

DR. FRANK HOPE

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**ARBORICULTURAL REPORT RELATING TO THE PROPOSED
REMOVAL OF TWO TREES AT 60 NORTONS LANE, HOLBEACH,
SPALDING, LINCOLNSHIRE, PE12 7PZ.**

CLIENT NAME:

Wilson Builders Ltd
Sandpit Farm
Wisbech Road
Long Sutton
Spalding
Lincolnshire
PE12 9AQ

Ref: none specified

REFERENCE:

FH-Wilson-60-Northons-Lane-Holbeach

DATE OF VISIT:

27th February 2015

TIME: 9.30am

PEOPLE PRESENT:

Dr. Frank Hope
Mr Mike Shale
Mr Rod Wilson

1.0 FORMAL DETAILS.

- 1.1 My name is Dr. Frank Hope and I am currently 65 years of age. I am an independent Arboricultural Consultant based at Chestnut House, Northside, Thorney, Peterborough. The practice specialises in arboriculture, urban forestry, biological sciences and project management. I have advised many major clients during the past thirty years, for example, Sainsburys, Midland Bank, Alfred McAlpine, P&O, Ministry of Defence, Environment Agency, The Health and Safety Executive, Local Authorities, Insurance Companies and Loss Adjusters.

- 1.2 For five years (April 1998 to April 2003), I acted for the Office of the

RK Wilson Builders Ltd, 60 Northons Lane, Holbeach, Lincolnshire.

Sibley, Sally

From: Grant, David
Sent: 06 March 2015 08:53
To: _planningadvice
Subject: FW: H09-1074-14
Attachments: DR. Frank Hope Tree Report..pdf

Hi,

Please attach this tree report to application H09-1074-14 under 6SUP.

Yours sincerely,

David Grant
Planning Officer

David Grant | Planning Officer | South Holland District Council
DDI: 01775 764472
www.sholland.gov.uk

From: grmerchant.arch.cons@gmail.com [<mailto:grmerchant.arch.cons@gmail.com>] **On Behalf Of** G R MERCHANT
Sent: 04 March 2015 14:57
To: Grant, David
Subject: H09-1074-14

Dear David

**ERECT DETACHED CHALET BUNGALOW WITH ATTACHED SINGLE GARAGE
APPROVED UNDER H09-0968-09. MODIFICATION OF CONDITION 2 TO ALLOW
AMENDMENTS TO PREVIOUSLY APPROVED PLANS.
ADJ: THE HOLLIES, 60 NORTONS LANE, HOLBEACH**

With reference to the above application and our recent discussions please find attached a copy of the Tree Report from Dr. Frank Hope which hopefully justifies the existing frontage trees to be removed.

If you require any further clarification please do not hesitate to contact me.

Regards
Sarah

G R Merchant Ltd
01406 490800

Deputy Prime Minister (ODPM) as an Inspecting Officer on Tree Preservation Order Appeals. This provided me with a detailed insight into this topic.

- 1.3 In addition to having a doctorate and masters degree in Biological Sciences (research on woody plants), I hold the National Diploma in Arboriculture (RFS) which is the foremost practical British qualification in trees and their management. I also hold numerous general horticultural qualifications, the most notable of which is the National Diploma of Horticulture (now the Master of Horticulture (RHS)).
- 1.4 I am a Fellow of the Arboricultural Association, and a Fellow of the Institute of Groundsmanship. I am a past member of the education committee of the Arboricultural Association, past vice Chairman of the East Anglian Branch, and am a past member of the governing council. I am also a past member of the governing body of the East of England Show.
- 1.5 During 1997 I was one of three people commissioned by the Arboricultural Association to develop a computerised model capable of assessing the future risk of subsidence damage to buildings when trees are growing close-by.
- 1.6 For further detail on my qualifications and experience see Appendix -A-.

2.0 AUTHORITY AND BRIEF.

- 2.1 The initial authority for this commission was provided by Mr Mike Shale, of Wilson-Builders Ltd, in the form of an email dated the 23rd of February 2015.

