

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T. No	Species	Ht (m)	Stem DBH (mm)	RPA Radius	Branch Spread				Ht Crown Clearance (m)	Age Class	P Condition	Structural Condition & General Comments	Preliminary	Est. (yrs)	Cat
				(m)	N	S	E	W					Recommendations		Grade
T19	Ash	16	280 210 230	5.03	6	3	4	4	4	EM	F	Dense Ivy on stems.	Sever Ivy and monitor for signs of deterioration in structural integrity and health.	30	B2
T20	Ash	16	310 280 210	5.61	8	3	5	5	2.5	EM	F	Dense Ivy on stems.	Sever Ivy and monitor for signs of deterioration in structural integrity and health.	30	B2
G4	Hawthorn	5	200	2.40	2.5	2.5	2.5	2.5	0.5	M	F	Dense Ivy on stems.	No works required at this stage.	30+	B2

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Key to Abbreviations & Headings

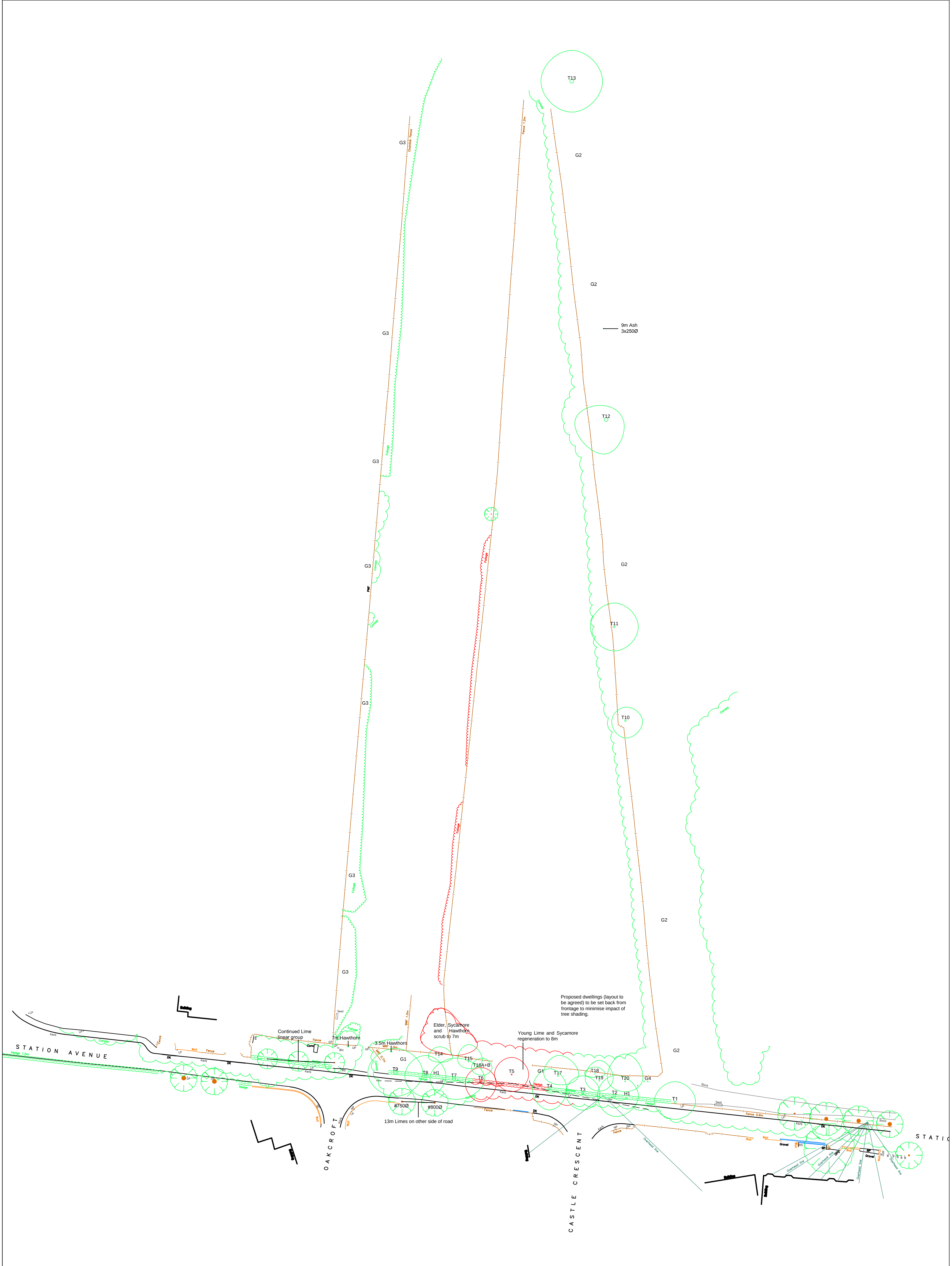
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Preliminary Recommendations: Made in respect of known / intended use of the site
* For groups of trees, the stem diameter of the largest tree in the group is generally used
Denotes estimated DBH where access was not possible

Ht: Approximate height of tree from ground level in metres
Branch Spread: Extent of canopy spread in metres to each of the four cardinal points
P (Physiological) Condition: G = Good, F = Fair, P = Poor, D = Dead
Est. (yrs): Estimated remaining contribution in years

© Ascerta

Appendix 2



ALL COORDINATES RELATED TO LOCAL GRID LOCATED TO OS NG BY BEST FIT TO DETAIL. EXTRACTED FROM OS DIGITAL DATA.

Ascerta

Landscape | Trees | Ecology

Mere One, Mere Grange
Elton Head Road
St Helens, WA9 5GG
t: 0845 463 4404 f: 0845 463 4405
e: info@landscapetreeseecology.com
Web: www.landscapetreeseecology.com

REV	DESCRIPTION	DATE
A	General updates	17/03/17

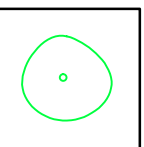
CLIENT:
The Co-operative Estates

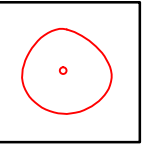
PROJECT:
Land off Station Avenue, Wrexham

DRAWING TITLE:
Tree Survey

SCALE: 1:500 @A1
DATE: 26/08/2015
DRAWN BY: CP
CHKD BY: RA/AM
DRAWING No: P.585.15.01
REV: A

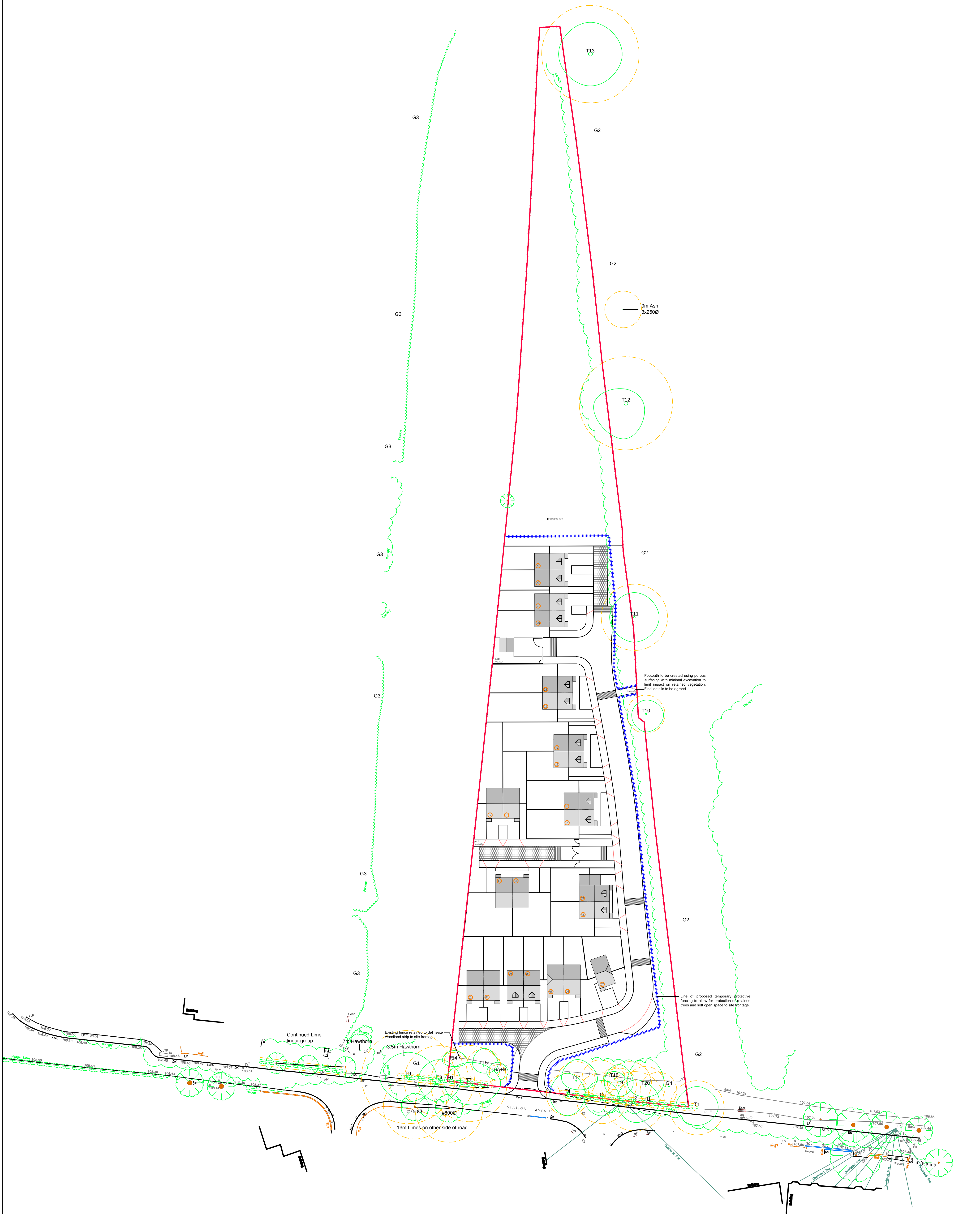
KEY

 Existing tree to be retained

 Existing tree to be removed

DO NOT SCALE

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ALL COORDINATES RELATED TO LOCAL GRID LOCATED TO OS NG BY BEST FIT TO DETAIL. EXTRACTED FROM OS DIGITAL DATA.

