



TREE PRESERVATION ORDER APPEAL QUESTIONNAIRE

APPEAL REF: APP/ 3167765 GRID REF: 21.310535

APPEAL BY: MRS KAREN GOODALL

SITE: 1 THE Sycamores. TOP RD. SUMMIT HILL. WXM
L414SR

PLEASE SEND THE COMPLETED QUESTIONNAIRE (TOGETHER WITH ANY ENCLOSURES) TO THE INSPECTORATE AND TO THE APPELLANT OR AGENT WITHIN 14 DAYS OF THE START DATE.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to the Inspectorate within 28 days of the date you received the appeal form.

1. Do the Council agree to the written representations procedure? OR Do the Council wish to appear before and be heard by an Inspector? 2. a. If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land? b. From your knowledge of the issues, would the Inspector need to enter the site for any reason eg. to view/measure any dimensions from within it? c. If the answer to question 2b is Yes, do the Council agree to an Access Required Site Visit (ARSV)?	YES / NO YES / NO YES / NO YES / NO YES / NO
3. Is the appeal site within an approved Green Belt or AONB? Please specify which 4. a. Are there any other appeals or matters relating to the same site or neighbourhood still before the Welsh Government? If YES, please attach details and, where necessary, give the Inspectorate's reference number(s). b. Where the development would affect a public right of way, please provide an extract from the Definitive Map and Statement for the area, and any other details.	YES / NO YES / NO YES / NO
5. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. 6. Would the proposed development affect the setting of a listed building? If YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. 7. Would the proposals affect an Ancient Monument? 8. a. Is the appeal site in or adjacent to or likely to affect an SSSI? If so, please attach the comments of the Countryside Council for Wales. b. Are any protected species likely to be affected by the proposals? If so, please give details.	YES / NO YES / NO YES / NO YES / NO YES / NO

9. Copies of the following documents must, if applicable, be enclosed with this questionnaire: a. The Tree Preservation Order (TPO). b. The application for tree works. c. The Council's decision on the application. d. Evidence that the Order was confirmed. e. An up to date plan of the area showing the site and major roads. f. An up to date map of the Conservation Area showing the site marked. g. The planning officer's report to committee. h. Any relevant committee minute. i. A copy of any relevant correspondence between the Council and the appellant.	YES / NO YES / NO YES / NO YES / NO YES / NO YES / NO YES / NO YES / NO YES / NO
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10. a. Please confirm that, in accordance with Regulation 5(1), you have notified details of the appeal to authorities and other persons who made representations to you about the application. b. On what date did you give those notified at 10a for the submission of their representations? c. Copies of the following documents must be enclosed with this questionnaire. i interested party notification letter ii representations received from interested parties about the original application	YES / NO 30/01/17 No. Docs enclosed N/A <table border="1"> <tr> <td>1</td> <td></td> </tr> <tr> <td>n/a</td> <td></td> </tr> </table>	1		n/a	
1					
n/a					
11. Relevant plans and policies - please enclose extracts of relevant policies and plans and explanations of these. Each extract should include the front page, showing the title of the plan and date of approval or adoption. Where plans and policies have not been approved or adopted, the stage and status of the plan should be given.	✓ EC4				

12. A list of any conditions or limitations the Council would favour if the Inspector were to allow the appeal in part or in full, particularly with regard to replanting if the appellant is seeking consent to fell.	YES / NO (If yes, please attach a copy)
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13. Do the documents listed above comprise the Council's full statement of case?	YES / NO
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Council's reference: P/2016/1010

I certify that a copy of this appeal questionnaire and any enclosures have today been sent to the appellant or agent.

Signature: Melham on behalf of 30/01/17 WCBC Council

Date of despatch: 30/1/17

NB: PLEASE TELL US OF ANY CHANGES TO THE INFORMATION YOU HAVE GIVEN ON THIS FORM.
(Rev. Jan 2012)

9a /c

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Town and Country Planning Act 1990

The Wrexham County Borough Council, Community of Gwersyllt, Tree Preservation Order No 250/2016 – No 1 'The Sycamores', Top Road, Summerhill,

The Wrexham County Borough Council, in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order

Citation

1. This Order may be cited as the Wrexham County Borough Council, Community of Gwersyllt (*No 1 The Sycamores, Top Road, Gwersyllt, LL11 4SR*) Tree Preservation Order No 250/2016.

Interpretation

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

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 the 27th January 2016.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), 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 of the statutory undertaker and the work is necessary—

- (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;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
 - (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
 - (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; 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.

(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),
- 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 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 to 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).

(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 has 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].]

Dated the 27th day of January 2016

The Common Seal of the Wrexham County Borough Council
was hereunto affixed in the presence of -

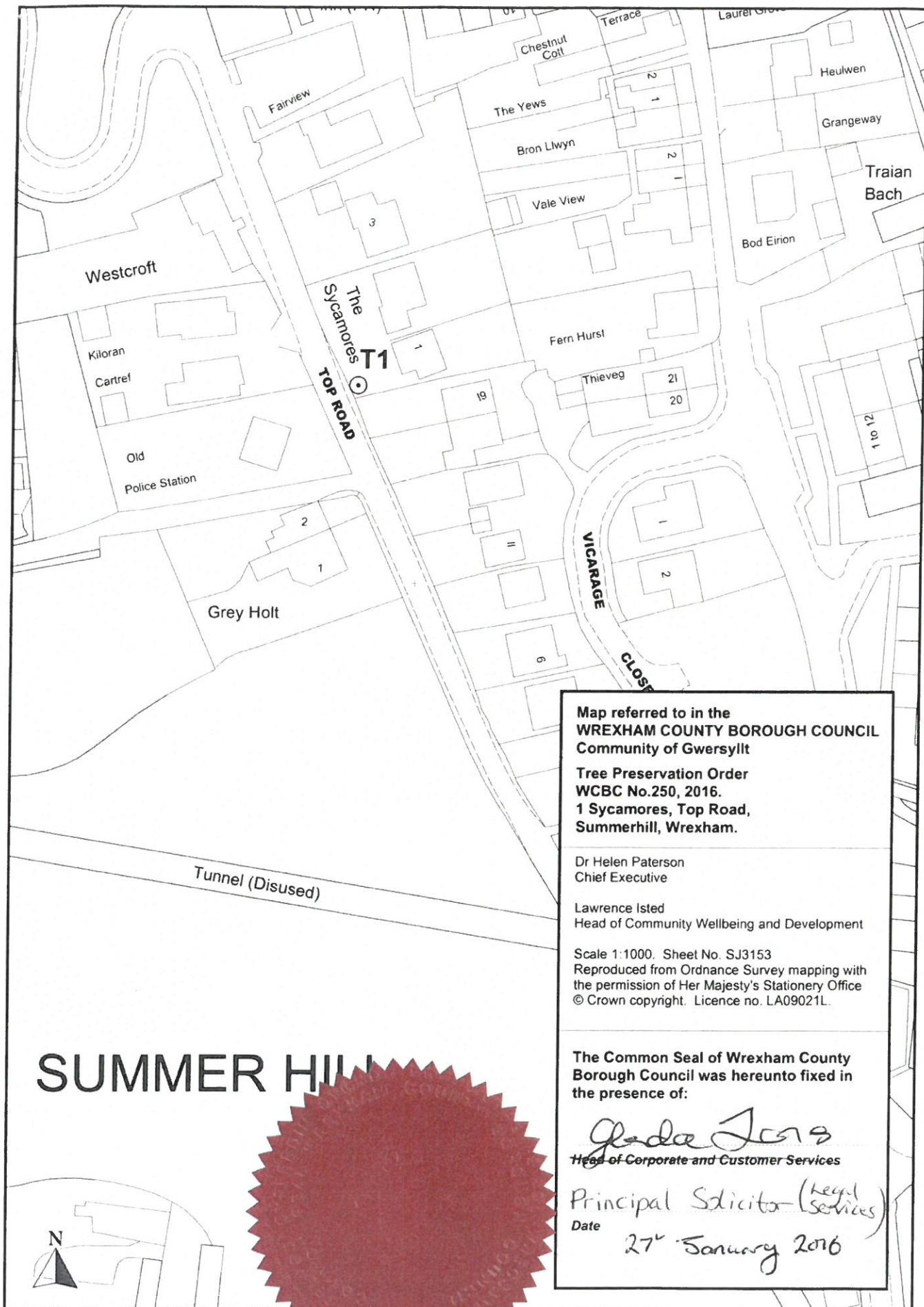
.....Glendee Long.....

