



PRELIMINARY TREE REPORT (5837:2012)

PROPOSED DEVELOPMENT

AT

LAND OFF OAK ROAD
WREXHAM INDUSTRIAL ESTATE
WREXHAM

March 2018

PM/BS/20/03/18

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Disclaimer

The tree(s) referred to in this report are living entities and are therefore subject to natural processes. They will also be subject to changes to their environment caused by human's activities and to exceptional weather conditions. The inspection undertaken by our qualified staff relies on visual attributes of tree health and structure which can be assessed from a ground based inspection. Hidden defects which are not readily visible may not be detected. We therefore cannot wholly guarantee the condition and safety of the trees inspected beyond what can be reasonably assessed from the procedure used. We would recommend that the trees are regularly inspected and our staff will advise on the suitable frequency of these inspections.

1.0 INTRODUCTION

1.1 Professional Details

- 1.1.1 My name is Peter Murray and I have been working and studying in the Arboricultural Industry since 1989. I have many years practical and consulting experience as a Local Authority arboriculturalist and more recently as a private sector practitioner.
- 1.1.2 I so far hold the Higher National Diploma in Arboriculture and am a professional member of the Arboricultural Association. I keep up to date with the latest research and best practice by attending relevant courses and seminars.

1.2 Tree Survey

- 1.2.1 I was recently instructed by J10 Planning Ltd on behalf of their clients to carry out a site visit at land off Oak Road, Wrexham Industrial Estate, Wrexham and survey all significant trees that may be affected by development proposals in accordance with *BS 5837:2012 trees in relation to design, demolition and construction – Recommendations*.
- 1.2.2 The survey on which the findings of this report are based was undertaken on Tuesday 6th March 2018 and the weather was dry and bright but wet underfoot.
- 1.2.3 This report should be read in conjunction with the attached Arboricultural Data and Site Plans of Appendix B and E.
- 1.2.4 The trees were inspected from ground level only and all comments and recommendations made have taken into account their location, surroundings and likely impact on persons or property.
- 1.2.5 The limitations of this report are restricted to the persons, time, information made available and purpose for which this report has been prepared. This report does not deal with any existing tree root/building conflicts and no information has been provided regarding soil type and no analysis undertaken by this company.

2.0 FINDINGS

2.1 The Site

- 2.1.1 The site in question is an area of 22 ha and is a brownfield previously developed site largely within the existing settlement boundary of Wrexham Industrial Estate (WIE). It has now largely reverted to scrub land and but has several scattered Oak trees present.
- 2.1.2 The site is relatively level with the odd undulation or mounding and has previously been used for 4 x 4 experiences and other leisure activities. The proposal is for commercial industrial units.

2.2 Soils

- 2.2.1 The soil of the site is described at <http://www.landis.org.uk/soilscapes> as being 'Slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils.' The ground is also reported to have impeded drainage no doubt due to the clay within the soil.

2.3 The Trees

- 2.3.1 A total of seventeen individual trees were surveyed and plotted in order to assess their health and dimensions in accordance with the British Standard and the results are clearly detailed within the Appendices of this report.
- 2.3.2 In general the trees surveyed were of reasonable/typical condition for their age and species. Any works identified within the data tables should take place regardless of development in line with best practice. The quality rating for the trees surveyed can be summarised as follows:

U – 0 trees

A – 0 trees

B – 14 trees (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T12, T13, T14 & T15)

C – 3 trees (T11, T16 & T17)

2.4 Impact of Proposed Development

- 2.4.1 With reference to the 'The Oaks Business Park Development Masterplan Prospectus November 2017 - LS/DMP/version001' it is the intention to remove T1 to T11 for the purposes of development. Eight of these trees are currently protected by a Tree Preservation Order (see Appendix D)

- 2.4.2 The reasoning for their removal is to make the best commercial use of the site to the north whilst providing a large ecological area on the south-west side and retaining the thick scrub wooded area to the south along with two of the large Oak trees (T12 & T13). Tree's T14, T15, T16 & T17 positioned on the north-east boundary will also be retained. However, the final layout has yet to be finalised.

