



WOKINGHAM BOROUGH COUNCIL

WOKINGHAM BOROUGH COUNCIL TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 78 APPEAL

LPA ref: 251486

Planning Inspectorate APP/X0360/W/25/6005646

LAND WEST OF EDNEY'S HILL, BARKHAM ROAD, BARKHAM, RG41 4TG

REBUTTAL EVIDENCE – TREES

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March 2025**

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0.0 SUMMARY

- 0.1 This Proof of Evidence addresses the effects of the appeal proposals on trees, with particular emphasis on ancient and veteran trees and their supporting environment. It responds to reason for refusal 7, concerning unacceptable impacts on important trees and assesses the proposals against national planning policy, Government Standing Advice and established arboricultural best practice.
- 0.2 The appeal site lies in open countryside outside any defined settlement boundary and is not allocated for development in the Local Plan. It comprises an open, sloping field enclosed by hedgerows and mature trees that make an important contribution to the rural character of the area. The site and its immediate surroundings contain a group of oak trees, several of which are recorded in the Ancient Tree Inventory (ATI) and were previously surveyed by the Wokingham District Veteran Tree Association (WDVTA).
- 0.3 These trees do not exist in isolation. They form part of a functionally connected assemblage associated with intact hedgerows, roadside trees and unmanaged grassland edges. Taken together, this network contributes strongly to visual amenity, landscape character and local distinctiveness, and represents a sensitive arboreal resource that is vulnerable to disturbance and incremental change.
- 0.4 A central element of the Proof is the correct classification of trees on and adjacent to the site, most notably oak tree T20.
- 0.5 The appellant has incorrectly identified this tree as not being a veteran tree. A significant error was that the appellant did not access the ATI which they should have done according to standing advice. Another significant error

was that Figure 3.1 of LONSDALE¹ has been misinterpreted by the appellant. These errors, in turn, have (presumably unintentionally) misled the Council's Landscape Architect into applying the capped RPA under BS 5837 - 15m for 'ordinary' trees rather than the uncapped and much larger Buffer Zone / RPA under BS 5837 as modified by the government's Standing for ancient or veteran trees (15 x diameter at breast height or canopy plus 5m whichever is greater). The initial fault is the appellant's. But, wherever the fault lies, the Inspector will want to follow the Standing Advice (including the advice to access the data contained in the Ancient Tree Inventory) to ensure a sound and well-informed decision. To assist the Inspector this process has been detailed in this PoE

- 0.6 The process has been undertaken by the Council using the most authoritative guidance available, including Ancient and other veteran trees: further guidance on management (LONSDALE), Natural England Standing Advice and by consideration of previous planning appeals.
- 0.7 This Proof demonstrates that the appellant has underestimated the status of trees, largely as a result of an incorrect interpretation of girth thresholds. Proper assessment of ancient and veteran trees requires consideration of age, size and condition, together with the presence of veteran features seen and unseen.
- 0.8 Tree T20 has a recorded girth of 4.67m measured in 2010, which when adjusted for growth places it firmly at or above the threshold between advanced veteran and early ancient status. Importantly, T20 also exhibits veteran characteristics, including historic limb failures, internal cavities,

¹ LONSDALE D, Ancient and other veteran trees: further guidance on management (2013)

deadwood and structural complexity. When assessed correctly against accepted guidance, T20 must be regarded as at least a veteran tree and, in my professional opinion, should be treated as ancient. Similar considerations apply to other oak trees in and adjacent to the site recorded in the ATI.

- 0.9 Ancient and veteran trees provide irreplaceable habitat, largely because of the longstanding ecological niches that their bark, deadwood and hollow structures provide to rare and sensitive organisms such as lichen, saproxylic organisms and bats. They are afforded the highest level of protection in national planning policy. Paragraph 193(c) of the National Planning Policy Framework (December 2024) sets a stringent test for development affecting such assets, stating that development resulting in their loss or deterioration should be refused unless wholly exceptional reasons exist and a suitable compensation strategy is provided.
- 0.10 This policy position is reinforced by the Government's Standing Advice on ancient and veteran trees and by British Standard 5837, both of which emphasise that harm should be avoided through site selection and design as a first principle. Mitigation and compensation are secondary considerations and only apply where harm is demonstrably unavoidable and exceptionally justified.
- 0.11 The Proof examines in detail the treatment of Buffer Zones and Root Protection Areas (RPAs) within the appellant's submissions. While some allowance has been made for adjacent highways, the assessment remains overly simplistic, failing to account adequately for asymmetric rooting caused by inter-tree competition and other.
- 0.12 As a result, I do not consider that sufficient contiguous rooting areas, within land under the control of the appellant, have been provided for key trees,

including the ancient or veteran oak T20. In addition, long-term protection for this tree relies on land outside the appellant's control. This is inherently unreliable and cannot guarantee the long-term health of this tree

- 0.13 The proposals would give rise to a range of direct and indirect impacts on trees, including physical encroachment into root protection areas and buffer zones, disturbance associated with construction working zones, and longer-term pressures arising from close-proximity residential use.
- 0.14 Of particular concern are the proposed access roads, parking areas and attenuation features located close to the veteran or ancient oak T20. Excavation and engineered drainage infrastructure are likely to alter local soil hydrology, with resulting impacts on root function, mycorrhizal networks of fungi (essential for root growth and functioning) and tree vitality, while increased lighting, noise and activity, associated with residential development, would introduce ongoing pressures incompatible with the long-term retention of ancient and veteran trees.
- 0.15 No increase in the Buffer Zone or RPA of T20 has been made to allow for the close proximity of the residential area to the west.
- 0.16 These impacts are not minor, isolated or temporary. They would act cumulatively and persist for the lifetime of the development, leading to gradual but irreversible deterioration of the irreplaceable habitat intrinsically linked with the sustainable health and vigour of T20.
- 0.17 The Proof demonstrates that harm has not been avoided. Although changes have been made to the layout during the application and appeal process, these do not alter the fundamental relationship between the development and the trees it seeks to retain. Avoidance of harm should be evident in the

layout itself, but the scheme remains tightly constrained with essential infrastructure located unacceptably close to ancient and veteran trees.

- 0.18 The appellant relies heavily on mitigation measures, construction controls, future management and the imposition of conditions. Such measures do not address the fundamental spatial and environmental requirements of ancient and veteran trees and do not remove the inherent risk of long-term deterioration.
- 0.19 From an arboricultural perspective, no wholly exceptional reasons have been advanced to justify the deterioration of irreplaceable habitat. The proposals do not represent nationally significant infrastructure or development of such scale or such benefit that would outweigh the harm identified.
- 0.20 In addition, no suitable compensation strategy has been proposed. Ancient and veteran trees are irreplaceable by their nature, and replacement planting or management measures cannot compensate for the temporal, structural and cultural value of trees that have developed over centuries. The measures advanced by the appellant amount to mitigation only and do not satisfy the requirements of paragraph 193(c) of the NPPF.
- 0.21 Taken together, the appeal proposals would result in the deterioration of ancient and veteran trees and their supporting environment. Harm has not been avoided, is not exceptionally justified, and no suitable compensation strategy exists. The proposals therefore conflict with paragraph 193(c) of the National Planning Policy Framework, the Government's Standing Advice and relevant development plan policies.
- 0.22 In my professional opinion, the appeal should be dismissed.

1.0 AUTHOR

- 1.1 My name is Chris Hannington (CH). I have a BSc in Environmental Biology from Liverpool University and an MPhil in Landscape Architecture from the University of Newcastle-upon-Tyne.
- 1.2 I have worked as a landscape architect since 1988.
- 1.3 I have been a chartered member of the Landscape Institute in London since 1992 and of the Royal Town Planning Institute since 2016.
- 1.4 I am employed by Wokingham Borough Council as the team manager of the Planning Trees and Landscape (Environmental Services) Team. I have been with the Council in this capacity since September 2014.
- 1.5 From 2001 to 2010 I was the team manager in the Landscape and Arboriculture team at Wealden District Council. Part of my duties at Wealden included protecting and enhancing wildlife in the context of town and country planning.
- 1.6 For three and a half years during the late 1980s I worked as a landscape architect in the water and sewage industry, first for Thames Water and then for Severn-Trent region of the National Rivers Authority.
- 1.7 From 2001 to 2010 I was the team manager in the Landscape and Arboriculture team at Wealden District Council. Part of my duties at Wealden included protecting and enhancing wildlife in the context of town and country planning.
- 1.8 During my time at Wealden District Council (2000 to 2010), I conceived and ran, with the help of my team, the first survey of any Local Planning Authority in the Country, to record and publish to the Ancient Tree Inventory, a survey of ancient trees in Wealden District – the Wealden Ancient Tree Survey 2008

(supported by English Nature, Forestry Commission, Sussex Wildlife Trust, Woodland Trust, High Weald AONB Unit, etc). Throughout this we were generously advised and supported in this by experts including the late Dr David Lonsdale a national expert on ancient and veteran trees and Editor of the most comprehensive work on the care and management of ancient and veteran trees.

- 1.9 I also conceived and, with my team, ran the first survey to update the Ancient Woodland Inventory of any local authority in the country – the Wealden Ancient Woodland Survey 2006. I was similarly supported by national experts in this endeavour.
- 1.10 I have been specialising in the area of protected and valued landscapes since 2016 and ancient woodland, ancient and veteran trees and planning since 2001.

2.0 SCOPE OF PROOF AND POLICY

2.1 This proof should be read in conjunction with the statement of case and relevant appendices and core documents.

2.2 This proof addresses the impacts of the proposed development on trees.

2.3 The evidence in my proof of evidence is relevant to the effects on trees in relation to the following reason for refusal:

- RfR 7. The proposal fails to demonstrate that the development can be suitably accommodated within the site without impinging on root protection areas, resulting in adverse and unacceptable impacts on important trees. Furthermore, impact on existing trees has failed to be considered in relation to required highway visibility splays. As such, the proposal fails to comply with CC03 of the MDD Local Plan and NPPF.

