

Affidavit of Truth and statement of Fact.

I, Stephen Jeffrey Willcox [REDACTED]

1. The facts and matters deposed of in this affidavit are known to me as owner of Fry's Bottom.
2. In May of 1995 I purchased Fry's Bottom Wood and the adjoining former Fry's Bottom Colliery, the shaft was sunk in 1756 to a depth of 540 feet, the Fry's Bottom Colliery worked from that date until 31st August 1895. The shaft was reopened for a brief time in 1906 when coal to the North was not found.
3. The Colliery site is well documented in the archives at Warwick County Council (Priory Records Office) I have visited the Records Office on many occasions.
4. In 1995 I obtained a felling licence from the Forestry Commission to fell 150 sweet chestnuts in the norther section of the wood, the work to fell these trees was to be carried out in the winter of 1995-96 and again in 1996-97. My intension was to mill the trunks for chestnut posts and fencing rails.
5. I was approached by Chanter timber of Crew who offered a good price, they would fell the trees and remove the trunks to Crew and export them to Portugal to be cut into veneers for coffins and kitchen units.
6. The tops of these sweet chestnut accounted for 50% of each tree and over the coming 6 years I cleared the tops (limbs and branches) and processed them into logs for the local market, burning up the small brash. No replanting was necessary as these tree coppice and there was plenty of smaller trees coming on.
7. The Felling Licence included a 5-year woodland grant funded scheme for the removal of a number of European Larch that had suffered from wind blow damage plus the coppice of several sections in the wood of overgrown Hazel nut trees.
8. In 1995 I erected the tin shed that stands today in the former railway cutting this was for drying of logs, a prior notification was sent to the council to erect a much larger forestry building on the colliery spoil heap, this was rejected as being within the 5 Kilometres of Clutton Hill airfield and more than 3 meters in height, I was at that time the applicant for Clutton Hill airfield and had been issued with an enforcement to remove the hangar and not to use the field for the taking off and landing of aircraft. The Hangar was in fact the same building that I had applied for under the prior notification at Fry's Bottom.
9. In 1996 I brought two lorry bodies into Fry's to store equipment in connection with Fry' Bottom Timber, these remain on site to this day. A caravan was removed from Clutton Hill Airfield in the same year, this was investigated by the Councils Enforcement Officer Peter Critchell who reported back to the Council that it was needed for the Forestry Operation now going on at Fry's.
10. Prior to Christmas of 1995 and for the five proceeding years I had an annual delivery of 300 Xmas trees from a plantation at Sturminster Newton these were sold from Fry's Bottom and a number were sold by [REDACTED]
[REDACTED] I had also sold cut ring of the European Larch trees and used as basses for the Xmas trees, holly was also

collected in Fry's and sold along with these trees, logs were also in demand as winter fuel throughout the year.

11. In 1996 [REDACTED] and myself purchased 30 Acres of agricultural land to the South of Fry's Bottom close to the village of Clutton, this included the Burchills Colliery spoil heap which contained 1,500 European Larch growing on it. I obtained a felling licence to remove all 1,500 trees, no replanting was necessary as natural regeneration was to then be allowed to take over the spoil heap.
12. A number of the larger European Larch were taken to Fry's Bottom Colliery site and milled into Posts and fencing bars and sold throughout the district.
13. In 1998 a felling Licence was issued by the Forestry Commission to fell 42 Sycamore, 30 Large Poplar and a number of Large Ash trees at Fry's, these were felled for milling and removed in the winters of 1998 to 2001 leaving again 50% of limbs and branches to be gathered over the coming 5 years and processed into logs for the local market. The agreement to the felling of the sycamore included the replanting of 100 mixed hardwood as this was a clear fell area.
14. Again in 2013 I obtained a felling Licence from the Forestry Commission to fell 60 Mature Oak trees of 100 years plus. The licence said that as before this could be completed within the normal term of a five-year program. Thirty Trees were felled and extracted to the Colliery Site for processing into beams and planks by a mobile mill, after processing they were sold on and would be stored for further drying before being marketed.
15. During the felling of these Oaks in 2014 it was noted and reported that Ash Die Back was spreading though-out the UK and Fry's was starting to show signs of this virus, I stopped the felling of the Oaks as there would be a large area of clearance because of the removal of dead and dying Ash Trees.
16. In June 2021 the Ash Die Back had taken over many of the trees and it was decided to fell the one starting in the Norther section next to the Fry's Bottom Lane, we contacted Mark Minkler of the Forestry Commission who advised us that if they were a danger to the Trial Bike Riders in the wood then under the 1967 Act of Parliament these could be removed as being a danger to the Public.
17. Following three weeks of felling we were issued with a stop notice by the Forestry Commission as it was alleged that this should have been carried out with a felling permit issued by the forestry Commission, no permit was in place and we were advised not to carry out any more work until this had been investigated. This Investigation decision was finalised in a letter received on the 22nd February 2024 (some 2 years 8 months on).
18. In the spring of 2022 I applied for and obtained a felling licence to remove 1,200 of the dead and dying Ash die back trees, this was issued on the 7th June 2022 and expires on the 7th June 2027.
19. In July of 2020 the need for a forestry building was identified by me simply because of the large volume of trees that had succumbed to ash Die Back, a steel framed building was erected in the belief that as the hard standing had been set in place in about 2003 and viewed by the Senior Planning Officer David Audsley who stated to me that the extant planning notification had started then there was no need to apply for the building. I recall him telling me that if this was challenged then as a forestry building would be acceptable development in the green belt.

