

THE SOUTH STAFFORDSHIRE DISTRICT COUNCIL

TREE PRESERVATION ORDER NO. 8 (1976)

TOWN AND COUNTRY PLANNING ACT 1971

The South Staffordshire District Council in this order called "the Council" in pursuance of the powers conferred in that behalf by Section 60 (and 61) of the Town and Country Planning Act 1971, and subject to the provisions of the Forestry Act, 1967, hereby make the following Order:-

1. In this Order:-

"the Act" means the Town and Country Planning Act 1971;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more and a mortgage in possession; and

"the Secretary of State" means the Secretary of State for the Environment.

2. - Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the Council and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland specified therein, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. - An application for consent made to the Council under clause 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. - Where the Council refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied either that the refusal or condition is in the interests of good forestry or in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

5.(a) Where an application for consent is made to the Council under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof) as the Council may think fit, or may refuse consent.

Provided that where the application relates to any woodland specified in the First Schedule to this Order the Council shall grant consent as far as accords with the principles of good forestry except where in the opinion of the Council it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(b) The Council shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the Council thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public during normal office hours.

6.(a) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless -

1. such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
2. the Council with the approval of the Secretary of State dispense with replanting,

the Council shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and section 175 of the Act, replant the said land in accordance with the direction.

(b) Any direction given under paragraph (a) of this clause may include requirements as to -

1. species;
2. number of trees per acre;
3. the erection and maintenance of fencing necessary for protection of the replanting;
4. the preparation of ground, draining, removal of brushwood, lop and top; and
5. protective measures against fire.

7. - On imposing any condition requiring the replacement of any tree under clause 5 of the Order, or on giving a direction under clause 6 of this Order with respect to the replanting of woodlands, the Council shall if such condition or direction relates to land in respect of which byelaws made by the Severn-Trent Regional Water Authority restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the Water Authority, under those byelaws and the condition or direction shall have effect accordingly.

8. - Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the Council within the time and in the manner prescribed by this Order, be entitled to recover from the Council compensation in respect of such loss or damage.

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Clause 5 of this Order.

9. - In assessing compensation payable under the last preceding Clause account shall be taken of:

(a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act, Section 29 of the Town and Country Planning Act 1962 or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

10. (a) A claim for compensation under this Order shall be in writing and shall be made by serving it on the Council, such service to be effected by delivering the claim at the offices of the Council addressed to the Chief Executive and Clerk or by sending it by recorded delivery post so addressed.

(b) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the Council, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the Council, from the date of the decision of the Secretary of State on the appeal.

11. - The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

12. - Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

13. (a) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on 28th May 1976)

~~((b) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.)~~

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

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the Council to

- (1) the cutting down of any trees on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme under Section 4 of the Forestry Act 1967 except a scheme which applies to a Forestry Dedication Covenant.
- (3) the cutting down, uprooting, topping or lopping of a tree
 - (a) in pursuance of the power conferred on the Post Office by virtue of section 5 of the Telegraph (Construction) Act 1908;
 - (b) by or at the request of
 - (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) a river authority established under the Water Resources Act 1963 or a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, in relation to the maintenance improvement or construction of water courses or of drainage works; or
 - (iv) the Secretary of State for Defence, the Secretary of State for Trade and Industry or the Board of Trade where in the opinion of such Secretary of State or Board the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;

- (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden;

THIRD SCHEDULE

Provisions of Part III of the Act as adapted and modified to apply to this Order.

33.(1) Without prejudice to the following provisions, as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the Council on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

35. Reference of applications to the Secretary of State - (1) The Secretary of State may give directions to the Council requiring applications for consent under the Order to be referred to him instead of being dealt with by the Council.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of clause 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the Council.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the Council so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any application referred to him under this section shall be final.

36. Appeals against decisions - (1) Where an application is made to the Council for consent under the Order and that consent is refused by that Council or is granted by them subject to conditions, or where any certificate or direction is given by the Council, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the Council, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Council, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the Council so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(5) The decision of the Secretary of State on any appeal under this section shall be final.

37. Appeal in default of decision - Where an application for consent under the Order is made to the Council then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the Council, the Council either -

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 35 of the Act;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the Council, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

45. Power to revoke or modify the consent under the order - (1) If it appears to the Council that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the Council may by Order revoke or modify the consent to such extent as they consider expedient.