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e: info@landscapetreeseecology.com
Web: www.landscapetreeseecology.com

REV	DESCRIPTION	DATE
A	General updates	17/03/17
CLIENT: The Co-operative Estates		
PROJECT: Land off Station Avenue, Wrexham		
DRAWING TITLE: Tree Constraints & Draft Protection Drawing		
SCALE: 1:500 @A1	DRAWN BY: CP	DRAWING NO: P.585.15.02
DATE: 26/08/2015	CHKD BY: RA/AM	REV: A

KEY

Existing tree to be retained

Proposed location of protective fencing - see inset for type / construction detail

Extent of Root Protection Area for retained trees in accordance with BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations*

DO NOT SCALE

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BS5837:2012
Figure 3 Examples of above-ground stabilising systems

a) Stabiliser strut with base plate secured with ground pins

b) Stabiliser strut mounted on block top

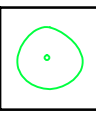


DO NOT SCALE

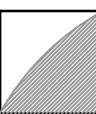
ALL COORDINATES RELATED TO LOCAL GRID LOCATED TO OS NG BY BEST FIT TO DETAIL. EXTRACTED FROM OS DIGITAL DATA.

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KEY



Existing tree retained



Worst case scenario shading created by retained trees along the site frontage. Note: at no stage during the day will the extent hatched area be shaded. Estimation of extent of shade based on BS5837:2012 and existing tree heights, which are unlikely to significantly increase.

A	General updates	17/03/17
REV	DESCRIPTION	DATE

Ascerta

Landscape | Trees | Ecology
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CLIENT:
The Co-operative Estates

PROJECT:
Land off Station Avenue, Wrexham

DRAWING TITLE:
BS5837 Shade Patterns

SCALE: 1:250 @A3	DRAWN BY: CP	DRAWING No:	REV:
DATE: 20/02/2017	CHKD BY: AM	P.585.15	A

Statement on
Arboricultural Issues

Appendix 2

Planning Inspectorate Ref: **APP/H6955/A/18/3194493**
Wrexham County Borough Council Ref: **P/2016/1165**

SERVITE
CONVENT

1,16 Oakcroft
7 Station Ave

(59) C/K

Oakcroft House,

~~Cleaved, Station Ave~~

Town and Country Planning Act 1990

Confirmed 6.8.03

Insert title
of Order
(including
year)

Wrexham County Borough Council (Community of Chirk)

TREE PRESERVATION ORDER, No 59. 2003

Insert name
of Council

The Wrexham County Borough Council
in exercise of the powers conferred on them by sections 198 [201^(a)] [and] 203 [~~and 300~~] of the Town and
Country Planning Act 1990^(b), [~~and with the consent of the~~]

Insert name
of
appropriate
authority

hereby make the following Order:—

Citation

Insert title
of Order
(including
year)

1. This Order may be cited as Wrexham County Borough Council (Community of Chirk)
Tree Preservation Order No 59, 2003

Interpretation

Name of
Council
making the
Order

2. In this Order "the authority" means the Wrexham County Borough Council
and unless the context otherwise requires, any reference in this Order to a numbered section is a reference
to the section so numbered in the Town and Country Planning Act 1990.

[Application of section 201

Insert date

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this
Order and, accordingly, this Order shall take effect provisionally on 22 April 2003

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)^(c)
[~~or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)~~], and
subject to article 5, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful
destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so
specified, except with the consent of the authority and, where such consent is given subject to conditions,
in accordance with those conditions.

Exemptions

5. (1) Nothing in article 4 shall prevent—

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory
undertaker, where the land on which the tree is situated is operational land^(d) of the statutory
undertaker and the work is necessary—

(a) Under section 199(1), tree preservation orders generally do not take effect until confirmed, but a direction may be given under section 201
for an order to take provisional effect immediately.

(b) Where the Order is to be made under the sections cited ~~and~~ section 300 of the Town and Country Planning Act 1990, all those provisions
should be cited, as should the fact of the consent of the appropriate authority. As to the circumstances in which the consent of the Forestry
Commission is required (and should be cited) see section 200(1) of that Act.

(c) Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping of
trees which are dying, dead or have become dangerous, or the undertaking of those acts 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. Subsection (7) of that section
makes section 198 subject to section 39(2) of the Housing and Planning Act 1986 (c.63) (saving for effect of section 2(4) of the Opencast
Coal Act 1958 on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences
under that Act to fell trees comprised in a tree preservation order).

(d) See section 263 of the Town and Country Planning Act 1990.

(e) S.I. 1995/418.

- (i) in the interests of the safe operation of the undertaking;
- (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
- (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995^(c);
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991^(a); or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989^(b).

(2) In paragraph (1), "statutory undertaker" means any of the following –

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986)^(c),
- the holder of a licence under section 6 of the Electricity Act 1989,
- a public gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984^(d) to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority or a body acting on behalf of that Authority,
- the Post Office.

Applications for consent under the Order

6. An application for consent for the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall –

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

Application of provisions of the Town and Country Planning Act 1990

7. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2)

(a) 1991 c.59, see section 72.

(b) 1989 c.29.

(c) 1986 c.31.

(d) 1984 c.12.

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of the Schedule.

Directions as to replanting

8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under this Order; or
- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(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.

[Application to trees to be planted pursuant to a condition

10. In relation to the tree[s] identified in the first column of Schedule 1 by the letter "C", being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

[Orders made by virtue of section 300

~~11. This Order takes effect in accordance with subsection (3) of section 300 (tree preservation orders in anticipation of disposal of Crown land).]~~

Dated this 22 day of April 2003 (month and year)

(if the Council's Standing Orders require the sealing of such documents.)

[The Common Seal of the (name of Council) Wrexham County Borough Council was hereunto affixed in the presence of-


Director of Corporate Services

(if the Council's Standing Orders do not require the sealing of such documents.)

[Signed on behalf of the (name of Council)

Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by the (name of Council) Wrexham County Borough Council without modification on the 6 day of August 2003 (month and year)] OR

[This Order was confirmed by the (name of Council) subject to the modifications indicated by (state how indicated)

on the


Authorised by the Council to sign in that behalf]
Chief Legal and Administration Officer

[DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the (name of Council) on the day of

Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

This Order was varied by the (name of Council) on the day of (month and year) under the reference number

Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

This Order was revoked by the (name of Council) on the day of (month and year) 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)

Article 4

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Lime (Tilia spp)	East - North
T2	Lime (Tilia spp)	328722 337774
T3	Lime (Tilia spp)	328730 337773
T4	Lime (Tilia spp)	328748 337772
T5	Lime (Tilia spp)	328757 337771
T6	Lime (Tilia spp)	328786 337766
T7	Lime (Tilia spp)	328802 337765
T8	Lime (Tilia spp)	328740 337783
T9	Lime (Tilia spp)	328753 337782
T10	Lime (Tilia spp)	328761 337781
T11	Lime (Tilia spp)	328772 337780
		328790 337778

Trees specified by reference to an area

Please see attached sheet

(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
-------------------------	--------------------	-------------------

None

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

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
G1	Group consisting of 35 Scots Pine	328593 337801

Woodlands

(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
-------------------------	--------------------	-------------------

None

* complete if necessary to specify more precisely the position of the trees.

Wrexham County Borough Council (Community of Chirk) Tree Preservation
Order No 59, 2003

			East	North
T12	Lime	(<i>Tilia spp</i>)	328799	337777
T13	Lime	(<i>Tilia spp</i>)	328809	337777
T14	Lime	(<i>Tilia spp</i>)	328818	337776
T15	Lime	(<i>Tilia spp</i>)	328828	337774
T16	Lime	(<i>Tilia spp</i>)	328837	337773
T17	Lime	(<i>Tilia spp</i>)	328846	337774
T18	Lime	(<i>Tilia spp</i>)	328856	337773
T19	Lime	(<i>Tilia spp</i>)	328873	337770
T20	Lime	(<i>Tilia spp</i>)	328882	337770
T21	Lime	(<i>Tilia spp</i>)	328890	337769
T22	Lime	(<i>Tilia spp</i>)	328898	337768
T23	Lime	(<i>Tilia spp</i>)	328904	337766
T24	Lime	(<i>Tilia spp</i>)	328918	337766
T25	Lime	(<i>Tilia spp</i>)	328927	337764
T26	Lime	(<i>Tilia spp</i>)	328936	337763
T27	Lime	(<i>Tilia spp</i>)	328946	337762
T28	Lime	(<i>Tilia spp</i>)	328951	337751
T29	Lime	(<i>Tilia spp</i>)	328955	337761
T30	Lime	(<i>Tilia spp</i>)	328964	337760
T31	Lime	(<i>Tilia spp</i>)	328975	337759
T32	Lime	(<i>Tilia spp</i>)	328983	337759
T33	Lime	(<i>Tilia spp</i>)	328993	337757
T34	Lime	(<i>Tilia spp</i>)	329001	337756
T35	Lime	(<i>Tilia spp</i>)	329009	337756
T36	Lime	(<i>Tilia spp</i>)	329019	337756
T37	Oak	(<i>Quercus</i> <i>spp</i>)	329035	337766
T38	Oak	(<i>Quercus</i> <i>spp</i>)	328616	337784
T39	Oak	(<i>Quercus</i> <i>spp</i>)	328608	337784

SCHEDULE 2

Article 7

PART I

Provisions of the Town and Country Planning Act 1990 applied with adaptations or modifications

Provisions 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."
Section 79 (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 section 65 or 71." (d) Omit subsections (6) and (6A). (e) In subsection (7), omit the words after "section 78".

