
**THREE DAGGERS, WESTBURY ROAD,
EDINGTON, WILTSHIRE**

**TREE SURVEY, ARBORICULTURAL IMPACT
ASSESSMENT & TREE CONSTRAINTS PLAN**

FOR

PROPOSED CAR PARK DEVELOPMENT

Prepared by:

WHLandscape

On behalf of:

Three Daggers Operating Ltd

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APPOINTMENT

WH Landscape Consultancy Ltd (**WHLandscape**) has been appointed by Three Daggers Operating Ltd. to undertake a Tree Survey and to prepare an Arboricultural Impact Assessment (AIA) and Tree Constraints Plan (TCP) to support the proposal to construct a new car park area and access road along with other landscape proposals on land at Three Daggers, Westbury Road, Edington, Wiltshire.

WHLandscape has an established track record of carrying out Tree Surveys for development proposals using British Standard (BS) 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*.

This report has been undertaken by: Seb Macleod NC Hort/Arb. L6 Dip Arb. (Lantra Professional Tree Inspection)

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1. INTRODUCTION

1.1. WHLandscape has been instructed to conduct a Tree Condition Survey, an AIA and a TCP, to support a proposal to construct a new car park area and access road and other landscape proposals including a new multi-use games area on land at and to the north of The Three Daggers, Edington. The survey is to guide the design proposal, outline any constraints that the trees on site pose to its development, and indicate measures required to protect those trees to be retained during the construction process. The report conforms to the guidance set out in BS 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*.

1.2 This initial arboricultural report includes a survey of the significant trees (those with stem diameter 150mm, measured at 1.50m above ground level), hedges or groups of trees currently found on the site (outlined by the plan provided), as well as those on adjacent land that could impact on any proposed development. The quality and condition of these trees is to be assessed and categorised. Any management recommendations deemed necessary are to be put forward.

1.3 The trees surveyed are to be categorised A, B or C, for those to be considered for retention, or U for those unsuitable for retention. Further sub-categories of 1, 2 or 3 are given for those to be considered for retention (see Cascade chart for tree quality assessment in Appendix 3). Categorisation will be made in accordance with BS 5837:2012.

1.4 A TCP guided by the above and the below ground constraints that the surveyed trees on site, or adjacent land, may pose to the development proposal, is provided in Illustrative material at plan ARB-1905-01. The constraints to be considered will include the Root Protection Areas (RPA) and Construction Exclusion Zones (CEZ) that trees will require during and post construction if they are to be retained, as well as the current ground clearance and spread, that may affect the design proposal and construction access.

1.5 The report includes an AIA to outline and mitigate the potentially adverse tree related impacts that the design proposal poses and to suggest any changes that may benefit the scheme.

1.6 Following the granting of planning consent and prior to the commencement of any construction activity, an Arboricultural Method Statement may need to be provided. This will guide the application of the special measures required to ensure the protection of retained trees during and post construction.

1.7 The approximately 2-hectare area proposed to be developed is composed of the existing public house, its car parks and adjacent farm shop but principally the playing field and paddock area to the north of the public house where the new car park, games area and access road is proposed to be sited. The development area is bordered by residential properties to the north and east, open pasture beyond the western boundary and the highway (B3098) to the south.

1.8 The bulk of the area proposed to be developed is composed of open pasture or the grassed playing field area with relatively few arboricultural features. Those features that are within and directly adjacent to the site include a collection of specimen native tree species across the site of the public house, farm shop and car park, dominated by a mature copper beech adjacent to the main building. The playing field area and adjacent paddock are divided from east to west by a public footpath. On the southern side of the footpath, dissecting the open area, stand a row of early-mature (in the first third of its life cycle) largely native ornamental tree species that line the northern edge of the playing field. These appear to have been planted as part of previous landscaping of the playing field area. The western edge of the area proposed to be developed is composed of a broken hedgerow with a number of native hedgerow tree species at its southern end, which become a row of eight mature beech forming a dominant arboricultural feature along the boundary of the paddock area.

1.9 The proposal is to construct a new overflow car park on the western side of the paddock area to the north of the playing field on a grass grid type surfacing system, with a new access track connecting it from the existing pub car park. A new Multi-Use Games Area (MUGA) is also proposed to be sited to the east of the new car park. A 1m high bund with a hedge planted on its top is proposed at the northern edge of the overflow car park area and new hedging is proposed at the eastern edge of the overflow car park and within the existing playing field area to the north of the public house. A site plan showing the proposed layout of the scheme has been provided by Ashley Design and is used as the base of the TCP provided. The design proposal provided shows the proposed MUGA in an approximate north to south orientation along its longest axis. A proposed east to west orientation for the MUGA is marked on the plan provided and the final orientation of this feature is to be decided.

1.10 The area proposed for development is within the village Conservation Area. Two trees within the grounds of the Public House and many of the trees within the playing fields and adjacent land to the north are subject to Tree Preservation Orders (TPO). Two separate TPOs relate to the site both scheduled and administered by Wiltshire Council. TPO reference TPO/2021/00014/MIXED schedules two groups of trees (G1 & G2) which includes G1 listed as beech shown along the western edge of the

field to the north of the site and G2 listed as mixed species along the northern edge of the playing field directly to the north of the grounds of the public house. A second TPO reference W/10/00010/GRP schedules a birch (T2) and a copper beech (T3) to the west of the main building at the public house.

1.11 A site visit was undertaken on the 20th of November 2024 by Seb Macleod in fair weather conditions.

2. CONSTRAINTS TO PROPOSED DEVELOPMENT

2.1 GENERAL

2.1.1 The trees surveyed represent above and below ground constraints to the proposed development. Above ground constraints include the size and nature of the branching canopy that can influence where structures/utilities can be placed, or that present barriers to access during or after construction. Shade cast by individual trees can be beneficial or a nuisance and needs to be considered. In addition, the potential ultimate height and spread of any younger trees on site, and the future impacts they may have, must also be a consideration.

2.1.2 Below ground constraints are principally concerned with the RPA, or the rooting area, of an individual tree that must be maintained in its current condition (i.e. not excavated, compacted or re-graded) to ensure the continuing health of the tree during and after development. Roots that are 25mm or over must not be damaged, in order to ensure the future structural and physiological function of the tree.

2.1.3 New buildings should not be positioned within the RPA of a tree to be retained. No ground should be disturbed, materials stored, or vehicle/pedestrian traffic undertaken within the RPA of a retained tree. It is also the default position that construction access must be outside the RPA of any tree to be retained on site. Above and below ground constraints can be mitigated by felling, or pruning, if justified in the impact assessment. Incursion of works into the RPA of a tree to be retained can be facilitated by special construction techniques, if justified in the impact assessment.

2.1.4 The RPAs are calculated as per Section 4.6 of BS 5837:2012 and, where applicable, are recorded as an area of a nominal circle or a radius of that circle. The British Standard states the following:

- For single-stem trees, the RPA is calculated as an area equivalent to a circle with a radius 12 times the stem diameter.
- For trees with more than one stem, one of two calculation methods is to be used:
- For trees with two to five stems:

$$\sqrt{(stem\ diameter\ 1)^2 + (stem\ diameter\ 2)^2 \dots + (stem\ diameter\ 5)^2}$$

- For trees with more than five stems:

$$\sqrt{(mean\ stem\ diameter\ 1)^2 \times number\ of\ stems}$$

2.1.5 In all cases, the stem diameters are measured in accordance with Annex C of BS 5837:2012, and the RPA is determined from Annex D. The RPA is capped at 707 metres (m) squared or a 15m radius.

2.1.6 Where trees are positioned close to adjacent areas of hardstanding, which are impervious to air and water, and where tree roots are unlikely to ingress, the RPA may be off set from the centre of the tree to reflect the areas where the roots are more likely to have established.

2.1.7 RPAs for hedges will normally be set at a distance from the central base of the hedge calculated as half its average height.

2.2 OTHER CONSTRAINTS

2.2.1 Potential constraints to the development of the site include the above ground area occupied by the crowns of the trees, potential shade and debris cast by the trees, working space during development and, if applicable, allowances for future growth of the trees. The extent of these constraints is determined by considering the suitability of the species and its characteristics within the context of the proposed development, plus the existing and future crown spread of the tree. A further consideration is that the crown could be modified by appropriate tree surgery. Site planning and development design must therefore give consideration to these issues in order to prevent future problems arising.

2.2.2 Any remedial works on trees to improve safety or to facilitate construction must be undertaken in accordance with BS 3998:2010 British Standard *Tree Work - Recommendations*. Work must be undertaken by qualified and experienced professionals.

2.2.3 All services should be directed outside the retained trees' RPAs. However, where it is agreed that services can be located within an RPA, they must be hand-dug in accordance with the principles contained within National Joint Utilities Group Guidelines Vol. 4, in a position no closer than four times the stem circumference of the tree and dug down to the required level. Small diameter roots should be neatly cut with clean secateurs, whilst roots over 25mm in diameter, and/or large root masses, must be retained undamaged. Alternatively, if underground services are to run through the RPAs of trees to be retained, specialist construction techniques, such as impact moling, could be employed to install any pipework at a depth greater than 600mm from ground level, where tree roots are unlikely to be found.

2.2.4 No unplanned construction activity whatsoever must be allowed within the RPAs of trees to be retained. This includes storage of materials, unplanned routing of underground services or incursions by vehicles or site operatives unless specified and accompanied by specialist protection measures.

2.2.5 Mixing of cement or concrete, or the storage of fuels must not take place within 10m of the retained trees, nor in any location where a slope in the ground could lead to contamination of the RPA of any tree to be retained.

2.2.6 Fires must not be lit in a position where flames could extend to within 15m of the foliage, branch framework or trunk of any tree to be retained.

2.2.7 Landscape works undertaken within the RPAs must be done so as not to damage shallow roots and are to be agreed by the arboricultural consultant. Heavy mechanical cultivation of the soil must not be undertaken within the RPAs of trees to be retained.

2.2.8 Changes in soil level should not be undertaken within the RPAs of retained trees, unless otherwise agreed in writing with the Local Planning Authority (LPA). This is in order to ensure that the rooting systems, including the delicate non-woody roots, are not inadvertently severed or the roots and rooting zones are not compromised by compaction.

2.3 TREE PROTECTION MEASURES

2.3.1 Tree protection fencing will be required to form a CEZ, to prevent construction activity within the RPAs of trees to be retained, or to protect the crowns of retained trees. This must be constructed from weldmesh panels of at least 2m height and securely fixed with wire or scaffold clamps fixed to a rigid framework. This framework must be constructed from horizontal and vertical scaffold tubes during the construction period, in accordance with the requirements of BS 5837:2012. Examples of the design specification are shown in Appendices 1 & 2.

