



Arboricultural Report

5 Spinney Close, Groby, Leicester, LE6 0BY

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Project ref:
AEL-19129



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Contact details

Client	Address	5 Spinney Close, Groby, Leicester, LE6 0BY
	Name	Martin Javis
	Contact	

Report History					
Version	Date	Author	Checked by	Reason	Status
0.1	06/03/2025	RJH	RJH	Approval	Draft
A	06/03/2025	RJH	RJH	Release	Final

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1. Introduction

- 1.1 **Instruction:** I am instructed by Martin Jarvis to inspect the significant trees 5 Spinney Close, Groby, Leicester, LE6 0BY, and to provide an arboricultural report on their health and safety following the QTRA assessment.
- 1.2 **Qualifications and experience:** I have based this report on my site observations and the information I have been provided with, and I have come to conclusions in the light of my experience as an arboriculturist. I include a summary of my experience and qualifications in Appendix III.
- 1.3 **Documents and information provided:** I was not provided with any documents.
- 1.4 **Relevant background information:** During the site visit, Martin Jarvis advised me that there are concerns with the trees and the health of the trees.
- 1.5 **Scope of this report:** This report is only concerned with assessing hazards using the Quantified Tree Risk Assessment (QTRA) methodology and locating the significant trees and recording relevant details. It takes no account of any other privately-owned trees. It includes a preliminary assessment based on the site visit and the documents provided, which are listed in 1.3 above.

2. Limitations

- 2.1 Whilst every effort has been made to detect defects within the subject trees, no guarantee can be given as to the absolute safety or otherwise of any individual tree. This report represents a survey and should not be construed to be a detailed tree inspection report. Any recommendations given are intended to reduce the likelihood of tree collapse and are intended to reduce the likelihood of tree collapse but absolute safety is not a realistic goal; even apparently sound trees can fail, particularly during inclement weather e.g. gale force winds of 8 (39 - 46 mph) may result in the shedding of small twigs and branches, whereas gale force 10 winds (55 – 63 mph) may result in trees being uprooted. All recommendations are given in the context of the site's current usage; any change will dictate a further survey.
- 2.2 The findings and recommendations contained within this report are, assuming its recommendations are observed, valid for a period of twelve months from the date of survey. Trees are living organisms subject to change – best practice dictates they are inspected on a regular basis for reasons of safety.
- 2.3 The expertise of the author of this report is arboriculture. Any non-arboricultural references made within this report are made as a lay person.
- 2.4 Trees should be inspected on a regular basis and after any significant adverse weather conditions. The trees within the report should be inspected after 12 months and within 3 years.
- 2.5 Tree Owners Duty of Care:
In the UK, tree owners have a duty of care to ensure their trees do not pose a foreseeable risk to people or property. This duty falls under the **Occupiers' Liability Acts 1984** and the principles of negligence in common law. The main points regarding a tree owner's duty of care are:
 - I. **Reasonable Inspection and Maintenance:**
Tree owners are expected to carry out reasonable inspections and maintenance to identify and address potential hazards, such as dead branches, disease, or structural instability. The frequency and extent of inspections depend on the location of the tree (e.g., near public paths, roads, or buildings).
 - II. **Qualified Inspections:**
While tree owners are not required to be experts, they should seek advice from a qualified arboriculturist if there are signs of ill health or damage, such as cracks, fungi, or leaning.
 - III. **Foreseeable Risk:**
Liability arises if a failure to take reasonable care leads to harm that was

foreseeable. For example, ignoring obvious signs of disease or decay could result in liability if the tree falls and causes damage.

IV. **Public and Private Spaces:**

The duty of care applies to both public and private spaces. Local authorities are responsible for trees on public land, while private tree owners are responsible for trees on their property, including overhanging branches or roots affecting neighbouring properties.

V. **Emergency Situations:**

In cases of storms or unforeseen damage, the owner is not expected to predict sudden failures but must act promptly to address hazards once aware of them.

VI. **Liability for Damage:**

If a tree causes damage due to negligence, the owner may be held liable for personal injury, property damage, or other losses.

VII. **Practical Steps for Compliance:**

1. Conduct routine visual inspections of trees on your property.
2. Keep records of inspections and any maintenance work.
3. Act promptly if notified of potential risks, especially by neighbours or local authorities.
4. Engage a professional arboriculturist for an expert evaluation if needed.
5. Failing to exercise reasonable care could lead to legal claims or enforcement action, particularly if the negligence results in harm.

3. Site visit and observations / collection of data

3.1 **Site visit:** I carried out an unaccompanied site visit.