3.0 THE SITE

- 3.1 The site is located in the open countryside, outside any settlement boundary. The site is not allocated under the Local Plan.
- 3.2 The land slopes to the south-east falling 69m AOD in the north-west to 61m in the south-east.
- 3.3 The site fronts onto the B3349 Barkham Road to the North and a country lane known as Edney's Hill' to the East. To the South there are open fields, to the West are the access roads, gardens and houses of a small backland development.
- 3.4 The site is currently an open field apparently used as pasture.
- 3.5 The road access is proposed to be from Edney's Hill. No access for emergency vehicles is currently shown in the proposals.
- 3.6 A new pedestrian access is proposed in the middle of the hedgerow on the northern boundary close to the buss stop on Barkham Road.
- 3.7 The site is surrounded by trees and hedgerows on two sides: North and East. These offer the site some screening. There is a veteran tree close to the south-western corner of the site. The tree is shown on the Ancient Tree Inventory with ATI number 163180.
- 3.8 An additional veteran tree is growing a few metres to the west of this first tree. It is ATI tree number 165179.
- 3.9 There is one veteran tree and one notable tree immediately on the other side of Edney's Hill to the East.
- 3.10 It is not clear whether streetlighting is proposed, and this will, of course, be an issue for conditions. However, if the appeal is approved it is very likely that street lighting will be required. This is likely to have further impacts on

trees through the physical impacts of installation of lighting columns and service runs impacting on aerial parts of trees and their roots respectively.

- 3.11 There are views across the landscape to Finchampsted in the south-east and a particularly fine view of the Wellingtonia Avenue there. The saw-tooth silhouette of the iconic Wellingtonia Avenue sits on the horizon, for example, in views across the site from the pavement immediately to the north of the site.

4.0 POLICY, GUIDANCE AND VETERAN TREES

ANCIENT AND VETERAN TREES IN PLANNING

- 4.1 Addressing the issue of Ancient or Veteran trees in planning and the provision of irreplaceable habitat, the NPPF (Dec 2024) states that:

193. When determining planning applications, local planning authorities should apply the following principles:

(c) developments resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists, and...

- 4.2 So then, if development results in loss OR deterioration of the irreplaceable habitat that is an Ancient and/or Veteran tree, there must be:

- Wholly exceptional reasons AND
- A suitable compensation strategy

- 4.3 It is beyond the scope of my evidence to deal with whether there are any exceptional reasons that would justify loss/deterioration in the circumstances of this appeal.

- 4.4 In the proposed scheme no suitable compensation strategy has been proposed.

- 4.5 Footnote 70 to paragraph 193(c) gives examples of ‘wholly exceptional reasons’. It states:

(67) For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid

bills), where the public benefit would clearly outweigh the loss or deterioration of habitat. ↔

THE GOVERNMENT'S STANDING ADVICE

THE RECOMMENDED APPROACH ON PROPOSED DEVELOPMENT SITES

- 4.6 The Government's Standing Advice - *Ancient woodland, ancient trees and veteran trees: advice for making planning decisions* (CD1) states that:

This is the Natural England and Forestry Commission 'standing advice' for ancient woodland, ancient trees and veteran trees. It is a material planning consideration for local planning authorities (LPAs).

And

You should take this advice into account when making planning decisions that affect ancient woodland, ancient trees or veteran trees.

- 4.7 Further, the Standing Advice states:

You can use inventories to help you decide whether a development proposal will affect ancient woodland (including wood pastures identified as ancient) or ancient and veteran trees:

...the Woodland Trust's ancient tree inventory (ATI) (click on 'Tree search' and enter a postcode) - only a small proportion of ancient or veteran trees are recorded on this inventory...

- 4.8 The Standing Advice gives guidance on avoiding impacts to ancient or veteran trees. It states:

You and the developer should identify ways to avoid negative effects on ancient woodland or ancient and veteran trees. For example, selecting an alternative site for development or redesigning the scheme.

You should decide on the weight given to ancient woodland and ancient and veteran trees in planning decisions on a case-by-case basis. You should do this by taking account of the NPPF and relevant development plan policies. If you decide to grant planning permission that results in unavoidable loss or deterioration where wholly exceptional reasons are demonstrated, you should use planning conditions or obligations to make sure the developer:

- avoids damage*
- mitigates against damage*
- compensates for loss or damage (use as a last resort)*

This is known as the mitigation hierarchy. You should apply the mitigation hierarchy in line with NPPF paragraph 180a [now paragraph 193 of the December 2024 NPPF] to avoid significant harm to biodiversity.

4.9 It is important to note that the first advice is that the developer and the LPA should seek to ‘select an alternative site’ or ‘redesign the scheme’.

4.10 But if ‘wholly exceptional reasons’ could be demonstrated, any approval must ensure, through the use of planning conditions or obligations, that the proposals: avoid damage, mitigate, and compensate for loss or damage.

4.11 The Standing Advice gives further guidance, this time on mitigation. It states: *Mitigation measures will depend on the type of development. They could include:*

- putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution*
- measures to reduce noise or light*
- designing open space to protect ancient or veteran trees*

- *rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations*
- *creating buffer zones*

BUFFER ZONES

4.12 Buffer Zones are specified in The Governments Standing Advice - *Ancient woodland, ancient trees and veteran trees: advice for making planning decisions*. It is important to note that whilst RPAs are about the protection of soil and root systems of trees and Buffer Zones seem to be about protecting the irreplaceable habitat, in ancient or veteran trees the two terms are practically interchangeable and indeed they are often used interchangeably. For example, in the Standing Advice, in the section on 'Buffer Zone Recommendations' it states:

The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area.

4.13 Buffer Zones are clearly shown in the Standing Advice to be measures not for avoiding damage but instead, on the second tier down the mitigation hierarchy, for mitigating damage where 'If you decide to grant planning permission that results in unavoidable loss or deterioration where wholly exceptional reasons are demonstrated, you should use planning conditions or obligations to make sure the developer' implements the mitigation hierarchy.

4.14 The Standing Advice continues with a note on the 'Use of buffer zones', it states:

Buffer zones can protect ancient woodland and individual ancient and veteran trees and provide valuable habitat for woodland wildlife, such as feeding bats and birds. The size and type of buffer zone should vary depending on the:

- *scale and type of development and its effect on ancient woodland, ancient and veteran trees*
- *character of the surrounding area*

4.15 The Standing Advice then gives examples of situations where ‘larger buffer zones are more likely to be needed’, for example where the surrounding area is:

- *less densely wooded*
- *close to residential areas*
- *steeply sloped*

4.16 The location of the site sits close to a residential area and this does suggest that there will be a need for a larger buffer zone extending into the site.

4.17 The Standing Advice details the minimum size of buffer required. It states:

For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree.

The buffer zone should be 5 metres from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter. This will create a minimum root protection area.

Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.

Where possible, a buffer zone should:

- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*

A buffer zone should consist of semi-natural habitats such as:

- *woodland*
- *a mix of scrub, grassland, heathland and wetland*

The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone.

You should consider if access is appropriate. You can allow access to buffer zones if the habitat is not harmed by trampling.

You should not approve development proposals, including gardens, within a buffer zone.

You should only approve sustainable drainage schemes if:

- *they do not affect root protection areas*
- *any change to the water table does not negatively affect ancient woodland or ancient and veteran trees*

4.18 Whilst the Standing Advice does not specify offsetting of buffer zones. It would seem reasonable that some offsetting might be appropriate where required by best practice (for example in LONSDALE CD04.03.33) and where ancient and veteran trees lie close to infrastructure, built form or other landholdings where RPAs and Buffer Zones cannot be secured either because of the hostile nature of the soil environment in the case of the first two or by reason of unacceptable impacts on the rights to the enjoyment of their property (including permitted development rights) by adjacent owners.

4.19 The Standing Advice then gives the following ‘mitigation measures’:

Mitigation measures will depend on the type of development. They could include:

- putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution
- measures to reduce noise or light
- designing open space to protect ancient or veteran trees
- rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations
- creating buffer zones

ANCIENT OR VETERAN TREES IN FURTHER GUIDANCE

4.20 Ancient and veteran trees are also addressed in further guidance. Principally in British Standard 5837 (2012): Trees in relation to design, demolition and construction (CD2).

4.21 The best available guidance on the care and management of ancient and/or veteran trees is: Lonsdale D, (Ed.), Ancient and other veteran trees: further guidance on management, Ancient Tree Forum 2013 (referred to here as ‘LONSDALE’) (CD3).

4.22 This is referenced throughout the ancient or veteran trees section of this rebuttal proof of evidence.

5.0 ANCIENT OR VETERAN – THE QUESTION OF SIZE

5.1 The appellants say that T20 is not a veteran tree. I consider that it is an ancient tree. The issue here is that whilst ancient and veteran trees are dealt

with in the same way in the NPPF and in the Government's Standing Advice, ancient trees are, in themselves, older and rarer than veteran trees and should, I consider, carry even more weight than veteran trees.

5.2 Applicants sometimes assess ancient or veteran trees making reference to figure 1.3 of the Ancient Tree Forum's book: Ancient and other veteran trees further guidance on management. Edited by the late David Lonsdale, and herein referred to as LONSDALE. It is the most up to date, practical reference work on ancient and veteran trees. This is good and appropriate but sometimes this figure is misinterpreted resulting in the under-estimating of the veteran or ancient status of trees.