*Section 79 was amended by the Planning and Compensation Act 1991 (c. 34), section 18 and Schedule 7, paragraph 19.

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.

(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.

No. 2 Chirk - 2/71

TREE PRESERVATION ORDER.
TOWN AND COUNTRY PLANNING ACT 1971.

Registered
HC-4/76.7
see TBS 9.26

As amended by the Town and Country Planning (Tree
Preservation Order (Amendment) and (Trees
Conservation Areas) (Exempted Cases) Regulations 1975.
THE GLYNDFWR DISTRICT COUNCIL

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, uproot, wilfully damage or wilfully destroy or cause or
permit the cutting down, topping, lopping, uprooting, wilful damage 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 trees 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
for 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.

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

† 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
to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (section 15 (5)).

(2) Any direction given under paragraph (1) of this Article may include requirements as to —

- (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, in 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 the 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, Section 29 of the Town and Country Planning Act 1962 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 on the authority, such service to be effected by delivering the claim at the offices of the authority or by sending it to the proper officer 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 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†

(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 by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £400 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, the person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, on his application to the local planning authority, to dispense with the requirement to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days' previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.

† 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.

FIRST SCHEDULE
TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

<i>No. on Map</i>	<i>Description.</i>	<i>Situation</i>
T1	Lime	On the south side of Station Avenue and on the West side of the access road leading to St. Winefride's Convent Grid reference 2872.3777 and 2871.3777 respectively
T2	Lime	
T3	Lime	Access to field No. 9965 on the south side of Station Avenue Grid reference 2894.3775

TREES SPECIFIED BY REFERENCE TO AN AREA*

(within a dotted black line on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation</i>
	NONE	

GROUPS OF TREES*

(within a broken black line on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation</i>
G1	Limes	Situation on the north side of Station Avenue Grid Ref 2873 to 2903 - 3776 to 3779
G2	Limes (3)	On the south side of Station Avenue in the grounds adj. the Drill Hall Grid Ref. 2894/5 - 3776
G3	Limes (8)	On the south side of Station Avenue on the East side of the access road leading to St. Winefride's Convent Grid Ref. 2873 to 2880 3776 to 3777
G4	Scots Pine	On the north side of Station Avenue Grid Ref. 2854 to 2862 - 2780

WOODLANDS*

(within a continuous black line on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation</i>
W1	Mixed	Known as Doctors Wood and situate on the south side of Castle Road Grid Ref 2879 to 2905 3747 to 3753

* The word "NONE" must be entered where necessary.

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 or other grant scheme under section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant;
- (3) the cutting down, uprooting, 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, uprooting, 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.]

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), ensure for the benefit of the land and of all persons for the time being interested therein.

25. 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.

(5) 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.

(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.

(5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, the operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under subsection (2) of this section.

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

GLYNDAW DISTRICT COUNCIL

the THIRTY FIRST day of

DECEMBER in the year

nineteen hundred and seventy five

Chairman

Chief Executive Officer

Dated 31st December 1975.

Glyndwr District Council

TOWN AND COUNTRY PLANNING ACT 1971.

TREE PRESERVATION ORDER

No. 2 - Chirk
relating to
trees, groups of trees and
woodland at Chirk, Clwyd.

I hereby certify that this is a true
copy of the No. 2 Chirk Tree
Preservation Order dated
31st December, 1975, and map
referred to therein.

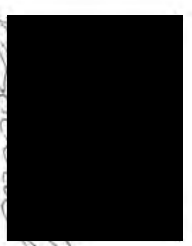


Wrexham County Borough Council ("the Council") as successor
authority to the Glyndwr District Council and in pursuance of the powers
contained in Sections 198 and 333(7) of the Town and Country Planning
Act 1990 hereby make the following Order:-

The Glyndwr District Council (Chirk) (three individual Lime trees, three
groups of Lime trees, 1 group of Scots Pine and 1 mixed woodland) Tree
Preservation Order No 2 1975, made on 31 December 1975 is hereby
revoked.

Given under the Common Seal of the Council on the 22 day of
April 2003.

The Common Seal of the Council was hereto affixed in the presence
of:-



Director of Corporate Services



265/03

Statement on
Arboricultural Issues

Appendix 3

Planning Inspectorate Ref: **APP/H6955/A/18/3194493**
Wrexham County Borough Council Ref: **P/2016/1165**

ROOTBALL FIXING SYSTEM - PLATI-MAT



The Platipus® rootball fixing system, including Plati-Mat, remains the preferred method of securing rootballed and containerised semi-mature trees. The ease of installation and lack of unsightly guy wires makes it the first choice of customers.

Over the past two decades, we have developed an extensive range of unique underground fixing solutions to suit most applications.

The Plati-Mat allows secure positioning of newly

transplanted trees, whilst offering major benefits over traditional root support systems.

Available in five standard sizes, the Plati-Mat can be tailored to suit most rootball dimensions. This significant development allows faster installation and provides a greater contact surface area at the top of the rootballed or container grown tree.

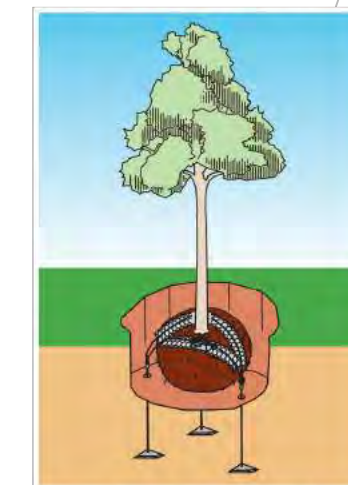
The benefits include:

- Planting at the nursery line
- Reduced overall installation time
- More secure fixing creating better establishment
- No unsightly stakes or timber above ground
- Suitable for most rootballed and containerised stock

5.5m Wide access with 2m wide footway on both sides

Replacement tree for T6 set back from the footpath by 2.5m to allow for future growth without disrupting the new hard standing or interfering with the visibility splay. See planting and guying specification.

Young Lime and Sycamore regeneration to 8m



1 No. *Tilia x euchlora* 30-35mm girth, 570ltr pot. Pit planted and secured using the above specification.

We are happy to discuss and recommend rootball fixing kits for particular applications and soil conditions. The following chart applies to most tree transplants.



TREE HEIGHT (H) / CIRCUMFERENCE (C)	DESCRIPTION	PRODUCT CODE
up to 2.5m up to 12cm	3 x S21 anchors, 2 metres of galvanised wire, 1 x ratchet tensioner & 3 x Plati-Mats.	RF0P
2.5 - 4.5m 12 - 25cm	3 x S41 anchors, 3 metres of galvanised wire, 1 x ratchet tensioner & 3 x Plati-Mats.	RF1P
4.5 - 7.5m 25 - 45cm	3 x S61 anchors, 5 metres of galvanised wire, 1 x ratchet tensioner & 3 x Plati-Mats.	RF2P
7.5 - 12m 45 - 75cm	3 x S81 anchors, 7 metres of galvanised wire, 1 x ratchet tensioner & 3 x Plati-Mats.	RF3P
12m+ 75cm+	3 x B61 anchors, 7 metres of galvanised wire, 1 x ratchet tensioner & 3 x Plati-Mats.	RF4P

250909

DO NOT SCALE
ALL COORDINATES RELATED TO LOCAL GRID LOCATED TO OS NG BY BEST FIT TO DETAIL. EXTRACTED FROM OS DIGITAL DATA.
© This drawing, including the design and technical information contained on it, is the property of Ascerta. The drawing may only be used for the specific purpose for which it has been intended and may not be reproduced or copied without prior permission.

For this tree size (30-35cm) being planted the recommendation is for the *Platipus RF2P Anchor Rootball fixing System*. There would be no requirement for an underground crate/cage in this instance; these are only usually specified for similar size trees in an urban planting to ensure optimal rooting environment. On this occasion, the planting area is within a grass verge therefore a crate/cage is not required, but we would recommend an irrigation system to be installed as the first 3 years of establishment are vital to ensure a tree of this size does not fail.

With regard to special soils, unless the ground is compacted and suffers from water logging there would be no real benefit. If tree pit is back-filled with a good quality topsoil and a mulch layer applied around the top of the tree pit after planting, this would be sufficient.

A 5 year maintenance schedule as part of the overall landscape scheme would be beneficial.

NOTE: Refer to SCP Transport drawing SCP/15234/SK01-B for highway details.