2.3.2 Where tree protection fencing falls outside the RPAs of the retained trees, robust high visibility plastic mesh barrier is recommended in place of the above-mentioned fencing. This will create a visual deterrent and signify the extent of the CEZ.

2.3.3 The location of CEZ fencing will be determined when the final site layout is agreed. This will provide the minimum protection of the retained trees. Any surfacing within the RPA, be it temporary or permanent, must be of a no-dig design in accordance with the principles of BS 5837:2012.

2.3.4 After the erection of the CEZ fencing a minimum of two days' notice must be given to the LPA before any construction, including any groundwork, starts on site. The CEZ fencing must be maintained and retained for the duration of the works or until such time as agreed in writing with the LPA.

2.3.5 Services and drain runs must be kept outside the fenced RPA of the retained trees unless agreed in advance of construction.

2.4 ARBORICULTURAL SUPERVISION

2.4.1 A suitably qualified arboriculturist must be retained during the development period to carry out the following:

- To inspect tree protection fencing once erected prior to construction or ground works starting on site.
- To advise of any issues at the request of the LPA, the property owner or contractor as necessary.

2.4.2 The details of each visit are to be recorded in a site visit pro-forma, with copies circulated to the contractor, developer and the LPA Tree Officer.

3. TREE SURVEY

3.1 TREE SURVEY CRITERIA

3.1.1 This tree survey has been undertaken in accordance with BS 5837:2012 in order to establish and record:

- The principal attributes of those trees on site of stem diameter over 150mm measured at 1.50m from ground level (such as height, stem diameter, height of first branch break, crown spread, crown clearance).
- The Condition, Quality and Value of the trees on site.
- The retention value of those trees as categorised by BS 5837:2012.
- The outline and area of RPA required for those trees to be retained on site, and any other remedial works necessary to ensure a reasonable level of safety; or to facilitate the development in accordance with conditions set out in BS 5837:2012.

3.1.2 The findings of the survey highlight which trees are of particular merit and should be marked as a material constraint in the planning process.

3.1.3 The suitability of trees for inclusion in the proposed development is considered, with particular regard given to their safe, useful life expectancy, and suitability in the site after development is completed.

3.1.4 The Tree Survey was undertaken in accordance with Section 4 of BS 5837:2012, which grades trees into the following categories (See Appendix 3: Cascade chart for Tree Quality assessment):

- A – Trees of high quality with an estimated remaining life expectancy of at least 40 years.
- B – Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.
- C – Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.
- U – Trees in such a condition that they cannot be realistically retained due to poor condition.

Further subcategories are given as follows:

- Mainly arboricultural qualities (1).
- Mainly landscape qualities (2).
- Mainly cultural values, including conservation (3).

3.2 SURVEY LIMITATIONS

3.2.1 This survey was undertaken from ground level using visual assessment techniques only. Physical assessment of suspected decay has been limited to probing with metal rods or sounding with a hammer. No specialist decay equipment or internal investigation tools have been employed during the assessment. No soil samples have been taken in the course of this assessment.

3.2.2 The observations and recommendations presented are based on the knowledge, qualifications and experience of the surveyor only.

3.2.3 All dimensions are measured as far as reasonably practicable, with the plotting of tree locations dependent on the topographical survey provided, or the available satellite coverage at the time of inspection. Stem diameter may have been estimated where trees are on third party land or where stems are inaccessible due to obstructions by undergrowth. Stem diameter may also have been estimated from best measurements available if the tree is ivy clad. The survey methodology follows that prescribed in BS 5837:2012.

3.2.4 Trees are dynamic evolving organisms subject to a range of external influencing factors (particularly the weather) the consequences of which may not always be foreseeable under the scope of this survey.

3.2.5 This survey will be valid for 12 months from the date of inspection and may become invalid within this period if any works are undertaken on or near to trees assessed in the survey. Such works include un-prescribed tree surgery, soil level changes, trenching etc.

3.2.6 Under the terms of the Wildlife and Countryside Act 1981 (as amended), the Countryside Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010, it is an offence to disturb any protected species, including their habitat or resting place. It may, therefore, be necessary to obtain expert advice in this area prior to the commencement of any works. This is particularly relevant to nesting birds, bats and their roosts. Contractors must be reminded of their responsibilities and should contact the relevant authorities if any signs of bats are found.

3.2.7 The nesting season for most birds runs from 1st March to 31st July. However, this can vary depending on the species and location. During these months, careful inspection must be made before any work commences and works must be postponed if active nests are found.

3.2.8 Trees with a Tree Preservation Order or those sited in a conservation area are protected under section 198 and 211 (1) of the Town and Country Planning Act 1990. Consent from the LPA must be sought before any works are to be undertaken on such trees, unless the proposed works to protected trees are a necessary consequence of granted full planning consent.

4. TREE SURVEY FINDINGS

4.1 Altogether thirty-three trees, one group of trees and three hedgerows were assessed and appear in the survey schedule (Table 2). The trees included in the schedule are those that are potentially affected by the design proposal and the required construction activity necessary to develop the site. Two trees (T32 & T33) on adjacent land to the north of the paddock area have been included in the schedule as they have the potential to pose a constraint to the development proposals. Other trees/shrubs or hedges on or adjacent to the site may not have been individually assessed as they were either considered too small or insubstantial to pose an arboricultural constraint to the scheme or were beyond 15m from areas to be developed.

4.2 The majority of the trees, groups and hedgerows that are included in the survey schedule (twenty-five in total) are assessed as of relatively good-quality features in the B grade retention category which includes the majority of the trees that appear on the two TPO schedules protecting many of the trees at the site. Two trees, a copper beech (T3) in the pub garden area and another copper beech (T33) on adjacent land to the north of the site have been assessed as A grade retention category features and are the highest quality trees assessed on or adjacent to the site. The A grade copper beech (T3) is one of two trees listed in the TPO ref: W/10/00010/GRP. Six trees, the hedge H3 and group G1 are assessed as C grade retention category and have been graded lower than other arboricultural features assessed due to condition, species type or limited life expectancy. These trees are those that would be more suited for consideration for removal within any proposed scheme to develop the site but would still ideally be retained if feasible. Two ash trees (T21 & T22) were assessed as U grade (unsuitable for retention).

4.3 A principal finding of the assessment was the condition of two ash trees (T21 & T22) along with some within the hedgerow H3 on the western side of the playing field area and directly over the footpath running through this boundary of the site. Both are assessed as suffering from ash dieback infection (*Hymenoscyphus fraxineus*). Ash dieback is a chronic fungal disease currently affecting ash trees in the UK and Europe that causes a vascular wilt characterised by leaf loss and crown dieback in infected trees of all age classes. The presence of dieback in the ash trees assessed is concluded due to sparse bud cover and frequent dead branch tips spaced throughout the outer crowns. As these trees are considered to have a very limited life expectancy they are assessed as U grade retention category and should not be retained through the proposed scheme if they are considered to be the responsibility of the applicant. The U grade ash will most likely rapidly deteriorate in physiological

condition in the coming seasons and ultimately die from the vascular wilt caused by this disease, becoming structurally unstable as they decline.

4.4 In some cases trees have contained ivy colonising their main stems and/or primary branching structures. Depending on the nature of the ivy colonising these trees its presence may have hindered the visual assessment of key structural features such as basal areas, stems and key branch unions. Ivy does not kill trees by constriction, as is commonly conceived, and brings a wide range of wildlife benefits.

4.5 Several trees are noted as showing codominant stems in their primary and secondary structures. Codominant stems are two or more stems that grow from a single point of origin. Because of this configuration, there is little or more limited direct connection between the wood of these stems. In some cases, bark is captured in-between the stem unions and this makes the attachment even weaker. Such unions offer a higher propensity for failure under wind loading and, if considered necessary, remedial action would be recommended in the conclusions of this report to address the associated hazards.

4.6 The proposals on the whole do not have many significant conflicts with those trees assessed on or adjacent to the site. Critically, there are no direct conflicts with any of the key features (stems, crowns, RPAs) of the trees subject to TPO.

4.7 The proposed access roadway to connect the existing car park area at the public house with the overflow car park to the north, running through the existing playing field area conflicts with the RPA of a young whitebeam (T1) on the grassed strip of ground directly to the north of the existing pub car park.

4.8 The overflow car park is marked to have the existing thick grass sward surface consolidated with a grid reinforced grass system. The extent of this system is shown on the design proposal provided as a yellow hatched area. The over-flow car park does not conflict with the RPAs of adjacent trees to the south and west which are subject to TPO.

4.9 Neither orientation for the proposed MUGA conflicts with the stems, crowns or RPAs of those trees subject to TPO to the south of both proposed positions.

4.10 The RPAs of trees adjacent to the extent of the overflow car parking area are considered vulnerable to potential rogue parking outside any new surfacing treatment that is proposed to be installed at this area. Parking of vehicles within RPAs on ground which has not been consolidated by

the grass grid system has the potential to cause ground compaction and limit the availability of water, nutrients and oxygen to tree roots below.

5. TREE SURVEY CONCLUSIONS/RECOMMENDATIONS

5.1 The majority of the trees/hedges assessed that are within proximity to the areas proposed to be developed are in the B grade retention category and represent good-quality arboricultural and amenity features of the site and wider area. There are no proposals to remove any of these trees or any of the trees subject to TPO on or directly adjacent to the site. Neither of the A grade trees are potentially affected by any aspect of the development proposals. There are no proposals to remove any of the B or C grade features.

5.2 The two U grade ash suffering from ash dieback (T21-T22) along with other small, infected ash trees within the hedgerow H3 will continue to deteriorate rapidly in structural condition as a consequence of the disease. They are likely to shed increasingly larger sections of deadwood over the adjacent areas due to the effects of ash dieback. Therefore, due to their proximity to the adjacent public right of way within the current and proposed use of the adjacent areas of the site, their retention cannot be recommended due to the future hazard they pose. Their removal is recommended as a consequence of ash dieback infection if these trees are the responsibility of the applicant.

5.3 In order to avoid the potential for rogue parking off the grass grid system at the overflow car park causing damage by compaction to the root systems within the RPAs of trees surrounding the area, a knee rail is proposed to be installed. The knee rail will extend along the edges of the car parks grass grid system to prohibit vehicles driving outside the consolidated surfacing installed and protect the root systems of those adjacent trees to be retained. The location of the recommended knee rail is marked as a brown dashed line on the TCP at plan ARB-1905-01.