5.3 Recalling the NPPF definition of ancient or veteran trees an ancient or veteran tree must have age, size and condition and it must be of exceptional value for either biodiversity, cultural or heritage value. Interestingly the governments new draft NPPF, currently undergoing public consultation, has changed the wording to 'age, size or condition', which appears to me to be more accurate a definition. Nonetheless, Inspectors have made their own interpretation of the definition. From the Brislington Meadows appeal we see that a tree might also be considered to be veteran, for the purposes of planning, where it is 'either a veteran tree or at least should be treated as such because it is so close to being veteran.

5.4 Age and size are so closely related that it almost seems that the NPPF has resorted to double accounting.

5.5 On size, we have figure 1.3 of LONSDALE. But there is an error in interpretation which crops up from time to time which I address below.

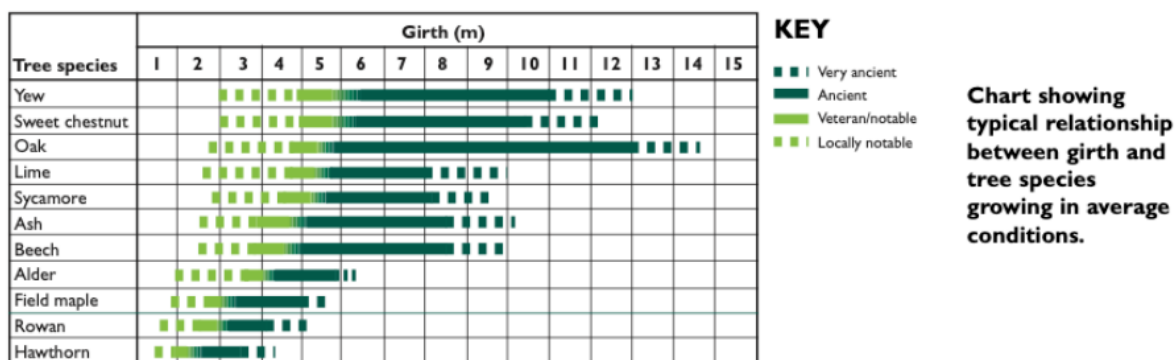


FIGURE 1 - GIRTH CHART FOR VARIOUS SPECIES OF TREES FROM 'LONSDALE'

5.6 Some consultants interpret Figure 1.3 incorrectly. Taking the baseline or starting point of the columns on girth at 1m so that for an oak to be an ancient tree the girth must be around 5.7m (where the solid lime green line in the 'Oak' row of the table turns to a solid dark green). The correct interpretation is to read Figure 1.3 with the columns start with the line running down the extreme left of the 'Girth' columns, read as '0'. A clearer visualisation of this is presented below.

5.7 This misreading of the table is not an uncommon one.

As an aside size and veteran status are not always correlated closely. A photograph shown in the Woodland Trust's Veteran Tree Guide No 4 (2008), shows a notably 'tiny veteran beech tree', not much bigger than the walking boots shown in the background (See Figure below). Size is not everything, a

nuanced and thoughtful decision is often called for.



Vikki Bengtsson

Not all veterans are ancient: a tiny veteran beech tree

FIGURE 2 - NOT ALL VETERANS ARE LARGE; A TINY VETERAN BEECH TREE

5.8 The scales of most tables, graphs, etc. start at zero. Especially where trees of many species and varieties will become veteran and then ancient at a wide variety of girths. The incorrect interpretation focuses too much on large species trees, particularly oaks, and leaves no room to factor in small trees at one end of the scale such as the wild crab apple (*Malus sylvestris*) or the massive *Sequoiadendron giganteum* (the Wellingtonia) at the other. The first species, a native that normally grows to a girth of from 0.7m girth for a mature tree (notably below the 1m limit if Figure 1.3 is incorrectly interpreted) up to 2.8 for an exceptional ancient tree. The second an introduced species

of parks and avenues (including the spectacular Wellingtonia Avenue in nearby Finchampstead – visible from the site) grows to an ultimate girth of over 30m (although it will take a few more hundreds of years for this quick growing species to reach these dimensions in the UK. The problem is that many consultants have not yet tested this table to the limit. As a biologist by training, I can see that it may be useful, sometimes, to start a scale at a number above zero, but not for tree girths that, clearly, always start at zero as saplings.

5.9 To function as a method of comparison, to aid judgement and fairly stimulate thought, table 1.3 has to start where tables traditionally start, at zero.

5.10 But fortunately, this question occurred to me in 2020, and I sought out the late Dr Lonsdale's definitive view on this which he gave in an email to me of 8th March of that year.

5.11 Dr David Lonsdale, clarifying the situation stated:

The girth chart in Figure 1.3 has a design weakness, which can lead to a misreading of the girth columns in the chart. This is probably why your appellant thinks that a tree (oak) must be at least 4.7 m in girth to be a veteran. I have, however, been assured that the designer of the chart intended the girth columns to be read as follows:

Column 1: 0.1 – 1 m

Column 2: 1.1 – 2 m

Column 3: 2.1 -3 m

Remaining columns: etc. etc.

So, if we use Fig. 1.3 as its designer intended, an oak could qualify as a veteran with a girth of 3.75 m if it has other qualifying characteristics. It does not need to be 4.70 m in girth, as appears to be the case if the columns are read in a different manner.

5.12 It is important to note that Dr Lonsdale said: '*an oak could qualify as a veteran with a girth of 3.75 m if it has other qualifying characteristics.*' So then, to edit

Figure 1.3 of LONSDALE, with my edits in blue we get a clearer, less ambiguous table:

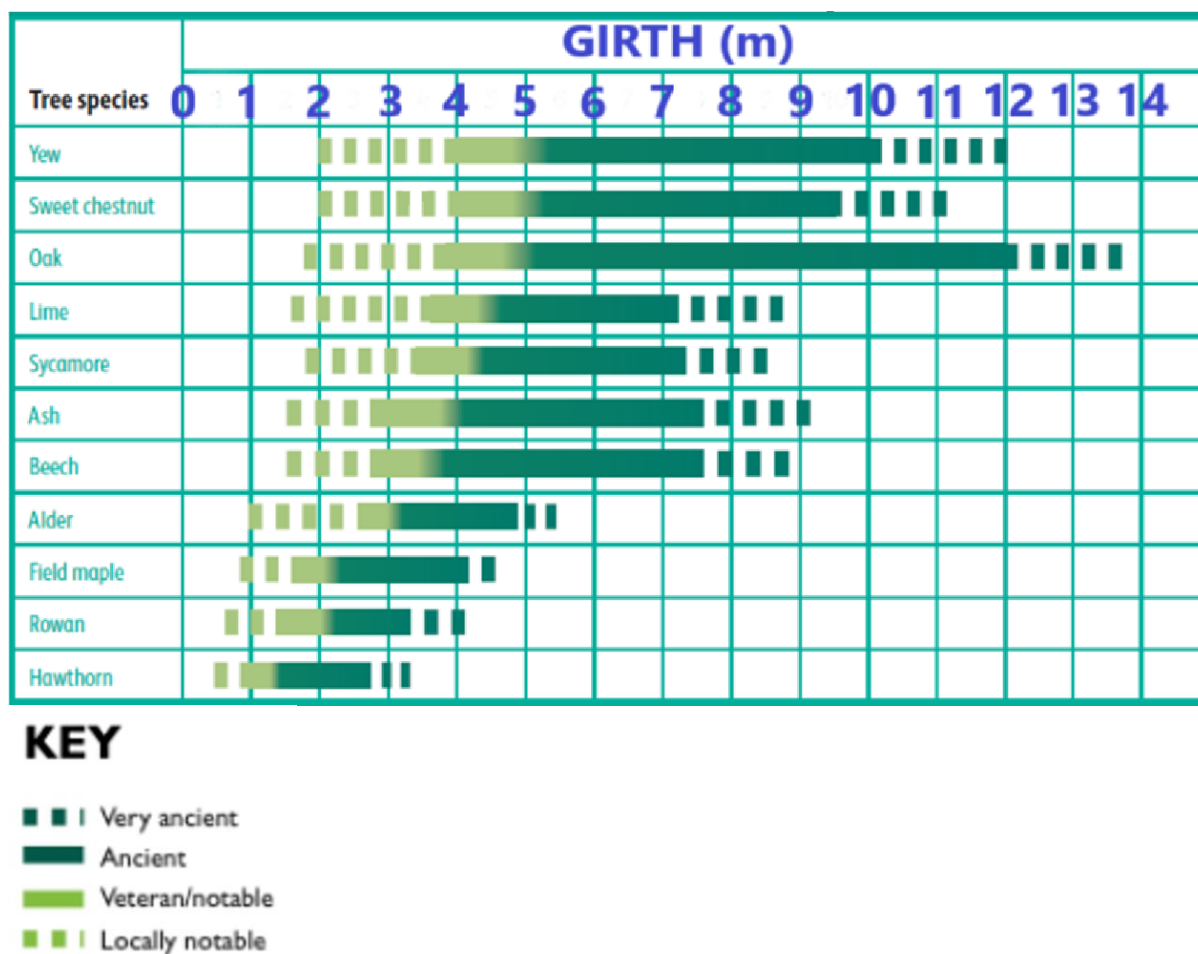


FIGURE 3 - FIGURE 1.3 MODIFIED AND CLARIFIED TO ACCURATELY REFLECT DR LONSDALE'S EMAIL OF 8TH MARCH 2020

- 5.13 Where Dr Lonsdale noted '*an oak could qualify as a veteran with a girth of 3.75 m if it has other qualifying characteristics*' so then inspection of the table (as amended per Dr Lonsdale's email) shows that an oak with a girth of 5.7m would qualify as an ancient tree.
- 5.14 Supporting this, the Natural England Biodiversity Net Gain (BNG) technical supplement, at page 20, Natural England gives a simple way of classifying of ancient and veteran trees. They state:

“Ancient trees can be classified using the following girth guide at 1.5m from the ground²:

- >2.5m for field maple, rowan, yew, birch, holly and other, smaller tree species;*
- >4m for oaks, ash, Scot's pine and alder;*
- >4.5m for sycamore, lime, horse chestnut, sweet chestnut, elm species, poplar species, beech, willows, other pines and exotics.*

5.15 Examining the amended unambiguous version of Figure 1.3 we can see that the new Natural England BNG guidance is more in line with this amended version of Figure 1.3 than with the unamended Figure 1.3. Oaks, for example, being seen as ancient tree when they reach 4m girth in the newest NE guidance, 4.7m in the amended Fig 1.3 (incidentally the measurement we used in the Wealden Ancient Tree Survey twenty years ago) as opposed to 5.7 in the unamended Figure 1.3 as it is often (wrongly) interpreted.

