

Tel: (0118) 974 6000
Email: development.control@wokingham.gov.uk
Date: 19 November 2024
My ref: SCD/TPO/0002/1951/242504



WOKINGHAM BOROUGH COUNCIL

Mr Bob Taswell
Hennerton Holt
Wargrave
Berkshire
RG10 8PD

Place and Growth
Development Management Team
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000

Dear Mr Taswell,

TREE PRESERVATION ORDER NUMBER: 0002/1951

APPLICATION NUMBER: 242504

LOCATION: HENNERTON COURT, HENNERTON, WARGRAVE, BERKS, RG10 8PD

I am writing to you regarding your application to carry out works to protected tree(s), which was received and validated on the 1st October 2024.

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 Area 1 of TPO 0002/1951:

G1 – Ash & Holly

- Fell 8no Ash and 1no Holly

Reasons stated for works:

This request is following permission granted to fell 42 ash trees which is the subject of application Reference Number 232994 - on closer inspection our tree surgeon has found a further eight dead ash trees and the limb of a dead holly tree. In Application 232994 we submitted a sketch plan of the 42 ash trees - the additional trees are in the same vicinity of the marked trees and we have submitted an amended sketch plan but would invite you to refer to the existing tree plan for more detailed information.

We are happy to replant a further 9 trees to replace these 9 trees which are the subject of this application

Reasons stated for refusal:

In response to this current application the Council's Arboricultural Representative has visited the site and noted that (although not all 9 trees were identified), several trees marked (with a red dot) and therefore presumed as being for removal were not technically dead.

Furthermore, although it is noted that the trees were seasonally out of leaf, one or two larger trees within the centre of the woodland area did not present obvious symptoms (deadwood, epicormic shoots etc) of having advanced Ash Dieback Disease at this time.

The removal of these 9 trees (in addition to the previous consent which was granted for the removal of 42 trees within the site under application ref: 232994) would create larger gaps in the tree canopy cover affecting the structure and ecology of the woodland as a whole. The site forms part of a wider woodland which is designated as a Priority Habitat - Deciduous Woodland (England). Council policy CP7 'Biodiversity' of the adopted Core Strategy commits Wokingham Borough Council to conserve and enhance such areas.

Current management guidelines from Forest Research (Great Britain's principal organisation for forestry and tree related research) confirmed that a landowner is not legally required to take any particular action if you own infected ash trees, unless your country forestry or plant health authority serves you with a Statutory Plant Health Notice (SPHN) requiring action. This is unlikely.

With the exception of felling for public safety or timber production, Forest Research recommends a general presumption against felling living ash trees, whether infected or not. This is because there is good evidence that a small proportion will be able to tolerate an Ash Dieback infection. There is also the possibility that a proportion of ash trees can become diseased, but then recover to good health. These trees would be valuable for research.

For these reasons the pre-emptive removal of Ash trees which are subject of a TPO would only be permitted where i) the woodland structure remains unaffected or ii) as part of a wider woodland management plan which includes replanting and/or iii) where individual trees are in advanced decline to a point that recovery is not considered viable or the where the structure of the tree is severely impaired as a result.

It is the responsibility of the applicant to supply adequate proof with the TPO application, in the form of 'written arboricultural advice or other diagnostic information from an appropriate expert.' To date, no detailed arboricultural information has been submitted to demonstrate that the trees are significantly diseased such that a reasonable recovery is unlikely or dangerous in the current context of the site. I note that the trees are growing in a low-occupancy woodland area and are not therefore considered to be an immediate health and safety concern given the low-occupancy of the woodland area.

The Council has concluded that the proposed works as outlined (above) in your application, would be excessive and harmful to the health and wider amenity of the priority habitat woodland. No evidence has been submitted to demonstrate the condition of the individual trees as being significantly impaired or that the works are to address an immediate health and safety concern.

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

If you wish to reapply for the aforementioned works, it will assist your application if it is supported by the following information:

1. Descriptions of the health / condition of each individual tree (photographs would also be beneficial).
2. A site plan showing the accurate location of each individual tree.
3. A detailed woodland planting plan showing the proposed planting specification including locations & species of 42 trees required under application 232994 plus the additional 9 trees proposed for removal.

Any future applications submitted with additional evidence and justification for the works, will be duly considered.

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 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

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