Signed on behalf of the Wrexham County Borough Council

Principal Solicitor (Legal Services)
Authorised by the Council to sign in that behalf



30/16



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

Tree Preservation Order
WCBC No.250, 2016.
1 Sycamores, Top Road,
Summerhill, Wrexham.

Dr Helen Paterson
Chief Executive

Lawrence Isted
Head of Community Wellbeing and Development

Scale 1:1000. Sheet No. SJ3153
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The Common Seal of Wrexham County
Borough Council was hereunto fixed in
the presence of:

Gada Jones
Head of Corporate and Customer Services

Principal Solicitor (Legal Services)

Date
27th January 2016

CONFIRMATION OF ORDER

This Order was confirmed by the Wrexham County Borough Council
modification on the 1st day of July 2016

OR

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


Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

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

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

VARIATION OF ORDER

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

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

REVOCATION OF ORDER

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

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

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Sycamore	At grid ref. E:31053 N: 53480

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

Reference on map	Description	Situation
None		

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

Reference on map	Description (including number of trees in the group)	Situation
None		

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
None		

SCHEDULE 2

PART I

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

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	(a) In subsection (1)— (i) omit— “, in such manner as may be prescribed by a development order,” “such” in the second place where it appears, and “as may be so prescribed”; and (ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”. (b) In subsection (2)— (i) after “contain” insert “, as regards each such order”; and (ii) for paragraphs (a) and (b) substitute— (a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”. (c) Omit subsections (3) and (4) (as required by section 198(4)).
Section 70	(a) In subsection (1)—

(determination of applications: general considerations)	(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)”; (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 sections 65 or 71."

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

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant	MRS KAREN GOODALL	Code Number	GWE P/2016/1010
Agent	SHIELDS ARBORICULTURAL CONSULTANCY STEVE SHIELDS 59 OAKHURST ROAD OSWESTRY SY11 1BL	Date Received	26/10/2016
		Decision Date	20/12/2016

Town and Country Planning Act, 1990

Town and Country Planning (Trees) Regulations 1999

Location of application

1, THE SYCAMORES, TOP ROAD, SUMMERHILL, WREXHAM, , LL11 4SR

Description of application

FELL TO GROUND 1 NO. SYCAMORE TREE WITHIN FRONT GARDEN OF PROPERTY (PROTECTED BY TPO WCBC NO 250, 2016)

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which is as follows:-

EC4 Hedgerows, Trees and Woodland

REFUSE / GRANT FULL CONSENT in accordance with Parts A and B below

Part A REFUSE CONSENT for

T1 fell and replace

Reason proposed works neither justified nor considered appropriate.

Part B GRANT CONSENT (subject to conditions) for

T1

Remove deadwood in upper crown and undertake a 2.0 m crown reduction

Reduce lower primary limb over lawn and driveway by 3.0

Subject to the following:-

Condition(s)

1. All tree works hereby approved shall be undertaken to the standards set out in British Standard 3998:2010 Tree Works - Recommendations.
2. The tree works hereby approved shall be commenced within two years of consent being granted.
3. The approved pruning works shall not include the removal of any branch of which any part is more than 75 millimetres in diameter when measured over bark, unless otherwise agreed in writing by the Local Planning Authority's arboricultural officer prior to any works being carried out.

Reason(s)

1. To preserve the health, safety and amenity value of the tree(s).
2. To ensure the work is completed within a reasonable time scale.
3. To protect trees which are of significant amenity value to the area.

Note(s) to applicant

Owner authorisation:

Please be advised that this Decision Notice does in no way provide the applicant / agent with authorisation to enter onto land or property belonging to another person(s) in order to undertake proposed works. Should the applicant / agent wish to gain access onto land belonging to another party then authorisation must be received from the owner of that land prior to undertaking the agreed works. Failure to receive such authorisation from the owner may leave the applicant / agent liable to prosecution.

Bird nesting/breeding season:

All wild birds, their young, their eggs and active nests are protected under law. It is an offence to damage a nest intentionally while it is in use or even being built. Non-urgent tree work involving tree removal/pruning and hedge cutting operations should, if possible be avoided during the bird nesting/breeding season. If necessary, then applicants and contractors are advised to take all reasonable precautions in assessing vegetation prior to undertaking works and must cease operations if at any time a nest is then discovered. Advice from the RSPB indicates the bird nesting season to be from the beginning of March to the end of August however, depending on seasonal temperatures, some birds do continue breeding into September.

Bats:

All bats and their roosts are strictly protected by law. Deliberately capturing, disturbing, injuring and killing bats is prohibited. Damaging or destroying their roosts is also prohibited.

Where bats are suspected to be present, please seek advice from a qualified arboriculturalist or a licensed bat specialist and if appropriate, get the relevant licence/s before you carry out any major tree work or hedge cutting.



