

Tel: (0118) 974 6000
Email: development.control@wokingham.gov.uk
Date: 23 April 2025
My ref: TF/TPO/1976/2024/250475



**WOKINGHAM
BOROUGH COUNCIL**

Mr Jasper Fulford-Dobson
Fulford-Dobson Associates Limited
6 Western Avenue
Henley On Thames
RG9 1JP

Place and Growth
Development Management Team
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

Tel: (0118) 974 6000

Dear Mr Fulford-Dobson,

**TREE PRESERVATION ORDER NUMBER: 1976/2024
APPLICATION NUMBER: 250475
LOCATION: 13 ARBOR LANE, WINNERSH, WOKINGHAM, RG41 5HY**

I am writing to you regarding your application to carry out works to protected tree(s), which was received and validated on the 27 February 2025.

I can confirm Wokingham Borough Council **refuses consent**, to the following work being carried out to tree(s) included in the above-mentioned Tree Preservation Orders (TPO):

Proposed Tree Works to Single 1 of TPO 1976/2024:

T1, Oak: Fell.

Reasons stated for works:

Fulford-Dobson Associates Ltd – Arboricultural Report ref: FDA1409

Partially felled oak tree in front driveway of 13 Arbor Lane - to complete the felling that was started in June 2024 and to carry out replacement planting of two trees (English oak and wild cherry) on the highway verge at junction of Arbor Lane and Bathurst Road.

Reasons stated for refusal:

The subject Oak tree, though partially dismantled, remains structurally viable and biologically alive. The tree is situated in a prominent position with potential for restored amenity value through natural regeneration and sympathetic management.

The TPO was made to prevent further loss, and the tree still makes a meaningful contribution to the local landscape. TPO legislation does not require a tree to be in pristine condition—only that it offers amenity value and can recover.

Native oaks have strong regenerative capability, particularly from epicormic growth and the tree shows signs of significant active regrowth, which can restore canopy form over time and, while currently visually compromised, the tree's potential to recover form and function supports retention at this time.

Council policy CP7 'Biodiversity' of the adopted Core Strategy commits Wokingham Borough Council to conserve and enhance such areas and retaining mature trees, even damaged ones, aligns with biodiversity net gain principles and climate resilience goals.

Wokingham Borough Council declared a climate emergency in July 2019 which commits us to playing as full a role as possible in reducing our carbon footprint to be net carbon zero by 2030. The Borough Council aims to increase the levels of carbon sequestration through greening the environment. Consequently, the preservation and enhancement of tree canopy cover in the Borough will play an important role in this.

The Council's Operational Trees team manager has confirmed that the tree is situated within the boundary of the adopted highway and is therefore owned by the Council. The current application does not demonstrate that removal is the only means of facilitating disabled access. The layout of the driveway has not been shown to be unachievable with tree retention, nor have alternative design solutions (e.g., permeable surfaces, curved layouts) been explored fully.

The Council is sympathetic to the applicant's disability and access needs and will work to support a redesigned access solution that maintains tree retention.

The Council will review the condition of the tree annually to assess its recovery and take appropriate action if regeneration fails.

Due to the reasons stated above your application has been refused.

Informative:

If you are aggrieved by the refusal of works or any of the conditions attached to your consent, you may appeal to The Planning Inspectorate (PINS). You can only submit a planning appeal online.

For more information go to:

<https://www.gov.uk/government/publications/tree-preservation-order-appeal-form>

Telephone: 0303 444 5570 or e-mail it to: treeandhedgeappeals@planninginspectorate.gov.uk
Your appeal should be received within one month of receipt of this decision or any such longer period as the Planning Inspectorate may allow.

You are advised that dead wood may be removed from a living tree without the need to formally notify/seek consent from the Local Authority under an exemption of the Town and Country Planning - Tree Preservation (England) Regulations 2012 (6 April 2012).

If we can be of any further assistance, please contact the Tree and Landscape Officer via email to: development.control@wokingham.gov.uk

You are advised that this letter is in respect of the **Tree Preservation Order only** and it does not imply that consent would be forthcoming from the owner of the tree(s) or any such other persons from whom consent would be required

If we can be of any further assistance, please contact the Tree and Landscape Officer via email to: development.control@wokingham.gov.uk

Yours sincerely,



Chris Hannington
Trees and Landscape Team Manager

cc. Applicant - Mrs Kathy Garcia, 13 Arbor Lane, Winnersh, Wokingham, RG41 5HY

Please note that your attention is drawn to the following information:

Bird Nesting Season and Presence of Bat Roosts

In accordance with the Wildlife and Countryside Act (1981) and Countryside Rights of Way Act (2000), consideration must be given to the timing and type of tree work operations, to avoid causing disturbance to any nesting birds or bat roosts that may be present within the tree(s).

The Act makes it an offence (subject to exceptions) to intentionally kill, injure, or take, possess, or trade in any wild animal listed, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places.

It is advised that all non-urgent major tree work and hedge cutting operations are undertaken at a time to avoid disturbing nesting birds during the breeding season (to which the bird nesting season is considered to be from March to July). Where bats are suspected to be present, it is recommended that advice first be sought from a licenced bat specialist and if appropriate, the relevant licence(s) be obtained before any major tree work or hedge cutting commences.

Further information can be found at the following:

DEFRA (Department for the Environment Food and Rural Affairs)
Tel: 08459 33 55 77 or by email at helpline@defra.gsi.gov.uk
Website: www.defra.gov.uk/

Natural England
Tel: 0845 600 3078 or by email at enquiries@naturalengland.org.uk
Website: www.naturalengland.org.uk

Bat Conservation Trust
Tel: 0845 1300 228 or by email at enquiries@bats.org.uk
Website: www.bats.org.uk

Forestry Act 1967 and Felling Licences

If it proposed to fell a tree or trees greater than 5 cubic metres or sell more than 2 cubic metres of timber in any calendar quarter, a Felling Licence from the Forestry Authority may be required.

Please note that Felling Licences are not required to remove trees from domestic (residential) gardens. Where you are the landowner of large pieces of land with numerous trees, clarification from the Forestry Commission may be required as to whether a Felling licence is needed.

For more information on Felling Licences, please speak to the Woodland Officer at the Forestry Commission on 01296 696543

Further Information can be found on the Forestry Commission Website:
www.forestry.gov.uk