Ascerta

Landscape | Trees | Ecology

Mere One, Mere Grange
Elton Head Road, St Helens
Merseyside WA9 5GG

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e: info@landscapetreeseecology.com

www.landscapetreeseecology.com

CLIENT:
The Co-operative Estates

PROJECT:
Land off Station Avenue, Wrexham

DRAWING TITLE:
Replacement of T6

SCALE: 1:250 @A3	DRAWN BY: CP	DRAWING No:	REV:
DATE: 14/06/2017	CHKD BY: AM	P.585.15.05	-

Statement on
Arboricultural Issues

Appendix 4

Planning Inspectorate Ref: **APP/H6955/A/18/3194493**
Wrexham County Borough Council Ref: **P/2016/1165**

Alistair McLeod

From: Jon Brewin <Jon.Brewin@wrexham.gov.uk>
Sent: 09 December 2015 13:33
To: Alistair McLeod
Subject: RE: Land off Station Avenue, Chirk LL14 5LU

Alistair,

Thank you for the AIA for the site off Station Road, Chirk. I have had an opportunity to assess the findings of the report and would like to offer the following comments. Please be advised that the following comments relate only to the proposed access for the site and general site constraints and potential issues.

- The objective of the submitted report is to assess the impact of access to the site; it should be noted that an additional AIA may be required to accompany any proposed site layout.
- The lime trees parallel to Station Avenue not only provide good site definition and a level of screening but also provide a level of noise attenuation and wildlife habitat. The lime trees agreed for retention are not only to be protected during the proposed construction phases but are to have their long-term physical protection ensured through appropriate design providing sufficient clearances from adjacent proposed dwellings in order to avoid increasing nuisance issues as acknowledged within sections 5.3, 5.5 and 5.6 of the report.
- The proposed removal of a determined section of H1 is acceptable from an arboricultural perspective as the loss will be mitigated by hedgerow replacement within the red-line boundary of the site however, the loss of this portion of hedgerow may have an ecological impact with regards to wildlife and in particular bats therefore it may be necessary to have an ecological survey undertaken on the site in general with emphasis on hedgerow loss and impact on bats, if any.
- The proposed removal of the protected limes T5 and T6 is considered acceptable from an arboricultural perspective as both trees appear to be in a state of decline with diminishing amenity value. Tree losses are to be mitigated within the provision of adequate planting space designed to accommodate trees of a similar mature form into maturity with minimal impact upon neighbouring property. Again, to assess the full ecological impact, all existing trees should be included within an overall ecological survey of the site.
- It is acknowledged that the construction of the access road will be in close proximity to the RPA's of trees T4 and T7. I would consider the anticipated impact upon both trees to be minimal however, a considered and sensitive approach will still be required and the methodology for such an approach will be addressed through appropriate Planning Conditions.
- Any proposed landscaping to enhance the site frontage should be mindful that the amenity value of the protected limes is not diminished in any way. Future replacement of any protected tree stock may be addressed through appropriate TPO procedures and legislation as and when required.
- Important hedgerows on the site should have their long-term well-being and protection addressed by ensuring that any such hedgerows do not form residential boundaries where there will be no protection afforded under the Hedgerow Regulations 1997.
- There are significant boundary trees and groups which again should have their long-term physical protection and future 'well-being' enhanced through the provision of space, ensuring that such valued features are not incorporated into residential gardens and boundaries and provided with appropriate clearances from such boundaries to avoid future potential conflict issues of encroachment and excessive shading etc.
- Boundary screening and landscape enhancements through proposed planting schemes are to be encouraged but may only be successful if again such schemes are not incorporated into residential gardens or boundaries where it becomes difficult to apply protection. Such a landscaping scheme must afford adequate provision of space for such boundary planting whilst ensuring that such issues as access for maintenance and associated nuisance such as shading and encroachment are addressed.
- Should consent be granted for any development of this site then an AMS, as acknowledged within section 5.15 of the report, may form the subject of a Planning Condition. A second Condition relating to the details

of appropriate arboricultural monitoring and supervision during the construction phase would also be required from the project arborist with confirmation of such supervision being provided by the applicant.

In general, there is scope to develop this site and to achieve both good design objectives and the retention and future preservation of the valued boundary trees and vegetation. An ecological survey would be beneficial in terms of identifying the potential impact of removing either identified trees or boundary features. The design and layout of proposed plots must consider appropriate clearances from retained boundary trees; such clearances may be achieved through the provision of, for example, combinations of open space areas, highway verges, vehicular highways accessing multiple frontages, increased front garden areas, ecological 'buffer zones' maintenance strips etc.

The provision of minimum distances between proposed plots and retained trees, based upon a stated (minimum) RPA, may not be considered as a sufficient clearance to avoid potential conflicts.

Should consent be granted, protective measures for retained trees and Construction Exclusion Zones may be achieved through a combination of an agreed AMS in conjunction with appropriate on site arboricultural monitoring and record keeping.

I trust the above comments are useful Alistair, thank you for the report should you wish to discuss any of the above points please do not hesitate to contact me.

Regards

Jon Brewin
Arboricultural Officer / Swyddog Caeddydiaeth

Community Wellbeing and Development/Pennaeth Lles Cymunedol a Datblygu
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrexham

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From: Alistair McLeod [mailto:alistair@landscapetreeseecology.com]
Sent: 08 December 2015 15:09
To: Jon Brewin
Cc: 'Matthew Stafford (Commercial and Investment Property)'
Subject: RE: Land off Station Avenue, Chirk LL14 5LU

Hi Jon, trust you are well.

Have you had a chance to have a look and formulate some thoughts on this yet?

Regards

Alistair McLeod

Asceria

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F: 0845 463 4405

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Landscape, Arboricultural & Ecology Solutions for the Built Environment

From: Jon Brewin [<mailto:Jon.Brewin@wrexham.gov.uk>]
Sent: 24 November 2015 16:06
To: Alistair McLeod
Subject: RE: Land off Station Avenue, Chirk LL14 5LU

Thanks Alistair.

Jon Brewin
Arboricultural Officer / Swyddog Caeddydiaeth

Community Wellbeing and Development/Pennaeth Lles Cymunedol a Datblygu
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From: Alistair McLeod [<mailto:alistair@landscapetreeseecology.com>]
Sent: 24 November 2015 12:53
To: Jon Brewin
Cc: 'Matthew Stafford (Commercial and Investment Property)'; LEE.KENDALL@SCPTRANSPORT.CO.UK; 'Robert Armitage'
Subject: Land off Station Avenue, Chirk LL14 5LU

Hi Jon

Further to our recent meeting at Chirk, please find attached our AIA in respect of the proposed access into the site as discussed.

The proposed layout and number of units is unknown at this stage, however we have made reference to certain aspects of the trees around the boundaries of the site on the basis that any future layout will need to be designed in an appropriate manner.

The main issue at the moment is whether a suitable access into the site is achievable and on the basis of the contents of the attached report I trust that you will agree that it is indeed feasible.

I would be grateful if you would respond with your thoughts on the attached and the general proposals so that our client can take a view on the potential for development of the site.

I trust that the above and attached are acceptable, however if you have any queries or require any additional information, please do not hesitate to get in touch.

Regards

Alistair McLeod

Ascerta

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HERITAGE IMPACT STATEMENT

IN SUPPORT OF

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION

**Wrexham County Borough Council
Planning Reference P/2016/1165**

Description of development:
**Outline application for residential development
of up to 22 units and associated works with
all matters reserved
except for access.**

@

**Land on North side of Station Avenue
Chirk
Wrexham
LL14 5NA**

Prepared By:



DECEMBER 2017

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 - Methods of Investigation
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- 4. WREXHAM COUNTY BOROUGH COUNCIL POLICY AND SUPPLEMENTARY PLANNING GUIDANCE RELEVANT TO THIS APPEAL.**
- 5. SYNOPSIS OF THE COUNCIL'S "CHIRK CONSERVATION AREA ASSESSMENT AND MANAGEMENT PLAN."**
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 - THE PROTECTED TREES ON STATION AVENUE;
 - STATION AVENUE AND CASTLE ROAD CHARACTER SUB AREA;
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1. INTRODUCTION

The Author

1.1 Anne Lloyd Morris is a full member of both the Institute of Historic Buildings IHBC (Membership No. 0566MEM since 15 January 1998) and the Royal Town Planning Institute RTPI (Membership No.31557 since 20th January 1993).

I have 14 years experience as a Local Authority Conservation Officer in Hampshire, Herefordshire and Gloucestershire and a further 14 years experience as a freelance Heritage and Planning Consultant.

1.2 I have the necessary breadth and depth of knowledge and experience to provide a thorough and robust assessment of the impact of the proposal upon the significance and amenity value of the individual trees and of the avenue as a whole, and upon the character and appearance of Chirk Conservation Area.

Purpose & Format of Statement

1.3 This Heritage Statement is prepared to support an Appeal lodged by the Co-op against the decision of Wrexham County Borough Council to REFUSE planning permission for :

“Outline application for residential development of up to 22 units and associated works with all matters reserved except for access”.

Planning Reference P/2016/1165

Decision Date 11/08/2017.

1.4 This statement provides a general overview of the relevant planning legislation, and national and local planning policy and guidance.

1.5 A synopsis of the Council's “Chirk Conservation Area Assessment and Management Plan” is given for the conservation area as a whole, and for the character sub-area of Station Avenue and Castle Street.