**Officer Appointed for this purpose
Head of Environment and Planning**

**Refer to the Statement of Applicant's Rights and General Information enclosed
or refer to the following link:-**

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm



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Head of Environment and Planning
Planning Services
16 Lord Street, Wrexham LL11 1LG

Date: 30/01/2017
Scale: 1:1250
OS Sheet: SJ3153

**Town & Country Planning Act 1990
Appeal Site**



P/2016/1010
1 The Sycamores, Summerhill
Wrexham



Tree Preservation Order



Planning Service
16 Lord Street
Wrexham LL11 1LG

Telephone: 01978 298994
E-mail: planning@wrexham.gov.uk
Web: www.wrexham.gov.uk/planning



Y Gwasanaeth Cynllunio
16 Stryt yr Arglwydd
Wreccsam LL11 1LG

Llinell Gymorth: 01978 298994
E-bost: planning@wrexham.gov.uk
Gwe: www.wrexham.gov.uk/planning

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in conservation areas (CA).
Town and Country Planning Act 1990

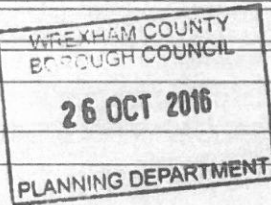
P / 2016 / 1010

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

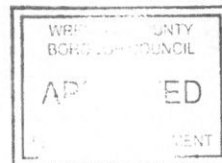
1. Applicant Name, Address and Contact Details

Title:	Mrs	First Name:	Karen	Surname:	Goodall
Company name:					
Street address:	1 The Sycamores, Top Road				
	Summerhill				
Town/City:	WREXHAM				
Country:					
Postcode:	LL11 4SR				
Telephone number:					
Mobile number:					
Fax number:					
Email address:					
Are you an agent acting on behalf of the applicant?					
☒ Yes ☐ No					



2. Agent Name, Address and Contact Details

Title:		First Name:	Steve	Surname:	Shields
Company name:	Shields Arboricultural Consultancy				
Street address:	59 Oakhurst Road				
Town/City:	Oswestry				
Country:					
Postcode:	SY11 1BL				
Telephone number:	07989626923				
Mobile number:					
Fax number:					
Email address:	steve@shieldsac.co.uk				



3. Trees Location

Please provide the address of the site where the tree(s) stands (full address if possible):

House:		Suffix:	
House name:	1 The Sycamores		
Street address:	Top Road		
	Summerhill		
Town/City:	WREXHAM		
Postcode:	LL11 4SR		

Description:

If there is not a full postal address, describe as clearly as possible where it is (for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Main Road') or provide a grid reference:

Easting:	331088
Northing:	353558

4. Tree Ownership

Is the applicant the owner of the tree(s)?

☒ Yes ☐ No

5. Works To Trees

Are you seeking consent for works to a tree(s) subject to a Tree Preservation Order (TPO)?

☒ Yes ☐ No

Are you wishing to carry out works to tree(s) in a conservation area (CA)?

☐ Yes ☒ No

6. Tree Preservation Order

Do you know the title of the Tree Preservation Order (TPO)?

☐ Yes ☒ No

If Yes, please give title of the Tree Preservation Order:

7. Identification Of Tree(s) And Description Of Works

Please provide a full and clear description of:

- The proposed works
- The trees affected including species and location

Trees protected by TPO should be numbered according to the First Schedule of the Tree Preservation Order. For example - T3 oak; two beech and one birch in G2.

You must identify the trees on a sketch plan showing the location in relation to building(s), named roads and boundaries.

Please state the reference you have given the plan (as described above):

8. Trees - Reason(s) for work(s)

Please state the reasons for carrying out the proposed works on the tree(s):

The tree impacts on residential amenity and lacks public amenity as described in the accompanying tree report

Do your reasons for carrying out the proposed works include any of the following:

Health or safety of the tree(s) - e.g. it is diseased, fears that it might break or fall:

If Yes, you will need to provide a report by a tree professional (arboriculturist)

☐ Yes ☒ No

Alleged subsidence damage:

☐ Yes ☒ No

9. Additional Information

Are you providing additional information in support of your application?

☒ Yes ☐ No

If Yes, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application:

Arboricultural Assessment Ref: AA/SSW/10/15.

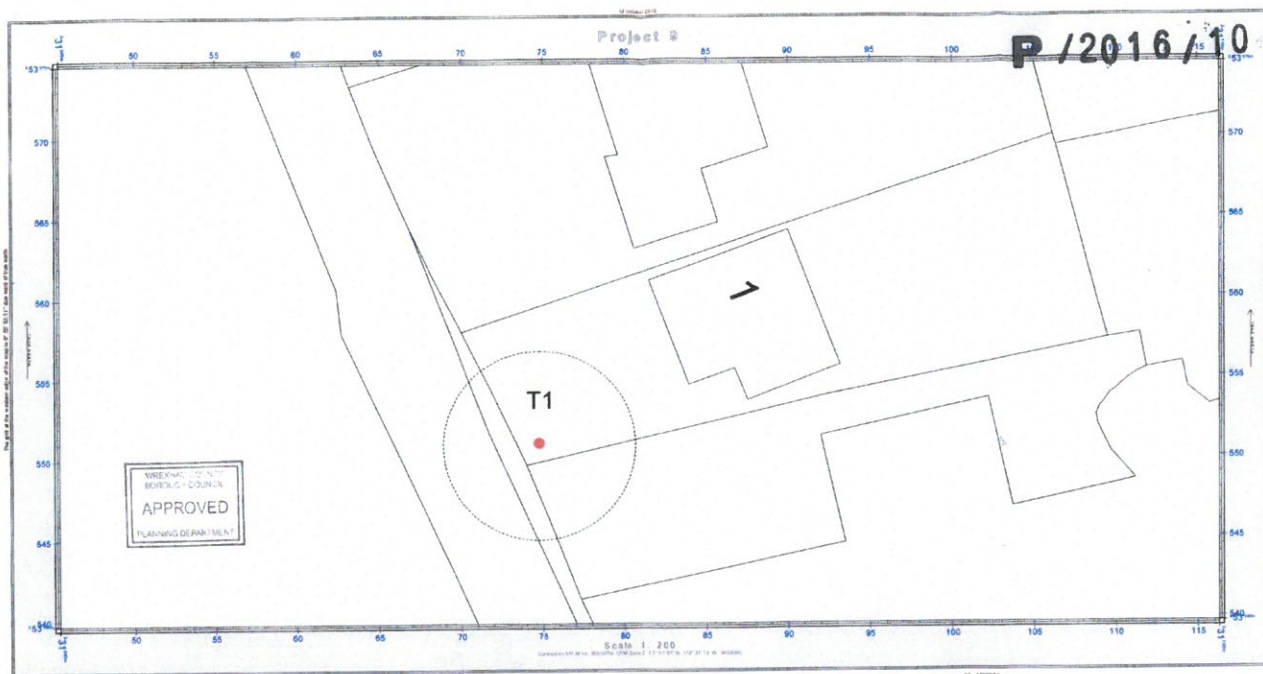
10. Trees - Declaration

I/we hereby apply for planning permission as described in this form and the accompanying plans/drawings and additional information. I confirm that, to the best of my knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the persons giving them.