2.5 Mitigation

- 2.5.1 The loss of any tree is regrettable particularly trees that have been protected by a Tree Preservation Order. However, if it can be demonstrated that the requirement for development and the proposed mitigating measures outweigh the current amenity that these trees provide then it can become acceptable.
- 2.5.2 Out of the eleven Oak trees to be removed only five of them can be readily viewed outside of the site (T1 to T5). This is due to the vigorous scrub that has now overtaken the site. The significance of all these Oak trees is largely cultural as they can provide useful habitat. However, none of them are prominent specimens, which can be readily viewed by the general public and there are no residential properties within their locality. There is also no designated public access into the site
- 2.5.3 With reference to the prospectus there is no reason why the majority of these losses can't be replaced along the front north-western boundary with at least ten advanced stock Oak specimens within the new landscaping scheme along with other tree planting internally surrounding the units. In addition extensive mixed tree planting can be provided within the 'ecological area'.
- 2.5.4 The retained thick scrub on the southern boundary can be extended and improved by thinning to improve woodland structure and ground flora. A full management plan of this area should be produced as a condition of development along with a full landscape scheme.

3.0 CONCLUSIONS

3.1 Significant Trees

- 3.1.1 As stated above the loss of these eleven mature Oak trees is regrettable, although one was found to be in poor condition (T11). However, it could be argued that the loss of the scrub that is gradually overtaking the site will make more of a visual difference?
- 3.1.2 As the prospectus states there is an economic need to bring this site back into development and if a good quality planting scheme is provided, which includes large specimen Oak trees along with other mixed appropriate species in an around the site the loss of these eleven trees can be mitigated.

- 3.1.3 The management of the thick scrub along with the ecological area will also compensate for the loss of vegetation and provide a more sustainable area for habitat and visual amenity.

3.2 Standard of Work

- 3.2.1 All tree work undertaken should be done in accordance with British Standard 3998:2010 and by competent contractors insured with public liability cover of at least two million pounds.

3.3 Statutory Controls

- 3.3.1 If the trees on site are subject to any Tree Preservation Orders (TPO's) or are encompassed within a Conservation Area then statutory permission from the Local Planning Authority (LPA) will be required before any tree works take place.
- 3.3.2 According to the attached TPO document of Appendix D; Tree No.'s T3, T4, T6, T7, T8, T9, T10, T11, T12 & T13 are currently protected by a TPO and the site is not within a Conservation Area.

3.4 Wildlife

- 3.4.1 All operations should take account of wildlife needs and be planned to take advantage of weather conditions and time of year for minimum damage and disturbance. If any protected species or nesting birds are present or discovered while the works are taking place all work should cease until contact has been made with Countryside Council for Wales for further advice. Countryside Council for Wales can be contacted on 01248 385500 or by e-mail to: Enquiries@ccw.gov.uk. Specific consideration should be given to the possible presence of roosting bats, which are protected by the Wildlife and Countryside Act 1981 (schedule 5) and included in schedule 2 of the Conservation Regulations 1994. Ideally, a survey should be carried out to identify any potential roost sites and if bats are found to be present advice should be sought from a person qualified and experienced in handling such matters and fully conversant with the implications of the Act.

Signed



Peter Murray (HND. ARB, M, Arbor A)
Consulting Arborist

23rd March 2018

APPENDIX A - Glossary of Terms & Table 1 of BS 5837:2012

The following terms are concurrent with best Arboricultural practice and within the guidelines set by the International Society of Arboriculture (ISA), the Arboricultural Association (AA) and the British Standards Institute (BSI).

Dbh: Diameter at Breast Height is measured at 1.5m and recorded in millimetres. Where a tree becomes multi-stemmed below 1.5m the diameter of each stem is measured at 1.5m and added together. Where a tree has low branching or has swelling the stem is measured at the narrowest point below.

Height: Height was estimated and recorded in metres.

Age Range: Age is site specific and categorised:

Young (Y)	Out-planted trees that have not yet established.
Semi-Mature (SM)	Established trees up to 1/3 of expected height and crown.
Early Mature (EM)	Between 1/3 and 2/3 of expected height and crown.
Mature (M)	Between 2/3 and full expected height and crown.
Fully Mature (FM)	Full expected height and crown.
Over Mature (OM)	Crown beginning to break-up and decrease in size.
Senescent (S)	Crown in advanced stage of break-up.

Crown Spread: Measured in metres at four cardinal points (N, E, S & W).

Crown Clearance: Measured in metres from the ground to the first branch tip on development side only.

Condition - Assessment of current physiological condition and structural morphology incorporating vigour and vitality and categorised:

- A - Tree needing little, if any attention
- B - Tree with minor, but rectifiable defects, or in the early stages of physiological stress
- C - Tree with significant structural and physiological flaws and/or extremely stressed
- D - Tree that is dead, biologically/physically moribund or dangerous

Desirability To Retain – As Outlined in Table 1 of BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (see below).