1.6 An assessment is made of the impact of the proposal on the character and appearance of Chirk Conservation Area as a whole, upon the Station Avenue and Castle Road character sub area and upon the avenue of Lime trees itself.

1.7 The Author provides a summary of the relevant points relating to the Appeal and gives a conclusion on the impact of the proposal on the special architectural and historic character and appearance of the conservation area and whether that character and appearance is preserved or enhanced by the proposal.

Methods of Investigation

1.8 Background desk-based research into the conservation area was conducted through consultation with the following sources:

- Wrexham County Borough Council Chirk Conservation Area Character Assessment and Management Plan Adopted 7 October 2014
- Historic texts, photos and Ordnance Survey maps.

1.9 A general survey of Chirk Conservation Area was undertaken in December 2017 and January 2018, to identify, assess and understand those historic and architectural features of significance which are highlighted in the Chirk Conservation Area Assessment and Management Plan.

1.10 A specific and detailed investigation of Station Avenue, the avenue of Lime trees and the appeal site was also undertaken.

2.0 THE DEVELOPMENT PROPOSAL AND COUNCIL'S REASON FOR REFUSAL

2.1 Description of development:

"Outline application for residential development of up to 22 units and associated works with all matters reserved except for access".

Wrexham County Borough Council Planning Reference P/2016/1165:

2.2 Reason for Refusal :

"The proposed development would result in the loss of two protected trees of significant amenity value within an existing tree-lined avenue.

The removal of these trees would not only create an unnatural break within this avenue, but would have detrimental impact upon the character and appearance of the conservation area.

To allow this development would therefore be contrary to the Wrexham Unitary Development Plan policy EC7 which prioritises the need to preserve or enhance those elements including trees which contribute to the unique character of the area.

Similarly the proposal would be contrary to Policy EC4 which seeks to prevent development which results in the loss or significant damage to valuable trees.

3.0 HIERARCHY OF LEGISLATION, NATIONAL PLANNING POLICY AND ADVICE AND BEST PRACTICE GUIDANCE RELATING TO THE HISTORIC ENVIRONMENT IN WALES WHICH ARE RELEVANT TO THIS APPEAL.

3.1 Primary Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990.

Part II Sections 69 to 80 relate to Conservation Areas.

Section 69(1) defines a conservation area as:

"An area of special architectural and historic interest the character or appearance of which it is desirable to preserve or enhance."

Section 71 places a duty on local authorities to:

"formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas".

Section 72 places a general duty as respects conservation areas in exercise of planning functions:

"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

3.2 National Planning Policy

Planning Policy Wales (PPW) Edition 9 November 2016

This document sets out the Welsh Government's land use planning policy for Wales

Chapter 6: The Historic Environment sets out the Welsh Government's objectives to protect, manage and conserve the historic environment.

3.3 National Planning Advice

PPW is supplemented by

Technical Advice Note TAN 24: The Historic Environment

In particular: *Chapter 6 Conservation Areas*

Paragraph 6.15 focuses upon Tree Preservation Orders and the special provision for trees in conservation areas which are not the subject of tree preservation orders.

Paragraph 6.16 advises that the following values should be taken into account when considering the protection of trees:

- their visual,
- historic and
- amenity contribution.

3.4 Best Practice Guidance

Managing Conservation Areas in Wales : Welsh Government Historic Environment Service (Cadw) May 2017

Heritage Impact Assessments in Wales : Welsh Government Historic Environment Service (Cadw) May 2017

4.0 **WREXHAM COUNTY BOROUGH COUNCIL POLICY AND SUPPLEMENTARY PLANNING GUIDANCE**

4.1 WCBC Unitary Development Plan (UDP) 1996 - 2011 adopted 14 February 2005.

Chapter 5 Environment and Conservation

Policies cited in the Reasons for Refusal :

Policy EC4

Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.

Policy EC7

Within, and in close proximity to, conservation areas, the priority will be to preserve and/ or enhance those buildings, structures, streets, trees, open spaces, archeological remains, views, and other elements which contribute to the unique character of the area. New buildings and alterations or additions to existing buildings in conservation areas, whether listed as of special architectural or historic interest or not, must reflect the design and character of the area as a whole and the form, scale, detailing and materials of existing buildings.

4.2 Local Planning Guidance Notes

LPGN 4 Conservation Areas

LPGN17 Trees and Development

LPGN 32 Biodiversity and Development

4.3 Chirk Conservation Area Assessment & Management Plan - adopted by Wrexham County Borough Council on 7 October 2014.

Chirk Conservation area was first designated on 29th August 1975, the boundary was reviewed and amended in October 1997 and again in October 2014.

5.0 SYNOPSIS OF THE COUNCIL'S "CHIRK CONSERVATION AREA ASSESSMENT AND MANAGEMENT PLAN."

SYNOPSIS OF THE ASSESSMENT:

5.1 A conservation area is defined as:

"An area of special architectural and historic interest the character or appearance of which it is desirable to preserve or enhance."

5.2 Chirk Conservation area was first designated on 29th August 1975, the boundary reviewed and amended in October 1997 and again in October 2014.

5.3 The Chirk Conservation Area Character Assessment & Management Plan was adopted by Wrexham County Borough Council on 7 October 2014.

5.4 The assessment summarises the special character of Chirk conservation area in the following terms:

History and development - The character assessment describes in detail the rich history and development of Chirk from Norman and medieval times through the 16th and 17th centuries, the Industrial Revolution and the 20th and 21st centuries.

The geography, topography and the characteristics of each of these periods of history has left its mark on the character and appearance of this small border town through the physical layout of the streets, the course of the canal and railway, the architectural styles and materials of construction of the defensive, industrial, commercial and residential buildings and structures.

The Land Uses - commercial, residential and recreational.

The Settlement Pattern and Building Lines - a planned linear form which predominates throughout the conservation area with streets on a north/south and east/west axis with density of development decreasing outwards into the countryside to the east and west.

Building Materials - A mix of local yellow sandstone, soft-fired 18th century red/orange brick, 19th/20th century semi-engineering Ruabon red brick and painted render.

The building materials display a hierarchy with the yellow sandstone mostly used for the prestigious buildings such as the Castle, Church, The Aqueduct and Viaduct, Chirk Town Council Offices, former National Girls School, Royal British Legion etc.

Building Detail - A mix of roof styles including hipped and gabled, slate and clay tile.

Georgian architectural style with symmetry and brick pattern being a major feature together with window and door spacing.

Victorian Gothic revival style in the public buildings with repeating coped gables with kneelers, mullioned and transomed windows and large stone chimney stack etc.

Edwardian architecture in the style of mock-Tudor timber framing and advanced two storey gables.

Buildings of Significance - The conservation area contains a large number of Listed Buildings concentrated around the core of the town at Church Street and Trevor Road.

The Hand Hotel and Mount House are singled out as landmark buildings and the Viaduct and Aqueduct are noted as significant and impressive Listed Grade II* structures.

It is noted that the majority of buildings within the conservation area are not listed but make an important contribution to the character and appearance of the area.

Of particular significance are the Edwardian and early 20th century buildings which characterise Station Avenue and much of Castle Road where the consistent detailing and rhythm of the built form create a definite sense of place.

Trees and Open Space - Trees are prevalent throughout the conservation area, adding to the setting of many properties. Of particular importance and high amenity value are the trees along Trevor Road, Station Avenue and on and around the recreation ground, a significant number of which are protected under Tree Preservation Orders. Here the trees are said to add to the peaceful sense of place and quality of the area. The Lime trees along the north side of Station Avenue are of high significance enhancing the linear street pattern and channeling views towards the Hand Hotel in the east and the railway bridge and approach to Chirk castle in the west. Additionally these trees along with the

surrounding the recreational ground help buffer the negative visual impact of the industrial buildings at the Mondelez and Kronospan factory sites.

Open space is also a character feature of the quieter areas of Trevor Road and Station Avenue and castle Road. The most significant area is the recreation ground which provides an important communal area.

Influence of the Chirk Castle and Brynkinallt Estates - The road names of Trevor Road and Castle Road suggest the presence of these estates however their influence on the development of the town is more subtle. The two estates once owned much of the town and surrounding land which meant that development and growth was controlled and concentrated on the town centre. Expansion of the town westward only occurred after the sale of Chirk Castle Estate lands in the early 20th century which explains why many of the properties along Station Avenue and Castle Road are of this distinctive Edwardian era.

Fig.1. The triangular shaped appeal site is superimposed in a red outline onto this extract from the Ordnance Survey 1:25000 Explorer map WHICH demonstrates how Station Avenue aligns on an East West axis with the Chirk Castle Estate to the west and the Brynkinallt Estate to the East.



5.5 As a result of its rich history, the character of Chirk Conservation Area is very diverse with different streets displaying distinctive characteristics.

For this reason the Council's character assessment subdivides the area into four distinct character areas:

1. Church Street
2. Trevor Road
3. Holyhead Road
4. Station Avenue and Castle Road

5.6 Station Avenue and Castle Road Character Sub Area.

This character sub-area to the west of the town centre consists of lands which were within the ownership of Chirk Castle estate up until the early 20th century, and so remained undeveloped long after the arrival of the canal and railway. Even today, the area retains large important areas of open space as identified in the map at Figure 8 of the council's assessment.

5.7 The area has a strongly linear settlement pattern along Station Avenue and Castle Road with buildings following an intentional planned building line, set back from the highway within spacious plots and behind small well organised front gardens typically enclosed by mature hedging.