3.2 **Brief site description:** The site is a residential property with a garden to the rear. The garden is tiered and on two levels with a bank to the rear. The houses nearby are of mainly the same age.

3.3 **Identification and location of trees:** I have illustrated the locations of the significant trees on the plan AEL-19129-A-TLP. This plan is for illustrative purposes only and it should not be used for directly scaling measurements. All the relevant information is contained within this report and the documents provided.

3.4 **QTRA methodology and application:**

The QTRA methodology utilises three components of tree failure risk. These are:

- I. Target (and ranged in to 6 units depending on level of occupancy or traffic movement)
- II. Size of part to fail
- III. Probability of failure (how likely the part is to fail within 12 months)

The product of the tree component values is the annualised 'Risk of Harm', which is a continued measure of the likelihood and the consequence of tree failure considered in terms of the loss within the coming year. It is expressed as a probability. In applying the 'Tolerability of Risk Framework' (ToR), the QTRA methodology divides the 'Risk of Harm' into four threshold values, being:

1. Unacceptable ($>1/1,000$), which is unacceptable and will not ordinarily be tolerated. It will require risk control.
2. Tolerable ($1/1,000$ and $1/10,000$). The Risk of Harm will be between unacceptable and tolerable. The risk is reviewed or controlled depending on stakeholder agreement.
3. Tolerable ($1/10,000$ and $1/1,000,000$), where the Risk of Harm is tolerable if it is imposed on others. Management decisions are informed by consideration of the benefits and costs of risk control, including benefits provided by trees that would be lost to risk control measures
4. Broadly acceptable ($<1/1,000,000$), which is already As Low As Reasonably Practicable (ALARP)

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Thresholds	Description	Action
1/1 000	Unacceptable Risk will not ordinarily be tolerated	Control the risk
1/1 000 and 1/10 000	Unacceptable (where imposed on others) Risks will not ordinarily be tolerated	- Control the risk - Review the risk
	Tolerable (by agreement) Risks may be tolerated if those exposed to the risk accept it, or the tree has exceptional value	- Control the risk unless there is broad stakeholder agreement to tolerate it, or the tree has exceptional value - Review the risk
1/10 000 and 1/1 000 000	Tolerable (where imposed on others) Risks are tolerable if ALARP	- Assess costs and benefits of risk control - Control the risk only where a significant benefit might be achieved at reasonable cost - Review the risk
1/1 000 000	Broadly Acceptable Risk is already ALARP	- No action currently required - Review the risk

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4. Findings

4.1 Target:

The assessment has been based on the failure of the trees or parts of the trees falling. The target range has been based on 4 due to usage of the rear garden.

4.2 Size part to fail:

This is unique to each tree and the hazard presented.

- a. Probability of failure: This is unique to each tree and decay rate of each species. Oak trees have the ability to hold on to deadwood much better than silver birch trees, which are more likely to fail.

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4.3 Photographs:



Image 1 – Showing the overhanging branches from T1 and T2

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Image 2 – Showing the rear garden from the trees to the main house

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Image 3 – Showing the stem of T1

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Image 4 – Showing T1 and T2 in the garden

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Image 5 – terraced sections of the garden

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Image 6 – Showing T1 and T2 from the road

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Image 7 – Showing the base of T2

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Image 8 – Showing the base of T3

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Image 9 – Showing the stump of T4

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Image 10 – Showing the stump of T5 with fungus

4.4 Tree Discussion:

T1 - Growing on the side of the bank with a retaining wall 1.3m from the tree. The bank looks to be natural but has had additional soils included which have reduced the buttress area of the tree. Tree bifurcated at 4.5m to create two main leaders. Some bulging at the fork area but no visible signs of decay. Wide open canopy which over reaches the grass and garden area. Minor deadwood in the canopy with signs of one dead branch which has failed and hanging in the tree. Some signs of previous tree works. Canopy reaches out over neighbours boundary and deadwood from ash trees is present within the gardens. Old dead stump next to tree with dead mans finger fungus.

T2 - Growing on the side of the bank with a retaining wall 1.3m from the tree. The bank looks to be natural but has had additional soils included which have reduced the buttress area of the tree. Tree bifurcated at 4m to create two main leaders. Wide open canopy which over reaches the grass and garden area. Minor deadwood in the canopy. Some signs of previous tree works. Canopy reaches out over neighbours boundary and deadwood from ash trees is present within the gardens.

T3 - Growing on the side of the bank. The bank looks to be natural but has had additional soils included which have reduced the buttress area of the tree. Tree bifurcated at ground to create two main leaders. The base of the tree has bark necrosis and bark is peeling away. The base has honey fungus. The tree is dying back within the canopy.