Definition of Physiological & Morphological Terms

Adaptive Growth - The process whereby wood formation is influenced both in quantity and in quality by the action of gravitational force and mechanical stresses on the cambial zone.

Bifurcation – Forked or divided union.

Brown Rot - Form of decay where cellulose is degraded, while lignin is only modified.

Cankers (target or tumorous) - A localised area of dead bark and cambium on a stem or branch, caused by fungal or bacterial organisms, characterised by woundwood development on the periphery. This may be annual or perennial.

Cavity - An open wound, characterised by the presence of extensive decay and resulting in a hollow.

Chlorotic Leaf - Lacking in chlorophyll, typically yellow in colour.

Compartmentalisation - The physiological process that creates the chemical and mechanical boundaries that act to limit the spread of disease and decay organisms.

Coppicing - Is an ancient form of woodland management that involves repetitive felling on the same stump, near to ground level, and allowing the shoots to re-grow from that main stump. (Also known as the coppice stool).

Crack - Longitudinal spilt in stem or branch, involving bark and/or underlying wood. These may be vertically and horizontally orientated.

Decay - Process of degradation of woody tissues by fungi and bacteria through decomposition of cellulose and lignin.

Deadwood - Deadwood is often present within the crown or on the stems of trees. In some instances it may be an indication of ill health, however, it may also indicate natural growth processes. If a target is present beneath the tree, deadwood may fall and cause injury or damage and should be removed, otherwise deadwood can remain intact for conservation purposes (insects, fungi, birds etc.).

End Weight - The concentration of foliage at the distal ends of stems and deficient in secondary branches.

Girdling Root - Root which circles and constricts the stem or roots causing death of phloem and/or cambial tissue.

Hazard Beam - An upwardly curved branch in which strong internal stresses may occur without the compensatory formation of extra wood (longitudinal splitting may occur in some cases).

Included Bark Union - Pattern of development at branch junctions where bark is turned inward rather than pushed out. Potential weakness due to a lack of a woody union.

Ivy Growth - Ivy growth may ascend into the tree's crown, increasing wind resistance, concealing potential defects and reducing the tree's photosynthetic capacity. Ivy growth is often acceptable in woodland areas as a conservation benefit.

Live Crown Ratio - The relative proportion of photosynthetic mass (leaf area) to overall tree height.

Reaction Wood - Specialised secondary xylem, which develops in response to a lean or similar mechanical stress, attempting to restore the stem to the vertical.

Root Plate Lift - The physical movement of the rooting plate causing soils to shift and crack. May occur during adverse weather conditions. Trees may become unstable.

Structural Defect - Internal or external points of weakness, which reduce the stability of the tree.

Suppressed - Trees which are dominated by surrounding vegetation and whose crown development is restricted from above.

Topping - A highly disfiguring practise, likely to cause severe xylem dysfunction and decay in major structural parts of the wood.

White Rot - Form of decay where both cellulose and lignin are degraded.

Wound - Any injury, which induces a compartmentalisation response.

Woundwood - Wood with atypical anatomical features, formed in the vicinity of a wound and a term to describe the occluding tissues around a wound as opposed to the ambiguous term "callus."

Woodland Structure - The vertical and horizontal arrangement of trees within a group or woodland i.e. Dominant - trees with a crown above the upper layer of the canopy, Co-dominant trees that define the general upper edge of the canopy, Intermediate trees that have been largely overgrown by others, Suppressed trees that have been overgrown and occupy an under storey position and grow slowly, often severely asymmetrical.

Note: The definitions described above, may not necessarily be included within the Arboricultural Survey Data.