(2) Subject to the provisions of sections 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where a Council submit an Order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the Council, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

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

46. Unopposed revocation or modification of consent - (1) The following provisions shall have effect where the Council have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the Council's opinion will be affected by such Order have notified the Council in writing that they do not object to such Order.

(2) The Council shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

(3) The Council shall also serve notices to the same effect on the persons mentioned in subsection (1) above.

(4) The Council shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in subsection (2) (a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2) (b) of this section, take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 (2) of the Act.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

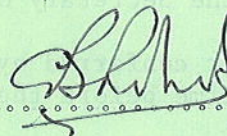
IN WITNESS WHEREOF the Council have

caused their Common Seal to be

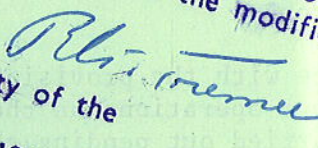
hereunto affixed this 28th

day of May 1976,

in the presence of



Chairman of the Council



The Secretary of State for the Environment hereby confirms the foregoing Order, subject to the modifications shown in red ink thereon.

Signed by authority of the Secretary of State
17 December 1976.

16949

An authorised officer in the Department of the Environment.

THE ORDER IS MODIFIED BY EXCLUSION OF THE TREES CIRCLED
AND CROSSED THROUGH IN RED.

SOUTH STAFFORDSHIRE DISTRICT COUNCIL

Tree Preservation Order No. 8 (1976)

FIRST SCHEDULE

NOTE: All the trees, groups of trees, and woodlands described in this Schedule are situated in the Parish of Wrottesley in South Staffordshire District. All plot numbers referred to are Ordnance Survey Plot numbers on 25 inch sheets SJ8500, SJ8501, SJ8600 and SJ8601.

TREES SPECIFIED INDIVIDUALLY
(encircled in black on the Map)

<u>No. on</u> <u>Map</u>	<u>Description</u>	<u>Situation</u>
T1	Oak	In Plot No. 0003
T2	Goat willow	" " " "
T3	Goat willow	" " " "
T4	Birch	" " " "
T5	Oak	" " " "
T6	Oak	" " " "
T7	Oak	" " " "
T8	Thorn	" " " "
T9	Elder	" " " "
T10	Thorn	" " " 3088
T11	Sycamore	" " " 4900

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the Map)

<u>No. on</u> <u>Map</u>	<u>Description</u>	<u>Situation</u>
A1	The several oak, sycamore, ash, birch, thorn and goat willow standing in the area numbered A1 on the Map.	In Plot Nos. 0003 and 4400.
A2	The several alder, goat willow and thorn standing in the area numbered A2 on the Map.	In Plot Nos. 5415 and 5713.
A3	The several oak, birch, goat willow and thorn standing in the area numbered A3 on the Map.	In Plot No. 0003.
A4	The several oak, goat willow and thorn standing in the area numbered A4 on the Map.	-ditto-
A5	The several oak, goat willow, ash, birch and thorn standing in the area numbered A5 on the Map.	-ditto-
A6	The several oak, goat willow, birch, ash and thorn standing in the area numbered A6 on the Map.	-ditto-
A7	The several oak, goat willow, birch and thorn standing in the area numbered A7 on the Map.	-ditto-

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
A8	The several oak, goat willow, sycamore and thorn standing in the area numbered A8 on the Map.	In Plot Nos. 0003 and 3088.
A9	The several oak, alder, goat willow and thorn standing in the area numbered A9 on the Map.	-ditto-
A10	The several oak, birch, thorn and goat willow standing in the area numbered A10 on the Map.	-ditto-
A11	The several oak, goat willow, alder, birch, thorn and hazel standing in the area numbered A11 on the Map.	In Plot No. 0003.
A12	The several oak, goat willow, birch, alder and thorn standing in the area numbered A12 on the Map.	-ditto-
A13	The several oak, goat willow, birch, beech, ash and thorn standing in the area numbered A13 on the Map.	In Plot Nos. 0003 and 9803.
A14	The several oak, goat willow, birch, thorn and hazel standing in the area numbered A14 on the Map.	In Plot No. 0003.

GROUPS OF TREES

(within a broken black line on the Map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
- - - NONE - - -		

WOODLANDS

(within a continuous black line on the Map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
W1	Broadleaved woodland consisting mainly of oak, with beech, sycamore, birch and ash.	Plot No. 4435. Known as Corser's Rough.
W2	Broadleaved and coniferous woodland consisting mainly of oak with European larch, sycamore, beech and ash.	Plot No. 2800.