20. The frame was erected in December of 2020, in January of 2021 following a visit by Martin Almond who was investigating allegations that we were opening our Trial Bike Centre on March 25th following being shut down due to COVID he noticed the framed building and recommended that an application was needed to legalise this.
21. I believe that Martin Almond left the authority in July 2021 and had sent a Planning Contravention Notice PCN to be filled out, this was done and a new officer appointed (Rob Warren), he moved departments within about a month and again a new officer was assigned to the case.
22. Nicola Little whom I had been dealing with over other planning matters within BaNES was assigned to my case I believe on September 12th 2021. On the 26th October 2021 during COVID restriction and without notice she simply walked onto my land claiming to be in the area to look at the applied for steel framed forestry building. A subsequent FIA request revealed that her visit was pre planned and that she wished to glean information about the Trial Bikes using Fry's.
23. The Case Officers exchange of Email are extensive regarding the Forestry Building Application and the Trial Bike Centre, this is well documented as others with her Team Leader Richard Stott.
24. The Forestry Building was refused permission in January 2023 and resubmitted and now has the permission that was required in the first place, this unnecessary delay has caused a financial hardship to myself and family. The felling of the Ash Die Back has also been delayed due directly by the Planning Departments, this felling is a major operation as the handling of upwards of 9,000 tons of trees is a major operation.
25. Throughout the 29 years of owning Fry's Bottom Wood and the former Fry's Bottom Colliery site I have;
 - 1) Annually processed and sold logs as firewood. (1995 to 2024)
 - 2) Harvested mature tree trunks and sold on for milling.
 - 3) Sold Xmas trees, holly and tree bases.
 - 4) On site milling of harvested mature tree trunks.
 - 5) Gathered up tree stumps, cleaned removing soil and sold as garden features.
 - 6) By annually harvested between 500 and 1,000 hazelnuts for thatching spars.
 - 7) Supplied Oak limbs and pieces for chain saw carvings, these sold from Fry's to local garden enthusiasts.
26. In summary, Fry's Bottom Timber was started in 1995 and continues to this day, accountant's letters have been submitted to the planning department (1995-2006 Stuart Fraser, 2006-2024 Carlo Margarati) to evidence the use over that period.
27. There are now produced and shown to me a bundle of photographs marked "SW1" which support the evidence I give in this affidavit.

Sworn this 11th day of September 2024

[Redacted Signature]

Stephen Jeffrey Willcox

Before me, Helen Williams,
Solicitor

[Redacted Signature]

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EXHIBITS TO AFFIDAVIT OF STEPHEN JEFFREY WILLCOX "SW1"

