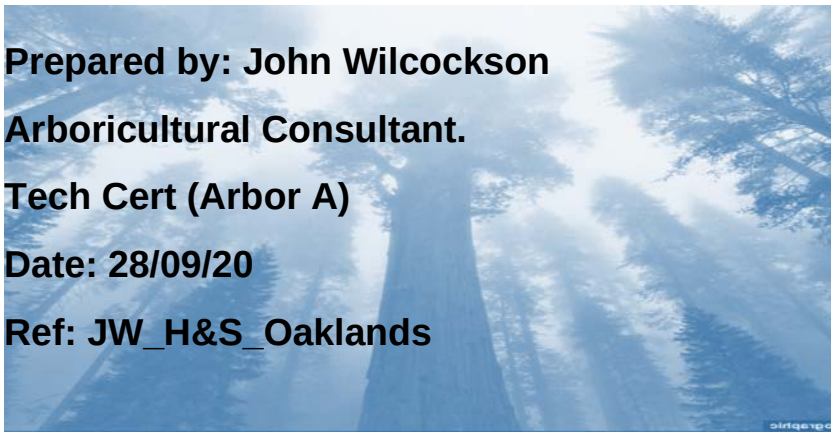
Health & Safety survey of trees in relation to trees within the garden of Oaklands, Crowland.



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Tech Cert (Arbor A)

Date: 28/09/20

Ref: JW_H&S_Oaklands

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John Wilcockson
Arboricultural Consultant

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Instructions

This report was commissioned by Colin Igoe to carry out a inspection of trees within the garden of Oaklands, Crowland The objectives of this report are as follows:

- To make an assessment of the trees' condition and identify any faults.
- To provide management recommendations based on the data gathered.

Report Limitations

Trees are living organisms whose health and condition can change rapidly. The health, condition and safety of the trees therefore should be checked on a regular basis, preferably once a year; this is the responsibility of the tree owner. The conclusions and recommendations in this report are only valid in line with the recommendations provided commencing from the date of the survey. The period of validity maybe reduced in the case of any change in condition or to proximity to the tree. Only those features that are apparent at the time of inspection could be assessed.

Site plans have been created and can be found at Appendix 1.

No soil samples were taken in preparation of this report and therefore no comments have been made in relation to any soil conditions.

The trees were viewed on 24th September 2020 which was a dry day with a mix of sunshine and shade.

The report encompasses the garden of the above property.

An assessment was made of the trees' condition visually from ground level using Mattheck's Visual Tree Assessment methodology. No climbed inspection or detailed investigation of decay was made; however, this was not considered necessary as enough information was gained about the trees from a ground level inspection. If any faults or potential failings were identified on the tree these have been picked up in the tree survey notes. It should be noted that trees can change significantly over a relatively short period of time, and therefore trees should be monitored on a regular basis for sign of deterioration.

Background

The majority of tree roots, even for a mature tree, are found in the top 60cm of the soil and are vulnerable to sudden changes in the rooting environment. These roots absorb moisture and nutrients needed for growth and contrary to popular belief, mature trees do not have a large deep taproot that obtains moisture from great depth.

Any damage to the rooting environment can upset the balance between the crown and roots established by a tree over many years, and this may be detrimental to the health status or may compromise the stability and structural integrity of the tree. It should be

noted that healthy trees will usually withstand a loss of a proportion of their root system.

The storage of materials, plant machinery etc can cause compaction to the upper soil horizons which may result in damage to feeder roots. These feeder roots absorb oxygen, water & nutrients that are then transported around various parts of the tree to fulfil their part in the growth processes of the tree.

Particular care needs to be addressed in dealing with legally protected species such as nesting birds and roosting bats which are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional harm and killing and applies to roosting and hibernating bats and active bird nests. The bird nesting season generally runs from March 1st to 31st August, ideally, any works should be avoided within this period. If the presence of bats is suspected, it is recommended that he Local Bat group is contacted for advice.