<u>No. on</u> <u>Map</u>	<u>Description</u>	<u>Situation</u>
W3	Broadleaved woodland consisting mainly of oak, with beech.	Plot No. 0097.
W4	Broadleaved woodland, consisting mainly of oak, with birch, sycamore, ash, crack willow and hazel .	Plot No. 0065 (part). Part of the woodland known as Smith's Rough.

THE ORDER IS MODIFIED BY EXCLUSION OF THE TREES
CIRCLED AND CROSSED THROUGH IN RED.

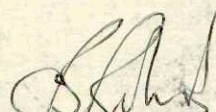
SOUTH STAFFORDSHIRE DISTRICT COUNCIL

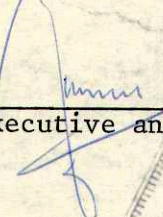
TREE PRESERVATION ORDER No. 8 (1976)

ORDNANCE SURVEY SHEETS : SJ8500, SJ8501, SJ8600, SJ8601

SCALE : 1/2500

IN WITNESS WHEREOF the Council
have caused their Common Seal to
be hereto affixed this 28th day
of May 1976 in the presence of:-


Chairman of the Council


Chief Executive and Clerk





Department of the Environment

West Midlands Region

Five Ways House Islington Row Middleway Birmingham

Telephone 021-643 8191 ext



The Chief Executive and Clerk
South Staffordshire District Council
Council Offices
Codsall
WOLVERHAMPTON
WV8 1PX

Your reference
MJL/WR/TCP9/8/WR
Our reference
WMR/P/5372/146/3
Date

17 December 1976

Sir

TOWN AND COUNTRY PLANNING ACT 1971
SOUTH STAFFORDSHIRE DISTRICT COUNCIL
TREE PRESERVATION ORDER No 8 1976

1. I am directed by the Secretary of State for the Environment to refer to the above-named order and to the objection made by Frere Cholmeley & Company Solicitors acting on behalf of Lord Wrottesley.
2. The representations made in support of the objection have been considered together with your Council's observations and an officer of the Department has inspected the site.
3. The grounds of objection are:-
 - a. The decision is not yet published in respect of The West Midlands Green Belt Public Enquiry held in 1964 - to make a TPO at this juncture may prejudice the decision;
 - b. The Order unnecessarily sterilises a large area of land and prevents it being put to useful purpose, which could be done whilst still preserving the more valuable trees on the site.
 - c. The greater part of the trees are not worth preserving or suitable to be the subject of a TPO, particularly the thorn, birch, hazel, elder, goat willow and crack willow.
 - d. The areas of trees and woodlands are unnecessarily extensive.
 - e. Some of the big oaks are old and stag-headed and unsuitable for inclusion in the Order.
4. The Order site was once an army depot but there is little evidence of this now except for the foundations of some of the huts. Overall the site appears unused and has a neglected air. The northern boundary of the site fronts onto the A41, and is opposite formally laid out parkland. A minor road leading from the A41, known as Wrottesley Park Road, constitutes the western boundary of the site and it is from this road that access to the site is gained. This road is now fairly heavily used by traffic to the Perton development which is taking place to the south and south east of the site. The amenity aspects of those using the A41 and Wrottesley Park Road are important.
5. The Order relates to eleven trees specified individually; fourteen areas of trees; and four woodlands. The objection relates generally to the whole Order.

6. It should be noted that the Secretary of State has approved the land as interim Green Belt, which gives it the full protection of Green Belt status until final decisions on it can be reached in the context of the County Structure Plan and any local plan for the area.

7. It was not considered that the Order has the effect of sterilising any area of land and if any change of use which is permissible from the planning point of view is proposed, the existing trees can be considered accordingly.

8. It was noted that on the site there was a clear distinction between the wooded areas W1 - W4 and the others. W1, known as Corsers Rough, is an important area of woodland from an amenity consideration in relation to the A41 and Wrottesley Park Road. Although this is a mature wood it is in a neglected condition, with much undergrowth and the paths are hardly discernible. It was felt this woodland should be included in the Order. W2 is equally important in landscape terms in relation to Wrottesley Park Road and the land to the east of the site. The path through the wood is in relatively good condition and the stand of Larch can be easily identified. W3 is also of considerable importance in amenity terms, but not so W4. This is an extensive stretch of coppice and shrub. It is dense and difficult to traverse. It is not suitable for an order as a whole, but it is considered that a 30 metre belt alongside Wrottesley Park Road would be of considerable value.