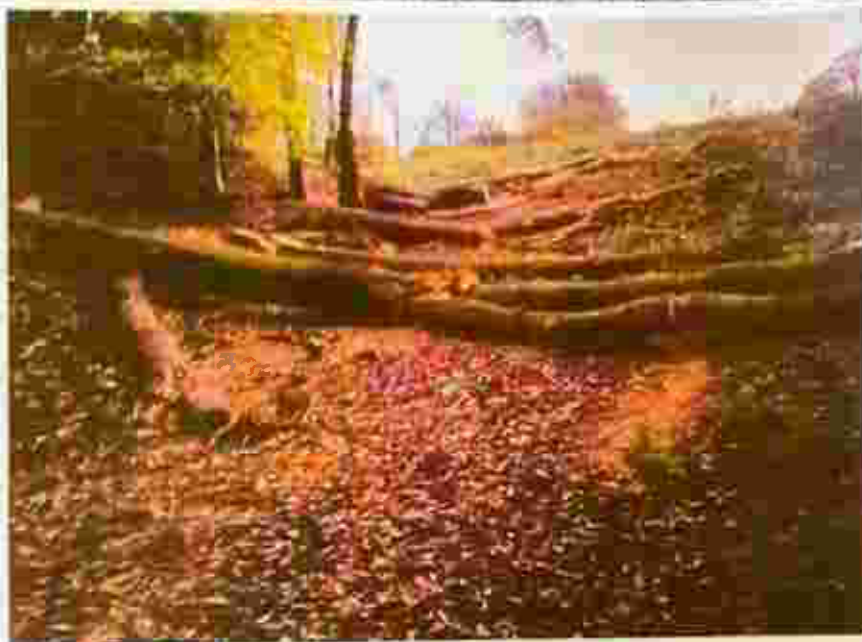
















signed — [REDACTED]