5.16 Similarly, smaller oaks (and other species) can be considered veteran in both the NE BNG guidance and the amended Figure 1.3, than in the unamended version.

5.17 Helpfully, the Natural England guidance continues:

Veteran trees can be classified if they have four out of the five following features³:

1. Rot sites associated with wounds which are decaying >400cm²;
2. Holes and water pockets in the trunk and mature crown >5cm diameter;
3. Dead branches or stems >15cm diameter;

² FAY, N. & DE BERKER, N. (1997). Specialist Survey Method. Veteran Trees Initiative, English Nature. Peterborough

³ The Biodiversity Metric 2.0 - JP029 (naturalengland.org.uk)

4. Any hollowing in the trunk or major limbs;

5. Fruit bodies of fungi known to cause wood decay. “.

5.18 So then, T20 might be considered a veteran if it were to have other qualifying characteristics. In this case, according to the appellant's tree survey quoted in Table 1 (above) it does have: Several previous failure wounds throughout crown; above average deadwood; cavities within buttress on southern aspect; prominent in long distance views; of high arboricultural value; good example of species. Also, as already noted, the appellant's Ecological Appraisal states that T20

‘ was noted to be of particular suitability for roosting bats and was assessed to be suitable for multiple bats’.

5.19 Further it is almost certain that fungi (often Chicken-of-the-woods - *Laetiporus sulphureus*, or Beefsteak fungus – *Fistulina hepatica*) are the main cause of any hollowing as they are the principle cause of hollowing in oak trees and are considered keystone decay species^{4 5}. It is clear that the assessment of the tree took place from the site and from a distance. Any fruiting bodies may, therefore, not have been visible.

5.20 A Scandinavian study⁶ on successional change of hollow oaks and their suitability for a hollow tree specialist beetle showed that by the age of 300 years, (the estimated age of T20), 50% of oaks sampled were hollow . In the case of T20 then, the age, the hollowing at the base and the plethora of lost

⁴ WRIGHT Richard, Fungal heart-rot communities of British oak (*Quercus* spp.) trees, 2023, A thesis submitted to Cardiff University for the degree of Doctor of Philosophy

⁵ DUNAEV A V, DUNAEV E N, TOKHTAR V K, KOROTKIKH A S, DANILOVA E S, Communities structure displayed by pathogenic polypore fungi types in oak groves of various viability levels, *EurAsian Journal of Biosciences*, 2020, Vol 14, Issue 2, p3801

⁶ RANIUS T, SVENNENSON G P, BERG N, NIKLASSON M, LARRSON M C, The Successional Change of Hollow Oaks Affects their Suitability for an Inhabiting Beetle, *Osmoderma eremita* Article in *Annales Zoologici Fennici* · July 2009.

limbs in the crown, with likely rot extending down from the accompanying wounds, strongly suggest hollowing.

- 5.21 In addition, and most importantly, the size of the tree is highly significant and not just as a proxy for aging trees as discussed above. A girth of 4.67/4.68 calculated for last autumn, means that at the end of the growing season that has just started the girth is expected to reach 4.7 ($4.67 = 0.025$). Looking at the corrected LONSDALE Figure 1.3 we see that a girth of this order is the girth of an ancient tree, not just a veteran.
- 5.22 Of course, a tree that is 'either a veteran tree or an ancient tree should be treated as such because it is so close to being ancient that it can be treated as an ancient trees as in the Brislington Meadows appeal.
- 5.23 LONSDALE recommends specialist ecological survey of ancient or veteran trees (see below). However, no detailed assessment of the ecology of the trees on the appeal site has been made but the Inspector will note that absence of evidence on ecological value is not evidence of absence of ecological value.
- 5.24 Additionally, whilst no specialist survey of the ecological habitats of the ancient and veteran trees has yet been carried out, the appellant's Ecological Appraisal states at paragraph 6.3.3:

Tree (T20) was noted to be of particular suitability for roosting bats and was assessed to be suitable for multiple bats (PRF-M).

- 5.25 For ease of reference LONSDALE gives examples of specialist surveys that should be carried out on ancient and veteran trees on page 119. It states:

Although it is desirable to know as many as possible of the species that are present, a sound management regime can, and should, be based on an understanding of the requirements of key groups of fauna and flora that are known (or are likely) to be present. In relation to habitats associated with veteran trees, the key species groups that should if possible be included in specialist surveys are as follows:

- fungi (wood-decay and mycorrhizal)
- lichens (epiphytic)
- invertebrates (wood decay, mycorrhizal and epiphyte assemblages)
- cavity-using birds and bats.

6.0 ROOT PROTECTION AREAS

DEFINITION

6.1 Root Protection Area (RPA) is a concept defined in British Standard 5837 (2012):

3.7 Root protection area (RPA) *Layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.*

6.2 It is important to note that the RPA is defined as the minimum area around a tree required to contain sufficient roots and rooting volume to maintain the tree's viability.

6.3 It is key that protection of roots and soil structure is treated as a priority in this RPA and the rooting volume it is designed to protect.

6.4 Seeking to quantify the RPA the British Standard states:

4.6 Root protection area (RPA)

4.6.1 For single stem trees, the RPA (see 3.7) should be 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 the two calculation methods below should be used. In all cases, the stem diameter(s) should be measured in accordance with Annex C, and the RPA should be determined from Annex D. The calculated RPA for each tree should be capped to 707 m².

- a) For trees with two to five stems, the combined stem diameter should be calculated as follows:

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

- b) For trees with more than five stems (not illustrated in Annex C), the combined stem diameter should be calculated as follows:

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

4.6.2 The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.

4.6.3 Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:

- a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus);
- b) topography and drainage;
- c) the soil type and structure;
- d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management.

COMPENSATORY OFFSETTING OF RPAS

- 6.5 As noted in paragraph 4.62 of BS 5837 RPAs should be plotted as circles centred on the base of the stem except 'where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically'. In that case 'a polygon of equivalent area should be produced' and such modifications should 'reflect a soundly based arboricultural assessment of likely root distribution'.

- 6.6 In this case compensatory offsetting of the RPAs, which allow for the impacts of Barkham Road and Edney's Hill on trees, have been correctly shown in the appellant's Tree Constraints Plan.
- 6.7 The RPAs have been offset into the site and away from the roads, and allow for the likely growth of roots away from the inhospitable environment of the road with its compacted base and sub-base and its waterproof tarmac. This correctly responds to paragraph 4.6.3 in BS 5837 (2012) (see above).

LAND OUTSIDE THE APPELLANT'S CONTROL AND BUFFER ZONES / RPAS

- 6.8 The proposed plans should ensure the health of the veteran tree, T20 and, in so doing, they cannot rely on Buffer Zones / RPAs in the land of adjacent owners as the developer would have no control over that rooting area.
- 6.9 A planning appeal decision in the borough made this position plain. Appeal Decision APP/X0360/W/17/3169773 re Land to the rear of 5 and 7 Rowan Drive, Crowthorne RG45 6RY stated:

Most of the contiguous area of the RPA is within neighbours' gardens, over which the appellants have no control. The Council raises the possibility that development may occur within the offset RPA, thereby counteracting the effect of the offset. Permitted development rights exist to construct outbuildings and other incidental structures, and whilst there is no evidence that such development is likely to take place, as it is beyond the appellants' control, it cannot be discounted. Moreover, there is little scope to improve the soil environment; the area of garden immediately adjacent to the proposed house is that which is likely to be the most intensively used, and the appellants have no ability to improve the soil environment in the remainder of the RPA which is in other ownership. I therefore find that the

proposal is likely to pose a threat to the health of trees which make a contribution to the amenity of the area, and this adds to my concerns.

- 6.10 Buffer Zones / RPAs should not only be offset to allow for the effects of structures like roads they also allow for root competition and also land outside the control of appellants. In addition, they sometimes need to be larger where, for example, an ancient or veteran tree is near to residential areas.

OFFSETTING OF RPA TO ALLOW FOR ROOT COMPETITION

- 6.11 Organisms compete for resources (space, shelter, food, water, mates, etc). Competition is fundamental to all living organisms and is essential to the theory of evolution as proposed by Charles Darwin in *On the Origin of Species* and updated and expanded by Richard Dawkins in *The Selfish Gene* (1976). It is a familiar concept that tree canopies compete with each other for light. Less familiar but just as logical is the idea that root systems of trees and their fungal mycorrhizal networks also compete with each other for water and minerals. Indeed both intra and inter-species root competition has been the subject of some thought and scientific research amongst foresters mainly because it effects the quality and quantity of timber produced. For example the following papers are just a few demonstrating and investigating root competition: Effects of interspecific competition from surrounding vegetation on growth of Quercus robur⁷; Interspecific competition induces asymmetrical rooting adjustments in shrub-encroached open oak

⁷ Effects of interspecific competition from surrounding vegetation on mortality, growth and stem development in young oaks (*Quercus robur*) Jensen A M, Löf M, Forest Ecology and Management Volume 392, 15 May 2017, Pages 176-183

woodlands⁸; Below ground competition in a broad-leaved temperate mixed forest⁹.