5.4 The conflict between the RPA of the young whitebeam (T1) with the proposed new access road directly to the north of existing car park at the require the use of the specialist construction measures to ensure the adequate protection of the root system of the tree through and beyond the development process. New surfacing such as roadways or footpaths within RPAs of retained trees can be accepted if the use of cellular confinement systems (such as Cellweb® www.geosyn.co.uk/product/cellweb-tree-root-protection) constructed following a no dig methodology is adopted. Permeable materials including the final surfacing will need to be used in order to maintain gaseous exchange to the root system below. However, a raising of the final surface level from the existing ground level will need to be accepted as a 150mm deep cellular confinement system will need to be installed to suit the type of vehicular traffic which will typically pass through

this area. The area where such a system will need to be installed is marked as green hatch on the TCP provided at plan ARB-1901-01.

5.5 In order to protect the sensitive features of the trees identified to be retained at the site, construction exclusion zones are proposed to be established during the development process for the car park, access road, bunding and multi-use games area. This will be protected by temporary CEZ fencing, to exclude all construction activity from the sensitive areas of those trees during the development process. The proposed position of CEZ fencing is shown as blue dashed lines in the TCP provided at plan ARB-1901-01 and will need to be of the specification of fencing exemplified in Appendix 1 or 2, depending on the ground conditions present. The route of the public footpath which runs along the northern edge of the playing field must not be restricted by CEZ fencing during the development process. CEZ fencing must be installed before any other construction activity commences on site and remain in situ throughout the remainder of the development process.

6. ARBORICULTURAL IMPACT ASSESSMENT

6.1 The calculated RPAs of trees that are marked for retention are highly sensitive. The ground within the RPAs can be easily damaged by construction activity, with potentially negative impacts for those trees concerned. The severance of roots within the RPA of a tree has the impact of reducing its physiological function in terms of its ability to store energy, as well as draw water and nutrients from the soil to the effect that severe dysfunction or death of the tree can result. The removal of larger roots within the RPA can have the impact of reducing the structural integrity of the tree, leaving it exposed to failure during adverse weather conditions. The wounding resulting from the severance of roots can offer tree pathogens entry points for infection, which can cause dysfunction, loss of structural integrity or death.

6.2 Roots require access to oxygen and water in order to respire, as well as providing the rest of the tree with water and nutrients. Compaction of the soil will reduce this function to the effect that severe dysfunction or premature death of the tree can result. Installation of a non-porous hard-standing area within the RPA of a tree will have the same impact as compaction of the soil. Contamination of the soil from substances such as cement, fuel or chemicals, can have severe negative impacts on the physiological function of the root system in terms of its ability to store energy. It can also affect the drawing of water and nutrients from the soil, which can lead to physiological dysfunction, loss of structural integrity or premature death of the tree.

6.3 The stems and branching structure of trees are important to their physiological and structural function. The pruning of trees has the impact of reducing their ability to store energy, maintain their physiological system, and photosynthesise, which requires energy from the sun. This can lead to a loss of physiological function, expose the tree to pathogens and potentially lead to decline or premature death. The wounding resulting from the removal of branches can offer tree pathogens entry points of infection. A tree can be unbalanced by excessive pruning on one side, which can leave it exposed to new stresses and lead to failure during adverse weather (the removal of adjacent trees can have the same effect). The inadvertent damage of the stem and branching structure that may be a consequence of construction activity, has similar potentially negative impacts to pruning.

6.4 With the exception of the recommended removal of U grade trees subject to disease (only to be undertaken if they are the responsibility of the applicant) no trees are proposed to be removed as a consequence of the development proposals. This limits the negative arboricultural impacts of the

scheme to the potential removal of two U grade ash (T21-T22) and small adjacent ash stems suffering from ash dieback.

6.5 The recommendation to remove two U grade ash (T21-T22) and small adjacent ash stems is a consequence of the limited life expectancy and the current and potential hazard these trees pose to the adjacent right of way, not the proposals to develop the site. Therefore, the negative arboricultural impacts of their recommended removal should not be weighed against the scheme.

6.6 There exists the potential for inadvertent damage to be inflicted on the trees to be retained through the construction process which would bring negative arboricultural impacts. This potential damage will primarily be through the passage of vehicles or heavy footfall within tree RPAs during development which can cause compaction of the soil and limits the root systems access to water, nutrients and oxygen causing dysfunction and possibly premature death. Storage of materials or locating site cabins or toilets within tree RPAs can have a similar impact. The construction of new surfacing within the RPA of the whitebeam (T1) has the potential to cause significant damage to the root system of the tree which could cause physiological decline, dysfunction and the premature death of the tree.

6.7 If the recommended protective measures are followed, specifically the establishment of fenced construction exclusion zones and use of specialist construction methodology for the establishment of new surfacing within the RPA of T1, then the potential for any significant damage to be inflicted on all trees to be retained should be very low.

6.9 Overall, the negative arboricultural impacts of the proposed scheme are negligible and the arboricultural identity of the site will not be impacted to any discernible extent. The inclusion of new hedgerow planting will also bring additional arboricultural and wildlife habitat benefits to the site in the medium to long-term.

6.10 Any changes to the current design proposals not recommended in this report could bring new impacts that would require fresh assessment.

7. REFERENCES

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TABLES

Table 1 Tree Survey Key and Schedule

Tree/Tag No: Individual trees will be denoted as T1, T2 etc. on plans or diagrams. Groups of trees too numerous to individually survey or groups comprising of mainly trees of a stem diameter less than 150mm will be denoted as G1, G2 or W1, W2, etc. Hedgerows will also be shown as groups denoted as H1, H2, etc. Tree stumps denoted by S. Individual trees located in a group or hedgerow can still be assessed individually.

Species: using common and scientific name.

Measurement Conventions:

1. Height, crown spread, and crown clearance is recorded to the nearest half metre (crown spread is rounded up) for measurements up to 10m and to the nearest whole metre if over 10m.
2. Stem diameter is recorded in millimetres rounded to the nearest 10mm.
3. Any estimated dimensions (e.g. for inaccessible trees or those located on adjacent land) are suffixed by "#".

Tree height measured using an electronic clinometer. Site conditions may render this technique impractical in which case an estimated height will be suffixed by "#".

Stem Diameter: normally measured at 1.5m from ground level or using techniques as stated in Annex C of BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations*. If estimated denoted by #.

Ivy clad trees will be noted as without removing the ivy a stem diameter will have to be estimated from best measurement available.

Age Class: Y - a young tree in first third of life cycle.

EM - an early mature tree in second third of life cycle.

M - a mature tree in the last third of its life cycle.

OM - an over-mature tree in decline due to age.

Physiological Condition:

Good (G) - tree appears to be in a satisfactory physiological condition showing no signs of poor health.

Fair (F) - may be showing some minor signs of stress.

Poor (P) - slightly compromised showing significant signs of stress i.e. crown retrenchment.

V. Poor (VP) - significantly compromised e.g. advanced retrenchment.

D - dead.

Structural Condition: (Crown, stem and base of tree each given a value)

Good (G) - tree appears to be in a satisfactory structural condition with no significant defects found.

Fair (F) - some defects, but of low significance.

Poor (P) - slightly compromised e.g. poor branch unions found or evidence of decay.

V. Poor (VP) - profoundly compromised and imminent failure likely.

- cannot be assessed due to ivy/vegetation cover.

D/W - deadwood.

Estimated Remaining Contribution: Measured in years: <10 (under 10 years), >10 (over 10 years), >20, >40.

Retention Category: Denoted as U, A, B, C with sub-categories 1, 2, 3. as defined in Table 1 of BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations*.

Root Protection Area (RPA): Radius given in m. Area given in m².

Table 2 BS5837 Survey Schedule

Site: The Three Daggers, Edington

Client: Three Daggers Operating Ltd

Date: 20th November 2024

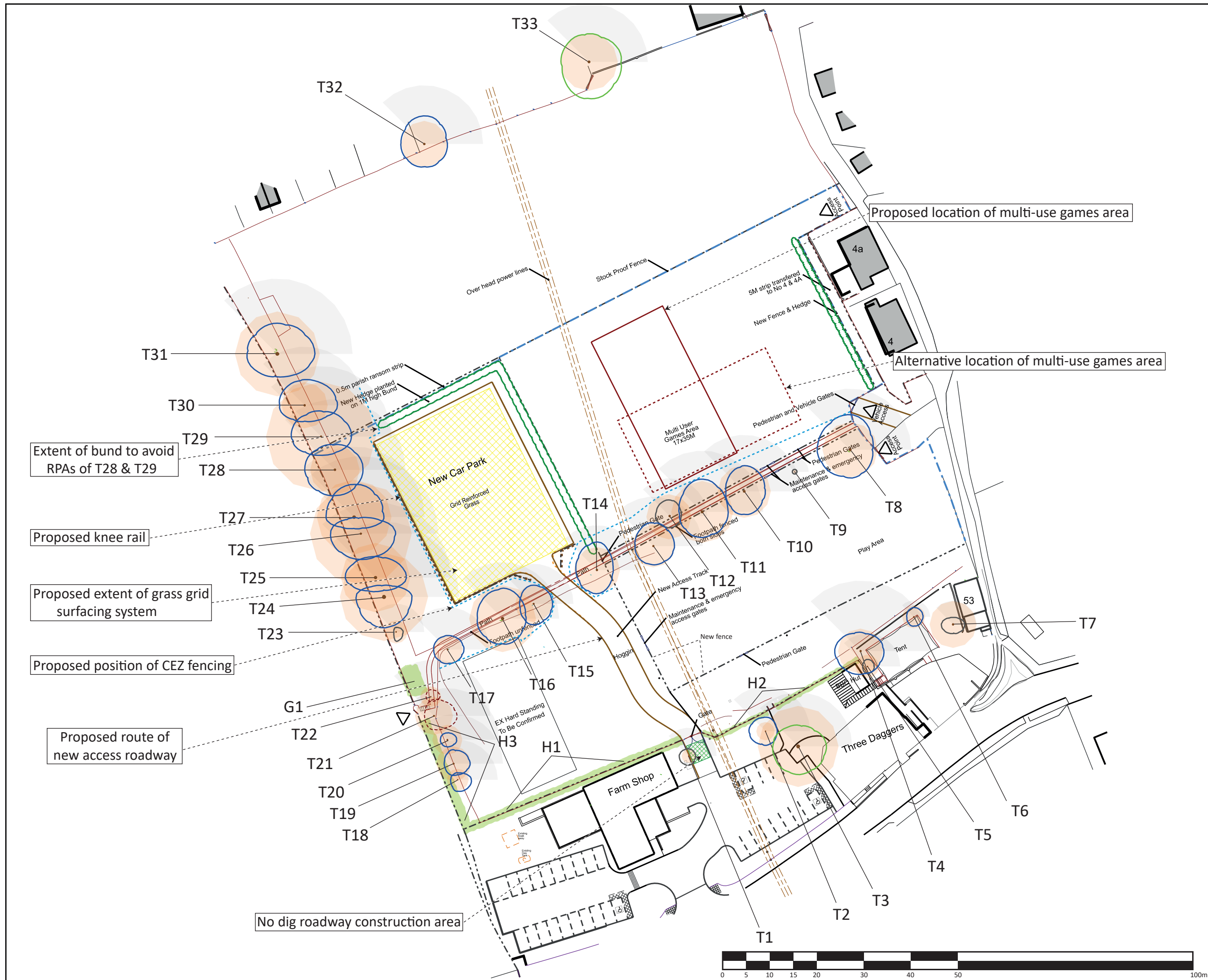
Tree/Tag. No	Species	Tree Height (m)	Stem Diameter (mm)	Crown spread (m)				Height & Direction of 1 st Branch	Min. Crown Clearance (m)				Life Stage	Physiological Condition	Structural Condition: CROWN/STEM/BASE General Observations: Preliminary Management Recommendations	Estimated Remaining Contribution	Retention Category	RPA R (m)	RPA A (m ²)
				N	E	S	W		N	E	S	W							
T1	Whitebeam <i>Sorbus aria</i>	6	120	1.5	1.5	2	2	1.5e	1.5	1.5	1.5	1.5	Y	G	G/G/F Mower damage to base	>40	C1	1.5	7
H1	Mixed native hedgerow	3	-	-	-	-	-	-	-	-	-	-	EM	G	G/G/G Mixed native hedgerow Maintained	>40	B1	-	-
H2	Beech hedgerow <i>Fagus sylvatica</i>	1.5	-	-	-	-	-	-	-	-	-	-	EM	G	G/G/G Beech hedge Maintained	>40	B1	-	-
T2	Silver birch <i>Betula pendula</i>	9.5	160	3	2.5	3	2	1.5s	1	1	1	2	EM	G	G/G/G Set in tree guard Subject to TPO	>20	B1	1.8	10
T3	Copper beech <i>Fagus sylvatica</i> 'Purpurea'	11.5	700	4.5	6	6	5.5	2s	2	2	2	2	M	G	G/G/G Position approximate Subject to TPO	>40	A1	8.4	222
T4	Silver birch <i>Betula pendula</i>	15	390	4	5	5	5.5	2w	2	1.5	2	2	M	G	G/F/G Position approximate Ground disturbance to south	>20	B1	4.8	72
T5	Bay <i>Laurus nobilis</i>	7	110 120 100 70	1.5	1.5	1.5	1	-	1.5	1.5	1.5	1.5	EM	G	G/G/G Position approximate Subject to soil level change to east	>10	C1	2.4	18
T6	Variegated holly <i>Ilex aquifolium</i> 'Variegatum'	3.5	200	2	2	2	1.5	-	2	2	1	2	EM	G	G/G/G Position approximate Ground disturbance to south-west	>20	B1	2.4	18