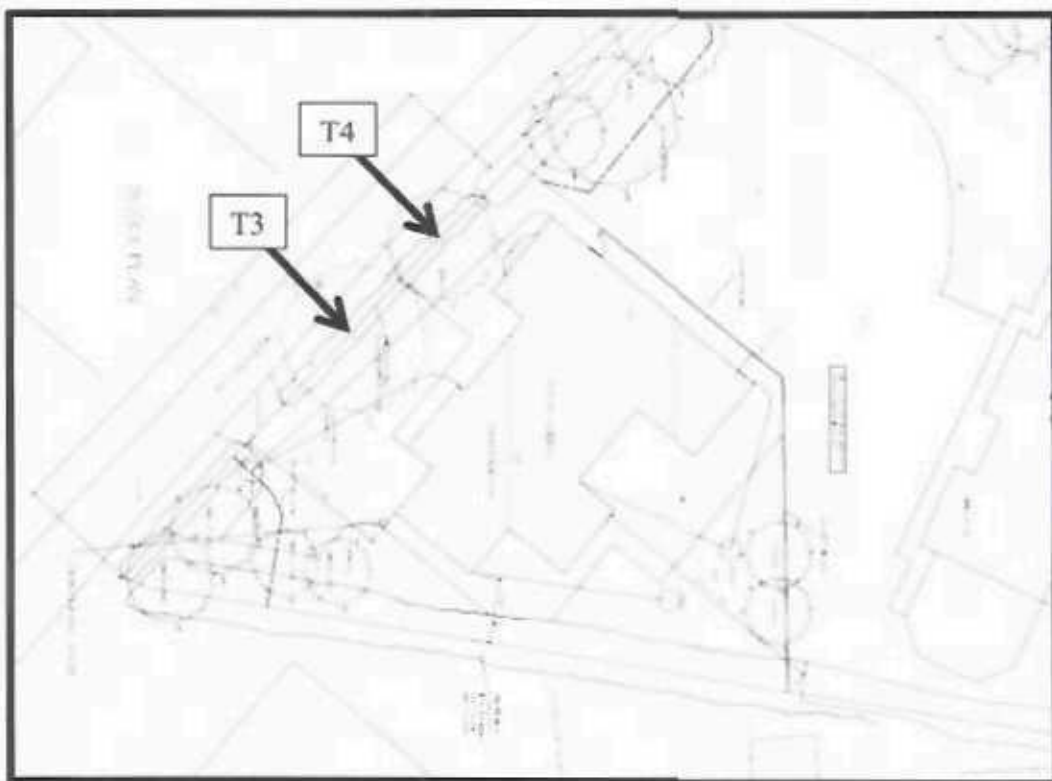
2.2 The objectives of this commission are to:

- inspect the Horse Chestnut and Pine growing along the front boundary of number 60 Northons Lane, Holbeach, Spalding;
- describe the overall condition and age of the trees, and assess their safe life expectancy;
- quantify the quality of the trees in accordance with the category rating definitions in the current British Standard 5837.

3.0 BRIEF INTRODUCTION.

- 3.1 Planning consent has been given to construct a large, detached residence on the site, and the foundations of the building have been excavated.
- 3.2 An Arboricultural Report produced on the 27th of September 2004 by Mr Arthur Arbon formed part of the initial planning application. The report contained descriptions of the trees on the site, and recommendations for future management works.
- 3.3 Mr Arbon's report identified that the site contained a number of poor quality trees, some of which the Local Authority gave permission to remove so as to allow the development to go ahead.
- 3.4 It is now proposed to remove two additional trees from the site, i.e. a Horse Chestnut, identified in Mr Arbon's report as Tree "T3", and a Scot's Pine, identified by Mr Arbon as Tree T4 (See the plan below).
- 3.5 For consistency and ease of reference, the same numeric notation will be used in this report as of Mr Arbon's.

Plan showing the location of the Chestnut (T3) and Pine (T4).



- 3.6 Following the application to remove the two trees the Local Authority has requested that an arboricultural report should be produced identifying their condition, and safe life expectancy.
- 3.7 This report has been commissioned to address the proposed removal of the two trees. All other none tree-related aspects of the development will be addressed by others.