- 6.12 The details of the papers quoted above are not germane to this discussion. What is important is that they demonstrate that there is a scientific basis for the phenomenon of competition between the root systems of trees. In addition, whilst the canopies of trees have been measured and depicted as being asymmetric, the RPAs of trees in the appellants tree survey have, on the whole, been shown to be perfectly circular. It is extremely unlikely that the root systems of trees are in fact circular so a more nuanced approach is required to determine the kinds of RPAs that are required for the sustainable retention of trees.
- 6.13 Indeed, the British Standard 5837 points, at paragraphs 4.62 and 4.63 to the need to take fully into account such factors when plotting RPAs.
- 6.14 However, the Tree Constraints Plan does not allow for any element of compensatory offsetting to address root competition from adjacent trees. This omission will impact roadside trees but most importantly it will impact the veteran or ancient T20. The root systems of individual trees will naturally grow more on the sides away from competing trees (as their canopies do) and this should be allowed for in the design. This position is consistent with paragraph 4.6.3(a) and this omission means that the RPAs in the Tree Constraints Plan underestimate the radii of RPAs required to sustainably retain the trees under these proposals

⁸ Rolo, V., Moreno, G. Interspecific competition induces asymmetrical rooting profile adjustments in shrub-encroached open oak woodlands. *Trees* **26**, 997–1006 (2012). <https://doi.org/10.1007/s00468-012-0677-8>

⁹ Rewald, B., Leuschner, C. Belowground competition in a broad-leaved temperate mixed forest: pattern analysis and experiments in a four-species stand. *Eur J Forest Res* **128**, 387–398 (2009). <https://doi.org/10.1007/s10342-009-0276-4>

7.0 IMPACTS ON TREES – THE HARM

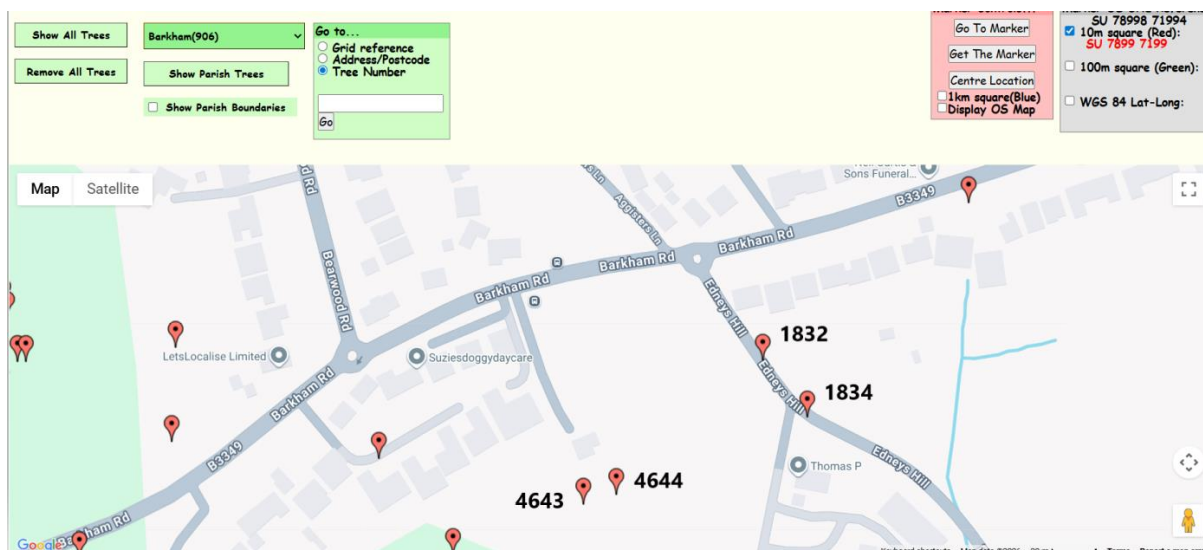
VETERAN TREES AFFECTED BY THE WORKS

- 7.1 There are a number of veteran trees on and near the site. They are all English Oaks (Quercus robur)
- 7.2 The Government's Standing Advice on 'Ancient woodland, ancient trees and veteran trees, advice for making planning decisions' advises under the heading 'Consult Inventories':

You can use inventories to help you decide whether a development proposal will affect ancient woodland (including wood pastures identified as ancient) of ancient and veteran trees:

The Woodland Trust's ancient tree inventory (ATI) – only a small proportion of ancient or veteran trees are recorded on this inventory.

- 7.3 The appellant does not appear to have consulted the ATI in this case.
- 7.4 Many of the trees in the Ancient Tree Inventory were first recorded by the Wokingham District Veteran Tree Association (WDVTA). The map below show ancient, veteran and notable trees in the vicinity:



MAP 1 – NUMBERED ANCIENT, VETERAN AND NOTABLE TREES IN THE VICINITY

7.5 Wokingham District Veteran Tree Association record cards for each individual tree are shown below:



Tree Record 1832

COMMON NAME	English Oak		SCIENTIFIC NAME	<i>Quercus robur</i>	
GRID REFERENCE	SU 78522 67177	RECORDER CODE	WT27	PARISH	Barkham
GIRTH [DBH]	3.1m [0.99m]	HEIGHT OF GIRTH	1.5m	MEASUREMENT DATE	31-Jul-08
TREE FORM	Maiden	ALIVE OR DEAD	Alive	STANDING OR FALLEN	Standing
SETTING	Roadside, Garden (Domestic)				
LOCATION	In hedge on E side of Edneys Hill at end of garden of last house at junction of Edneys Hill and Barkham Road				
EPIPHYTES	Ivy				
EXTRA TREE FEATURES	At 4m trunk divides side shoots broken branches				
ACCESS	Public access	EVIDENCE OF BATS	None recorded	EVIDENCE OF INVERTEBRATES	None recorded
LOCAL TREE NUMBER	2143	LOCAL AREA CODE	43	LOCAL ACTION NOTE	
PHOTOS	1803.jpg	RECORD CREATED	12-Sep-08	RECORD LAST MODIFIED	18-Jun-24
ANCIENT TREE INVENTORY NUMBER	45697	ANCIENT TREE INVENTORY CLASSIFICATION	Notable		



Tree Record 1834

COMMON NAME	English Oak		SCIENTIFIC NAME	<i>Quercus robur</i>	
GRID REFERENCE	SU 78543 67151	RECORDER CODE	WT27	PARISH	Barkham
GIRTH [DBH]	3m [0.95m] (est.)	HEIGHT OF GIRTH	1.5m	MEASUREMENT DATE	31-Jul-08
TREE FORM	Maiden	ALIVE OR DEAD	Alive	STANDING OR FALLEN	Standing
SETTING	Roadside, Hedgerow				
LOCATION	Set back in hedge opposite Mortimer's Lodge Farm				
EPIPHYTES	Ivy				
EXTRA TREE FEATURES	Some dead branches				
ACCESS	Public access	EVIDENCE OF BATS	None recorded	EVIDENCE OF INVERTEBRATES	None recorded
LOCAL TREE NUMBER	2343	LOCAL AREA CODE	43	LOCAL ACTION NOTE	
PHOTOS	1801.jpg	RECORD CREATED	12-Sep-08	RECORD LAST MODIFIED	25-Oct-11
ANCIENT TREE INVENTORY NUMBER	45698	ANCIENT TREE INVENTORY CLASSIFICATION	Veteran		



Tree Record 4643

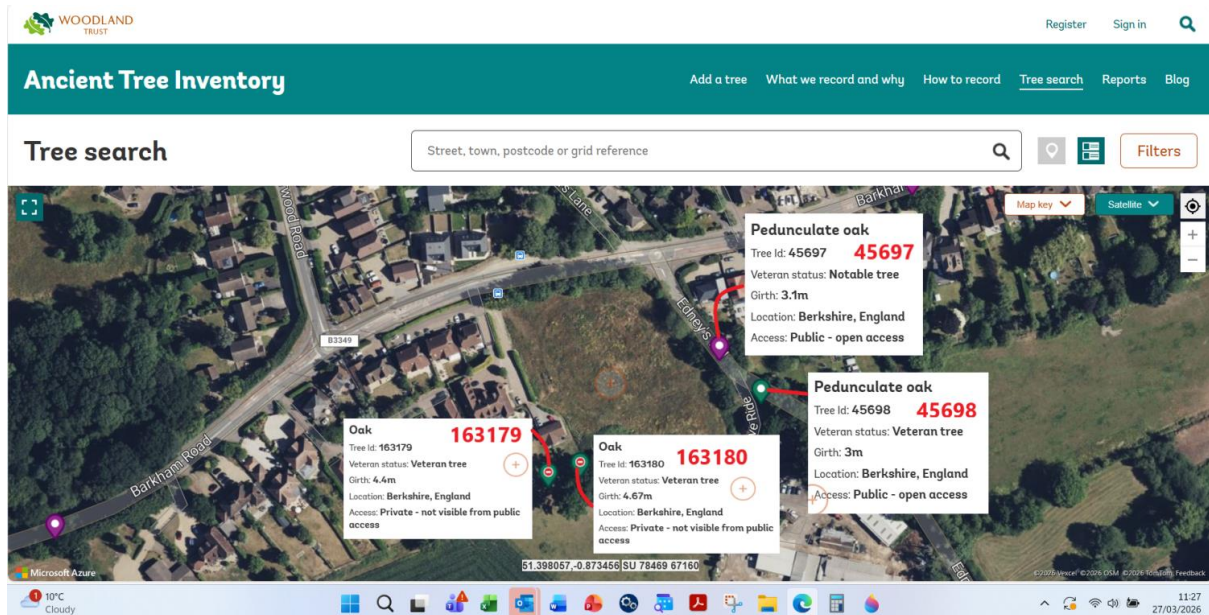
COMMON NAME	Oak		SCIENTIFIC NAME	<i>Quercus sp.</i>	
GRID REFERENCE	SU 78440 67109	RECORDER CODE	BA0107	PARISH	Barkham
GIRTH [DBH]	4.4m [1.4m]	HEIGHT OF GIRTH	1.5m	MEASUREMENT DATE	14-Oct-10
TREE FORM	Maiden	ALIVE OR DEAD	Alive	STANDING OR FALLEN	Standing
SETTING	Field Boundary, Boundary (ancient or modern)				
LOCATION	Boundary of Mortimer Lodge and Coppid Hill House field				
TREE CONDITION	Good Condition				
EXTRA HABITAT FEATURES	holly, elder at base				
COMMENTS	on boundary bank; two dead branches & a few broken				
ACCESS	No public access	EVIDENCE OF BATS	None recorded	EVIDENCE OF INVERTEBRATES	None recorded
LOCAL TREE NUMBER	331	LOCAL AREA CODE	Mortim Lge	LOCAL ACTION NOTE	
PHOTOS	4889.jpg	RECORD CREATED	22-Dec-10	RECORD LAST MODIFIED	14-Jan-11
ANCIENT TREE INVENTORY NUMBER	163179	ANCIENT TREE INVENTORY CLASSIFICATION	Veteran		