Table 1 – Cascade chart for tree quality assessment

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

APPENDIX B – Arboricultural Data

Arboricultural Data Sheet: Land off Oak Road, Wrexham Industrial Estate, Wrexham										Date of Survey: 06/03/18		Surveyor: PM			
Crown C = Crown Clearance; Cond R = Condition Rating; ERC (Yrs) = Estimated Remaining Contribution; TQRA = Tree Quality Category Rating; RPA (m ²) = Root Protection Area (m ²) Recommended works should be carried out to the <i>British Standard Recommendations for Tree Work, BS 3998:2010</i>															
Tree No.	Species	Dbh (mm)	Height (m)	Age	Crown Spread				Crown C	Cond R	Comments and Preliminary Management Recommendations	ERC (Yrs)	TQCR	RPA (m ²)	RPA Circle Radius (m)
					N	E	S	W							
Site	Scrub – Hawthorn, Field Maple, Ash, Elderberry, Birch & Goat Willow	<180 <400	<6 <12	Y-EM	3	3	3	3	0	B	Varied scrub becoming thicker and larger towards the south of the site. All adventitious vegetation due to lack of activity.	10+	C2	<72.38	<4.80
T1	Oak	390	8	EM	6	6	5	6	1.8	B	Located on the edge of a closely spaced group with minor crown asymmetry as a result. Minor deadwood present.	20+	B2	68.81	4.68
T2	Oak	480	9	EM	5	6	5	5	2	B	Located within a closely spaced group with minor crown asymmetry as a result. Minor deadwood present.	20+	B2	104.23	5.76
T3	Oak	1180	12	FM	6	7	5	5	1.8	B	A larger specimen within the group exhibiting reasonable but stunted form. Potential veteran tree. Minor deadwood present and decline within the crown.	20+	B2	629.91	14.16
T4	Oak	620	12	M	7	7	6	6	1.8	B	An individual specimen exhibiting reasonable symmetry with minor deadwood throughout the crown.	20+	B2	173.90	7.44
T5	Oak	500	11	M	7	7	5	6	1.8	B	An individual specimen exhibiting reasonable symmetry with minor deadwood throughout the crown.	20+	B2	113.10	6.00
T6	Oak	500	10	M	5	6	6	6	1.5	B	An individual specimen exhibiting reasonable symmetry with minor deadwood throughout the crown. Not prominent outside of site.	20+	B2	113.10	6.00
T7	Oak	760	12	M	5	7	7	6	1.8	B	An individual specimen exhibiting reasonable symmetry with minor deadwood throughout the crown. Large wounds on scaffold limbs and broken branch stubs present. Not prominent outside of site.	20+	B2	261.30	9.12
T8	Oak	880	12	M	6	7	5	6	1	B	An individual specimen exhibiting good symmetry and good vigour. Minor deadwood within the crown. Minor scars & cavities.	20+	B2	350.33	10.56
T9	Oak	790	13	M	7	7	6	7	1.8	B	A co-dominant specimen exhibiting minor asymmetry. Major deadwood and minor cavities present	20+	B2	282.34	9.48
T10	Oak	850	12	M	8	8	9.5	5.5	2	B	A co-dominant specimen exhibiting minor asymmetry. Major deadwood and minor cavities present	20+	B2	326.85	10.20

Arboricultural Data Sheet: Land off Oak Road, Wrexham Industrial Estate, Wrexham

Date of Survey: 06/03/18

Surveyor: PM

Crown C = Crown Clearance; Cond R = Condition Rating; ERC (Yrs) = Estimated Remaining Contribution; TQRA = Tree Quality Category Rating; RPA (m²) = Root Protection Area (m²)

Recommended works should be carried out to the *British Standard Recommendations for Tree Work, BS 3998:2010*

Tree No.	Species	Dbh (mm)	Height (m)	Age	Crown Spread				Crown C	Cond R	Comments and Preliminary Management Recommendations	ERC (Yrs)	TQCR	RPA (m ²)	RPA Circle Radius (m)
					N	E	S	W							
T11	Oak	750	12	M	5	5.5	4.5	5	2	C	An individual specimen in decline with major cavity on west side of the stem. Heavy compaction over primary roots and soil erosion.	10+	C2	254.47	9.00
T12	Oak	920	17	OM	3	6	5	7.5	2	C	An individual specimen with large tear out wound on north-east of stem at 10m. Major deadwood within the crown. Low potential due to condition limited visual amenity not being prominent outside of site.	20+	B2/3	382.90	11.04
T13	Oak	1000	15	FM	5	5	7.5	7	3	C	An individual specimen with basal decay and exposed roots due to erosion on steep embankment. Major deadwood within the crown. Low potential due to condition limited visual amenity not being prominent outside of site.	20+	B2/3	452.39	12.00
T14	Oak	590	13	M	5	5	7	4.5	2	C	A co-dominant specimen located on boundary with reasonable symmetry but has a large longitudinal decayed seam on stem to the west side. Minor deadwood present.	20+	B2/3	157.48	7.08
T15	Oak	1190	12	S	7.5	6	8	8	1	C	A large stem diameter tree with a potential for veteranisation. Declining outer crown with low vigour.	20+	B2/3	640.63	14.28
T16	Oak	800	9	M	4	4	4	8.5	1	B/C	A co-dominant specimen previously topped out resulting in a new crown on poor attachments. Swamped in Ivy. Poor tree. - Sever Ivy at base.	10-20	C2/B 2	289.53	9.60
T17	Oak	800	6	FM	3	4.5	3	3	1	C	Ivy clad stump with very low potential and no visual amenity.	10+	C2	289.53	9.60

