

The town council was served with a temporary injunction by the High Court on February 10 to prevent the council carrying out work in Becky Addy Wood.

The work was to make safe trees affected by ash die back adjacent to the road and the public footpath.

The work was being carried out in line with a management plan prepared following discussions with the Friends of Becky Addy Wood (FROBAW) and after sending them the plan with the request that they consult their members on it.

No results from such a consultation were received by the Town Council.

The works that had been carried out by Bradford on Avon Town Council were approved by the Forestry Commission in September 2022 under the terms of a Felling Licence. The Forestry Commission consulted with Natural England and Wiltshire Council before granting the Felling Licence and took into account a number of objections raised by some of the members of FROBAW.

The council's approach was to promote the biodiversity and sustainability of the woodland, minimising felling as far as possible.

All work was conducted with an ecologist on site to ensure that wildlife was protected, and additional bird and bat habitat was being added. The plan was to replace trees lost with a wider variety of tree types to make the wood more resilient in the face of future tree disease.

The temporary injunction was served without the town council being represented in court.

In order to seek a sensible resolution – and to limit legal costs – the town council suggested that a professional arborist and professional ecologist be independently appointed to draw up a two-year management plan for the wood. This was accepted by the other party in May.

Once the experts have reported, the expectation is that the High Court will lift the injunction.

Although this agreement has been reached, the other party has not withdrawn its claim that the council has breached the Memorandum of Understanding between the council and the Friends of Becky Addy Wood, for example by failing to partner with FROBAW in the production of a Management Plan for Becky Addy Wood.

This underlying claim will continue to trial unless either the claimants discontinue it (which they were invited to do) or terms of settlement can be agreed.

As the defendant, the town council cannot withdraw from the litigation.

However, the council is taking reasonable steps to reach an agreement in order to limit costs and avoid the case reaching trial.

A case management conference was held yesterday (Monday 4 September) involving the judge and legal teams for both sides.

At the hearing, the judge set out a future timetable for the claim. If the case proceeds to trial, it is anticipated this will be sometime between 4 March 2024 to 13 May 2024 inclusive.

The claimants are also required to notify those persons who they purport to represent and to ask them to confirm if they do wish to be represented or to opt out, and to tell the council who they are. The claimants attempted to apply for an order capping costs in the litigation but this was unsuccessful, as such they have no special costs protection.

Due to the nature of legal proceedings, it has been necessary for members of the council to discuss the handling of the case under confidential business of Full Council meetings and at one extraordinary Full Council meeting.

However, it has done its best to keep the public informed, as far as possible, via our usual channels of communication.