T7	Apple Spp. <i>Malus</i> Spp.	5	200 220 200 190	1.5	2.5	2	2.5	-	1.5	1.5	1.5	1.5	M	G	G/F/F Position approximate Maintained apple On adjacent land Values estimated	>10	C1	4.8	72
T8	Walnut <i>Juglans regia</i>	13	480	7.5	5	6	7	2.5n	1.5	2	1.5	1.5	M	G	G/G/G Commemorative tree Subject to TPO	>20	B1	5.7	102
T9	Apple Spp. <i>Malus</i> Spp.	3	40	0.5	0.5	0.5	0.5	-	1.5	1.5	1.5	1.5	Y	G	G/G/G Set in tree guard Commemorative tree Subject to TPO	>40	C1	0.4	0.5
T10	Horse chestnut <i>Aesculus hippocastanum</i>	12	460	5.5	4.5	5	4	1e	1	1.5	1.5	1.5	EM	G	G/F/G Co-dominant from 1m Showing evidence of previous crown management Subject to TPO	>20	B1	5.4	92
T11	Wild cherry <i>Prunus avium</i>	13	540	7	5.5	5.5	5	5n	1	2	1.5	1.5	M	G	G/F/G Subject to TPO	>20	B1	6.6	137
T12	Wild cherry <i>Prunus avium</i>	8	290 280	3.5	2.5	2.5	3	0.5e	0.5	0.5	1	0.5	EM	G	G/P/F Awkward co-dominant lower stem structure Subject to TPO	>10	C1	4.8	72
T13	Common lime <i>Tilia x europaea</i>	10.5	370	5	4.5	4	4	2s	2	1	1	1	EM	G	G/G/G Upper crown managed Subject to TPO	>40	B1	4.5	64
T14	Field maple <i>Acer campestre</i>	9.5	400	6	3.5	5	4.5	1.5w	2	2	2	2	EM	G	G/F/F Extended cavity with exposed deadwood from base to 1m on east side, showing good reaction growth Co-dominant from 1.5m Subject to TPO	>40	B1	4.8	72
T15	Norway maple 'Crimson king' <i>Acer platanoides</i> 'Crimson King'	8.5	320	4	4	4.5	3	1.5w	2	2	3	2	EM	G	G/F/G Co-dominant from 1m Crimson king Subject to TPO	>40	B1	3.9	48
T16	Beech <i>Fagus sylvatica</i>	12	580	6.5	5	5.5	5.5	1s	1	1	1	1	EM	G	G/F/G Congested co-dominant stem structure Subject to TPO	>40	B1	6.9	150

T17	Field maple <i>Acer campestre</i>	9	260	3	3.5	3	3	1s	1	1	1	1	EM	F	G/G/G Lower leaves near stem showing herbicide spray drift damage Subject to TPO	>40	B1	3.0	28
H3	Mixed native hedgerow	-	-	-	-	-	-	-	-	-	-	-	M	F	F F/F Broken field boundary hedgerow containing some standard trees of ash, elm & field maple	>10	C1	-	-
T18	Field maple <i>Acer campestre</i>	8.5	190	1.5	3	2.5	1.5	2s	2	2	2	2	EM	G	G/G/G Ivy clad	>20	B1	1.8	10
T19	Field maple <i>Acer campestre</i>	10.5	300	3	3.5	2.5	2	1n	1	1	1	1	EM	G	G/G/G Ivy clad	>20	B1	3.6	41
T20	Ash <i>Fraxinus excelsior</i>	11	260	1.5	2	1.5	1.5	2n	5	5	5	4	EM	F	G/G/G No ash dieback symptoms	>40	B1	3.0	28
T21	Ash <i>Fraxinus excelsior</i>	12	330	3.5	5	3	2	3e	4	2	3	3	EM	VP	F/F/F Ivy Showing ash dieback symptoms	<10	U	3.9	48
T22	Ash <i>Fraxinus excelsior</i>	8.5	180	1.5	2	1	1	2e	5	3	4	4	EM	VP	F/F/F Ivy Showing ash dieback symptoms	<10	U	2.1	14
G1	Mixed group	6-8	250 Avg.	-	-	-	-	-	-	-	-	-	EM	F	-/-/- Mixed group of hedgerow tree species including dead elms and field maple	>10	C1	3.0	28
T23	Hawthorn <i>Crataegus monogyna</i>	6	200	1	1.5	2	0.5	-	0	0	0	0	M	F	F/#/# Ivy clad Set in dense vegetation	>10	C1	2.4	18
T24	Beech <i>Fagus sylvatica</i>	16	420 460 440	2.5	6	6.5	6	1n	2	1	2	5	M	G	G/F/F Ivy clad Set in dense vegetation Multiple co-dominant features Subject to TPO	>40	B1	9.3	272
T25	Beech <i>Fagus sylvatica</i>	16	600	4.5	6.5	3	6.5	1e	1	2	5	4	M	G	G/F/G Ivy clad Some co-dominant unions Subject to TPO	>40	B1	7.2	163
T26	Beech <i>Fagus sylvatica</i>	16.5	360 X6	3	7	5	6	-	3	1	1	2	M	G	G/F/F Congested lower stem structure Subject to TPO	>40	B1	10.8	366
T27	Beech <i>Fagus sylvatica</i>	15	370 390 360	7	6.5	2.5	6	0.5n	2	1	3	4	M	G	G/F/F Awkward lower stem structure Subject to TPO	>40	B1	7.8	191

T28	Beech <i>Fagus sylvatica</i>	15	430	5.5	6	5.5	6.5	2s	3	2	2	4	M	G	G/#/F Ivy clad Scar on lower stem east side Subject to TPO	>40	B1	5.1	81
T29	Beech <i>Fagus sylvatica</i>	15	360 X7	5.5	6.5	4	6.5	-	2	1	5	5	M	G	G/#/F Co-dominant collection of main stem unions Subject to TPO	>40	B1	11.4	408
T30	Beech <i>Fagus sylvatica</i>	12.5	400	5.5	7	3.5	5.5	4n	3	2	4	5	M	G	G/#/F Ivy clad Subject to TPO	>40	B1	4.8	72
T31	Beech <i>Fagus sylvatica</i>	16	530 300 410	6.5	8	5	6.5	2s	2	1.5	2	3	M	G	G/F/F Co-dominant from base Subject to TPO	>40	B1	9.0	255
T32	Ash <i>Fraxinus excelsior</i>	13	400#	6	5	5	5	-	2	1	1	2	EM	G	G/#/# On adjacent land Heavily ivy clad No ash dieback symptoms	>20	B1	4.8	72
T33	Copper beech <i>Fagus sylvatica</i> 'Purpurea'	13.5	500#	6	7	8	6	3n	3	3	3	3	M	G	G/G/G On adjacent land	>40	A1	6.0	113

ILLUSTRATIVE MATERIAL



KEY:

Tree Retention Categories

- 'A' Category
- 'B' Category
- 'C' Category
- 'U' Category

The Tree Retention Categories symbols shown in the key are for reference and may not always be present on the plan.

Other Plan Features

- Shading Arc
- Root Protection Area (RPA)
- Existing hedge or group of trees
- Proposed hedge
- Proposed extent of grass grid system
- Proposed knee rail
- No dig roadway construction area
- Proposed alternative location of games area
- Proposed position of CEZ fencing

The Tree Retention Categories symbols shown in the key are for reference and may not always be present on the plan.