APPENDIX C – Key References

1. *British Standard BS 5837: (2012) Trees in relation to design, demolition and construction - Recommendations. ISBN 978-0-580-69917-7*
2. *Lonsdale, D. (199) Principles of tree hazard assessment and management, Research for amenity trees NO. 2. HMSO, London. ISBN 0-11-753355-6*
3. *Mattheck, C. and Belier, H. (1994) The body language of trees. Research for amenity trees No. 4. HMSO, London. ISBN 0-11-753067-0*
4. *Shigo, A. L. (1989a) A new tree biology. Shigo and Trees Associates, Durham, New Hampshire ISBN 0-943563-04-6*
5. *Stouts R. G. and Winter T. G. (1994) Diagnosis of ill-health in trees, Research for amenity trees No. 2. HMSO, London. ISBN 0-11-752919-2*
6. *British Standard BS 3998: (2010) Tree Work-Recommendations. ISBN 978-0-580-53777-6*

APPENDIX D

TPO Document

C

Oak Site
Rednuther Rd.
Worm Ind. Est

Confirmed

19.07.00

Town and Country Planning Act 1990

Insert title
of Order
(including
year)

WREXHAM COUNTY BOROUGH COUNCIL (COMMUNITY OF ISYCOED)

TREE PRESERVATION ORDER, NO 50 2000

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 ISYCOED) TREE PRESERVATION ORDER NO 50

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 19 July 2000

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^(e);
- (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 his 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 that 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 19 day of July 2000 (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-



CHIEF LEGAL AND ADMINISTRATION OFFICER
(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 10th day of January 2001 (month and year)] OR

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

on the day of

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]



349/00



19/01

Wrexham County Borough Council (Community of Isycoed) Tree Preservation
Order No 50

Cont'd

<u>No on Plan</u>	<u>Description</u>	<u>Situation</u>
T5	Oak (Quercus spp)	N349263.5 E338761.4
T6	Oak (Quercus spp)	N349213.6 E338759.1
T7	Oak (Quercus spp)	N349205.6 E338766.3
T8	Oak (Quercus spp)	N349172.4 E338786.5
T9	Oak (Quercus spp)	N349031.4 E338854.4
T10	Oak (Quercus spp)	N349020.2 E338845.5



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

Tree Preservation Order WCBC No. 50

The Oak Site, Redwither Road,
Wrexham Industrial Estate.

Derek A. Griffin
Chief Executive

Graham J. Evans
Chief Planning Officer

Scale 1:5000. Sheet No. SJ3849

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The Common Seal of Wrexham County
Borough Council was hereunto fixed in
the presence of:


Chief Legal and Administration Officer

19 JULY 2000

Date

349/00

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	Oak (Quercus spp)	N349471.8 E338535
T2	Oak (Quercus spp)	N349470.5 E338563.9
T3	Oak (Quercus spp)	N349463.2 E338604.8
T4	Oak (Quercus spp)	N349445.7 E338627.7

Trees specified by reference to an area

(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>
	None	

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.

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.

APPENDIX E

Tree Constraints Plans



T1
T2
T3

T4

T5

T6

T7

Scattered
Scrub

Scattered
Scrub

Scattered
Scrub

KEY

-  TREE LOCATION AND CONDITION
-  GROUP/ HEDGE LOCATION AND CONDITION
-  ROOT PROTECTION AREA (RPA)
-  CROWN SPREADS

Key to Condition
Red – Trees of poor quality **Blue** – Trees of moderate quality
Grey – Trees of low quality **Green** – Trees of high quality