Site Information

The site is relatively flat with most of the garden laid to lawn. T1-T5 are positioned against the road edge with T6 in the middle of the garden and T7 on the rear boundary. trees are along the boundary.

Tree Protection

The legal status of the trees on site in relation to Tree Preservation Orders and Conservation Areas has not been personally checked with the Local Planning Authority however it would appear that T2, T3,T4, T6 & T7within the is report are part of TPA number 3 of 1985.

The Town and Country Planning Act 1990 protects trees within Conservation Areas that are not already subject to TPO protection. Conservation Areas are defined as “areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. Although Conservation Areas are primarily designated due to the built environment, trees also contribute to the character of these areas. Trees with a diameter in excess of 7.5cm (3 inches) measured 1.5 metres (5 feet) above ground level are protected by law, and 6 weeks’ written notice must be given before any tree work, not just felling, is undertaken. For trees being felled to aid the growth of others (i.e. thinning operations), the threshold diameter is10cm (4 inches).

Within a conservation area there are restrictions to the work that may be carried out on trees. The LPA must be given at least six weeks’ notice in writing before works are carried out to most trees within conservation areas. The notice must describe:

- which trees require work

- the nature of the work

Work must not be carried out during that period without permission. (If it is, a heavy fine could be imposed and replacement planting will generally be required). After six weeks the Council has to make a decision, either negotiate to a favourable position for both parties, approve the works or serve a Tree Preservation Order. Works must be completed within two years of the date of serving the notice.

Notification is not needed if the tree intended to be worked on is:

- less than 7.5 cm (3 inches) in diameter .
- less than 10 cm (4 inches) in diameter if removal is to improve the growth of other trees.
- Dead.
- in a commercial orchard, or pruning fruit trees in accordance with good horticultural practice.
- directly in the way of development that is about to start and for which detailed planning permission has been granted.

The diameter is to be measured over the bark of the tree at 1.5m (5ft) above ground level and can be taken to be roughly equal to a third of the girth at that height divided by 3.

Work may also be undertaken without notice:

- to prevent or control a nuisance (in the legal sense, in which case it may be helpful to consult a solicitor).
- to comply with an obligation under an Act of Parliament.
- at the request of certain government departments and other specified organisations.
- For pruning fruit trees for the production of fruit, so long as it is line with best horticultural practice.

Statutory wildlife obligations: The Wildlife and Countryside Act 1981 as amended by the Countryside and The Habitat Regulations 2012 provide statutory protection to birds, bats and other species that inhabit trees. All tree work operations are covered by these provisions and advice from an ecologist should be obtained before undertaking any works that might constitute an offence.

Aspirations of the survey

The aim of this survey is to determine the current health and condition of the trees and to thereafter, identify and highlight hazardous defects and assess potential risks in relation to the owner's Duty of Care.

Duty of care relating to trees

In broad terms, a tree owner, and/or whoever has control over it (the duty holder), has a duty of care in both civil and criminal law to take reasonable management measures to avoid foreseeable injury or harm. Duty holders are expected to consider the risks posed by their trees and manage those risks in a reasonable and proportionate way.

There is well established case law upholding the principle that the standard of the duty of care varies according to the resources available to the duty holder, i.e. a large land owner such as an estate or a highway authority would be expected to apply a higher standard of management than smaller land owners such as residential householders. In short, the law expects duty holders to act in a practical and sensible way, according to the size of their properties.

However, in the event that a duty holder is found neglectful of their duty of care in terms of checking, i.e. they did not have their trees checked where a significant potential for harm existed, it does not automatically follow that they will be liable for any harm that arises.

Liability will only flow from that negligence if it can be established that a competent check would have identified an unacceptable risk of harm and resulted in remedial works that would have prevented that harm occurring. If a defect that resulted in failure would not have been found in a competent check then, irrespective of any negligence from not carrying out a check, the duty holder is unlikely to be held liable for the consequences of the failure.

Negligence, liability and Acts of God

More specifically, negligence, liability and Acts of God are commonly used terms when discussing duty of care and how blame will be apportioned in the event of harm arising.