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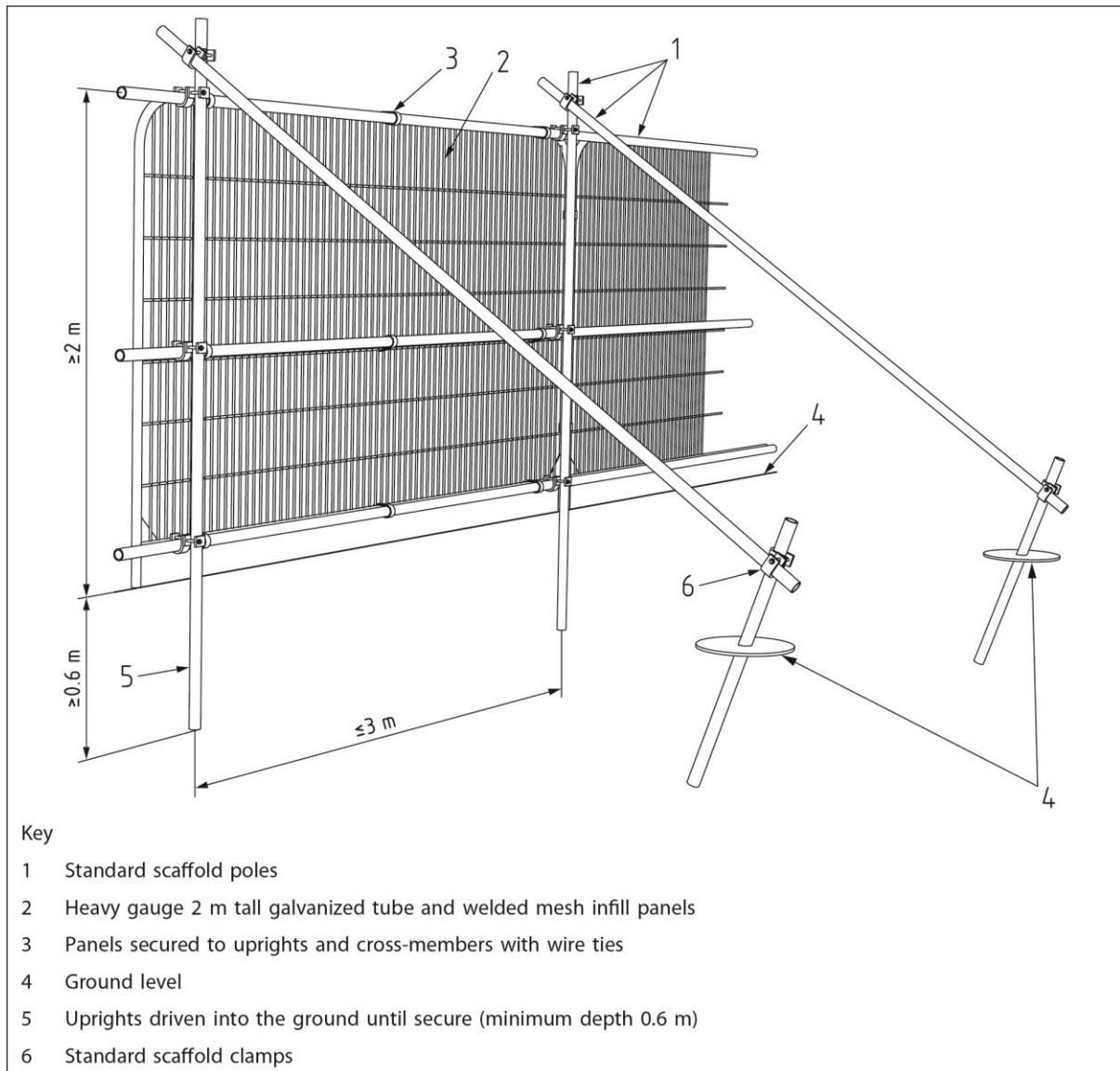
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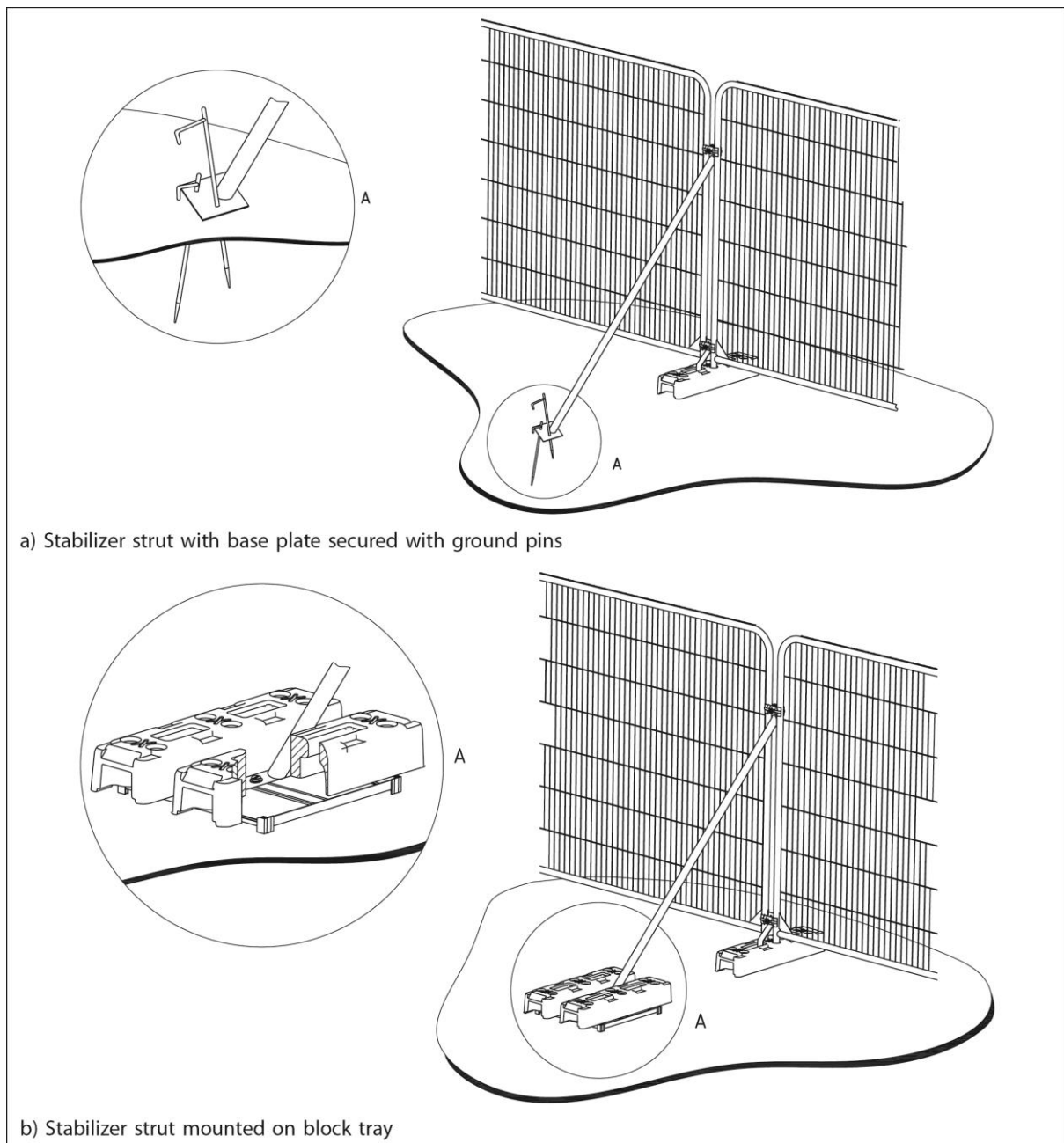
Project: Three Daggers, Edington		
On behalf of: Three Daggers Operating Ltd		
Drawing title: Tree Constraints Plan		
Drawing number: ARB-1905-01	Rev: 	Date: Mar 25
Scale: 1:750 @ A3	DB: SM	CB: WH

APPENDICES

APPENDIX 1: BS5837:2012 DEFAULT SPECIFICATION FOR PROTECTIVE BARRIER



APPENDIX 2: BS5837:2012 ABOVE GROUND STABILISING SYSTEMS



a) Stabilizer strut with base plate secured with ground pins

b) Stabilizer strut mounted on block tray

APPENDIX 3: CASCADE CHART FOR TREE QUALITY ASSESSMENT

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

APPENDIX 4:

TREE PRESERVATION ORDER (TPO) SCHEDULES

REF: TPO/2021/00014/MIXED & W/10/00010/GRP

TOWN AND COUNTRY PLANNING ACT 1990

Wiltshire Council – FIELD TO REAR OF 4 TINHEAD ROAD, EDINGTON, WESTBURY, BA13 4PH

Tree Preservation Order TPO/2021/00014/MIXED

Wiltshire Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, as amended in the Town and Country Planning (Tree Preservation)(England) Regulations 2012, make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order: **TPO/2021/00014/MIXED**

Interpretation

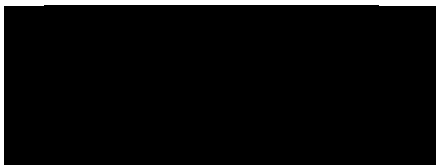
2. (1) In this Order “the authority” means the Wiltshire Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and County Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provision on the date on which it is made
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, 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 the Schedule of this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter ‘C’ being a tree to be planted pursuant to 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 the tree is planted.



Dated this 17th day of September 2021

Signed on behalf of the Wiltshire Council
Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER (without modifications)

This Order was confirmed by the Wiltshire Council without modifications on the

..... day of

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

CONFIRMATION OF ORDER (with modifications)

This Order was confirmed by the Wiltshire Council subject to the modifications indicated by (*state how indicated*),

on theday 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 the Wiltshire Council on the

..... day of

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

VARIATION OF ORDER

This Order was varied by the Wiltshire Council on the

..... day of

by a variation order under reference number (*insert reference number to the variation order*) a copy of which is attached

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

REVOCATION OF ORDER

This Order was revoked by the Wiltshire Council on the

..... day of

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

SCHEDULE

SPECIFICATION OF TREES

Wiltshire Council – FIELD TO REAR OF 4 TINHEAD ROAD, EDINGTON, WESTBURY, BA13 4PH

Tree Preservation Order TPO/2021/00014/MIXED

TREES SPECIFIED INDIVIDUALLY

(encircled in red on the map)

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

TREES SPECIFIED BY REFERENCE TO AN AREA

(within a red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>
G1	Beech	West boundary of field to rear of 4 Tinhead Road Edington BA13 4PH
G2	Mixed Species	South boundary of field to rear of 4 Tinhead Road Edington BA13 4PH

GROUP OF TREES

(within a broken black line on the map)