Land off Oak Road, Wrexham Road
Industrial Estate

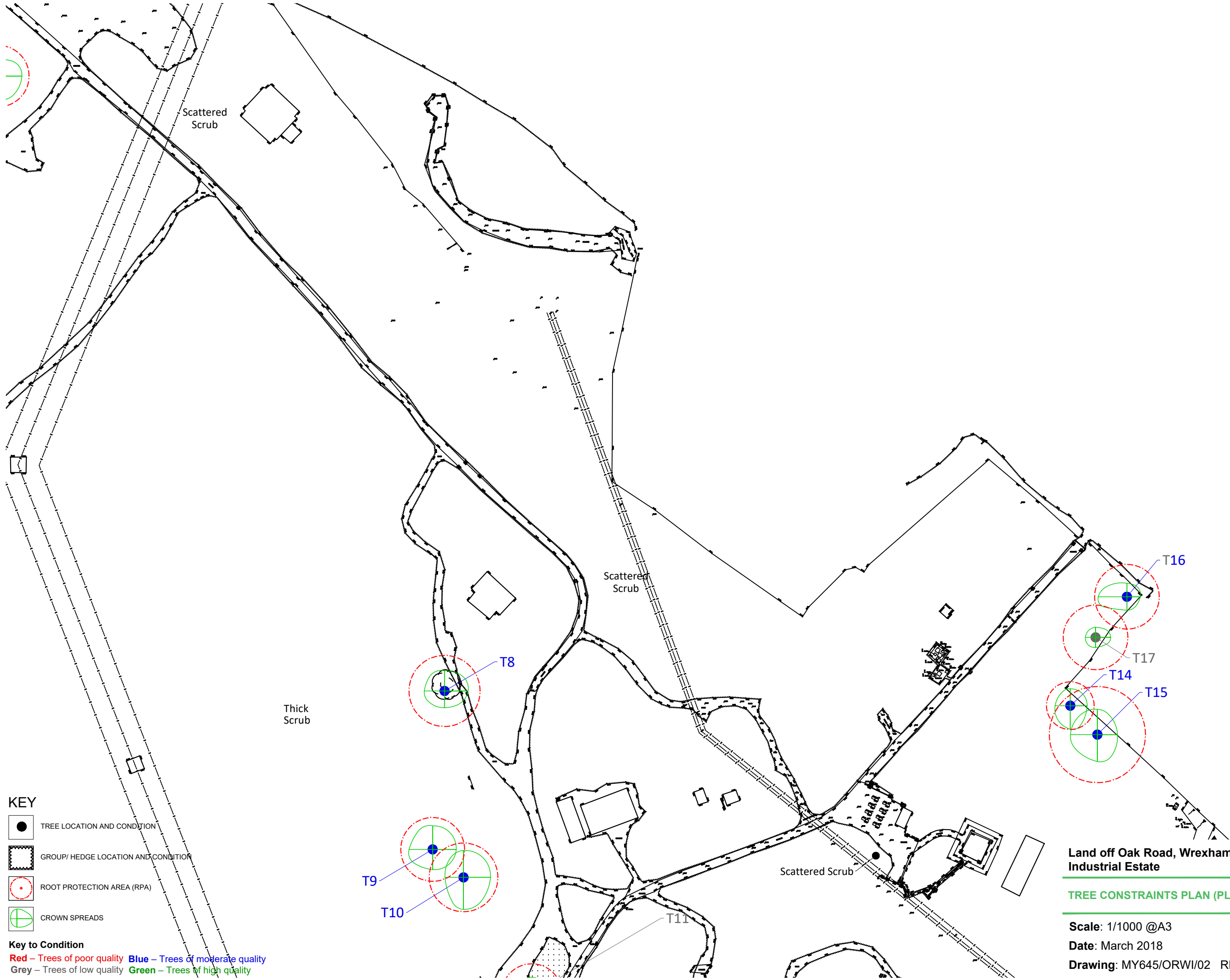
TREE CONSTRAINTS PLAN (PLAN 1/4)

Scale: 1/1000 @A3

Date: March 2018

Drawing: MY645/ORWI/01 REV -





KEY

- TREE LOCATION AND CONDITION
- GROUP/ HEDGE LOCATION AND CONDITION
- ROOT PROTECTION AREA (RPA)
- CROWN SPREADS

Key to Condition

Red – Trees of poor quality Blue – Trees of moderate quality
Grey – Trees of low quality Green – Trees of high quality

