

**Wiltshire Council**

**Cabinet**

**17 September 2019**

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**Question from Christopher Humphries**

**To Councillor Toby Sturgis – Cabinet Member for Spatial Planning,  
Development Management and Property**

**Statement and Question:**

Becky Addy Wood is ancient woodland with rich, rare and endangered biodiversity. It would be hard to find a wood in Wiltshire that is as rich in biodiversity and has as many species of endangered bats, red-listed and ground-nesting birds, and as much rare flora. These are the reasons why the wood is covered by a large number of environmental protections.

The Woodland TPO is one such protection. By definition, a Woodland TPO protects in law the entire wood. This includes all trees ... all saplings ... all seedlings ... however small.

There is overwhelming photographic evidence that motorbike events have caused serious short- and long-term damage to the woodland – a woodland that also has to regenerate itself as a result of Ash Dieback. It stands to reason that the impact of dozens of motorcyclists riding across a fragile woodland terrain has a deleterious impact on the wood and the wildlife it supports.

A very large number of conservation bodies, groups and individuals are extremely concerned about the use of Becky Addy Wood by West Wiltshire Motor Club for their motorbike events. The conservation bodies and groups in question include the Cotswold AONB, the Woodland Trust, the Wiltshire Wildlife Trust, and the West Wiltshire CPRE. Councillors Kidney, Groom, Matthew, De Rhe Philippe and Kay have also expressed their concern. Natural England have also advised that it may be necessary to contact Wiltshire Wildlife Crime Officers if there are grounds to believe that wildlife or habitat could be disturbed or damaged by such events.

Becky Addy Wood is the least appropriate place in which to hold motorbike events. The event scheduled on 6th October or on any subsequent date - at any time of the year - would cause further and unnecessary damage to a precious wildlife habitat, which Wiltshire Council has a legal and moral duty to protect. There is no need for any further impact assessment.

Furthermore, the IPBES intergovernmental report earlier this year – the most comprehensive of its kind ever – calls on all levels of government to take urgent, radical and transformative action to address the alarming decline in the health of the world’s wildlife and biodiversity.

It is time for Wiltshire Council to finally enforce with immediate effect the Article 4 Direction to ensure the protection of this woodland and its wildlife and to ensure that the Council fulfils its duty of care.

Will the Cabinet please ensure that this is done?”

**Response:**

The site is currently designated by DEFRA as Ancient Semi Natural Woodland and **there is not an Article 4 Direction currently imposed on this site.** As you are aware the effect of such a direction would be to remove permitted development rights to hold meetings of the type described.

My officers have been instructed to monitor activity on this site to determine if enforcement action would be both expedient and appropriate in terms of controlling any damage and preventing further damage from occurring. The bar for action under the TPO legislation is very high and requires proof of wilful damage to a tree in such a manner as to be likely to destroy it.

I have also instructed my officers to look at the imposition of an Article 4 Direction and to report back to me with their conclusions as soon as possible. In order to bolster the case for imposing an Article 4 Direction we need to be able to demonstrate that sufficient harm has occurred to justify the removal of permitted development rights

The imposition of an Article 4 Direction would be more likely to act to prevent damage occurring and my officers have been instructed to report back to me as soon as possible on how we can impose such a Direction in the shortest possible time and if this can be done prior to the event on 6<sup>th</sup> October although this will expose the Council to the potential liability to pay compensation for a cancelled event