



Ms C Palfrey
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Frances Martin
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8 December 2022

Your contact is: **Andrei Nazare, Planning, Development & Regulatory Services**

Dear Ms Palfrey,

RE: PROPOSED WORKS TO THIRTY TREES AT IMPERIUM READING OFFICES, IMPERIAL WAY, READING - SUBJECT TO AREA TREE PRESERVATION ORDER 37/13.

Thank you for your application of 11 October 2022, regarding the above.

Your application is asking permission to carry out the following works:

- 26 x Scarlet Oak trees (T7, T8, T10, T11, T12, T17 through T21, T26, T27, T29 through T40, T42, T44 of application) - reshape crown and remove deadwood.
- 1x Scarlet Oak tree (T43 on application) - fell to ground level
- 1x Ornamental Pear tree (T56 on application) - reshape crown and remove deadwood
- 2x Alder trees (T59, T60 on application) - fell to ground level

The annotated photographs accompanying the application indicate the extent of the proposed crown reshaping and includes crown lifting the trees. As such, for clarity, I take the proposed 'reshape crown' in the description of works list means *an overall crown reduction and crown lifting as shown by the annotations*. However, crown lifting indicated on some of the photographs appears to be below the lowest branches, effectively not including any pruning or removals, or shows removal of primary branches - for clarity, I will detail the amount of crown lifting for individual trees where the annotations are not detailed enough.

A reason for the proposed crown reshaping is only given for seven trees (T7, T17, T18, T19, T29, T30, T31), and is 'to aid growth recovery'. No reason is given for the remaining twenty trees where crown reshaping is proposed but, in good faith, I am considering the same reason as above where it is not obvious otherwise (see below).

On 29 November 2022 I visited the above address to view the trees and understand the extent of the proposed works. As it is also noted by the accompanying **Tree Condition and Safety Survey Report 2022 (Ref: 050722/RP/lm)**, I observed the trees are of semi mature age, with a poor or fair condition - albeit they had already shed their leaves at the time so full judgement on crown condition was more difficult. As there are no space constraints on their crowns (i.e. touching buildings or other structures) and with the assumption that crown lifting is carried out as necessary, it is unlikely that any pruning for 'reshaping' will benefit the trees or the users of the parking in any significant way. Given their poor or fair condition, semi-mature age and the unfavourable hardstanding environment they grow in (parking), any unnecessary loss of leaf area should be avoided, thus allowing the trees the usage of their photosynthesis means to a maximum. Therefore, I consider the blanket reason '*to aid growth*' as both unclear and invalid for the proposed crown reshaping, but I am considering the proposed crown reshaping on an individual basis for each tree if and when other reasons are obvious (see below).

I find that overall crown reshaping can be justified to four Scarlet Oak trees (T8, T32, T33 and T40) and one Ornamental Pear tree (T56) due to their poor condition or significant dieback in large parts of the crown or leaning and unbalanced crowns. The works proposed on these trees are agreeable, as proposed. In addition, partial crown reshaping can be justified for one Scarlet Oak tree (T31) due to 3-4 branches that are over-extended and will create too much leverage in the future, but not to the extent it is shown on the received annotated photograph - lesser works to focus on these 3-4 branches are agreeable. Please see attached photo with my annotation.

With regards to the proposed crown lifting (as indicated on the photographs you annotated), this is agreeable for most trees, except two Scarlet Oak trees (T7 and T38). In the case of T7, the annotated photograph indicates that 2 lowest branches will be removed to carry out crown lifting - however, while on site I noted that only one of these 2 branches is growing above the parking area - while another is growing above the soft landscape strip. Crown lifting to remove the branch above parking area is agreeable but the branch growing above the soft landscape strip should be retained. In the case of T38, the annotated photograph indicates that primary branches will be removed to carry out crown lifting - however, these primary branches are high enough not to cause any concerns. Crown lifting to 2.7m above parking area by removing secondary growth only is agreeable and primary branches should be retained.

One Scarlet Oak tree (T43) is standing dead and two Alder Trees (T59 and T60) are dying, therefore you do not need permission to remove them. Once felling of a dead or dangerous tree has been carried out, the owner has a duty under Section 206(1) of the Town & Country Planning Act to replant another tree of an appropriate size and species in the same place as soon as they reasonable can.

In this case the Council would expect one replacement Oak tree of a minimum 12-14cm girth and 3.5m high and two replacement broadleaved trees of a minimum of 10-12cm girth and 3m high to be planted within Imperium Reading Offices curtilage in the planting season (Nov-March) following or at the time of felling, whichever is soonest. Please ensure the replacements are agreed with the Council prior to purchase and planting. This should form part of an overall site replacement planting scheme along with the multiple other

replacement trees that are outstanding - please ensure this is submitted ASAP in order for agreement and planting before the end of March 2023 (please refer to email exchanges with my colleague Sarah Hanson).

The replacement trees, and any others planted following agreement to fell under the 'dead, dying' exemption, will be covered by the existing Tree Preservation Order. The new trees would be subject to the same requirements for a tree works application if you intend to carry out works upon it in the future. Please see **Informative 6** below for more details on felling dead or dying protected trees and the requirement to plant a replacement.

You have included deadwood removal or clearing for all trees, except for 2 Scarlet Oak and 2 Alder trees (T21, T43, T59, T60). Deadwood removal does not require Council permission and, therefore, can be carried out. I have taken your application as notice of your intention to carry out these works.