Date

26/10/2016



**Shields Arboricultural
Consultancy**
Tree & Woodland Management Solutions

Site Plan
1 The Sycamores

Key
● Tree
□ Canopy Spread

Drawing No: SP/SSW10/1501
Drawn By: S. Shields
Scale: 1:200 @ A3
Date: 12th October 2015

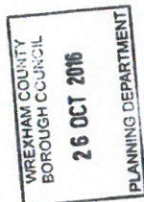
Do not scale from this drawing all dimensions to be checked on site
Drawing is colour coded and a monochrome copy should not be relied upon

© Shields Arboricultural Consultancy

T:01691 657189
M:07989 626923
Email: info@shieldsac.co.uk

P /2016/1010

Shields Arboricultural Consultancy
Tree & Woodland Management Solutions



Arboricultural Assessment

Tree Assessment

1 The Sycamores
Top Road
Summerhill
Wrexham

Ref:

AA/SSW/10/15

12th October 2015

Commissioned by:

Mrs K. Goodall

Prepared by

S. Shields

Shields Arboricultural Consultancy

T: 01691 657189

M: 07989 626923

Email: info@shieldsac.co.uk

59 Oakhurst Road Oswestry Shropshire SY11 1BL



Tree Assessment

1 The Sycamores

Top Road

Summerhill

Wrexham

Contents

1.0	Instruction
2.0	Introduction
3.0	Scope & Limitations
4.0	Statutory Controls & Obligations
5.0	Site Description
6.0	Arboricultural Assessment
7.0	Conclusion
Appendix A	Shadow Path Diagrams
Attachments	Site Plan



Instruction

- 1.1 Shields Arboricultural Consultancy received instructions from Mrs K. Goodall to undertake an arboricultural assessment and prepare a report in respect of one sycamore tree. The subject of a Tree Preservation Order, at the above property.
- 1.2 The purpose of the assessment is to firstly assess the current condition and risk associated with the tree and then consider the public amenity value provided by the tree and weigh this against the impact to residential amenity associated with the retention of this tree in this location.

Introduction

- 2.1 It is recommended that all tree owners should have their trees inspected for safety purposes on a periodic basis. The frequency of these inspections will depend on the location of the tree in relation to roads, footpaths and buildings or structures. This is confirmed by HSE guidance relating to managing the risk of falling trees which states that *'there is the duty to do all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety. Doing all that is reasonably practicable does **not** mean that all trees have to be individually examined on a regular basis. A decision has to be taken on what is reasonable in the circumstances and this will include consideration of the risks to which people may be exposed.'*
- 2.2 The report is in respect of a large mature sycamore tree located in the front garden of 1 The Sycamores, a private residential dwelling, immediately adjacent to the public highway. It is understood that the tree is protected by a Tree Preservation Order, administered by Wrexham County Borough Council.

Scope and Limitations of the Survey

- 3.1 The survey was undertaken on 13th September 2015 by Stephen Shields, principal consultant with Shields Arboricultural Consultancy.
- 3.2 The survey was carried out from the ground in accordance with the principals of tree inspection and assessment described in Lonsdale 1999 and using Visual Tree Assessment (VTA) techniques as described in Mattheck & Breloer 1994. This term describes an approach to tree surveying using visual observation which allows the surveyor to evaluate the stability and structural condition of a tree. The basis behind VTA is the identification of symptoms, which the tree produces in reaction to, for example, a weakness in its structure, or as a result of external stress factors e.g. drought.

- 3.3 Basic survey equipment is used, including binoculars, soft faced hammer, steel probe and Resistograph MD 300 were required.
- 3.4 The risk posed by the tree is assessed using the Quantified Tree Risk Assessment method (see appendix B). Specialist shadow plotting software, arborshadow, is used to evaluate the level of shading and the obstruction of light caused by the tree.
- 3.5 The findings of the survey are limited to the date of inspection. The seasonal nature of fungal and decay organisms and other symptoms of stress such as late or early leaf emergence or fall means that indicators of disease and decay may not have been present on the date of inspection.
- 3.6 The risk assessment evaluates the risk of failure in all weather conditions up to and including Beaufort Scale Gale Force 8. All trees are at risk of failure through exceptional weather conditions.

Statutory Controls & Obligations

- 4.1 Forestry Act; the felling of trees is controlled under Forestry Act, which requires that a felling licence is obtained prior to cutting down any trees. The Forestry Act does not apply to the felling of trees growing within an orchard, private garden, churchyard or public open space. The Forestry Commission has the responsibility for enforcing the Forestry Act.
- 4.2 Tree Preservation Orders & Conservation Areas; Local Authorities have specific powers to protect trees through the use of Tree Preservation Orders. Where trees are protected under such orders it is a criminal offence to (subject to any exemptions for which provision may be made by the order) undertake, cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority. Similar controls apply to all trees growing within a designated Conservation Area.
- 4.3 Bats, wild birds and other protected species; The Wildlife & Countryside Act & the Conservation (Natural Habitats & C.) Regulations make it an offence to disturb or destroy bats and bat roosts and wild birds and their nests. Other species of plant and animal are also protected. These creatures often inhabit trees and sufficient care must be taken to ensure they are not affected during forestry and arboricultural works.

Site Description

- 5.1 The tree is situated in the front garden of 1 The Sycamores, a detached residential property with private gardens to the front and rear. The tree is immediately adjacent to the south and west boundaries of the garden, approximately 10 metres south west of the front elevation of the house. The front garden slopes down towards the house resulting in the base of the tree being around 1 – 1.5 meters above the ground floor level. The garden is set to lawn, with a low sandstone wall running along the west boundary, separating the garden from the public highway. The property has a private driveway to the north of the lawn.

Arboricultural Assessment

General

- 6.1 T1 is a large mature sycamore (*Acer pseudoplatanus*) which is a non-native tree and is subject to a Tree Preservation Order. T1 grows on a single stem which bifurcates at around 2.5 metres. The sub-dominant stem (west side of canopy) has been 'topped' at 10 metres and this has resulted in an asymmetrical crown shape. The tree has extensive ivy growth from ground level to almost the full height of the crown. There are a number of over-extended secondary branches giving an untidy and somewhat gaunt appearance to the tree. It was also noted that there was die-back of tertiary branches and reduced canopy density affecting the upper crown.

Location & Environment

- 6.2 1 The Sycamores is situated to the east of Top Road, a residential street in the village of Summerhill. The area is characterised by a variety of one and two story residential properties of mixed age that are located to take advantage of the east facing aspect of the village. The site is at an elevation of 120 m AOD and moderately exposed.
- 6.3 The tree is situated within the modest front garden of the detached residential property, immediately adjacent to the boundary with the public highway. The property is around 25 years old and the tree would have been a mature specimen at the time the property was built. The tree is believed to be one of a line of trees which ran along Top Road but is now reduced to just two remaining specimens following removals or failure at some point in the past. The other remaining tree is situated in a private garden around 25 metres to the south. Although not inspected it can be observed that this tree is in poor condition, with decay fungi clearly visible on the main stem and with significant reduction in crown density.

Condition

- 6.2 No significant structural defects were noted, however the extent of ivy cover has significantly restricted visual inspection of the crown and primary branch structures. A number of minor decay pockets and areas of bark necrosis were identified at the sites of past pruning and branch failure wounds. A small amount of die-back was noted in the upper crown, and canopy density was reduced by 10%. Some large deadwood was also observed in the upper crown.