5.8 The area has a distinctive unified Edwardian character displayed in the architectural detail of mock black and white timber framing to the upper storeys.

5.9 Trees are described as forming an integral and important role to the character and appearance of the area, particularly the street trees along Station Avenue which have a strong presence within the streetscape. The Lime trees on Station Avenue are described as its primary feature having grown to maturity with their branches forming an arch over the road. The trees are said to enhance the linear form of the road and their scale and size create a strong sense of enclosure to the street and views.

5.10 Building use is mostly residential and low density creating a more peaceful atmosphere easing the transition between the busy town centre and the countryside to the west. However the regular traffic flow to the Mondelez factory, industrial estate, railway station, Chirk Castle and the caravan site impact upon this quality.

SYNOPSIS OF THE MANAGEMENT PLAN:

5.11 The Management Plan identifies five negative features at Section 5.0 which cause detriment to the visual quality and character of the area.

These include:

1. Industrial factories
2. Expansive tarmac covered car parks
3. Loss of architectural detail
4. Insensitive signage
5. Alteration to boundaries

None of these apply to the Appeal site.

5.12 The Enhancement Plan at Section 6.1 identifies five general enhancement opportunities which include:

1. Reinstatement of lost features and preservation of traditional and original detailing.
2. Archaeology
3. Highway Improvements
4. Trees
5. New Development and Alterations.

Enhancement opportunities 4. Trees and 5. New Development and Alterations apply to the Appeal site.

The text of the general enhancement opportunities states:

Trees.

Trees contribute greatly to the character and appearance of the Conservation Area and some of those which are considered to make a significant contribution have been identified on Figures 5 to 8 of the document. Their unnecessary removal or works that may be considered detrimental will be resisted. Where removal is essential then an appropriate replanting scheme will be encouraged to mitigate any detrimental affects on the character and appearance of the Conservation Area.

New Development and Alterations.

It is possible to successfully incorporate new development into an historic settlement but it is essential that the development respects the scale, design, proportions and materials of the surrounding architecture to strengthen the cohesion of the street and enhance the sense of place. It is crucial that an imaginative and high quality design is employed. planning applications for alterations and new development may be refused if they fail to preserve or enhance the special character of Chirk Conservation Area. Detailed design guidance is provided within Section 7.0 of the document.

5.13 The Enhancement Plan at Section 6.2 identifies four specific enhancement proposals which include:

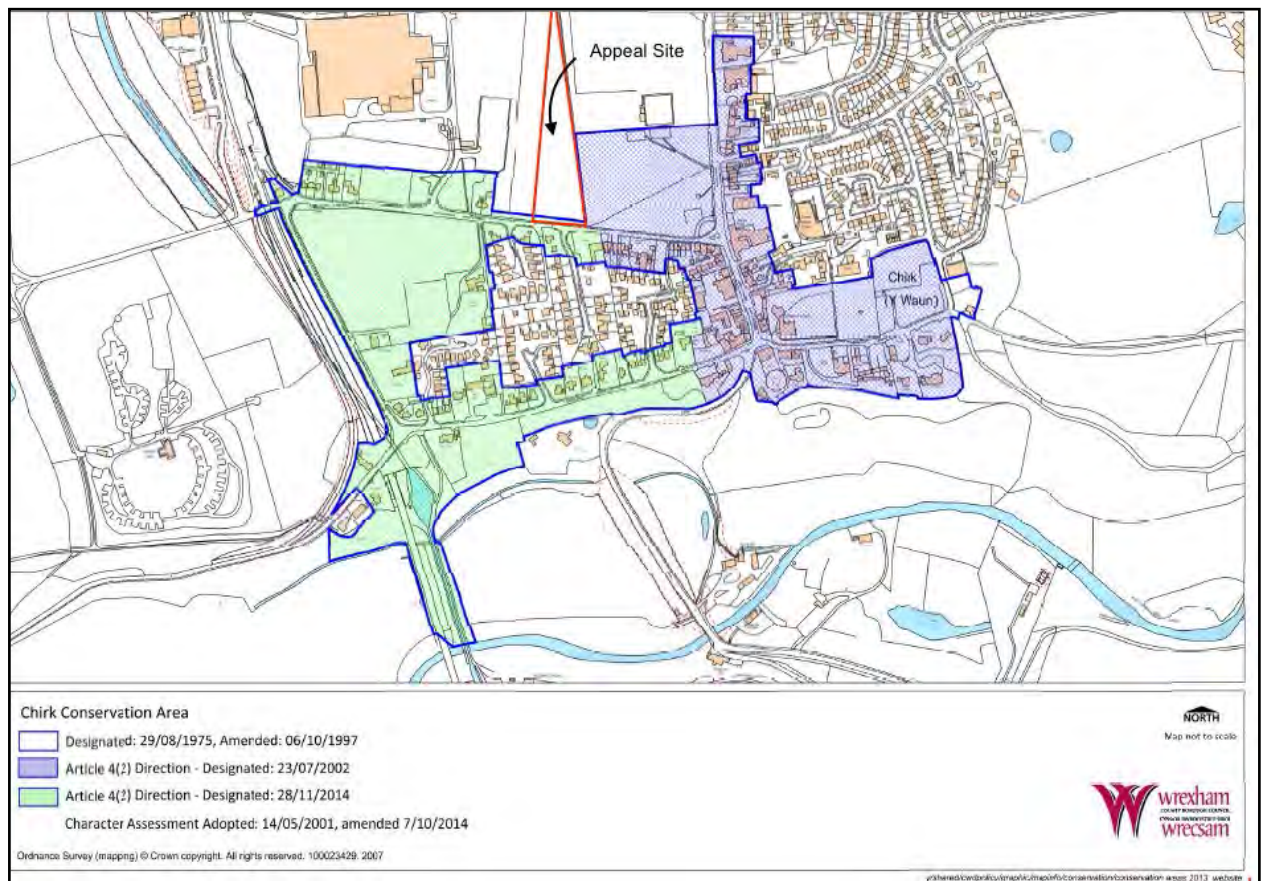
1. Signage to the World Heritage Site
2. Replacement surface materials to car parks
3. Improved public realm to St Mary's precinct frontage
4. Reinstatement and introduction of traditional shop frontages and signage.

None of these apply to the appeal site.

6.0 SITE LOCATION AND DESCRIPTION

6.1 The appeal site (shown outlined in red) is located adjacent to the northern boundary of the conservation area where it runs along Station Avenue. The southern boundary of the appeal site is just within the conservation area.

Fig. 2. Conservation Area Plan



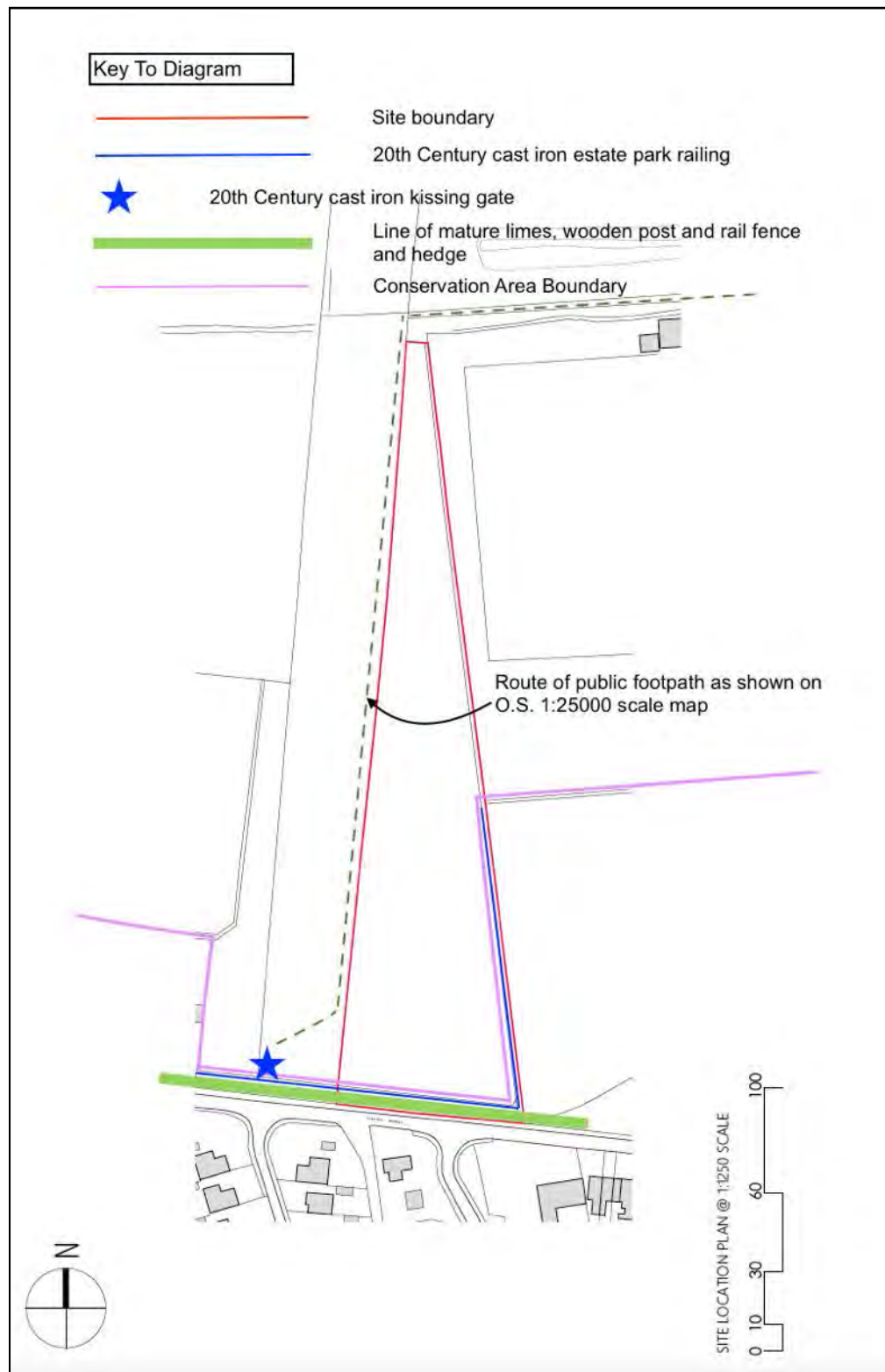
6.2 The appeal site is a triangular shaped patch of ground sandwiched between the Kronospan industrial complex to the north, Station Avenue and housing to the south, the Sports ground and Recreation ground to the east, and the Mondelez factory complex, railway and canal to the west.