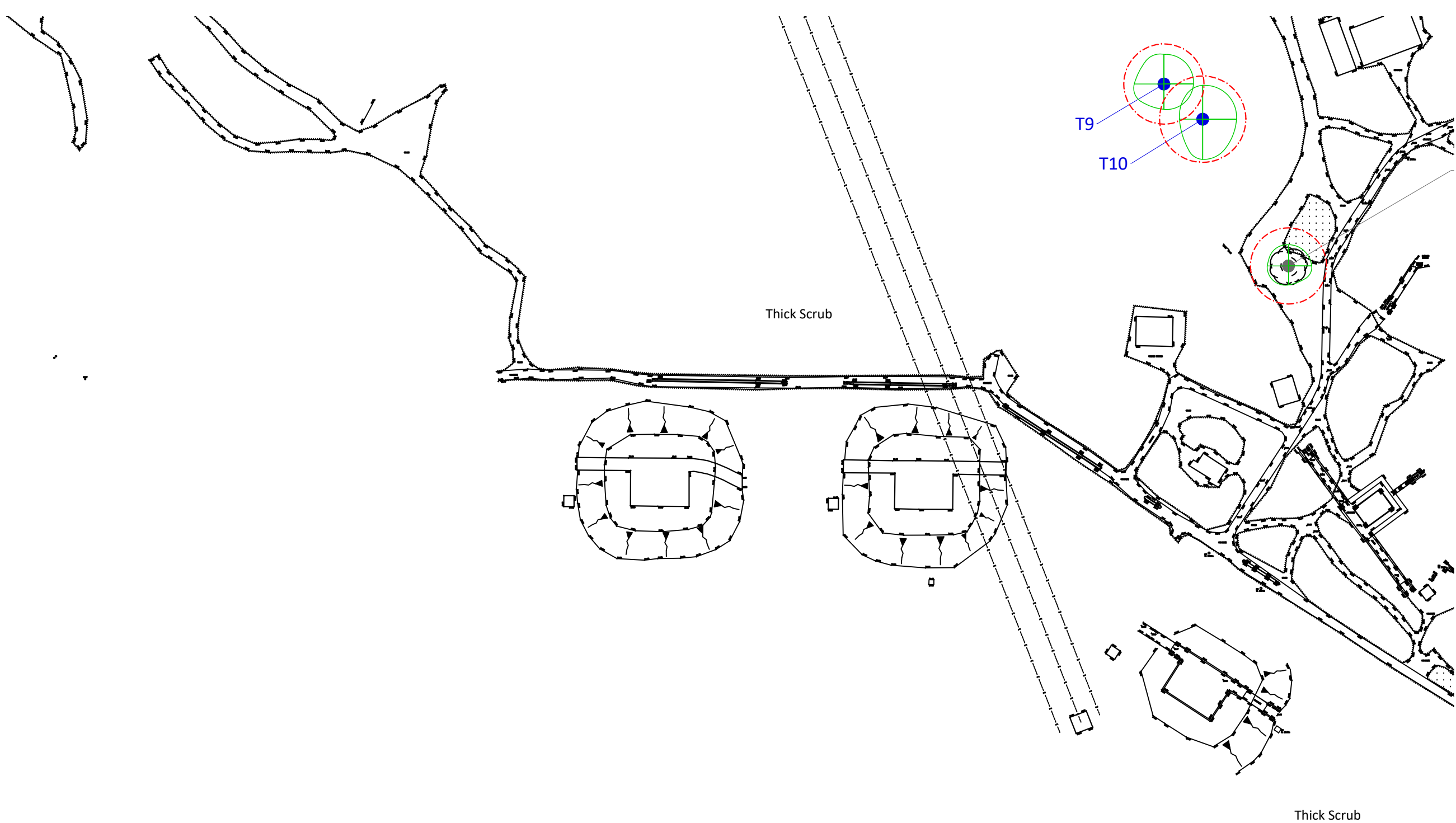
Land off Oak Road, Wrexham Road Industrial Estate

TREE CONSTRAINTS PLAN (PLAN 2/4)