Tree Record 4644

COMMON NAME	Oak		SCIENTIFIC NAME	Quercus sp.	
GRID REFERENCE	SU 78455 67114	RECORDER CODE	BA0107	PARISH	Barkham
GIRTH [DBH]	4.67m [1.49m]	HEIGHT OF GIRTH	1.5m	MEASUREMENT DATE	14-Oct-10
TREE FORM	Maiden	ALIVE OR DEAD	Alive	STANDING OR FALLEN	Standing
SETTING	Field Boundary, Boundary (ancient or modern)				
LOCATION	Boundary bet. Coppid Hill House and Mortimer Lodge				
TREE CONDITION	Good Condition				
EXTRA HABITAT FEATURES	holly, elder, bramble at base; evidence of digging ?by badger				
COMMENTS	on boundary bank;some dead branches				
ACCESS	No public access	EVIDENCE OF BATS	None recorded	EVIDENCE OF INVERTEBRATES	None recorded
LOCAL TREE NUMBER	332	LOCAL AREA CODE	Mortim Lge	LOCAL ACTION NOTE	
PHOTOS	4889.jpg , 4888.jpg	RECORD CREATED	22-Dec-10	RECORD LAST MODIFIED	14-Jan-11
ANCIENT TREE INVENTORY NUMBER	163180		ANCIENT TREE INVENTORY CLASSIFICATION	Veteran	

- 7.6 Please note the different survey dates for each tree shown in the 'Record Created' box. The tree most intimately associated with the site is WDVTA Tree No. 4644 which was surveyed on 22 Dec 2010. Fifteen years ago.
- 7.7 These records were subsequently submitted to the Ancient Tree Inventory for moderation and mapping on the ATI online map:
- 7.8 The relevant portion of the ATI map, annotated for ease of reference, is shown below:



7.9 For ease of reference, the individual records for each of the trees is shown below:

Pedunculate oak Tree Id: 45697 Veteran status: Notable tree Girth: 3.1m Location: Berkshire, England Access: Public - open access
Pedunculate oak Tree Id: 45698 Veteran status: Veteran tree Girth: 3m Location: Berkshire, England Access: Public - open access

Oak Tree Id: 163179 Veteran status: Veteran tree Girth: 4.4m Location: Berkshire, England Access: Private - not visible from public access	
Oak Tree Id: 163180 Veteran status: Veteran tree Girth: 4.67m Location: Berkshire, England Access: Private - not visible from public access	

7.10 Please note that the girths shown for each oak tree are the same in the WDVTA record and also in the ATI record. This is because the WDVTA records were passed to ATI for moderation and subsequent inclusion in the ATI record.

7.11 Two of the trees are, of course, also recorded in the appellant's Aspect Arboriculture tree survey dated April 2025 see Table 1 (below) for details.

7.12 It is noted that the trunk diameter of T20 was estimated. In the explanatory notes on how the survey was conducted it states:

Stem Diameter: given in millimetres and obtained by measuring single/multiple stems at 1.5m using a diameter tape in accordance with

Annex C within BS5837:2012. Diameters of inaccessible trunks are estimated and provided with the suffix ‘#’.

- 7.13 But in the Tree Survey itself the diameter reading is not marked with the suffix ‘#’. As seen in this screenshot the canopy extension to the south and that to the east are estimated and are both marked with ‘#’.

Tree Number	Common Species Name	Trunk Diameter (mm)	Height (m)	Crown Spread (m)				
				N	E	S	W	Radial
20	English Oak	1490	19	12	14	12#	8#	

- 7.14 There is no evidence that this was meant to be misleading but, nevertheless it was so. In hindsight and bringing a more forensic eye to the Tree Survey it does seem that the estimated trunk diameter (otherwise known as diameter at breast height or dbh) is under-estimated. Particularly given the measured dbh of 4.67m in the WDVTA survey of this tree in 2010.
- 7.15 Another issue with the appellant’s Tree Survey and the later AMS is that, even noting the size of the tree T20, the appellant has not consulted the Standing Advice¹⁰ the Forestry Commission and Natural England’s standard, standing, advice on ancient and veteran trees and development. As noted above, the Standing Advice advocates accessing the ATI as a starting point when seeking to determine the impacts of development *on ancient or veteran trees*.

¹⁰ Ancient woodland, ancient trees and veteran trees: advice for making planning decisions

7.16 The appellant has not only apparently failed to consult the ATI they have come to a completely opposite, conclusion about the veteran trees on and adjacent to the site. The Council's position is that this is the wrong conclusion and that the trees on site that are shown in the ATI are indeed veteran (with one notable tree).

7.17 Looking at the ATI, the tree survey and the trees themselves; it is clear that there are veterans close-by the site that will be adversely impacted by the works. Data on these trees is shown in the table below.

TABLE 1 - DATA RELATING TO VETERAN AND NOTABLE TREES ON OR ADJACENT TO THE SITE.

Aspect AIA No.	WDVTA No./ATI No.	Date of record	Diameter from Aspect Tree Survey	Size (girth) per: WDVTA/ATI/ Aspect AIA girth (calculated = πd)	Expected girth/diam now from ATI adjusted for time since last survey (by adding 25mm per year)	Est. Age in years (per White) (see text below)	Features shown in appellant's tree survey.	ATI Status	Radius for Buffer Zone / RPA per Standing Advice (15 x dbh or crown plus 5 if larger)
T21	1832/45697	12 Sept 2008	1.06	3.1/3.1/3.33	3.525m/ 1.12m	150	Co-dominant bifurcated stems from c. 4m with good union. Well balanced radial crown and scaffold structure Previous crown-lift over road and cut back from utility wire Good example of species	Notable	16.8m
Not shown	1834/45698	12 Sept 2008	Not shown	3.0 (est)/3.0/-	3.424m (est)/ 1.09m	140	Not shown on Aspect AIA	Veteran	16.35m
Not shown	4643/163179	22 Dec 2010	Not shown	4.4/4.4/-	4.78/m1.52	240	Not shown on Aspect AIA	ancient	22.8m
T20	4644/163180	22 Dec 2010	1.49 (est)	4.67/4.67/4.68	5.045m/1.61m	300	Dense crown, showing good signs of vitality Well balanced radial crown and scaffold structure Several previous failure wounds throughout crown Above average deadwood Cavities within buttress on southern aspect. Prominent in long distance views. Of high arboricultural value Good example of species	ancient	24.1m

7.18 Looking at the age of the four veteran trees by reference to White's ready reckoner (CD4), the relevant table produced below for ease of reference:

Ready Reckoner for estimating the age of an oak tree

Girth of tree in feet and inches	Girth of tree in metres and centimetres	Equals Estimated age in years	Historical connections
6ft 2ins	1m 85cm	75	1930, George V Amy Johnson's solo flight to Australia
6ft 7ins	1m 98cm	80	1926, George V Year of the General Strike
8ft 3ins	2m 48cm	103	1903, Edward VII First manned flight by the Wright Brothers
10ft 4ins	3m 10cm	138	1868, Victoria Thomas Edison patented his 1st invention, an electric voice machine
12ft 4ins	3m 70cm	181	1825, George IV Stockton to Darlington Railway opens (1st in the world)
14ft 5ins	4m 33cm	232	1815, George III British victory over Napoleon at the Battle of Waterloo
16ft 6ins	4m 95cm	291	1715, George I First Jacobite rebellion in Scotland
18ft 7ins	5m 58cm	358	1638, Charles I Last year of the English Civil War
20ft 8ins	6m 20cm	433	1573, Elizabeth I The first maps in England were made by Christopher Saxton
22ft 8ins	6m 80cm	515	1491, Henry VII The future King, Henry VIII born at Greenwich
24ft 9ins	7m 43cm	606	1400, Henry IV Rebellion in Wales under Owain Glyndwr
26ft 9ins	8m 03cm	704	1302, Edward I Dante is exiled from Florence
28ft 10ins	8m 65cm	810	1196, Richard I According to legend, Prince Madog of Gwynedd reached North America
30ft 11ins	9m 28cm	924	1082, William the Conqueror Completion of Rochester Cathedral
32ft 11ins	9m.88cm	1046	960, Edgar Mieczyslaw I becomes first ruler of Poland

NB These estimates are based on measurements by John White on oaks growing in open conditions in the south-east of England. Ages will vary for trees growing in different conditions and in other parts of the UK.