Fig. 3. Google Maps Aerial image of Chirk



6.3 The appeal site is flat, open, grassed ground crossed by a public footpath. It fronts onto Station Road with a row of mature Lime trees, a post and rail fence and hedge, with a narrow strip of scrubby land behind which is boundary marked by a 20th century cast iron Chirk Castle Estate park railing fence.

Fig.4 Site Plan



7.0 DESCRIPTION AND SIGNIFICANCE OF THE PROTECTED TREES ON STATION AVENUE.

7.1 The works associated with the proposal include the removal of two protected trees in order to create the entrance access way into the new development, and their replacement by the replanting of two new replacement trees.

7.2 One of the trees to be removed is specifically protected by Tree Preservation Order (TPO) 59 which was placed in 2003. The TPO covers the whole avenue of Lime trees along Station Avenue which includes a total of 36 Lime trees; 3 oak trees; and a group consisting of 35 Scots Pine. Of the Lime trees on the TPO Schedule, nine Lime trees numbered T11 through to T19, are on the appeal land. T14 is the Lime tree affected by the proposal, it is referred to in Ascerta's Arboricultural Impact Assessment as T6.

The other tree, a sycamore, is not included in TPO 59 but is afforded protection by being within the Conservation Area.

7.3 TAN24: Paragraph 6.16 states that - "When considering whether to extend protection to trees in conservation areas, local planning authorities should always take into account the visual, historic and amenity contribution of trees. In some instances, new or re-plantings may be desirable where this would be consistent with the character or appearance of the area."

In accordance with this guidance, the heritage significance and value of the trees along Station Road have been assessed by the same criteria:

- Historic
- Visual,
- Amenity contribution.

Historic Value

7.4 The earliest historic map available is the O.S. survey of 1873, the extract below shows the avenue of Lime trees planted the whole length and on both sides of Station Avenue, which was surrounded at that time by open fields belonging to Chirk Castle Estate to the north and south.

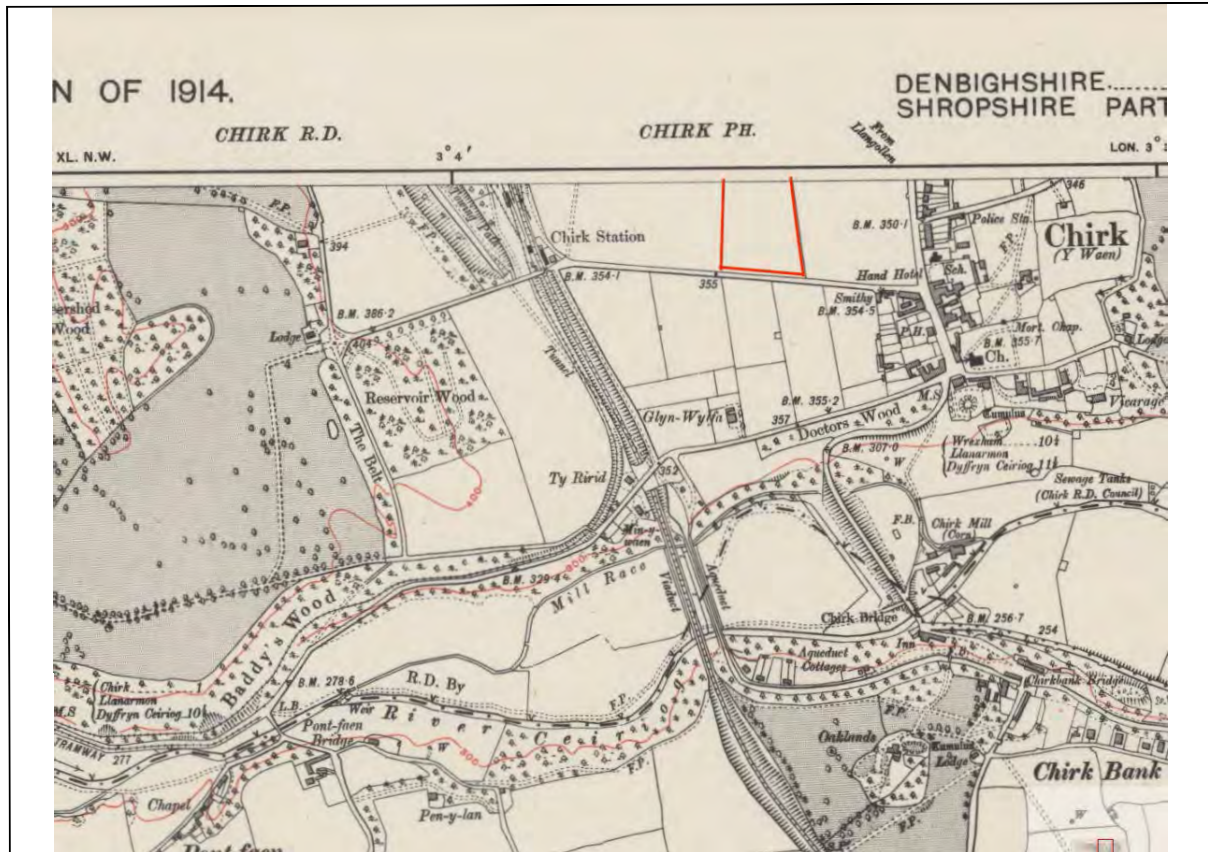
Fig. 5. Extract from Ordnance Survey of 1873



The site boundary has been superimposed in RED onto the map for illustrative purposes.

7.5 It has been suggested by local historians that the trees may have been planted as “Waterloo Memorial Trees” to commemorate the victory of the Battle of Waterloo in 1815, though I did not come across evidence to support the suggestion. Apparently there were many such tree plantings across the UK & Ireland which are now 200 years old. These plantings were done in “Battle formations”, that is, laid out in regimented Lines and Squares and are especially important culturally and historically.

Fig. 6. Extract from Ordnance Survey of 1914



7.6 The above extract from the O.S. 1914 survey shows that Station Avenue remains as undeveloped open fields at this point in time.

** Note that the avenue of trees is not depicted on this survey for some reason.

The partial site boundary has been superimposed in RED onto the map for illustrative purposes.

Visual Value

7.7 These photos from the *Francis Frith collection* show Station Avenue as it was in the 1950's. They show a very pleasant, quiet rural scene which is very different from the character and appearance of Station Avenue today. The regular "regimented" spacing and the tall stature of the Lime tree avenue gives it a special visual value.

Fig. 7 View west from Church Street showing the Recreation Ground on the right hand side.



Fig.8
View west towards the Station with No.6 & 7 Station Avenue on the right hand side.



Fig. 9 This photo shows the Recreation Ground having long meadow grass in the character of a “natural” landscape resonant with the outskirts of the Chirk Castle Estate.



Fig. 10. The Recreation Ground shown with long meadow grass and individual specimen trees.



Amenity Contribution Value

7.8 The avenue of trees on Station Avenue have a high amenity value which provide a pleasing and agreeable prospect for the residents of Chirk and visitors to the town and Chirk Castle Estate alike.

7.9 The equal spacing of the Lime trees (at approximately 9 metres apart) and their height, approximately up to 22 metres adds to their regal status and quality.

7.10 The line of mature Lime trees frames Station Avenue and is a prominent feature at the heart of the community of Chirk.

8.0 IMPACT OF THE PROPOSED DEVELOPMENT ON:

- THE PROTECTED TREES ON STATION AVENUE;**
- STATION AVENUE AND CASTLE ROAD CHARACTER SUB AREA;**
- THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AS A WHOLE.**

IMPACT OF THE PROPOSED DEVELOPMENT ON THE PROTECTED TREES ON STATION AVENUE.

8.1 The Lime Tree T6 (TPO 14)

The proposal includes the cutting down of Lime T6 (TPO14) and its replacement with a semi-mature Lime tree on an adjacent spot in order to create the new access way into the development site as shown on the Proposed Site Access Arrangement plan Drawing No SCP/15234/SK01.

8.2 The Lime T6 (TPO14) is described in the Revised Arboricultural Report by Ascerta as having: "Some element of canopy dieback. Foliage discolouration in parts. Lost top in past, likely decay at this point. Not particularly prominent within the landscape. Dense ivy on stem and scaffolds."