Scale: 1/1000 @A3
Date: March 2018
Drawing: MY645/ORWI/02 REV -



MURRAY
TREE CONSULTANCY
www.murraytreeconsultancy.co.uk



Thick Scrub

KEY

-  TREE LOCATION AND CONDITION
-  GROUP/ HEDGE LOCATION AND CONDITION
-  ROOT PROTECTION AREA (RPA)
-  CROWN SPREADS

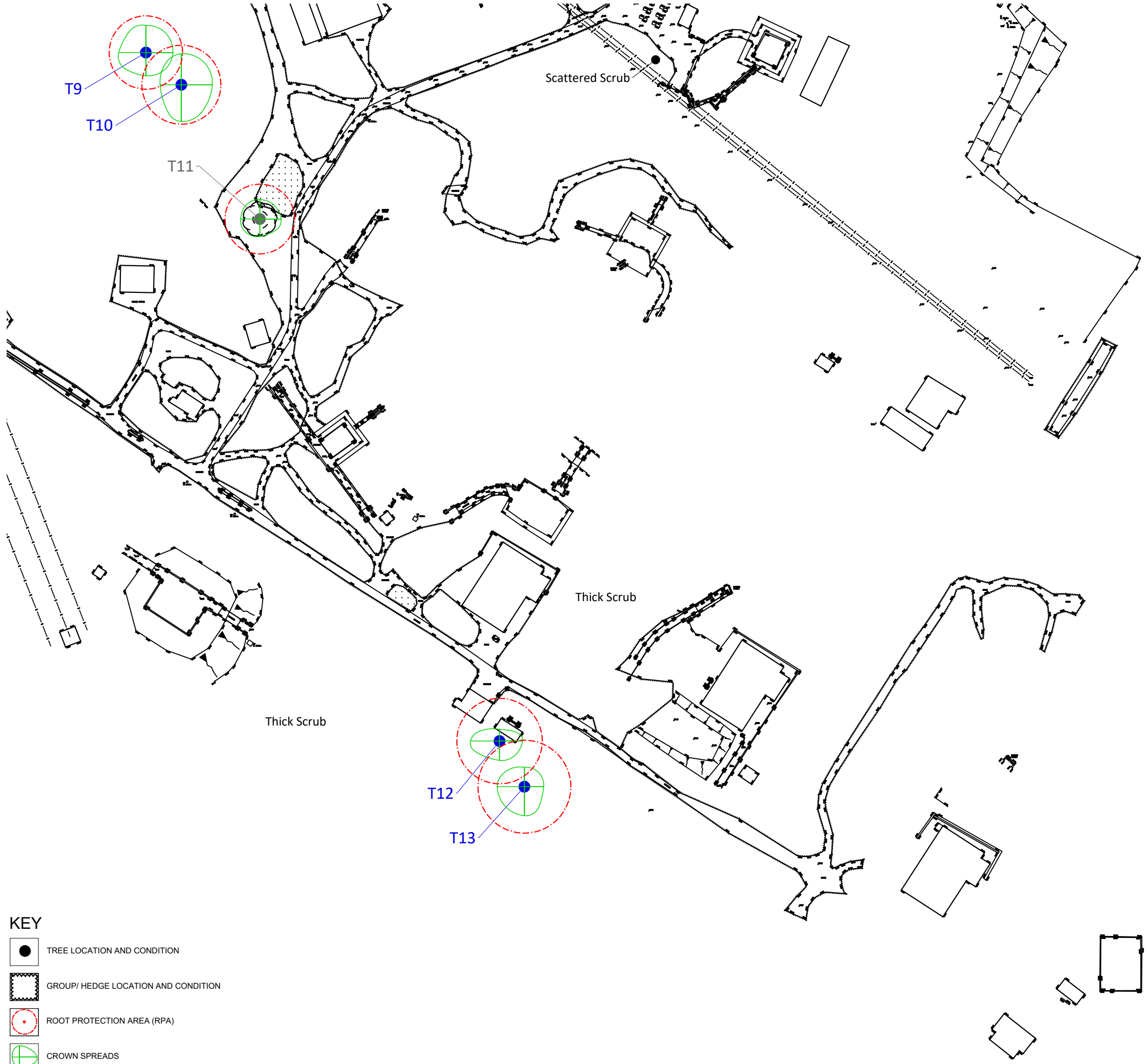
Key to Condition
Red – Trees of poor quality **Blue** – Trees of moderate quality
Grey – Trees of low quality **Green** – Trees of high quality

Land off Oak Road, Wrexham Road
Industrial Estate

TREE CONSTRAINTS PLAN (PLAN 3/4)

Scale: 1/1000 @A3
Date: March 2018
Drawing: MY645/ORWI/03 REV -





KEY

-  TREE LOCATION AND CONDITION
-  GROUP/ HEDGE LOCATION AND CONDITION
-  ROOT PROTECTION AREA (RPA)
-  CROWN SPREADS

Key to Condition
Red – Trees of poor quality **Blue** – Trees of moderate quality
Grey – Trees of low quality **Green** – Trees of high quality



Land off Oak Road, Wrexham Road
Industrial Estate

TREE CONSTRAINTS PLAN (PLAN 4/4)

Scale: 1/1000 @A3
Date: March 2018
Drawing: MY645/ORWI/04 REV -