Arboricultural merits and the significance of the trees in the landscape

- 6.3 Summerhill benefits from a number of mature trees distributed throughout the village in areas of open space and within the private gardens of residential properties. One of the main arboricultural features of the local landscape is the small woodland to the west of Top Road. This woodland, which is approximately 100 metres to the west of 1 The Sycamores is in an elevated, prominent position making it visible from a number of publicly accessible locations. The woodland features in longer range views from roads and footpaths lower down the hill to the east and links in to the larger area of Moss Wood to the south and west of Summerhill. In addition to the woodland there are also a number of large trees in gardens to the east of 1 The Sycamores.

Amenity Value

- 6.4 T1 is in a prominent position next to the public highway, however its landscape function has altered significantly from the time when it was first covered by a Tree Preservation Order. At that time the tree was part of a linear group of trees, valued as a larger scale arboricultural feature whereas now, with the loss of other trees, it is an isolated specimen and there is far more emphasis on the appearance and aesthetic qualities of the tree derived from its form and stature.
- 6.5 In these terms, although the tree is still large, it has a very asymmetrical canopy, with numerous overly extended branches, an unnatural shape caused as a result of 'topping' of one of the primary stems and an untidy appearance resulting from prolific ivy growth. The tree is also showing signs of a loss of vitality and it is expected that it will start to die-back over the next few years, resulting in a reduction in size. Removal of the ivy, as recommended to allow for a more detailed inspection, will create a gaunt and unattractive canopy with foliage concentrated at the ends of branches.

Impact to Residential Amenity

- 6.6 When considering the suitability of including or retaining a tree on a TPO, any negative impacts to the private amenity of people living in close proximity to the tree and how these impacts affect the reasonable enjoyment of their properties should be evaluated.

Obstructions to Sunlight and Daylight

- 6.7 T1 is situated to the south west of the property. To assess the impact of shading on nearby dwellings a sunlight shading assessment was

undertaken using the proprietary software 'Arborshadow' which provides a graphic display of the shadow cast by the tree at different times of day and year. It can be seen from the shadow paths (appendix A) that T1 cast shade over the front gardens and front elevations, which contain the main living room windows, of both 1 & 2 The Sycamores from around midday to 5pm during the spring and summer months. Sycamores have large leaves and relatively dense canopies and cast significant shade. In the case of T1 this is exacerbated by prolific ivy growth through the crown. Daylight is also impacted with the tree filling a considerable portion of the visible sky, particularly when viewed through the living room window of 1 The Sycamores. These factors significantly reduce light to the dwelling and result in the main living room being poorly lit by natural light.

Seasonal Nuisance

- 6.8 Sycamores have large leaves that decay slowly and form a thick ground layer when they fall, this requires considerable additional maintenance to keep gutters and drives clear of debris. Sycamores are also attractive to aphids. These insects excrete a sticky substance known as honeydew which falls from the tree. This can be damaging to car paintwork and can cause an unattractive black mould to grow on surfaces and structures underneath and adjacent to the tree. In this case the driveway to the property is slightly to the north of the tree and the honeydew falls onto the cars parked here, requiring significant additional cleaning, which is both onerous and costly.

Dominance and Proximity to Dwellings

- 6.9 T1 is a large specimen situated approximately 10m away from 1 The Sycamores. The tree is elevated relative to the house as a result of the natural landform. As such the tree can be seen to dominate the small front garden and have an overbearing presence on the property. This has, in part, led to the occupiers becoming very apprehensive about the tree, fearing that it will fail with disastrous consequences. This fear is exacerbated by the knowledge that a neighbouring tree failed in high winds and landed on the next door house.

Conclusion

- 7.1 Although T1 would have at one time been an important element of a significant landscape feature meriting protection by a TPO in the interests of public amenity, changes to its appearance and status, combined with its declining condition, safe useful life expectancy, low conservation status of the species and the fact that there are a considerable number of trees within the local area, it is reasoned that the amenity value of T1 has now falling below that which merits the tree be protected by a TPO.
- 7.2 As part of this re-evaluation, the impacts of the tree on the private amenity of residents of nearby properties should be taken into consideration. The negative aspects associated with this tree have

created a sense of apprehension and general aversion to the tree which is significantly affecting the residential amenity of the occupiers of 1 The Sycamores.

- 7.3 Removing and replacing the tree would provide the opportunity to plant a specimen tree that would be in keeping with the current and future local environment, would introduce age diversity to the tree stock in the area and would become a sustainable and valued amenity to both the residents of the nearby properties and to the wider community. Therefore, it is the conclusion of this report that the inclusion of T1 on a TPO be re-evaluated.

S J A Shields

Uni. Cert. For. & F.P. (Bangor)