FIGURE 1 - EXTRACT FROM 'HOW TO ESTIMATE THE AGE OF AN OAK '

7.19 Looking at the ready reckoner table in Figure 1 (above) and taking the time-adjusted girths of the trees¹¹ shown in Table 1 we can see that the ages of the oaks are respectively:

- T21, (WDVTA 1832/ ATI 45697) – 150 years
- WDVTA 1834/ ATI 45698 – 140 years
- WDVTA 4643/ ATI 163179 – 240 years
- T20, WDVTA 4644/ ATI 163180 – 300 years

7.20 It is clear from this interrogation of the ATI and supporting evidence that one ancient or veteran tree, T20, will be negatively impacted by the proposals.

Assessing this impact, and being mindful that this is not an outline application, it is important to look at the very latest proposed layout.

7.21 The latest proposed layout is included in the Transport Appeal Technical Note by Paul Basham Associates Revision 3, dated 19 02 '26.

7.22 I have created an overlay which shows the physical incursion into the BZ/RPA of Veteran Tree T20 is apparently small. However, when allowance is made for a Construction Working Zone (CWZ), the incursion will increase.

¹¹ adjusted for growth since the time of the last survey by adding 25mm girth per year.



FIGURE 4 - OVERLAY SHOWING THE BZ/RPA OF VETERAN OAK T20 OVER THE LATEST LAYOUT PLAN DATED 19 FEB 2026

- 7.23 In this development there are incursions of the the kerb and part of the estate road and the southern most of the two parking bays to the north of T20. There are also likely incursions of the Construction Working Zone of the turning hammerhead, These are small incursions, and could probably have been designed-out had the ATI and the Standing Advice been more closely examined and applied.
- 7.24 In any case the incursion of built form is not zero and both the default position in BS 5837, paragraph 5.3.1 and the Standing Advice require that no structures shall be built within the RPA of trees, and especially not within the BZ/RPA of ancient or veteran trees. There will be clear harm to the Veteran tree T20.
- 7.25 In addition, the excavation for the 'detention basin' and the 'attenuation tank', to the East of the veteran tree T20, will very likely have an effect on the hydrology of the soil surrounding the excavation; and this will almost

certainly have a knock-on affect on the health and sustainability of the veteran tree.

7.26 Whilst some additional space has been provided in the amended layout, the rooting areas of veteran oak T20 is still impacted by the proposed works as discussed above

7.27 In the same way branches of adjacent trees tend to adapt to fill the space but not cross into each other's zones so their root systems grow with compensatory offsetting to avoid competition with each other and therefore tend to grow more extensively away from the group. Because of competition with the roots of the veteran oak to its west, I consider the roots of T20 will likely have developed more in the direction of the arc from NE to SE. Consequently, I do not consider that sufficient space for the roots of T20 has yet been provided within even the most recent layout.

7.28 The Council has concerns over BZ/RPA, in terms of the impacts of the design, layout, and construction working-zone (CWZ), of the proposals.

7.29 The standing advice calls for larger BZ/RPAs where the site is close to residential areas. No allowance has been made for this in the current layout.

7.30 The Standing Advice calls for mitigation measures including the following:

- putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution
- measures to reduce noise or light
- designing open space to protect ancient or veteran trees
- rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations
- creating buffer zones

7.31 But the proposals currently include no proposals for screening barriers, no measures to reduce noise or light (during either construction or operational phases of development), and no assessment of likely soil hydrology changes due to the excavation of the SUDS balancing pond. All of this would result in harm to veteran T20.

7.32 .

OTHER TREES AFFECTED BY THE PROPOSED WORKS

7.33 The appellant's tree survey shows a number of trees that will be impacted by the works. The impacts can be seen best in the appellant's Plan 12357 TPP 01 'Coppid Hill House, Wokingham, Tree Protection Plan. This plan shows those areas of the RPAs of these trees that will be adversely effected by the proposals.

7.34 Whilst the RPAs shown on this plan appear to be correct according to BS 5837 section 4.6; I have concerns that the requirements in section 5.3 have not been met. The issue is that incursions into tree RPAs can be allowed 'where there is an overriding justification for construction within the RPA' but that:

If operations within the RPA are proposed the project arborist should:

- a) Demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA;
- b) Propose a series of mitigation measures to improve the soil environment that is used by the tree for growth.

- 7.35 Paragraph 5.3.1 is clear that there should be an overriding justification for the road to be within the RPA of trees which are to be retained and which are relied upon for landscape screening of views into the site and views out of the site. I do not see any 'overriding justification' clearly articulated in the arboricultural reports.
- 7.36 Paragraph 5.3.1 of BS 5837 (2012) is clear that 'if operations within the RPA are proposed the project arboriculturist should demonstrate that the trees can remain viable' and that 'the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA. I do not see anywhere within the appellant's submissions that it has been demonstrated that the trees can remain viable; nor do I see that it has been demonstrated that the area lost to encroachment has been compensated for elsewhere and contiguous with its RPA.
- 7.37 Paragraph 5.3.1 is clear that 'if operations within the RPAs are proposed, the project arboriculturist should propose a series of mitigation measures to improve the soil environment that is used by the tree for growth. I do not see anywhere within the appellant's submissions where they propose a series of mitigation measures to improve the soil environment for tree growth.
- 7.38 Quite the contrary, the appellant clearly states in the conclusion of his AIA that:
- 5.1.4 On balance with the scale of retained crown area, requirements for construction mitigation are limited however such opportunity exists and the relevant detail to demonstrate this can be secured by condition. A preliminary scheme for safeguarding retained trees has been prepared which relies on the use of static tree protection barriers and arboricultural auditing where construction is proposed within influence of retained trees..

7.39It is true that section 4.3 of the appellant's Arboricultural Hearing Statement, headed 'The Proposed Internal Road Affecting T16 and T17' gives technical details to help avoid further harm to the two trees T16 and T17 given the layout proposed.

7.40However, the Arboricultural Hearing Statement does not:

- a. explain why there is an overriding justification for construction within the RPA;
- b. demonstrate that the tree(s) can remain viable;
- c. show where the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA;
- d. propose a series of mitigation measures to improve the soil environment that is used by the trees for growth;

7.41 The truth is that the proposals should have been designed in a way that respected the default position in BS 5837 that 'structures are located outside the RPAs of trees to be retained'. The proposals have not been designed in a way that respects the RPAs of trees T16 and T17 and the project arboriculturist has not demonstrated how they have fulfilled the other requirements of paragraph 5.3.1.

VISUAL APPRECIATION OF IMPORTANT TREES IMPACTED BY THE PROPOSED WORKS

7.42 The visual appreciation and enjoyment of trees is an important feature of their importance.

7.43 There are good views across the site to the two veteran trees in the SW corner, the best view being from Edney's Hill, leaning over the current field

gate. But these trees are also visible from the pavement on Barkham Road
(see Figures 1, 2 and 3).



PHOTOGRAPH 1 - VIEW OF VETERAN TREE T20 FROM THE FIELD GATE ON EDNEY'S HILL LANE (GOOGLEMAPS - DATED APRIL 2021 - DOWNLOADED 26/03/26)

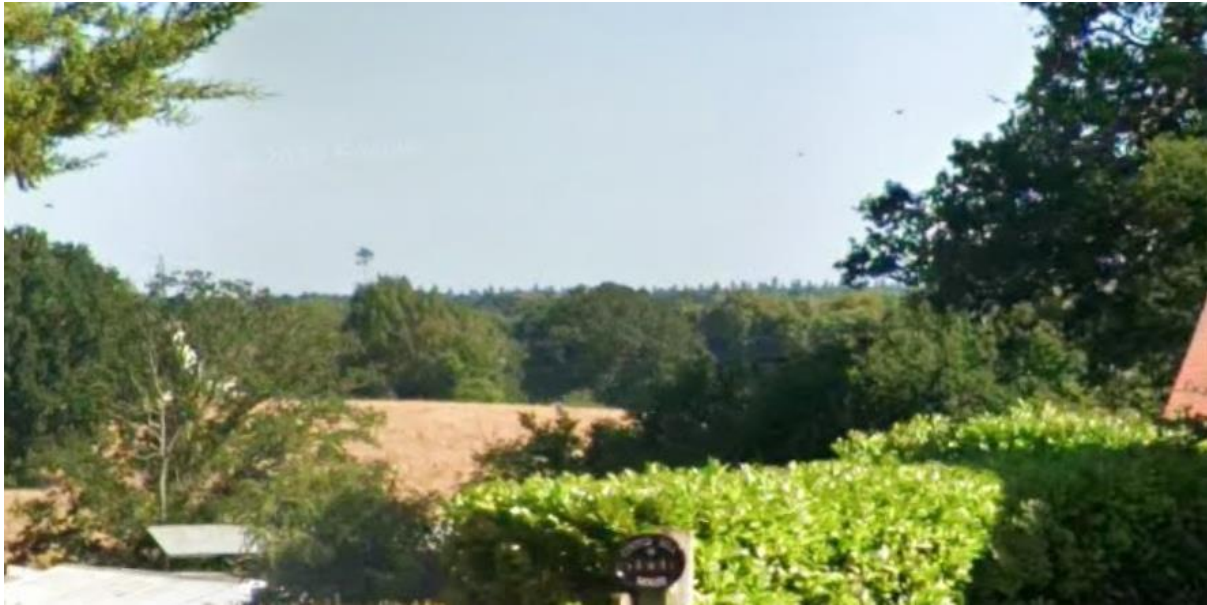


PHOTOGRAPH 2 - VIEW OF VETERAN TREE T20 FROM EDNEY'S HILL, FROM THE ENTRANCE TO MORTIMER LODGE FARM (GOOGLEMAPS DATED JUNE 2025 - DOWNLOADED 26/03/26)

- 7.44 There are important views of the nationally significant Wellingtonia Avenue Sequoiadendron giganteum trees at Finchampstead 4.6 km to the south-east (see figures 3 and 4 below).
- 7.45 The saw-tooth silhouette of the iconic Wellingtonia Avenue tree canopies appears on the skyline when viewed across the site from the pavement outside the entrance to the property known as 'Nova' on Barkham Road.