4.0 INTRODUCTION TO TREE PROTECTION (STATUTORY).

- 4.1 Local planning authorities look upon trees as being highly beneficial to the locality. To ensure that any important specimens, or significant groups of trees, are retained, they may place **Tree Preservation Orders (TPOs)** on them. In other situations, villages or whole districts may be classified as **Conservation Areas**. In these instances certain trees in the designated area will be protected. When trees are protected, legal procedures must be followed before any work is carried out.
- 4.2 When trees are protected by Preservation Orders, no work should be carried out on them without prior written consent from the Local Planning Authority. Once an application is made, the Authority personnel must inspect the trees, and make a decision within a statutory eight week period as to whether the work can go ahead. If no decision is made within the eight week period, the appellant (person making the application) can appeal to the Planning Inspectorate, for non-determination. If the Local Authority refuses the application the appellant still has the right to appeal.
- 4.3 The legislation for Conservation Areas is slightly different to that of Preservation Orders. Trees with trunk diameters of less than 75mm at breast height are exempt from the legislation, and no application is required to carry out any work on them. Trees with trunk diameters of between 75mm and 100mm can be removed without permission, if their removal is to allow the further development of other trees growing close-by.
- 4.4 When an application is made to carry out work on a tree located within a Conservation Area, the Local Authority must make a decision within a statutory six week period (not eight as with TPOs). The Local Authority has three options, namely,
1. *Give written permission to carry out the work.*

2. *Make no written decision within the six week period. If this occurs the application is accepted by default, and the owner of the tree(s) can carry out the proposed work, but it must be completed within two years of the initial application.*
 3. *Refuse consent to carry out the work. If this option is selected the Local Authority must protect the tree(s) with a Preservation Order. In this instance, the owner of the trees has the right to appeal, and **the Local Authority must be able to show that the tree(s) are, in fact, worthy of protection.*** (Bolding added by Dr. Hope).
- 4.5 If a tree protected by a Preservation Order, or is located in a Conservation Area, is killed, or wilfully destroyed, the owners of the tree, and the contractor who did the work, can both be prosecuted. The fines for killing or wilfully destroying a tree can be high, i.e. the current maximum is £20,000 per tree, and there is an automatic requirement to re-plant. The current maximum for minor unlawful infringements, such as pruning, is £2,500.
- 4.6 Trees which are dead, dying or dangerous are exempt from the legislation (both Preservation Orders and Conservation Areas), although if such trees are removed, the onus of proving that they fell into one of these categories lies with the tree owner. Whenever possible it is strongly recommended that the Local Authority be given at least five days notice before any work on such trees is carried out.
- 4.7 A Local Authority may be liable to pay compensation if damage occurs as a direct result of their:
- i. refusal of consent to carry out works under a Preservation Order;
 - ii. granting a consent subject to conditions;
 - iii. refusing any consent, agreement or approval required under a condition.
- 4.8 There are limitations as to the Local Authority's liability to pay compensation. In such cases, compensation is not payable for any:
- loss or damage which was:
 - reasonably foreseeable by that person; and

- o attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent;
- loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- loss of development value or other diminution in the value of land; and/or
- costs incurred in making an appeal to the Secretary of State against the refusal of any consent or the grant of consent subject to conditions.

5.0 THE LEGAL STATUS OF THE HORSE CHESTNUT (T3) AND PINE (T4).

- 5.1 During my site visit on the 27th of February 2015, Mr Shale and Mr Wilson verbally informed me that the development site is not located within a Conservation Area, and that neither of the two trees is legally protected by a Preservation Order.
- 5.2 Unless there is a specific legal tree-related restrictive covenant in force on the two trees which I have not been informed of, their owners could remove them from the site if they wished without prior consultation with the Local Authority.
- 5.3 If the trees are protected by virtue of being within a Conservation Area, or are specifically protected by a Preservation Order or covenant, no work should be carried out on it without prior written consent from the Local Authority.