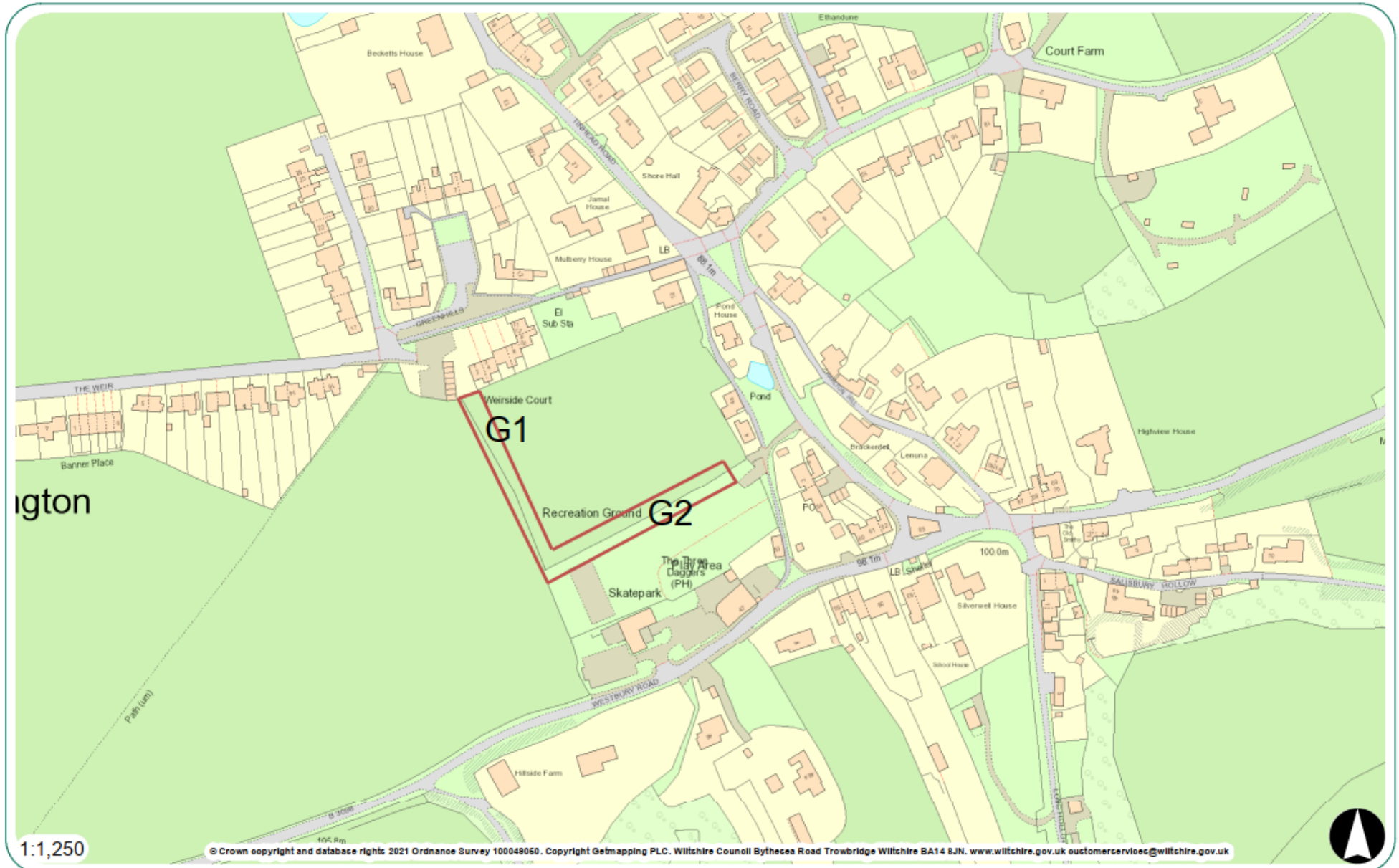
<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>
-------------------------	--------------------	-------------------

WOODLANDS

(within a continuous black line on the map)

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

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



TPO No:

W/10/00010/GRP

OS Map Ref: 393220 153275

TREE
SPECIES:

G1 See Order

SITE
ADDRESS:

The Lamb Inn, Westbury Road, Edington

EFFECTIVE DATE: 20.05.2010

TARGET DATE: 20.11.2010

DECISION: *CONFIRMED*

DECISION
DATE: *07.07.2010*



No.977975 Re.
No.977976 Bl.
No.977977 Gr.

Tree Preservation Order (TPO) Schedule

Do we know who the owner of the land is?	Mr David Sheriden Lamb Ltd 142 Bath Road Bradford on Avon
Have there been any previous TPOs on this address?	No
Order Type:	Group
Site address:	The Lamb Inn Westbury Road Edington Wiltshire BA13 4PG
Name & Address of who's requesting order (if not WC)	WC
Does this relate to a TCA application?	Yes W/10/01497/TCA
Site visit date:	18 th May 2010
Officer:	Chris Kirk
Reason:	To safeguard the visual amenity and character of the local area
Trees to be included:	G1 to include 1 Copper Beech + 1 Silver Birch
Visible from:	Westbury Road and nearby Public Open Space
Assessment method:	Tempo & The Wessex Tree Officer Group TPO assessment form
Other relevant comments	Please also serve the TPO on the agent Mr Carl Stockley 40 Clarendon Avenue Trowbridge

7 July 2010

Mr David Sheriden
142 Bath Road
Bradford On Avon
Wiltshire
BA15 1SS

FILE COPY

Development Control West
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Our Ref: W/10/00010/GRP

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Dear Sir or Madam

Wiltshire County – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010

We refer to our previous correspondence concerning the above. It was decided to confirm the Tree Preservation Order on 07.07.2010.

We therefore enclose a copy of the confirmed Order for your attention and retention. (This is a legal document and should be stored, where applicable, with your Deeds, as reference for future occupiers).

The validity of a Tree Preservation Order cannot be challenged in any legal proceedings except by way of application to the High Court. An application to the High Court may be made by any person who is 'aggrieved' by a Tree Preservation Order on the grounds:

- 1 that the Tree Preservation Order is not within the powers of the Act; or
- 2 that the requirements of the Act or the 1969 Regulations have not been complied with in relation to the Tree Preservation Order.

To be 'aggrieved', the applicant should be able to show that he has a sufficiently direct interest in the matter.

An application must be made within 6 weeks of the date of the Authority's confirmation of the Tree Preservation Order. The High Court may quash the Tree Preservation Order, or suspend its operation wholly or in part. Failure by the Authority to comply with the requirements of the Act or Regulations is not in itself sufficient for the Court to quash a Tree Preservation Order; the Court must also be satisfied that the interests of the applicant have been 'substantially prejudiced' as a result. Before making an application under this ground, therefore, any would-be applicant may first wish to consider whether the Authority's decision would have been more favourable to him if made in accordance with the statutory requirements.

Anyone thinking about making an application to the High Court is advised to take legal advice about the correct procedure to be followed (which is set out in Rules of Court) and the likely costs that would be incurred if the application failed.

Yours faithfully


C KIRK
Landscape and Arboricultural Officer

Telephone: 01225 770344 Ext 5232
Fax: 01225 770314
Email: chris.kirk@wiltshire.gov.uk

Enc

7 July 2010

Mr Carl Stockley
40 Clarendon Avenue
Trowbridge
Wiltshire
BA14 7BN

FILE COPY

Development Control West
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Our Ref: W/10/00010/GRP

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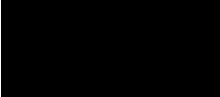
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Anyone thinking about making an application to the High Court is advised to take legal advice about the correct procedure to be followed (which is set out in Rules of Court) and the likely costs that would be incurred if the application failed.

Yours faithfully


C KIRK
Landscape and Arboricultural Officer

Telephone: 01225 770344 Ext 5232
Fax: 01225 770314
Email: chris.kirk@wiltshire.gov.uk

Enc

7 July 2010

Development Control West
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

LETTERS SENT TO:

Mr M R Wieck, Edington Parish Council, Sandy Lane
Cottage 12 Westbury Road Edington Westbury

Ms Denise Bunce, Divisional Office Manager, Wiltshire
Highways Services (Western Division), Wiltshire Council,
36 Lancaster Road, Bowerhill, Melksham, SN12 6QT

Our Ref: W/10/00010/GRP

FILE COPY

Dear Sir

Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010

We refer to our previous correspondence concerning the above. It was decided to confirm the Tree Preservation Order on 07.07.2010.

We therefore enclose a copy of the confirmed Order for your attention and retention.

The validity of a Tree Preservation Order cannot be challenged in any legal proceedings except by way of application to the High Court. An application to the High Court may be made by any person who is 'aggrieved' by a Tree Preservation Order on the grounds:

- 1 that the Tree Preservation Order is not within the powers of the Act; or
- 2 that the requirements of the Act or the 1969 Regulations have not been complied with in relation to the Tree Preservation Order.

To be 'aggrieved', the applicant should be able to show that he has a sufficiently direct interest in the matter.

An application must be made within 6 weeks of the date of the Authority's confirmation of the Tree Preservation Order. The High Court may quash the Tree Preservation Order, or suspend its operation wholly or in part. Failure by the Authority to comply with the requirements of the Act or Regulations is not in itself sufficient for the Court to quash a Tree Preservation Order; the Court must also be satisfied that the interests of the applicant have been 'substantially prejudiced' as a result. Before making an application under this ground, therefore, any would-be applicant may first wish to consider whether the Authority's decision would have been more favourable to him if made in accordance with the statutory requirements.

Cont/...2

Anyone thinking about making an application to the High Court is advised to take legal advice about the correct procedure to be followed (which is set out in Rules of Court) and the likely costs that would be incurred if the application failed.

Yours faithfully



C KIRK
Landscape and Arboricultural Officer

Telephone: 01225 770344 Ext 5232
Fax: 01225 770314
Email: chris.kirk@wiltshire.gov.uk

Enc

Neighbour List – W/10/00010/GRP

<u>Record</u> <u>No.</u>	<u>Address</u>
-----------------------------	----------------

- | | |
|---|--|
| 1 | Shepherds Cottage 53 Westbury Road Edington Wiltshire BA13 4PG |
| 2 | The Gables 46 Westbury Road Edington Wiltshire BA13 4PG |

7 July 2010

Development Control West
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

The Owner/Occupier
Shepherds Cottage
53 Westbury Road
Edington
Wiltshire
BA13 4PG

Your Ref:

Our Ref: W/10/00010/GRP

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Dear Sir or Madam

Wiltshire County – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010

We refer to our previous correspondence concerning the above. It was decided to confirm the Tree Preservation Order on 07.07.2010.

We therefore enclose a copy of the confirmed Order for your attention and retention.

The validity of a Tree Preservation Order cannot be challenged in any legal proceedings except by way of application to the High Court. An application to the High Court may be made by any person who is 'aggrieved' by a Tree Preservation Order on the grounds:

- 1 that the Tree Preservation Order is not within the powers of the Act; or
- 2 that the requirements of the Act or the 1969 Regulations have not been complied with in relation to the Tree Preservation Order.

To be 'aggrieved', the applicant should be able to show that he has a sufficiently direct interest in the matter.