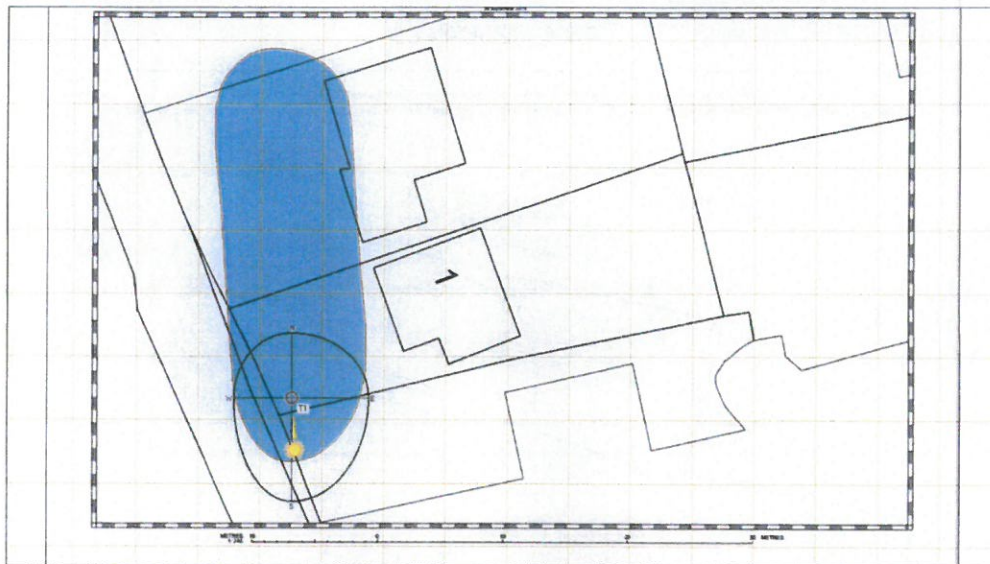
Dip.Arb. (RFS), MICFor, M.Arbor.A

Chartered Forester

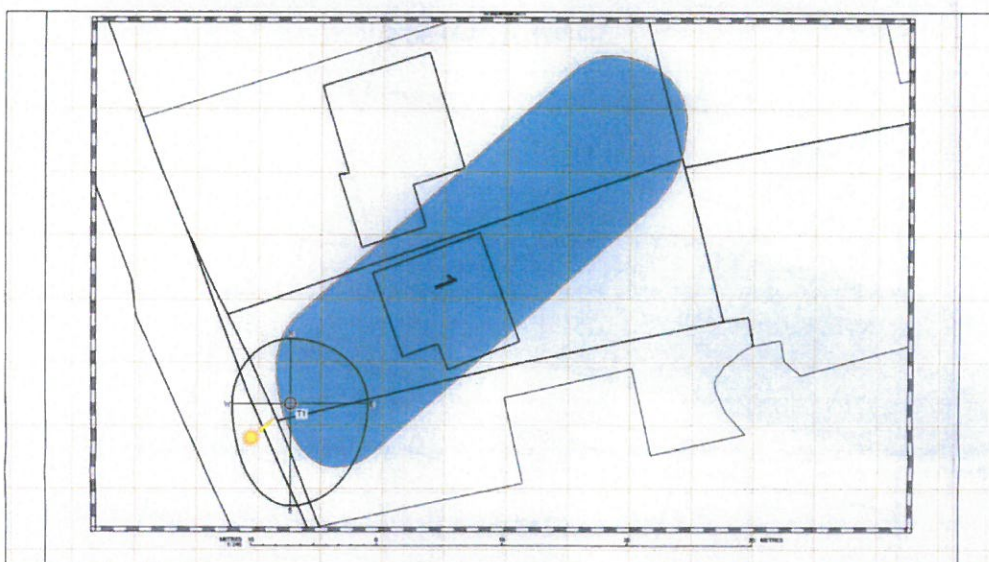
Registered QTRA User

12th October 2015

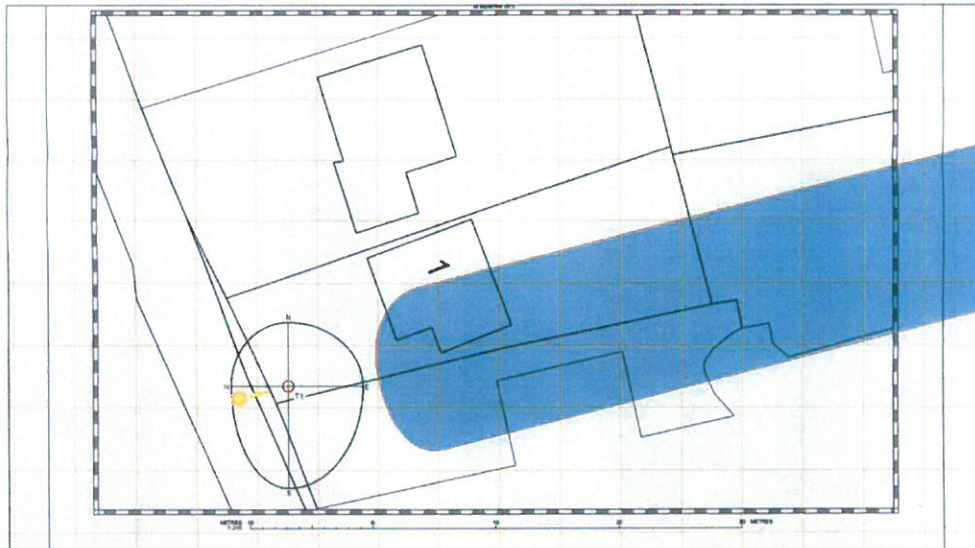
Shadow Paths



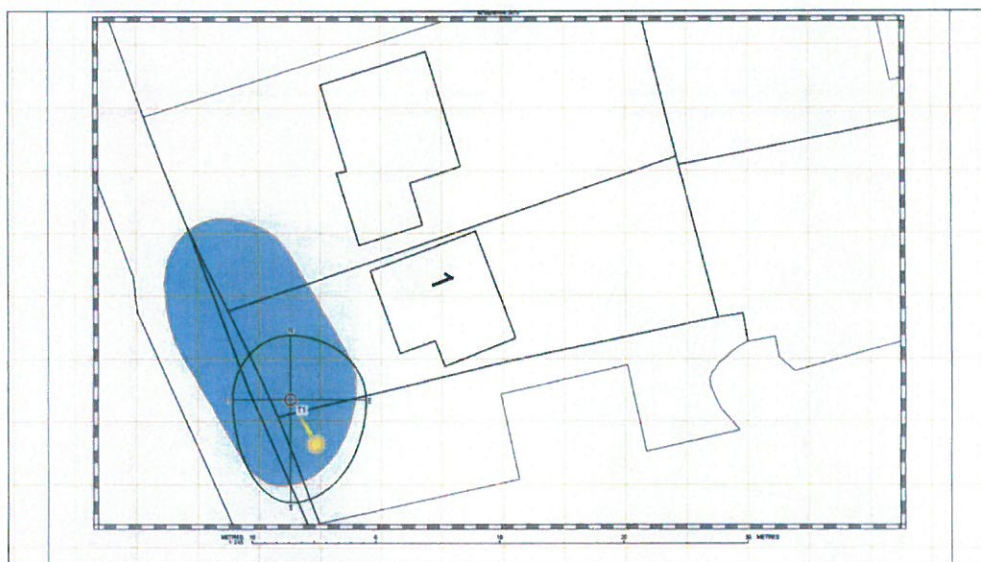
12 noon 21st March



3:00 pm 21st March



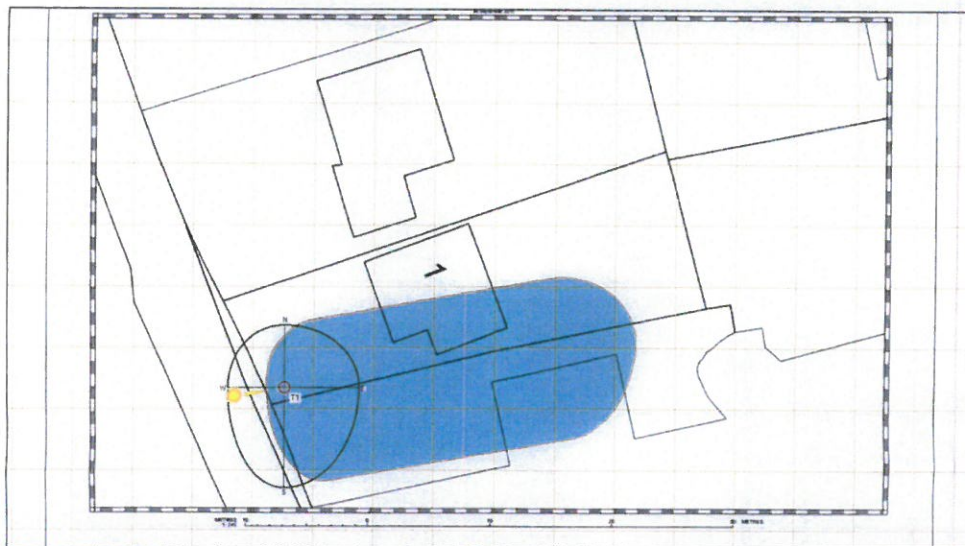
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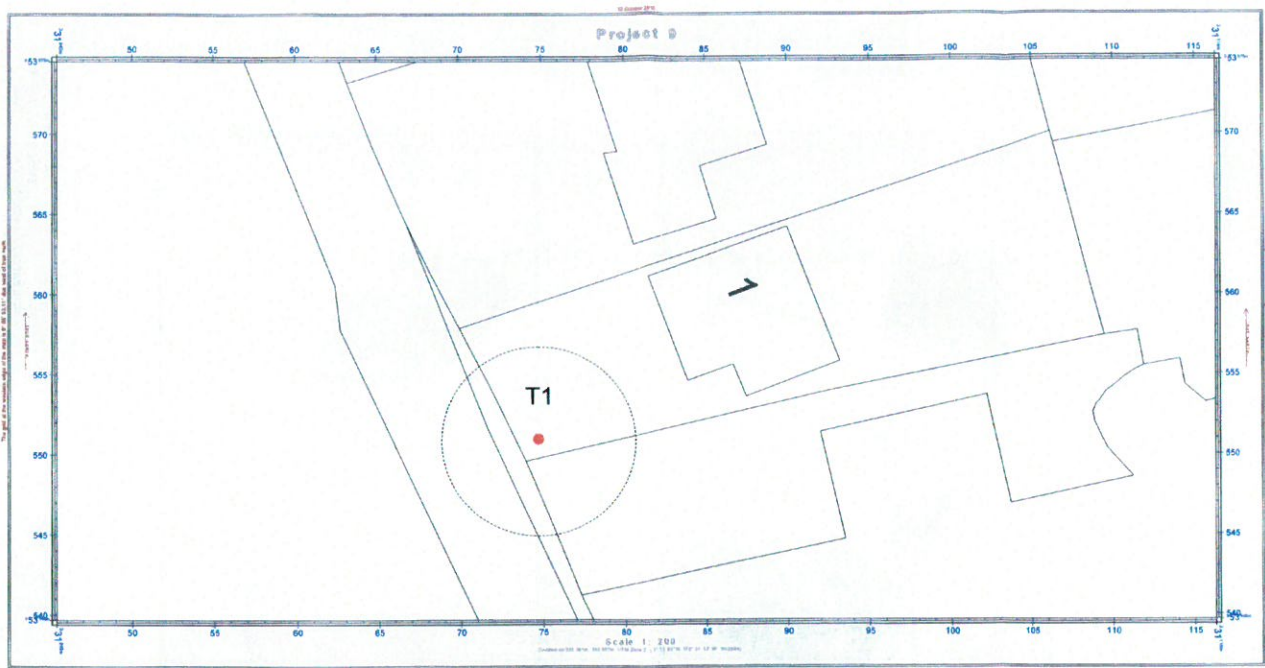
12 noon 21st June



3:00 pm 21st June



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**Shields Arboricultural
Consultancy**
Tree & Woodland Management Solutions

Site Plan
1 The Sycamores

Key
● Tree
□ Canopy Spread

Drawing No: SP/SSW10/15/01
Drawn By: S. Shields
Scale: 1:200 @ A3
Date: 12th October 2015

Do not scale from this drawing all dimensions to be checked on site.
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© Shields Arboricultural Consultancy

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WREXHAM
LL11 4SY

Your Ref/Eich Cyf
Our Ref/Ein Cyf
Date/Dyddiad
Ask for/Gofynner am
Direct Dial/Rhif Union
E-mail/E-bost

P/2016/1010
30/01/2017
Sharon Williams
01978 298785
sharon.williams@wrexham.gov.uk

Dear Sir / Madam

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL

THE SYCAMORES TOP ROAD
SUMMERHILL
WREXHAM

Address of site to which the appeal relates:

1
THE SYCAMORES
TOP ROAD
SUMMERHILL
WREXHAM

Proposed development:

FELL TO GROUND 1 NO. SYCAMORE TREE WITHIN FRONT GARDEN OF PROPERTY
(PROTECTED BY TPO WCBC NO 250, 2016)

Appellant's name:

MRS GOODALL

Appeal reference number: 3167765

Appeal starting date:

24/01/2017

I refer to the above details. An appeal has been made to the Welsh Ministers against the decision of Wrexham County Borough Council to refuse to grant planning permission.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in Part 1 of the Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2015.

As this appeal is a Tree Preservation Order fast track appeal there is no opportunity for you to submit comments. However, we have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to withdraw any representations you made on the application, you must make this