6.0 DESCRIPTION OF THE HORSE CHESTNUT (T3).

- 6.1 In the tree schedule of Mr Arbon's report, dated the 27th of September 2004, he describes the Horse Chestnut as:

“22.0 metres tall, with a crown spread of to the north of 5.0 metres, to the south 5.0 metres, to the east 4.0 metres and to the west of 4.0 metres. It had a trunk diameter of 84cm and was located 1.0 metre from the highway. The tree was considered to be mature, and of normal vigour. The trunk forked at 4m above ground level with one limb growing in the direction of Northons Lane. No other serious defects or disease was noted. The assessment as to its potential to cause injury or damage was

identified as being low to moderate. It was given a British Standard 5837 category rating at the time of "B".

- 6.2 At the time of my inspection on the 27th of February 2015, the Chestnut remained on site. It is large, and twin-stemmed, located at the front of the property, adjacent to the public pavement and road. The crown of the tree is high and narrow, and has been severely crown reduced on at least one occasion, with minor new shoot growth being produced around the cut surfaces. Extensive die-back is now occurring within the upper crown, and the tree is showing signs of significant deterioration. The basal areas of the twin stems are covered with dense ivy which prevented a detailed inspection of the basal trunk being carried out. However, I did remove a section of the Ivy from the basal trunk, and identified a large area of blackened bark. No significant signs of Bleeding Canker were evident, but the tree is clearly deteriorating, and has a short, safe life expectancy. Now would be an ideal opportunity to remove the tree, and replant with a healthy young specimen. It is not worthy of a Preservation Order.

Picture showing the Chestnut at the side of the road.

(Note the dense Ivy on it trunk).

The white flecks in the canopy are dead branches where the canopy is dying-back.



- 6.3 Although planning permission was granted with the intention of retaining

the Chestnut, it is located so close to the new house that it will pose a significant problem for the remainder of its life. In my opinion, it is highly likely that an application will be made to remove the tree once the building is completed, i.e. the Local Authority will be put under pressure to allow the tree to be removed.

Picture showing the blackening of the basal trunk of the Chestnut.



7.0 DESCRIPTION OF THE SCOT'S PINE (T4).

7.1 The description of the Pine in Mr Arbon's report was:

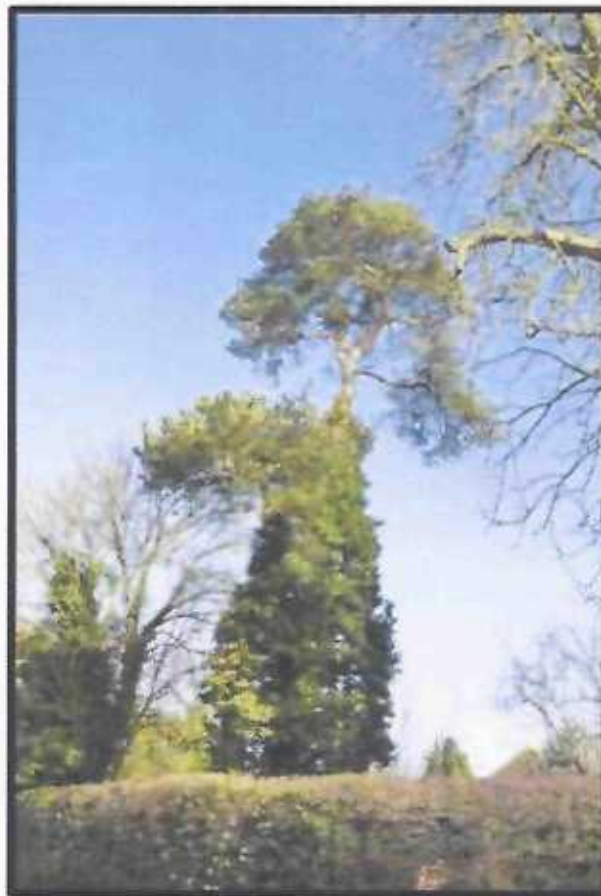
"19 metres tall, with a crown spread to the north of 2 metres, to the south 5.0 metres, to the east 2.0 metres and to the west 2.0 metres. It has a trunk diameter of 44cm, and was identified as being 1.0 metres from the boundary. The tree was classed as being mature with moderate vigour. Ivy was present on the bole of the tree, but no serious defects or diseases were apparent. The tree is located in an exposed position. There is a low proportion of crown in relation to the height of the tree. It has a low to moderate risk of injury or damage to people, and has a British Standard 5837 category rating of "B". It was recommended that because of the exposed position it should be re-inspected every two years."