Although they are the subject of detailed legal definitions, their everyday meaning during normal use is more helpful. Negligence occurs when someone fails to do something that a reasonable person would have done. Liability is where the responsibility lies when something happens, i.e. who is to blame, with an implication that this is where compensation may be due for any harm that arises. An Act of God means an event that is beyond human control, i.e. there were no obvious indications that it was going to happen before the event.

Case histories suggest that act of god is only a means of defence if the tree(s) have been inspected by a competently trained person and any advice acted upon.

Criteria For Risk Assessment

The Risk Assessment system used is based on the *Tree Hazard: Risk Evaluation and Treatment System* (THREATS) and has been used to record the facts of the inspection as per:-

● Lists any observed defects

● Assessment of the three components of tree risk (defect, target and impact – after Matheny & Clark (1994)1)

● The system contains an algorithm that provides for a relatively subtle interaction between these three components

● Arrives at a conclusion which was in tune with what can be termed 'unassisted arboricultural decision making' (aka gut instinct)

● Establishes a defensible hierarchy of response that includes delayed intervention and phased re-inspection

Score range	Threat category	recommended action and completion deadline
4000 +	7 - Extreme	Evacuate/prevent access to impact site, emergency call-out of contractors
2001-3999	6 - Serious	Close site if practical; arrange for work to be completed within 7 days
1000-2000	5 - Significant	Arrange for work to be completed within four weeks maximum
330-999	4- Moderate	Remediate within 13 weeks, reinspect after SWE meantime (inc. gales to Force 7+)
160-329	3- Slight	Reinspect annually /after storms (Force 10+), expect to schedule work within 2 yrs
50-159	2- Minimal	Reinspect within 3 yrs if public access, schedule work as required
0-49	1- Insignificant	Reinspect within 5 yrs if general public access or 3 yrs if child-specific access & TS ≥20

Findings

Appendix 1 lists all the trees surveyed along with site observations recorded at the time of inspection.

There were no significant defects noted on any of the trees other than a few large pieces of deadwood.

T1 Horse Chestnut has signs of both leaf blotch and leaf miner which as explained on site, is common. There are also early signs of bleeding canker. There are 3-part occluded cavities on the northern side of the main trunk at around 3-4m, these appear to be either from historic pruning or storm damage.

2 of the 3 Oaks have deadwood amounts proportionate to their age however T6 has significantly higher levels.

T2 Oak, the main trunk is growing at an angle towards the road, historically this tree was growing next to another that has since been felled which has resulted in the lean.

T4 Oak has no significant defects.

I would suggest that T6 is in decline, the crown is thin, and the leaves appear stunted, with the amount of deadwood, it appears to be retrenching. There are a few large pieces of dead scattered across the crown and the tree has shed a significant limb recently.

T7 Oak has been reduced historically; the unions appear to be sound.

The 2 Sycamore (T3 & T5) have no obvious defects.

Recommendations

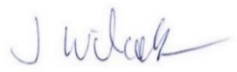
Carry out all works identified in the recommendations column within the timescales identified at Appendix 1.

Essentially, these works consist of complete deadwood operations. I am of the opinion that this would be sensible given the targets involved. Typically, deadwood in Oaks are a lesser concern compared to many other species, but these are large trees with large pieces of dead which if dropped, could cause considerable damage or worse. Aside from these works, standard highways, footpath and building clearance works have been recommended.

Whilst on site, I would suggest that it would be prudent to have the climbing team assess the cavities on the Sycamore and report their findings to me to determine the extent of any possible internal decay.

Technically, there is no need to apply to the Local Authority to carry out the deadwood, footpath or highways clearances however I would advise that you discuss these works with Diane Fairchild. The buildings clearance works should typically require an application submitting.

This report can be submitted as the justification/evidence required within the application process.