request to the Planning Inspectorate by **4 weeks from the start date shown above** You can do this by emailing wales@pins.gsi.gov.uk (quoting the appeal reference). If you do not have access to the internet, you can write (quoting the appeal reference) to:

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

The Planning Inspectorate will publish appeal documentation, including copies of representations received, on the Appeals Casework Portal. Information provided in your representation will be published. This may include your name and address, but personal telephone numbers and email addresses and signatures of individuals will be removed. If you object to publication in this way, please contact the Planning Inspectorate.

The documents relevant to this appeal can be viewed via the Planning Portal using the following link <https://acp.planninginspectorate.gov.uk> and entering the last seven digits of the planning inspectorate reference number in the "Search for a Case" box.

Alternatively you can view the Appeal form and accompanying documents on our website www.wrexham.co.uk/plans quoting the planning reference number.

The "Guide to taking part in planning appeals" can also be viewed using the following link www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess

The Planning Inspectorate aims to deal with appeals following this procedure within 12 weeks of the appeal start date. When made, the decision will be published on the Planning Portal.

Yours faithfully



Head of Environment and Planning

Head of Environment and Planning
Pennaeth yr Amgylchedd a Chynllunio
Lawrence Isted

16 Lord Street, Wrexham, LL11 1LG
16 Stryt yr Arglwydd, Wrecsam, LL11 1LG
Tel/Ffon: 01978 298994 Minicom: 01978 292067
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GWERSYLLT COMMUNITY COUNCIL
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Direct Dial/Rhif Union
E-mail/E-bost

P/2016/1010
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Sharon Williams
01978 298785
sharon.williams@wrexham.gov.uk