9. The four areas, A1, A5, A6 and A7 are well within the site and cannot be seen to any great degree by the public. They are neglected, with obscured paths, rubbish dumps, thick undergrowth and scattered trees and coppices including Oaks, Willows, Birch and Thorns in various sizes and conditions. Some trees are exceedingly small and some of the oaks are stag headed. It was felt these areas should be excluded as there is insufficient degree of public benefit.

10. The area of trees, A2, stands between some very wet land to the west and pasture-land to the east. Although the trees can be seen from the A41 they are very small and make little contribution to the landscape as they have the tall coverage of Corser's Rough behind them. It was felt they should be excluded as having insufficient degree of public benefit.

11. The area of trees, A3, is in a neglected state, however, the trees front onto Wrottesley Park Road and are more mature. They have a considerable amenity value.

12. Areas A4 and A13 also front onto Wrottesley Park Road and provide valuable landscaping. They are, however, difficult to identify in relation to each other and to the trees numbered T3, T2 and T4. It is considered that A4 and A13 should be excluded because this particular area needs to be sorted out more thoroughly. A belt of trees alongside the road would certainly be a valuable asset.

13. Area A8 although similar to the other non-woodland areas has a less dense character and a badly defined boundary. It adds nothing to the general amenity of the area and, it is felt, should be excluded.

14. There are similar problems with the identification of areas A9 and A10 and single tree T10. This is again scrub land and trees are scattered. As these trees provide some sort of screening and there has been no objection on the point of identification, they can be included in the Order.

15. The area A11 has the more extensive foundations of the former depot buildings within its boundary. It is clearly identifiable land, the boundary between it and A12 and A14 being a path in good condition. The northern part of this area provides some screening at present, and in future the rest of the site may provide a useful screen.

16. The areas A12 and A14 both have difficult boundaries to identify, and are neglected shrub and sporadic trees with thorn, willows, and birch of various ages and conditions. A12 does not give a sufficient degree of public benefit to merit inclusion in this Order. This also applies to most of A14 except for a 30 metre strip fronting onto Wrottesley Park Road which would have an important amenity function.

17. Of the individually specified trees, T1 - T11, the two parties have agreed to delete T9 from the Order. T1, T5, T7, T8 and T11 can be included in the Order as there is no objection to their type and they are easily identifiable. Trees T6 and T10 were difficult to find at the site inspection but are worthy of retention. The Inspecting Officer was unable to find trees T2, T3 and T4 and felt they should be excluded from this Order to be sorted out more thoroughly with A4 and A13.

V included
X Excluded
18. It was the Inspecting Officer's opinion that the Order should be confirmed to cover T1, T5, T6, T7, T8, T10, T11, A3, A9, A10, A11 (excluding hazel), A14 (30 metre strip only, excluding hazel), W1, W2, W3 and W4 (30 metre strip only, excluding hazel); but modified to exclude T2, T3, T4, T9, A1, A2, A4, A5, A6, A7, A8, the hazel from A11, A12, A13, A14 (except for a 30 metre strip only), W4 (except for a 30 metre strip).

19. In the light of the above the Secretary of State for the Environment has decided to confirm the Order subject to modifications that T2, T3, T4, T9, A1, A2, A4, A5, A6, A7, A8, the hazel from A11, A12, A13, A14 (excluding a 30 metre strip), W4 (excluding a 30 metre strip) be excluded.

20. The confirmed order as modified in red ink is enclosed and attention is drawn to the requirements of Regulation 9 of the Town and Country (Tree Preservation Order) Regulations 1969.

21. Section 245 of the Town and Country Planning Act 1971 provides that if a person is aggrieved by any order of a description which includes the present order on the grounds that it is not within the powers of the Act, or that any of the relevant requirements have not been complied with in relation to that order, he may within 6 weeks from the date on which the order is confirmed apply to the High Court to quash the order. The relevant requirements are any requirements of the Act of 1971 or of the Tribunals and Inquiries Act 1971, or of any order, regulations or rules made under either of those Acts which are applicable to this order. If the application is made on the grounds that any of the relevant requirements have not been complied with, it must be shown to the satisfaction of the Court that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to the order. A similar right of appeal is given by the Section to the local authority directly concerned with the order.

22. A copy of this letter has been sent to Frere Cholmeley & Company.

I am Sir
Your obedient Servant



R G TREMMER