An application must be made within 6 weeks of the date of the Authority's confirmation of the Tree Preservation Order. The High Court may quash the Tree Preservation Order, or suspend its operation wholly or in part. Failure by the Authority to comply with the requirements of the Act or Regulations is not in itself sufficient for the Court to quash a Tree Preservation Order; the Court must also be satisfied that the interests of the applicant have been 'substantially prejudiced' as a result. Before making an application under this ground, therefore, any would-be applicant may first wish to consider whether the Authority's decision would have been more favourable to him if made in accordance with the statutory requirements.

Anyone thinking about making an application to the High Court is advised to take legal advice about the correct procedure to be followed (which is set out in Rules of Court) and the likely costs that would be incurred if the application failed.

Yours faithfully


C KIRK
Landscape and Arboricultural Officer

Telephone: 01225 770344 Ext 5232
Fax: 01225 770314
Email: chris.kirk@wiltshire.gov.uk

Enc

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
As amended by the Town and Country Planning (Trees)(Amendment)(England)
Regulations 2008

Town and Country Planning Act 1990
Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree
Preservation Order 2010

The **Wiltshire 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 Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010

Interpretation

In this Order “the authority” means the 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 20 May 2010.

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.

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 application and the documents and particulars accompanying it, 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 this 20th day of May 2010.

Signed on behalf of the Wiltshire Council – Area West

[Redacted signature]

Area Development Manager West

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER (without modifications)

This Order was confirmed by the Wiltshire Council – Area West without modification on the

07th day of July 2010

[Redacted signature]

Area Development Manager West

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER (with modifications)

This Order was confirmed by the Wiltshire Council – Area West, subject to the modifications indicated by (state how indicated),

on the day of

Area Development Manager West

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Wiltshire Council – Area West on the
..... day of

..... Area Development Manager West
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Wiltshire Council – Area West on the
..... day of
under the reference number

..... Area Development Manager West
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Wiltshire Council – Area West on the
..... day of
under the reference number

..... Area Development Manager West
Authorised by the Council to sign in that behalf

Schedule of Trees included in Group

**THE LAMB INN
WESTBURY ROAD
EDINGTON
WILTSHIRE**

GROUP	
Group No	Number/Species of Trees
G1	1 Copper Beech + 1 Silver Birch

SCHEDULE 1

SPECIFICATION OF TREES

Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
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TREES SPECIFIED BY REFERENCE TO AN AREA

(with dotted black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
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GROUPS OF TREES

(within a broken black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
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G1	See attached List	
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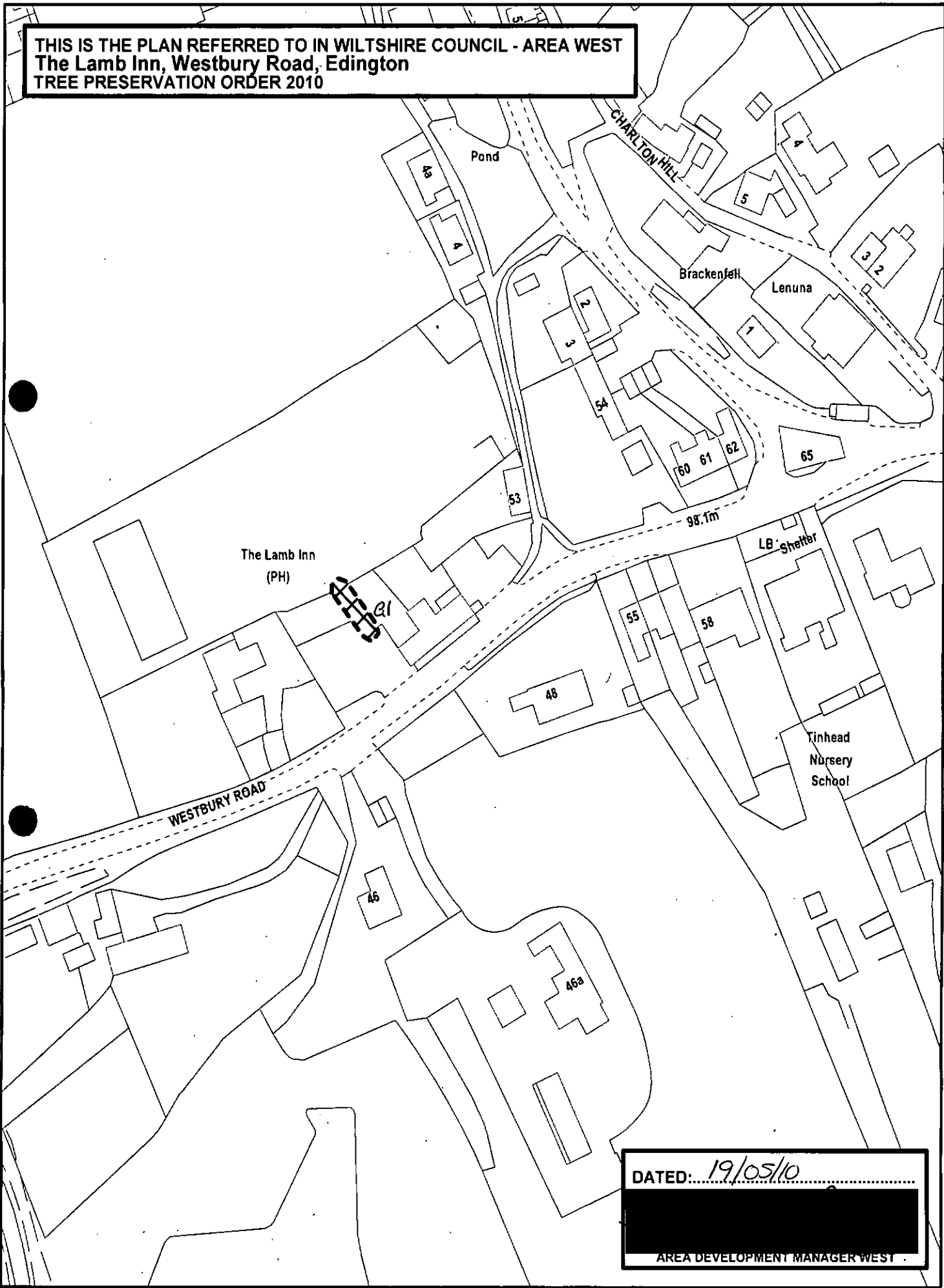
WOODLANDS

(within a continuous black line on the map)

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

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

TREE PRESERVATION ORDER



SCHEDULE 2

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) or 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”.

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.

19 May 2010

FILE COPY

Development Control West
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Mr David Sheriden
142 Bath Road
Bradford On Avon
Wiltshire
BA15 1SS

Your Ref:

Our Ref: W/10/00010/GRP

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Dear Sir or Madam

Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010

This is a formal notice to let you know that on 18.05.2010 the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet, Protected Trees: A Guide to Tree Preservation Orders, produced by the Department of the Environment, Transport and the Regions.

The Council has made the Order because:

To safeguard the visual amenity and character of the local area

The Order took effect, on a provisional basis, on 20.05.2010. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, which first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 17.06.2010. Your comments must comply with regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is printed overleaf. Send your comments to The Landscape Officer, Development Control West, Wiltshire Council, Bradley Road, Trowbridge, Wilts, BA14 0RD. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please do not hesitate to contact me.

Yours faithfully


C KIRK
Landscape and Arboricultural Officer

Telephone: 01225 770344 Ext 232
Fax: 01225 770314
Email: chris.kirk@wiltshire.gov.uk

Enc

REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Objections and representations

4(1) Subject to paragraph (2), objections and representations –

(a) shall be made in writing and –

- (i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

4(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

19 May 2010

FILE COPY

Development Control West
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Mr Carl Stockley
40 Clarendon Avenue
Trowbridge
Wiltshire
BA14 7BN

Your Ref:

Our Ref: W/10/00010/GRP

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Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet, Protected Trees: A Guide to Tree Preservation Orders, produced by the Department of the Environment, Transport and the Regions.

The Council has made the Order because:

To safeguard the visual amenity and character of the local area

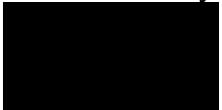
The Order took effect, on a provisional basis, on 20.05.2010. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, which first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 17.06.2010. Your comments must comply with regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is printed overleaf. Send your comments to The Landscape Officer, Development Control West, Wiltshire Council, Bradley Road, Trowbridge, Wilts, BA14 0RD. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please do not hesitate to contact me.

Yours faithfully


C KIRK
Landscape and Arboricultural Officer

Telephone: 01225 770344 Ext 232
Fax: 01225 770314
Email: chris.kirk@wiltshire.gov.uk

Enc

REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Objections and representations

4(1) Subject to paragraph (2), objections and representations –

(a) shall be made in writing and -

- (i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

4(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

19 May 2010

Development Control West
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

LETTERS SENT TO:

Mr M R Wieck, Edington Parish Council, Sandy Lane Cottage
12 Westbury Road Edington Westbury

Ms Denise Bunce, Divisional Office Manager, Wiltshire
Highways Services (Western Division), Wiltshire Council,
36 Lancaster Road, Bowerhill, Melksham, SN12 6QT

Our Ref: W/10/00010/GRP

FILE COPY

Dear Sir

Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010

Under the terms of the Town & Country Planning (Trees) Regulations 1999, this is a formal notice to let you know that on 18.05.2010 the Council made the above Tree Preservation Order. I am writing to you because the requirement states that we must notify the owner and occupier of any land adjoining the land on which the trees are situated.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet, Protected Trees: A Guide to Tree Preservation Orders, produced by the Department of the Environment, Transport and the Regions.

The Council has made the Order because:

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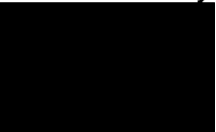
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Cont'd...

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Neighbour List – W/10/00010/GRP

<u>Record</u> <u>No.</u>	<u>Address</u>
-----------------------------	----------------

- | | |
|---|--|
| 1 | Shepherds Cottage 53 Westbury Road Edington Wiltshire BA13 4PG |
| 2 | The Gables 46 Westbury Road Edington Wiltshire BA13 4PG |
| 3 | A R Bush Westbury Road Edington Wiltshire |

19 May 2010

Development Control West
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

The Owner/Occupier
Shepherds Cottage
53 Westbury Road
Edington
Wiltshire
BA13 4PG

Your Ref:

Our Ref: W/10/00010/GRP

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Dear Sir or Madam

Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010

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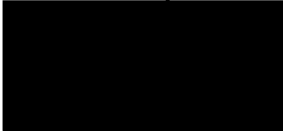
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Cont'd...

-2-

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Non postal address

Please remove from the SPO

thank. Chris.