PHOTOGRAPH 3 - VIEW FROM JUST OUTSIDE THE NW CORNER OF THE SITE SHOWING VETERAN OAKS AND WELLINGTONIA AVENUE.
the two veteran oaks middle foreground just right of centre and horizon with saw-tooth profile of the crowns of Wellingtonia Avenue Finchampstead (source Googlemaps – dated June 2025 - downloaded 26/03/26)



PHOTOGRAPH 4 - CLOSE-UP OF PHOTOGRAPH 3 SHOWING SAW-TOOTH PATTERN IN SILHOUETTE ON THE HORIZON OF CROWNS OF WELLINGTONIA AVENUE CROWNS

- 7.46 This nationally significant Wellingtonia avenue was planted as a memorial to the late Duke of Wellington who lived in the area and who is commemorated in Wellington College at the eastern end of the avenue. Without straying too much into landscape evidence, this is an important view of this magnificent arboricultural feature, a feature of national significance.
- 7.47 The trees are now in excess of 40m high and the evidence suggests they are likely to grow to at least 55m the current record for this species in the UK. However, there is no evidence to suggest that this famously wind-firm species will not grow to the same heights achieved in the USA (the current record being 94,8m). The view of the Avenue from this point will, therefore, only get more spectacular.
- 7.48 The proposals will result in new built form blocking these views of this regionally significant feature. This point will be further addressed by my colleague, the Council's landscape witness.

SPACE FOR NEW TREE PLANTING

- 7.49 The only area where there is the possibility of significant tree planting, the area on the southern boundary of the site, appears in the landscape strategy plan to show a SUDS attenuation pond. Because of this there will be less space for planting species of any great size such as oaks (Quercus robur). This will impact on the potential for planting the next generation of veteran oak trees. It will also impact on the potential for planting to screen the development from views to the south although this point will be addressed by my colleague, the Council's landscape witness.
- 7.50 Street trees shown close to dwellings in the illustrative layout and landscape strategy plan are unlikely to be oaks because of the high water demand (the high frequency of this species appearing in subsidence cases) and large size of this species and so it is less likely that the next generation of veteran oaks will be able to be accommodated on this site. The implications for BNG will be addressed by the Council's ecology witness.

A TIGHT LAYOUT – LIMITED SPACE FOR CONSTRUCTION

- 7.51 The Council has concerns in respect of the constrained nature of the layout with respect to the ancient oak, T20, and those trees fronting Edney's Hill. Details of these concerns are discussed in other sections but a list of headings is included here for convenience.
- 7.52 Spatial constraints on the correct BZ/RPA for the ancient oak T20 include
- The SUDS attenuation pond to the east,
 - The road layout and turning 'D' to the north-east,

- Constraints put on the tree by the activities of neighbouring landowners to the south, west and north-west,
- Constraints put on the tree by competition with the root system of the veteran tree to the west (ATI 163179),

7.53 Spatial constraints for the trees fronting Edney's Hill include:

- Edney's Hill to the East,
- The new access road to the West,
- The sewer and potable water runs roughly parallel to Edney's Hill to the West of the trees,
- Constraints put on the tree by competition with the root systems of trees to the North and South.

7.47 Taken together, these impacts represent deterioration of ancient and veteran trees

8.0 HAS HARM BEEN AVOIDED?

8.1 National planning policy, Government Standing Advice and established best practice are clear that impacts on ancient and veteran trees should be avoided as a first principle, primarily through site selection and scheme design. Only where harm cannot demonstrably be avoided, and where wholly exceptional reasons exist, should mitigation and compensation be considered. In the case of ancient and veteran trees, avoidance carries particular weight because such trees constitute irreplaceable habitat.

8.2 In this appeal, harm has not been avoided.

- 8.3 The appeal proposals have evolved during the application and appeal process, and certain amendments have been made to the layout with the apparent intention of reducing impacts on trees, including veteran oak T20. However, these changes do not significantly alter the fundamental constraints of the site nor the relationship between the proposed development and the trees that it seeks to retain. The scheme remains tightly constrained, with highways infrastructure, parking, drainage features and construction working areas unacceptably close to the ancient or veteran tree.
- 8.4 As set out above, the proposals result in physical encroachment into root protection areas and buffer zones, reliance on land outside the appellant's control, and a failure to provide sufficient contiguous rooting area within land that can be secured and managed for the long term benefit of the trees. These impacts arise not as an incidental consequence of construction detail, but as a direct result of the scale and layout of development proposed on a constrained site.
- 8.5 Importantly, the avoidance of harm should be demonstrated in the layout itself. In this case, avoidance has not been achieved through design. Instead, the appellant's approach relies heavily on an unnuanced understanding of spatial requirements for the sustainable retention of tree and on secondary measures such as fencing, arboricultural supervision, construction methodologies, future management and the imposition of planning conditions. While such measures may have a role in protecting younger or less sensitive trees, they do not address the fundamental spatial and environmental requirements of ancient or veteran trees, nor do they overcome the inherent risks posed by development in close proximity to such trees.

- 8.6 In addition, the scheme introduces new and ongoing pressures that cannot reasonably be avoided, including changes to local hydrology arising from excavation for attenuation features, increased lighting and noise in close proximity to veteran trees, and intensified human activity within and around buffer zones. These effects extend beyond the construction phase and will persist for the lifetime of the development, contributing to incremental deterioration rather than one-off impacts that might otherwise be managed.
- 8.7 In addition, the scheme introduces new and ongoing pressures that cannot reasonably be avoided, including changes to local hydrology arising from excavation for attenuation features, increased lighting and noise (from cars and houses) in close proximity to veteran trees, and intensified human activity within and around buffer zones. These effects extend beyond the construction phase and will persist for the lifetime of the development, contributing to incremental deterioration rather than one-off effects that might otherwise be managed.
- 8.8 The Government's Standing Advice makes clear that, where impacts on ancient or veteran trees cannot be avoided, redesign or the selection of an alternative site should be considered. In my opinion, the continued reliance on mitigation measures in this case indicates that the proposals are not appropriately located on this site. The harm identified is therefore the product of a failure to avoid impacts at the earliest and most important stages of the design process.
- 8.9 The evidence demonstrates that the appeal proposals fail to avoid harm to trees on the Edney's Hill frontage. But most importantly they fail to avoid harm

to the ancient or veteran oak, T20 and its supporting environment. As such, they fall at the first stage of the mitigation hierarchy. The question of whether harm can be justified is considered in the following section.

9.0 IS THE HARM JUSTIFIED?

9.1 Paragraph 193(c) of the National Planning Policy Framework (December 2024) sets a clear and stringent test for development affecting ancient or veteran trees. Where development results in the loss or deterioration of irreplaceable habitat, planning permission should be refused unless wholly exceptional reasons are demonstrated and a suitable compensation strategy exists. Both limbs of this test must be satisfied.

9.2 In this case, neither is met.

9.3 From an arboricultural perspective, no wholly exceptional reasons have been advanced to justify the deterioration of the ancient or veteran oak, T20. The appeal proposals do not comprise infrastructure of national or strategic importance, nor do they deliver a level of public benefit capable of clearly outweighing the loss or deterioration of irreplaceable habitat. Rather, they represent a conventional housing development promoted on a site known to be constrained by trees.

9.4 As set out in earlier sections, the harm arising from the proposals is not limited to minor or short-term effects. It includes physical encroachment into root protection areas and buffer zones, indirect impacts from altered hydrology, lighting and disturbance, and longer-term pressures associated with close-proximity residential use. These effects would act cumulatively and over

time to undermine the condition, function and longevity of ancient and veteran trees. Such outcomes are precisely those that national policy seeks to prevent.

9.5 Even if, hypothetically, wholly exceptional reasons were accepted, the proposals would still fail the second limb of the policy test. No suitable compensation strategy has been put forward. Ancient and veteran trees are irreplaceable by their nature, and neither replacement planting nor management measures can compensate for their loss or deterioration. The measures advanced by the appellant amount to mitigation intended to reduce harm, rather than compensation capable of addressing it.

9.6 The Government's Standing Advice makes clear that compensation is a measure of last resort and should only be considered where harm has been avoided as far as possible and wholly exceptional reasons have been established. In this case, harm has not been avoided, and mitigation is relied upon heavily, secured through conditions, future management and assumptions about long-term use and behaviour. This approach does not provide the certainty required where irreplaceable habitat is concerned.

9.7 In my professional opinion, the harm identified cannot be justified within the framework of national planning policy. The appeal proposals fail to meet the requirements of paragraph 193(c) of the NPPF, conflict with the Government's Standing Advice and established best practice and should therefore be refused.

10.0 CONCLUSION

- 10.1 The appeal proposals would result in the deterioration of the ancient or veteran oak, T20, and its supporting environment, constituting harm to irreplaceable habitat. That harm has not been avoided through design, no wholly exceptional reasons have been demonstrated, and no suitable compensation strategy exists. The proposals therefore fail the requirements of paragraph 193(c) of the National Planning Policy Framework and conflict with the Government's Standing Advice. In my professional opinion, the appeal should be dismissed.