8.3 The mature Lime tree T6 (TPO14) is part of the purposely planted historic avenue of Limes planted before 1873 as described above in paragraph 7.4. When measured against the criteria given in TAN24 paragraph 6.16, it has intrinsic historic value as one of the purposely planted avenue of Limes, but has diminished amenity and visual value because it has canopy dieback and has lost the top of its main stem and so is not as tall as the other Limes and is mis-shaped and covered in dense ivy. The long term value of the tree is diminished given its current condition.

8.4 The historic avenue of trees was planted at a regular spacing. This regular spacing is intrinsic to their special regimented character and appearance and thence to the special character and appearance of the Station Avenue character sub-area and Chirk Conservation Area as a whole.

8.5 The species/variety of Lime trees which were planted in the avenue appear to be ones which grow to a tall stature, some measuring up to 22 metres in height.

8.6 For these reasons it is imperative to ensure that the replacement tree is positioned in line and at a regular spacing in relation to the adjacent historic Lime trees in the avenue, and that it is of the same species/variety of Lime, so that it grows to a similar stature and height as the historic Limes.

8.7 The Sycamore Tree T5

The proposal includes the cutting down and replacement of a Sycamore (labelled T5 in the Ascerta arboricultural Impact Assessment) in order to create the new access way into the development site as shown on the Proposed Site Access Arrangement plan Drawing No SCP/15234/SK01.

8.8 The sycamore tree (T5) is described in the Revised Arboricultural Report by Ascerta as being: "Multi stemmed from the base. Dense ivy coverage. Multiple bark included unions. Low value."

8.9 The sycamore is very likely to be self-seeded and is situated on the scrubby strip of land behind the row of planted Lime trees. When measured against the criteria given in TAN24 the sycamore has no historic value, and limited visual and amenity value, it is not intrinsically of any significance as an individual tree, neither is it part of the purposely planted historic "avenue" of Limes.

8.10 The sycamore has a negative effect on the quality and stature of the avenue of Limes, its removal will serve to enhance the avenue by clearing the scrubby area behind and allowing the Lime trees to stand alone. It is considered that replanting a sycamore behind the avenue of limes will have a negative effect on the visual quality and stature of the avenue of Limes.

8.11 The sycamore would be best replanted in a different location within the appeal site boundary.

IMPACT OF THE PROPOSED DEVELOPMENT UPON THE STATION AVENUE AND CASTLE ROAD CHARACTER SUB AREA.

8.12 The Chirk Conservation Area Assessment and Management Plan clearly states the importance of the avenue of trees along Station Avenue at paragraph 3.15 and 4.39.

The trees are described as being of:

- particular importance and high amenity value and protected by a Tree preservation Order
- well maintained trees which add to the peaceful sense of place and quality of the area.
- of high significance enhancing the linear street pattern and channeling views towards the Hand Hotel in the east and the railway bridge and approach to Chirk castle in the west.
- these trees along with the surrounding the recreational ground help buffer the negative visual impact of the industrial buildings at the Mondelez and Kronospan factory sites”.

8.13 As shown in Fig.11, on the south side of Station Avenue only seven mature Lime trees survive of the original avenue, these seven surviving trees are now randomly spaced. Nineteen young Lime trees have been planted at regular spacing between the junction of Oakcroft and the roundabout by the train station. These young limes have replaced/restored the original row of historic Limes (shown on the O.S. plan at Fig.5) which had been felled at some time, the new planting preserves and enhances the special regimented, linear character and appearance of the avenue which is Station Avenue character sub- area.

8.14 As shown in Fig.11, on the north side of Station Avenue, twenty seven mature Lime trees survive in a continuous row between the junction with Church Street and No's. 6 & 7 Station Avenue.

8.15 In the council's Reason for Refusal, the trees on Station Avenue are described as being “well maintained” though it is evident that many of the trees in the avenue have been lost over time and some of those that remain have become overgrown and covered in ivy and not well managed/looked after which has diminished the quality of the avenue.

8.16 Lime tree T6 (TPO14) has diminished visual and amenity quality and stature (as described in 8.3 above). Its removal and replacement with a semi-mature Lime of the correct variety, which will eventually grow to a similar height as the other mature historic limes i.e. 22 metres high, has the potential to preserve, enhance and revitalise the historic avenue of Limes on Station Avenue.

8.17 The sycamore has a negative effect on the quality and stature of the avenue of Limes, its removal will serve to enhance the avenue by clearing the scrubby area behind and allowing the Lime trees to stand alone. It is considered that replanting a sycamore behind the avenue of limes will have a negative effect on the visual quality and stature of the avenue of Limes.

The sycamore would be best replanted in a different location within the appeal site boundary.

8.18 The enhancement of the avenue of Limes will enhance the wider Station Avenue and Castle Road Character Sub-Area.

Fig.11. Google Maps Aerial Image of Station Avenue



IMPACT OF THE PROPOSED DEVELOPMENT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AS A WHOLE.

8.19 The avenue of Lime trees makes a significant historic, visual and amenity contribution to Chirk Conservation Area as a whole and to Station Avenue in particular.

8.20 The replacement of the mature Lime tree T6 (TPO14) with a replacement Lime tree of a suitable variety, size and maturity at the location shown on the Proposed Site Access Arrangement plan Drawing No SCP/15234/SK01 will mitigate against the loss of the original decaying and damaged Lime tree and will serve to preserve and enhance and revitalise the special historic character and appearance of Station Avenue and the Chirk Conservation Area as a whole.

8.21 The replacement of the sycamore with a replacement sycamore in the same vicinity will neither preserve nor enhance the avenue of Lime trees, but it may have some visual and amenity value if re-planted elsewhere within the Appeal site boundary, which will enhance the character and appearance of the Chirk Conservation Area as a whole.

9.0 SUMMARY AND CONCLUSION

The Proposal

9.1 *“Outline application for residential development of up to 22 units and associated works with all matters reserved except for access.”*

Reason for refusal

9.2 *“The proposed development would result in the loss of two protected trees of significant amenity value within an existing tree-lined avenue. The removal of these trees would not only create an unnatural break within this avenue, but would have detrimental impact upon the character and appearance of the conservation area.*

To allow this development would therefore be contrary to the Wrexham Unitary Development Plan policy EC7 which prioritises the need to preserve or enhance those elements including trees which contribute to the unique character of the area.

Similarly the proposal would be contrary to Policy EC4 which seeks to prevent development which results in the loss or significant damage to valuable trees”.

9.3 The statutory definition of a Conservation Area is “An area of special architectural and historic interest the character or appearance of which it is desirable to preserve or enhance.”

Planning (Listed Building and Conservation Area) Act 1990 Section 69(1).

9.4 Chirk Conservation area was first designated on 29th August 1975, the boundary reviewed and amended in October 1997 and again in October 2014. The Chirk Conservation Area Character Assessment & Management Plan was adopted by Wrexham County Borough Council on 7 October 2014.

9.5 The Assessment clearly states the significance of the avenue of Lime trees along Station Avenue and the important contribution that they make to the special character and appearance of the area, having a strong presence within the street scene, adding to the sense of place and enhancing the linear street pattern, by creating enclosure whilst channelling views along the avenue. The contribution made by the trees to the special character and appearance of the Chirk Conservation Area is undisputed.

9.6 The Assessment identifies four character sub areas:

1. Church Street
2. Trevor Road
3. Holyhead Road
- 4. Station Avenue and Castle Road**

9.7 The principal characteristics of the Station Avenue and Castle Road sub area as defined in the Assessment are:

- Recreation Ground
- Important Areas of Open Space
- *Mature Lime trees*
- Important hedge boundary
- Buildings of Historical/Architectural interest
- Important approaches and views.

9.8 A detailed assessment of the significance of the two trees affected by the proposed development was undertaken for the purposes of this heritage statement using the criteria given in TAN24 paragraph 6.16.

It was concluded that Lime Tree T6 (TPO14) has intrinsic historic value as one of the purposely planted avenue of Limes, but has diminished amenity and visual value because it has canopy dieback and has lost the top of its main stem and so is not as tall as the other Limes and is mis-shaped and covered in dense ivy. The long term value of the tree is diminished given its current condition.

It was concluded that the multi stemmed sycamore, which is not included in the TPO but is protected by the conservation area legislation, is not of historic, visual or amenity value. It is a self seeded result of an overgrown scrubby unmanaged patch of land behind the avenue of planted Limes.

9.9 The proposal includes cutting down Lime tree T6 (TPO14) and replanting a semi-mature Lime tree close to the site of the original, in line with the remaining avenue of historic Limes, at the same regular, regimented spacing to match the existing spacing of the trees.

9.10 The replanting of a semi-mature lime tree, of the same species as those in the original avenue so that it will grow to the same stature, will mitigate the loss of the old lime tree. The replanting will revitalise the historic, visual and amenity value of the avenue of trees. This in turn will also preserve and enhance the character and appearance of the Station Avenue and Castle Road character sub-area and the Chirk Conservation Area as a whole.

9.11 The proposal includes replanting a sycamore tree, though its location is not specified/agreed.

9.12 It is considered that replanting a sycamore behind the avenue of limes will have a negative effect on the visual quality and stature of the avenue of Limes. The removal of the sycamore will serve to enhance the avenue by clearing the scrubby area and allowing the Lime trees to be seen in their regimental glory. The sycamore would be best replanted in a different location along the boundary of, or within, the appeal site if it is to preserve the character of the Station Avenue and Castle Road character sub area, and the Chirk Conservation Area as a whole.

End of report.