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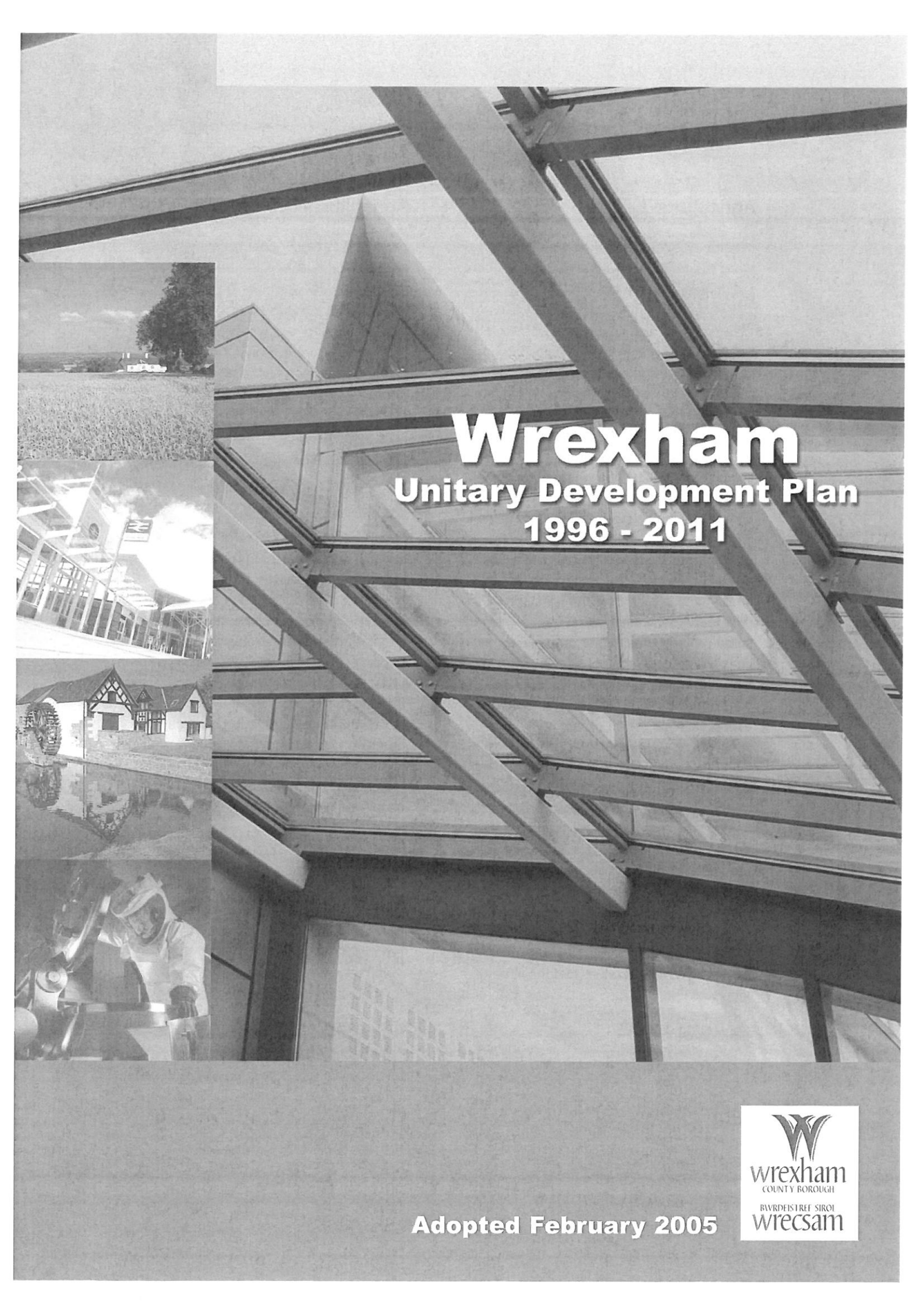
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Yours faithfully



Head of Environment and Planning



Wrexham

Unitary Development Plan 1996 - 2011

Adopted February 2005



Agricultural Land

Policy EC2 Development on agricultural land of grades 1, 2 or 3a will only be permitted if it does not lead to the irreversible loss of that land.

5.3 The County Borough contains large tracts of high quality agricultural land generally concentrated around Wrexham, Gresford/Marford, Rossett/Burton, Holt and along the River Dee flood plain. Generally, the incidence of high quality agricultural land coincides with locations where development pressures are greatest. High quality agricultural land cannot readily be replaced and should not be irreversibly built upon unless there is no other lower quality site available. In the local context, grade 3a quality land is considered to be amongst the best and most versatile land and is given the same protection as higher grade land. In considering development affecting agricultural land, the agricultural implications will be considered together with environmental and economic aspects. In exceptional circumstances, where high quality agricultural land has to be taken, development should if possible avoid using the best managed land and land which has been improved through capital investment. Development proposals on land of Grades 1, 2 and 3a quality will require a specialist evaluation of the economic and environmental impact of the permanent loss of the land. Policy MW8, which deals with the restoration of Mineral Working Sites, states that if a restoration scheme entails the return to agriculture of land which is classified as Grades 1, 2, or 3a, the site should be restored as closely as practicable to its original grade.

Agricultural Buildings

Policy EC3 The construction of new agricultural buildings will be permitted unless the development is materially detrimental in terms of its impact on the environment or surrounding landscape. The development should form part of an existing farm complex and take advantage of topography and other landscape features for screening. Isolated buildings will only be permitted in exceptional circumstances where there is an essential agricultural need, and no reasonable alternative location for the development.

5.4 The Council is aware of the need for continuing investment in modern farm buildings, slurry stores and equipment. Farm businesses need to change and grow in response to market forces and legislation if they are to survive. Problems can arise due to proposals which are unusually large or in sensitive locations. Where this is the case then planning conditions may be necessary to lessen the impact, although consideration will be given to functional requirements and cost implications. The farm complex is defined as the curtilage of the usable farm buildings usually centred around the farmhouse.

Hedgerows, Trees and Woodland

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.

5.5 Much of the landscape's quality stems from the pattern of hedgerows, trees and woodland and other natural features such as ponds. The conservation, planting and proper management of such features must be encouraged in order to maintain and enhance the landscape, to conserve wildlife habitats, and to reverse some changes made to the rural landscape by modern agriculture. Developments and land use changes may therefore be resisted if they adversely affect, directly or indirectly, the integrity or continuity of landscape features which are designated as of major importance for wild flora and fauna. A development may be acceptable if mitigating measures can be provided for within the control of the developer which would reinstate the integrity or continuity of these features. Management of these features will generally be encouraged and, where appropriate, conditions will be imposed on planning permission. Planning obligations may be entered into with landowners or developers to secure long term management. TPO's will be used to prevent loss,

destruction or damage to trees which form notable features of the landscape or townscape. Certain hedgerows are protected by the Hedgerow Regulations, and the Council will use its powers under this legislation to exercise control over important hedgerows. Where damage to woodland is unavoidable, appropriate mitigation measures will be required.

Special Landscape Areas

Policy EC5 Within Special Landscape Areas, priority will be given to the conservation and enhancement of the landscape. Development, other than for agriculture, small-scale farm-based and other rural enterprises, and essential operational development by utility service providers, will be strictly controlled. Development will be required to conform to a high standard of design and landscaping, and special attention will be paid to minimising its visual impact both from nearby and distant viewpoints.



SUGGESTED CONDITIONS FOR APPEAL AT1 THE SYCAMORES, TOP ROAD, SUMMERHILL, WREXHAM

TPO Tree Works to British Standard 3998:2010

All tree works hereby approved shall be undertaken to the standards set out in British Standard 3998:2010 Tree Works – Recommendations.

TPO Tree Works Approval Timescale (1 Year)

The tree works hereby approved shall be commenced within one year of consent being granted.

TPO Replacement Tree –

The removed tree shall be replaced with 1 No Field maple (*Acer campestre*) container grown with 16-18cm girth. The replacement tree shall be planted during the next available planting season (November 2017 – March 2018. Details of the method and materials used for planting of the replacement tree and a maintenance schedule for a minimum of two years shall be submitted to and be approved by the Local Planning Authority prior to the planting of the replacement tree. If the replacement tree is removed, dies, become severely damaged or diseased, or is in poor physiological condition within five years of the date of planting they shall be replaced by a tree of the same species and stock size of tree to those originally planted.