7.2 The Scot's Pine is currently in the region of 20.0 metres tall, with a very uneven-shaped crown. Minor dead wood is present in its crown. It is

covered with Ivy, which prevented a full inspection being carried out. There does not appear to be any significant deterioration from when Mr Arbon carried out his inspection. The position of the tree with its high crown is a matter of concern in relation to the position of the new house.

- 7.3 As with the Chestnut, the intention of giving planning consent was to retain the Pine, However, it is located so close to the new house, and its canopy is so high, that it will pose a significant problem for the remainder of its life. In my opinion, it is highly likely that an application will be made to remove the tree once the building is completed.

Picture showing the Pine (T4) with the dense Ivy up its main trunk.



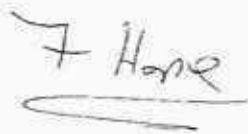
8.0 CONCLUSIONS AND RECOMMENDATIONS.

- 8.1 Planning permission has been granted to develop the site, and the Local Authority has given permission to remove a number of the trees, some of which are very close to the proposed development.
- 8.2 During my site visit I was informed that the Chestnut and the Pine are not

legally protected, and if this is the case, both trees could be removed without prior consent from the Local Authority.

- 8.3 If either, or both, of the trees are legally protected no work should be carried out on them without prior written permission from the Local Authority.
- 8.4 In my opinion, the size, condition, and locality of the two trees are such that there is a very high probability that the Local Authority will be put under pressure to allow an application to remove them once the building is constructed.
- 8.5 The Horse Chestnut is a mature, twin-stemmed tree located close to the road and new house. It is clearly deteriorating, and has a short, safe life expectancy. It is not worthy of a Preservation Order, and would have a British Standard 5837 category rating of "C1/U". If removed it would be possible to establish a new healthy tree on the property. A suitable replacement would be a 14-16cm girth Silver Birch.
- 8.6 The Pine is mature, and has an uneven crown. The trunk is covered with dense Ivy, and the tree is located close to the road, and very close to the new house. It has a British Standard 5837 category rating of "B1/C1". Now would be an ideal opportunity to remove it and establish a new, healthy tree, such as a Silver Birch.

© Dr. Frank Hope.



4th March 2015

DR. FRANK HOPE

APPENDIX -A-

Dr. Frank Hope

PROFESSIONAL QUALIFICATIONS AND EXPERIENCE

Dr. Hope has been involved with the land-based industries for the past 48 years. During this time he has worked for local government, the Royal Horticultural Society, the Institute of Groundsmanship and private industry. In the early 1970's he trained at the RHS Gardens Wisley and later became a practical arborist in the gardens. For four years he was a lecturer in Horticulture and Arboriculture at the Cheshire College of Agriculture, and has more recently been a part-time lecturer to the BTEC National Diploma course in Countryside management, at the Cambridgeshire College of Agriculture. He has been an Arboricultural and Horticultural examiner for the Royal Forestry Society, the Royal Horticultural Society and the Institute of Groundsmanship.

He is one of the Arboricultural Association Registered Consultants. This means that he has been assessed by the Association, and has shown to have an in-depth technical knowledge of the subject, and a broad range of experience covering all aspects of consultancy work. He is a Fellow of the Arboricultural Association, a past member of the governing council, and a past member of the Education committee.

The majority of his work is based in East Anglia, and London, although he has taken commissions throughout the world. For example, in the 1980's he was involved in the management and harvesting of a 26,000 acre hardwood crop in Malaya. He carries out technical projects for a range of organisations on both Arboricultural and general Horticultural subjects, and has been involved in the proposed re-development of the Elephant and Castle, and the area around Waterloo station in London. He specialises in both legal and planning aspects of trees.