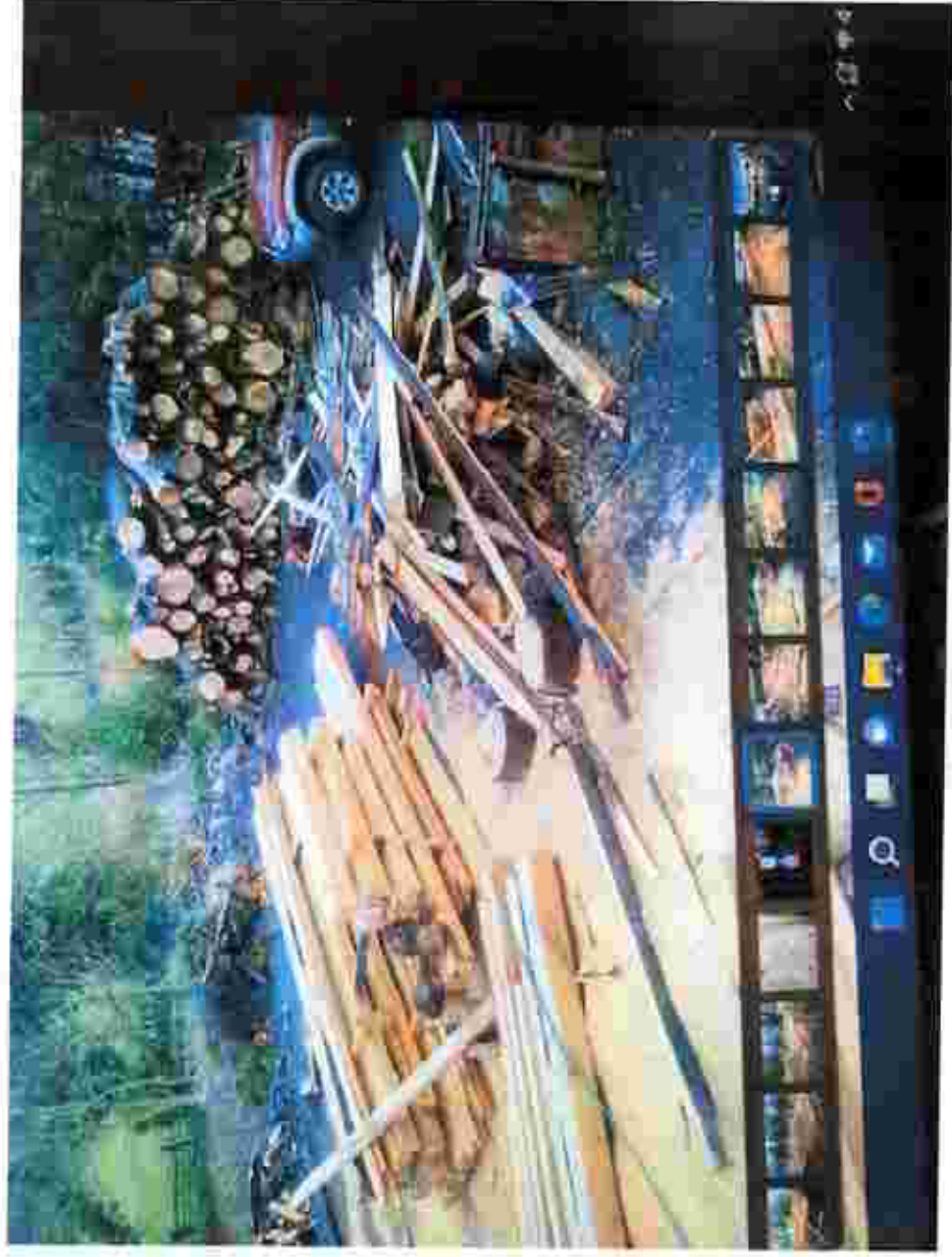
Before me, Helen Williams, Solicitor

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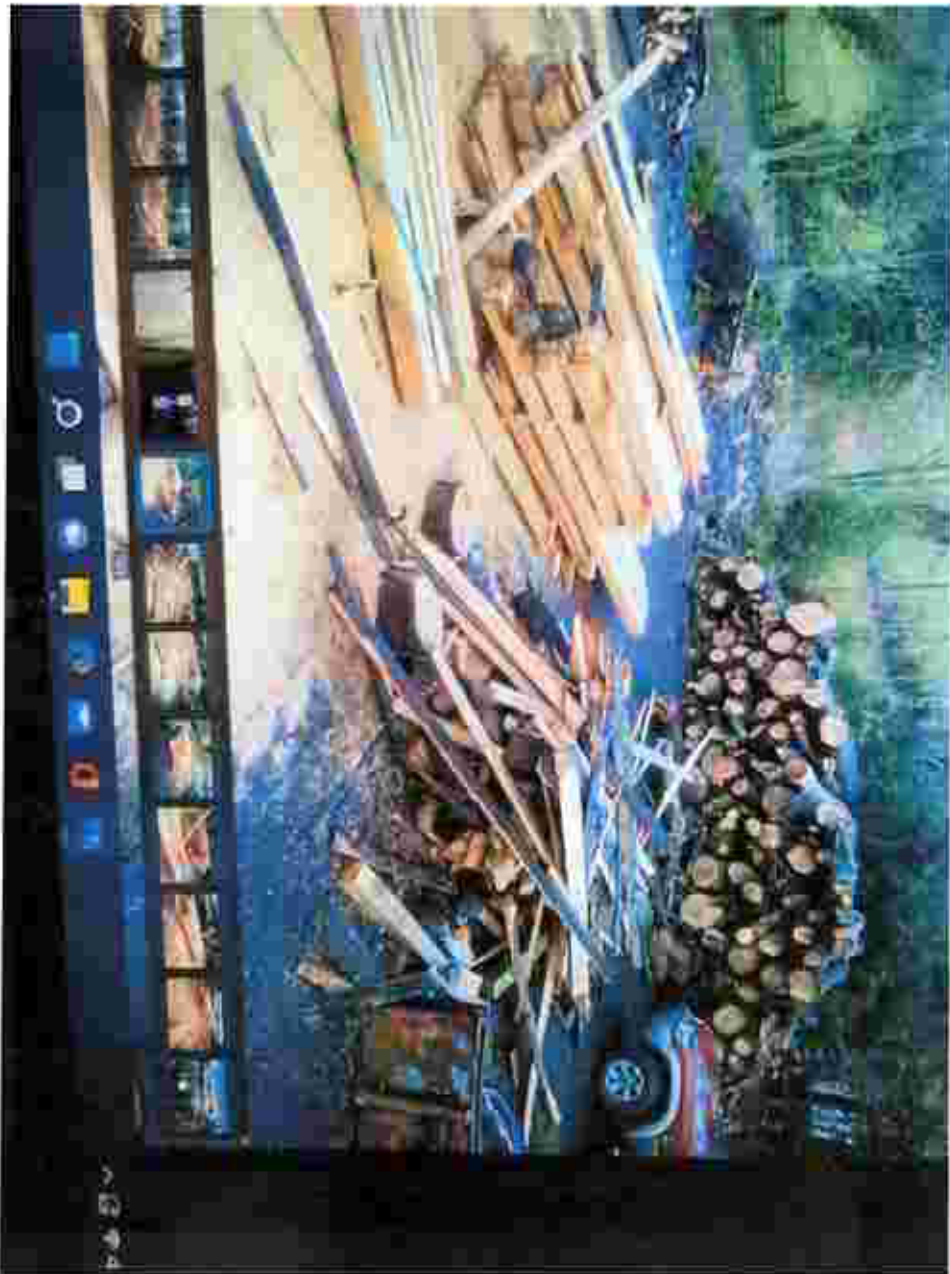
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