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Date: 23 October 2024
My ref: CY/TPO/1391/2011/242204



WOKINGHAM BOROUGH COUNCIL

Arboricultural Stephen Arnold
Tree Solutions Arboriculture
23 Springdale
Finchampstead
Wokingham
RG40 4RZ

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

Dear Mr Stephen Arnold,

TREE PRESERVATION ORDER NUMBER: 1391/2011

APPLICATION NUMBER: 242204

SITE ADDRESS: LAND ADJACENT TO 31 ROSEBAY, WOKINGHAM, BERKS, RG40 5YT

I am writing to you regarding your application to carry out works to protected tree(s), which was received and validated on the 28 August 2024 and following the Council's Tree Officer's site visit on 23 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 W1 of TPO 1391/2011:

T1, Ash

- Fell to ground level.

T2, Field Maple

- Reduce in height to 4m.

Reasons stated for works:

T1 Ash: Off-site tree with symptoms of Ash die-back. This tree is tight up against the boundary fence and is distorting the fence and boundary line. The patio has evidence of lifting in several areas.

T2 Field Maple: Off-site tree. This tree is tight up against the boundary fence and is distorting the boundary line and fence. This tree is growing under the fence but can be bridged. This work is to establish pruning management to minimise the incremental growth to preserve the boundary line. • Reduce in height to 4m effectively pollarding the tree and manage in these dimensions. This will hopefully limit the growth of the root distorting the fence.

Officer comments:

When looking to undertake works to a protected tree 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 dangerous or diseased or that the proposed work is in the interests of health and safety.

At the time of the site visit, the condition of the tree's canopy appeared to be within the parameters of 'normal' for a mature ash. Small to medium sized deadwood is present in the crown but there were no symptoms present which would indicate the tree has advanced Ash Dieback Disease.

Ash Dieback Disease (*Hymenoscyphus fraxineus*) poses a significant threat to the health of ash trees in the UK and in many areas of the UK a significant percentage of ash trees have already been affected by Ash Dieback to varying degrees.

Experience in continental Europe, which is now being seen replicated in the UK, indicates that Ash Dieback can kill young and coppiced ash trees quite quickly. However, older trees can resist it for some time until prolonged exposure, or another pest or pathogen, such as Armillaria (Honey Fungus), attacking them in their weakened state eventually causes them to succumb. There is no known cure.

The Arboricultural Association note that if affected trees are situated in high footfall areas this can create health and safety risks, but it 'doesn't necessarily follow that all ash trees growing in these areas will need to be removed or that they will all die'.

With the exceptions of felling for public safety or timber production, Forest Research recommend 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.

The Council considers that it would be drastic action to permit the removal of the ash in its current state and on the evidence provided. I am not satisfied that the present state confirms advanced or terminal decline such as would be required to justify the removal of the prominent street tree at this time. Wokingham Borough Council's recommendation is that deadwood be removed and that the tree is monitored.

The Borough Council is committed to ensuring that protected ash trees are retained unless their condition is so undermined that recovery is not considered viable or without the structure of the tree being severely impaired as a result. Public safety is the priority, and tree owners are advised to keep an eye on the trees' safety. Consent will be granted for any necessary pruning works provided supporting evidence is received to demonstrate that the tree or its branches threaten to cause injury or damage or that the decline is so great that there is no potential for a reasonable recovery.

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. The preservation and enhancement of the existing tree canopy cover in the Borough will play an important role in this.

Due to the reasons stated above the proposed tree works has been refused.

However, I can confirm that Wokingham Borough Council **consents, with conditions**, to the following lesser works being carried out to the tree(s) included in the aforementioned Tree Preservation Order (TPO):

W1 of TPO 1391/2011:

T1, Ash

- Remove branches interfering with boundary fence
- Remove dead wood

T2, Field Maple

- Remove branches interfering with boundary fence

The consent is granted subject to the following conditions:

1. The above works must be completed before **23 October 2026** and in the event of the works not being completed by that date, further consent will be required.
2. Work must be carried out in accordance with British Standard 3998 – 2010 ‘Tree work - Recommendations’. Ensuring all branches are taken back to suitable growth points.
3. Climbing spikes shall not be used whilst undertaking any form of works on living trees, except on trees to be felled.

Reasons for conditions 1-3.....

1. To ensure that our records remain accurate.
2. To ensure the health, safety and visual amenity of the tree(s) and ensure works are undertaken in accordance with recognised arboricultural good practice.
3. Spikes can cause extensive long-term damage to trees.

Informative:

If you are aggrieved by any of the conditions attached to your consent, you may appeal to The Planning Inspectorate (PINS). Because of coronavirus (COVID-19), you can currently only make a planning appeal online. You cannot currently apply by post.

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 Officer via email to: development.control@wokingham.gov.uk

Yours sincerely,

A handwritten signature in black ink that reads "Chris Hannington". The script is cursive and fluid.

Chris Hannington
Trees and Landscape Team Manager

cc. Owner/occupier, 31 Rosebay, Wokingham, Berks, RG40 5YT

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