During my visit I noted that a speed sign is fastened onto the trunk of T12 with screws. Please ensure the applicant removes the sign from the tree as soon as possible. Photos of the tree after the sign has been removed will be well received.

For the reasons stated above, the following proposed works, as detailed in your application and indicated on the accompanying annotated photographs, are refused:

- Scarlet Oak trees (T7, T10, T11, T12, T17, T18, T19, T20, T21, T26, T27, T29, T30, T31, T34, T35, T36, T37, T39, T42, T44 on application) - reshape crown

In conclusion, I can confirm that the following works are approved subject to the conditions below and with reference to the annotated photographs submitted with the application:

- 4x Scarlet Oak trees (T8, T32, T33, T40 on application) - reshape crown and crown lift
- 1x Ornamental Pear tree (T56 on application) - reshape crown and crown lift

As discussed above, I find that overall crown reshaping is not agreeable to a number of trees, therefore lesser works are approved subject to the conditions below and with reference to the attached annotated photographs:

- 1x Scarlet Oak tree (T7 on application) - crown lift to remove 1 low branch (north side) growing over parking
- 19x Scarlet Oak trees (T10, T11, T12, T17, T18, T19, T20, T21, T26, T27, T29, T30, T34, T35, T36, T37, T39, T42, T44 on application) - crown lift to 2.7m above parking
- 1x Scarlet Oak tree (T31 on application) - selectively reduce 3-4 over-extended branches (mainly south side) back to globular crown shape; crown lift to 2.75 m above parking
- 1x Scarlet Oak tree (T38 on application) - crown lift to 2.7m removing only secondary growth.

Please note that specific works, albeit lesser than you applied for, have been approved for T7 and T31. I am attaching a document with annotated photographs that I took when I visited the address as part of this decision to aid you in carrying out these works.

You should inform your client that the Council awaits contact about the required replacement planting at their earliest convenience once the tree removal has been carried out.

Conditions

1. Five days' notice in writing shall be given to the Council prior to undertaking the approved works.

Reason: To ensure that the Local Planning Authority is given sufficient notice of the works to enable the effective monitoring of tree work within the Borough.

2. All tree surgery shall be in accordance with BS 3998: (2010) Tree Work - Recommendations.

Reason: To ensure that all works are carried out in an acceptable arboricultural manner

3. Climbing spikes shall not be used whilst undertaking any form of works on living trees, except on trees to be felled.

Reason: Spikes can cause extensive long-term damage

Informatives

1. You are advised that, in accordance with Part 4, 17 (4) of The Town and Country Planning (Tree Preservation) (England) Regulations 2012, this decision is valid for one pruning operation (as per the approved specifications) to be undertaken within two years from the date of this notice, after which the consent lapses and a new application will be required.

2. Removal of dead or dangerous wood: This does not require the formal consent of the Council. However written notice must be given 5 working days in advance of removing dead wood. Where a branch is deemed to be 'dangerous', i.e. where works are 'urgently necessary to remove an immediate risk of serious harm', you are required to give notice to the Council 'as soon as practicable after the works become necessary'.

3. Disturbance of wildlife: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb roosting bats or nesting birds. It is advisable to consult your tree surgeon to agree an acceptable time for carrying out any work. Wildlife and habitat controls are administered by Natural England who can be contacted on 0300 030 6000

4. It is best to avoid works in the period immediately before or during bud burst and leaf fall to minimise the effect on the long-term health of the tree.

5. Tree work consents on land not owned by the applicant: It is strongly recommended that the owner of the tree be advised of any proposed works. The owner's permission must be sought if the tree works involve work past the boundary line. This consent does not in any way imply that this Council has informed the owner of sought permission or will

condone the use of consents to force any landowner to grant such permission.

6. Removal of any dead or dangerous protected tree: This does not require the formal consent of the Council. However, you are required to give 5 days notice of the work where it is not an emergency, to allow the Council to agree that the proposed works are exempt from requiring consent. The exception is where works are 'urgently necessary to remove an immediate risk of serious harm', in which case you are required to give notice to the Council 'as soon as practicable after the works become necessary'.

Once felling of a dead or dangerous tree has been carried out, the owner has a duty under Section 206(1) of the Town & Country Planning Act to replant another tree of an appropriate size and species in the same place as soon as they reasonable can. This replacement tree will be covered by the existing Tree Preservation Order. The new tree would be subject to the same requirements for a tree works application if you intend to carry out works upon it in the future.

7. Crown lifting of trees over the footpath and carriageway: If the clearance of vegetation overhanging the highway only involves the removal of branches to give a ground clearance to the statutory heights of 2.7m over the footpath and 5.5m over the road, this does not require formal consent from the Council. You are advised, however, to give notice to the Council of these intended works in order that they can be agreed.

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 currently can 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 5000 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.

If you suffer any loss or damage as a result of this refusal of consent for part of the proposed works, you may be entitled to recover compensation from the Council. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be made in writing to the Insurance Section, Reading Borough Council, Civic Centre, Bridge Street, Reading, RG1 2LU.

If you require any further assistance, please do not hesitate to contact me on the above number.

Yours sincerely,

Andrei Nazare

Andrei Nazare,
Assistant Natural Environment Officer