John wilcockson

28/09/2020

Appendix 2: site plans - Overview

Tree Survey Report

Client: Colin Igoe

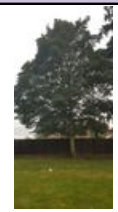
Site: All sites

Condition	No. trees
Fair	4
Good	3
Total	7

Site	No. trees
online	7

John Wilcockson
Arboricultural Consultant

Ref	Species	Description	Measurements	Failure Indicators	Condition	Threat Category	Inspected	Inspection period	Recommendations	Photo
T001	Horse Chestnut (Aesculus hippocastanum)	Target # - building Target # - footpath. Target # - road.	Life Stage: Over Mature Life Exp.: 40+ Years	Trunk - historic pruning wounds /stubs, part occluded. Disease - Bleeding canker Pest - Leaf Miners Pest - Guiignardia Leaf Blotch Crown - codominant stems Crown - minor deadwood < 100mm	Fair	3: Slight	24-Sep-2020	Zone 3, 3 Years	Clear street light by 2m. Timescale: 24-Sep-2021 (1 Year)	
T002	Oak (Quercus sp.)	Target # - footpath. Target # - road.	Life Stage: Mature Life Exp.: 40+ Years	Trunk - historic pruning wounds /stubs Trunk - leaning >30° Crown - codominant stems Crown - minor deadwood < 100mm Crown - asymmetric	Good	1: Insignificant	24-Sep-2020	Zone 3, 3 Years	Crown lifting To 3m over footpath Crown lifting To 5.2m over highway Complete dead wooding Timescale: 24-Mar-2021 (6 Months)	

Ref	Species	Description	Measurements	Failure Indicators	Condition	Threat Category	Inspected	Inspection period	Recommendations	Photo
T003	Sycamore (Acer pseudoplatanus)	Target # - footpath. Target # - road.	Life Stage: Early Mature Life Exp.: 40+ Years	No significant defects	Good	1: Insignificant	24-Sep-2020	Zone 3, 3 Years	Crown lifting To 3m over footpath Crown lifting To 5.2m over highway Timescale: 24-Mar-2021 (6 Months)	
T004	Oak (Quercus sp.)	Target # - footpath. Target # - road.	Life Stage: Mature Life Exp.: 40+ Years	Crown - minor deadwood < 100mm Crown - asymmetric	Good	1: Insignificant	24-Sep-2020	Zone 3, 3 Years	Crown lifting To 3m over footpath Crown lifting To 5.2m over highway Complete dead wooding Timescale: 24-Mar-2021 (6 Months)	

Ref	Species	Description	Measurements	Failure Indicators	Condition	Threat Category	Inspected	Inspection period	Recommendations	Photo
T005	Sycamore (Acer pseudoplatanus)	Target # - footpath. Target # - road. Target # - garden.	Life Stage: Early Mature Life Exp.: 40+ Years	Trunk - historic pruning wounds /stubs Crown - minor deadwood < 100mm Crown - decayed pruning wounds	Fair	1: Insignificant	24-Sep-2020	Zone 3, 3 Years	Crown lifting To 3m over footpath Crown lifting To 5.2m over highway Timescale: 24-Mar-2021 (6 Months)	
T006	Oak (Quercus sp.)	Target # - building Target # - garden.	Life Stage: Over Mature Life Exp.: 40+ Years	Crown - codominant stems Crown - minor deadwood < 100mm Crown - major deadwood >100mm Crown - tearout wound Crown - thin foliage, appears to be in decline.	Fair	3: Slight	24-Sep-2020	Zone 3, 3 Years	Complete dead wooding Timescale: 24-Mar-2021 (6 Months)	
T007	Oak (Quercus sp.)	Target # - building Target # - garden.	Life Stage: Early Mature Life Exp.: 40+ Years	Crown - codominant stems Crown - minor deadwood < 100mm Trunk - historic pruning wounds /stubs Crown - decayed pruning wounds Crown - tearout wound	Fair	1: Insignificant	24-Sep-2020	Zone 3, 3 Years	Clear premises by 2m Complete dead wooding Timescale: 24-Mar-2021 (6 Months)	

Appendix 2: site plan