He has been a technical adviser to the Jockey Club and Racecourse Association, and organised all their training courses for over five years.

During 1997, Dr. Hope was one of three people commissioned by the Arboricultural Association to develop a computerised model capable of assessing the future risk of subsidence damage to buildings when trees are growing close-by. He has also given the Association advice on the Arboricultural Appendix to the ISE handbook.

Over the past 20 years, Dr. Hope has been involved in over 3,500 cases involving trees and subsidence damage to buildings. He regularly gives evidence in court, and has experience as a single joint expert. Notable cases in which he has been involved are Siddiqui & Sohanpal -v- London Borough of Hillingdon, Loftus Brigham -v- London Borough of Ealing, Dayani -v- London Borough of Bromley, Berent -v- Family Mosaic & The London Borough of Islington, Robbins -v- London Borough of Bromley, and Battley -v- Wycombe District Council.

For five years (until April 2003), Dr. Hope acted for the Office of the Deputy Prime Minister as an Inspecting Officer on Tree Preservation Order Appeals, which provided him with a detailed insight into this topic.

In addition to having a Doctorate and a Masters degree in Biological Sciences (based on Arboricultural and Horticultural research), Dr Hope holds the *National Diploma in Arboriculture (RFS)*, which is the premier practical qualification for Arboriculture, and the *National Diploma in Horticulture* (now the Master of Horticulture), administered by the Royal Horticultural Society. The Master of Horticulture is the world premier qualification for general horticulture. Dr. Hope is a past examiner for the final stages of the Master of Horticulture qualification. His personal qualifications are at the highest level; the major ones are as follows:

Doctor of Philosophy (Ph.D):	University of Bath, Biological Sciences Dept. The Development of a computerised Plant Establishment and Growth Model for use with Landscape Trees and Shrubs.
Master of Philosophy (M.Phil):	University of Bath Biological Sciences Dept. The Development of a Computerised Information Retrieval System for Decorative Plant Selection.
National Diploma in Horticulture:	Administered by the Royal Horticultural Society.

National Diploma in Arboriculture (N.D.Arbor):	Royal Forestry Society.
National Certificate in Arboriculture (Distinction):	Royal Forestry Society.
Wisley Diploma in Horticulture:	Royal Horticultural Society.
Advanced Diploma in Horticulture:	Writtle Agricultural College.
Certificate of Education:	Wolverhampton Teacher Training College, (Wolverhampton Polytechnic).
Fellow of the Arboricultural Association	
Fellow of the Institute of Groundsmanship.	

SOME PUBLISHED WORKS

Recognition and Control of Pest and Diseases of Farm Crops	Blandford Press 1980 ISBN 0 7137 0995
The Garden Planner	Hardback - Collins 1981 Softback - Fontana 1981 Softback - Pilot 1983 ISBN 0 00 4116622 Co-author of each edition
QL Gardener Manual	Sinclair Research 1985 ISBN 1 850 160449
The New Organic Grower	Cassall Publishers 1990 ISBN 0 304 34013 8
Turf Culture	Blandford Press 1978 ISBN 0 7137 0873 5
Turf Culture - A manual for the Practising Groundsman	Cassall 1990 ISBN 0-304-31854-X
Rasen	German Edition of Turf Culture ISBN 3-8001-5038-7
NVQ Levels 1 & 2 manuals	Technical author for the British Association of Landscape Industries (BALI) instruction manuals for general horticulture and turf culture at levels 1 and 2, for the National Vocational Qualifications.
Numerous articles on Horticulture, Arboriculture and computers in a range of magazines, e.g. Horticulture Week, The Groundsman, Personal Computer World.	

SOME PUBLISHED SOFTWARE

Horticultural Key	Quanta magazine.
Plant Selector II	A.J. Harding Molimerx Ltd.
Computerised Ornamental Plant Retrieval System	University of Bath.
Genus Plant Selector	Intersearch Ltd.
Plant Establishment and Growth Model	University of Bath.
QL Gardener	Sinclair Research.