✓ deleted
10/6/10

none postal address

deleted from the system
10/6/10

19 May 2010

The Owner/Occupier
A R Bush
Westbury Road
Edington
Wiltshire

Development Control West
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Your Ref:

Our Ref: W/10/00010/GRP

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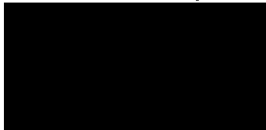
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TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
As amended by the Town and Country Planning (Trees)(Amendment)(England)
Regulations 2008

Town and Country Planning Act 1990
Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree
Preservation Order 2010

The **Wiltshire 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 **Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010**

Interpretation

2. In this Order “the authority” means the 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 20 May 2010.

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.

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 application and the documents and particulars accompanying it, 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 this 20th day of May 2010.

Signed on behalf of the Wiltshire Council – Area West

[Redacted Signature]

Area Development Manager West

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER (without modifications)

This Order was confirmed by the Wiltshire Council – Area West without modification on the

..... day of

Area Development Manager West

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER (with modifications)

This Order was confirmed by the Wiltshire Council – Area West, subject to the modifications indicated by (state how indicated),

on the day of

Area Development Manager West

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Wiltshire Council – Area West on the
..... day of

..... Area Development Manager West
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Wiltshire Council – Area West on the
..... day of
under the reference number

..... Area Development Manager West
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Wiltshire Council – Area West on the
..... day of
under the reference number

..... Area Development Manager West
Authorised by the Council to sign in that behalf

Schedule of Trees included in Group

THE LAMB INN
WESTBURY ROAD
EDINGTON
WILTSHIRE

GROUP	
Group No	Number/Species of Trees
G1	1 Copper Beech + 1 Silver Birch

SCHEDULE 1

SPECIFICATION OF TREES

Wiltshire Council – Area West (The Lamb Inn, Westbury Road, Edington) Tree Preservation Order 2010

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
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TREES SPECIFIED BY REFERENCE TO AN AREA

(with dotted black line on the map)

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

GROUPS OF TREES

(within a broken black line on the map)

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

G1	See attached List	
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WOODLANDS

(within a continuous black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
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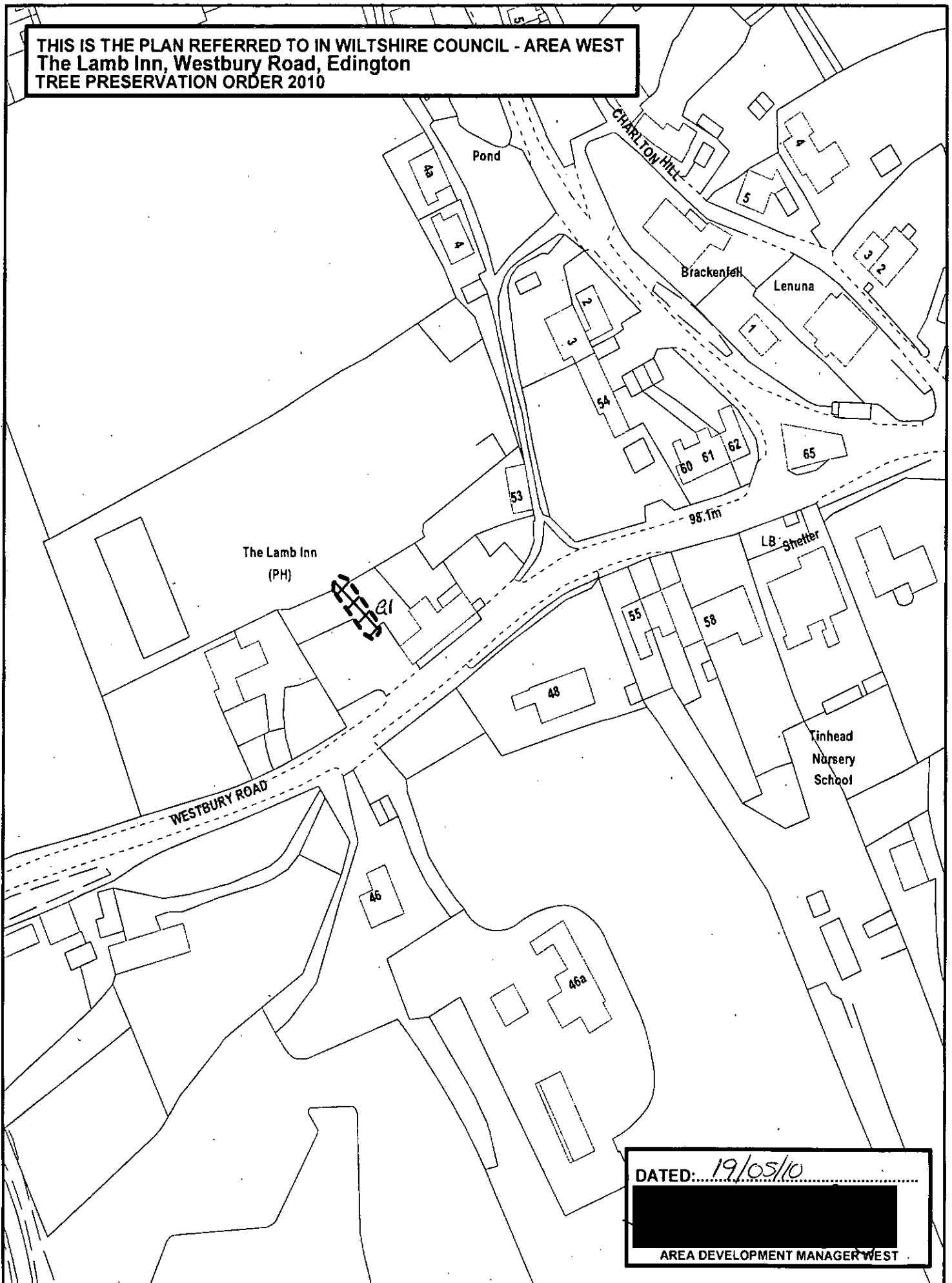
* complete if necessary to specify more precisely the position of the trees.

TREE PRESERVATION ORDER

Wiltshire Council

Where everybody matters

THIS IS THE PLAN REFERRED TO IN WILTSHIRE COUNCIL - AREA WEST
The Lamb Inn, Westbury Road, Edington
TREE PRESERVATION ORDER 2010



DATED: 19/05/10

AREA DEVELOPMENT MANAGER WEST

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Development Control West, Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD
Tel: 01225 776655 Fax: 01225 770316 DX: 116891 Trowbridge 3 www.wiltshire.gov.uk

Scale: 1:1250

Date: 19/05/2010

MSA:

N



SCHEDULE 2

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— "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) or 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".

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:

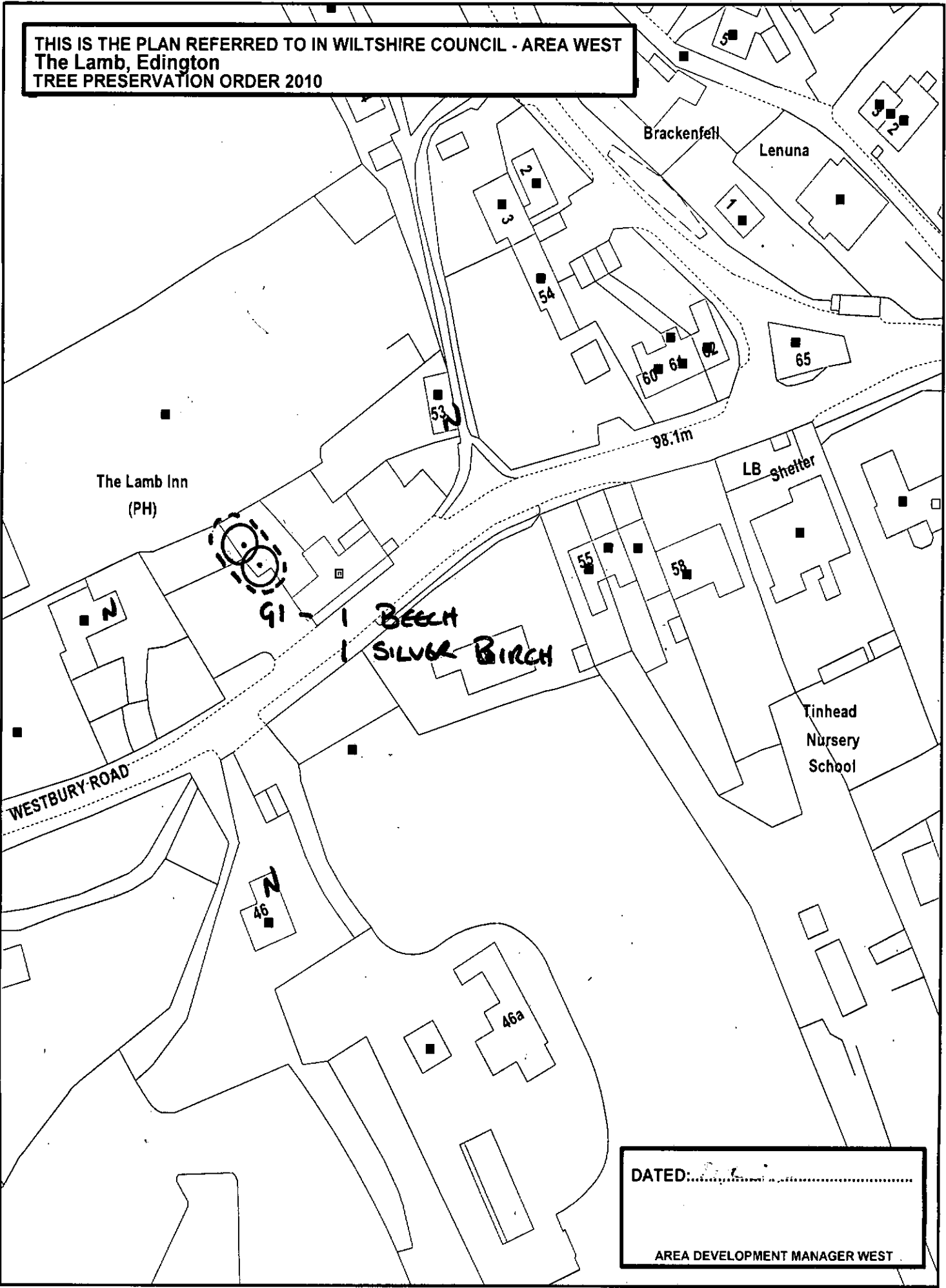
- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
 - (b) in respect of such a failure as is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

TREE PRESERVATION ORDER



TREE PRESERVATION ORDER

THIS IS THE PLAN REFERRED TO IN WILTSHIRE COUNCIL - AREA WEST
 The Lamb, Edington
 TREE PRESERVATION ORDER 2010



DATED:.....

AREA DEVELOPMENT MANAGER WEST

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