

Tel: (0118) 974 6000
Email: development.control@wokingham.gov.uk
Date: 17 January 2025
My ref: CY/TPO/0002/1951/242955



WOKINGHAM BOROUGH COUNCIL

Mr Oliver Speakman
Tree World Services Ltd
Tree World Nursery
Ufton Lane
Ufton Nervet, Reading
RG7 4HG

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

Dear Mr Speakman,

TREE PRESERVATION ORDER NUMBER: 0002/1951

APPLICATION NUMBER: 242955

**LOCATION: THE LODGE, HATCH GATE LANE, COCKPOLE GREEN, WARGRAVE,
WOKINGHAM, BERKS, RG10 8QJ**

I am writing to you regarding your application to carry out works to protected tree(s), which was received and validated on the 22 November 2024, and following the Council's Arboricultural Officers site visit on 10 January 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 Woodland 1 of TPO 0002/1951:

T1, Ash

- section fell to ground level

T2, English Oak

- remove the lowest limb back to secondary growth point
- reduce the side laterals on the garden side by approx. 2 – 3 m to re-balance crown.

Reasons stated for works:

T1 – Ash, growing on Cayton Park boundary, with signs of Ash dieback.

T2 – English Oak, located at the far end of the woodland, overhanging lawn. To reduce the side laterals on the garden side by approx. 2 – 3 m to re-balance crown.

Reasons stated for refusal:

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.

Although it is noted that T1, Ash was seasonally out of leaf, it did not present obvious symptoms of advanced Ash Dieback Disease at this time.

Current management guidelines from Forest Research confirmed that a landowner is not legally required to take any particular action if you own infected ash trees, unless your country's 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.

The Council considers that it would be drastic action to permit the removal of T1 (Ash) in its current state and on the evidence provided. It is noted that there are some dead wood in the crown. However, I am not satisfied that the present state confirms advanced or terminal decline that justifies the removal of this tree at this time. Our recommendation is that deadwood be removed and that the tree is monitored. 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.

T2 (Oak) has an unbalanced crown which is typical and natural for trees growing at the edge of woodlands. Regarding the condition of the tree, the application form requires that if the condition of a tree is suspect then proof of this is required. The 'no' box has been ticked on the application form to indicate that the proposed works are not due to the 'Condition of the trees – e.g., it is diseased, or you have fears that it might break or fall'. Given the location of the tree and its natural growth form, the Council has concluded that the proposed works as outlined (above) in your application, would be excessive and harmful to both the health and wider visual amenity of the tree.

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 protected 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.

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):

Approved Tree Work to W1 of TPO 4/1951:

T1, Ash

- Removal of deadwood and diseased branches back to suitable growth points

The consent is granted subject to the following conditions:

1. The above works must be completed before **17 January 2027** 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'.
3. Climbing spikes shall not be used whilst undertaking any form of works on living trees to be retained.

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. Climbing spikes can cause extensive long-term damage to trees.

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

cc. Applicant: Mr Paul Painter, The Lodge, Hatch Gate Lane, Cockpole Green, Wargrave, RG10 8QJ

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