T4 - Tree stump which has been felled and eco plugged. Signs of honey fungus on the stump. Stump is 2.2m from T3. T3 is 6.3m from T2. This is indicating that honey fungus is spreading through the root and garden network.

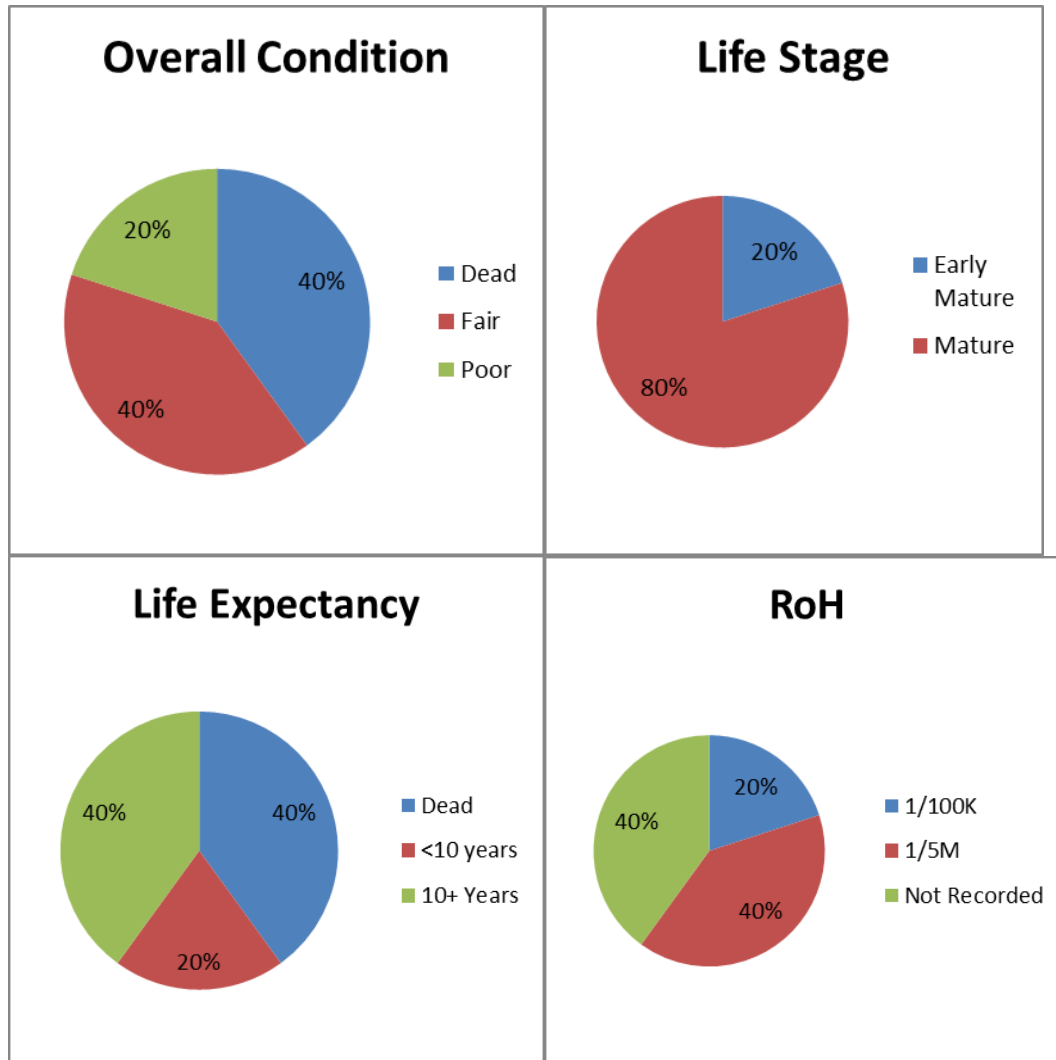
T5 - Tree stump which has been felled. Signs of honey fungus on the stump. Stump is 2.2m from T4. This is indicating that honey fungus is spreading through the root and garden network.

Garden is terraced and holding water, the top soil is water logged with possible heavy clay underneath. Retaining wall support is listing towards the house.

The stumps are infected with honey fungus and the fungus will spread through the root system. The trees roots are interlinked and the spread of the Honey fungus could therefore move from tree to tree within the soils.

The Ash trees are also showing signs of Ash Dieback and the trees will continue to deteriorate over time. Due to the infection the trees will need to be removed before they become a danger.

4.5 Tree Information:

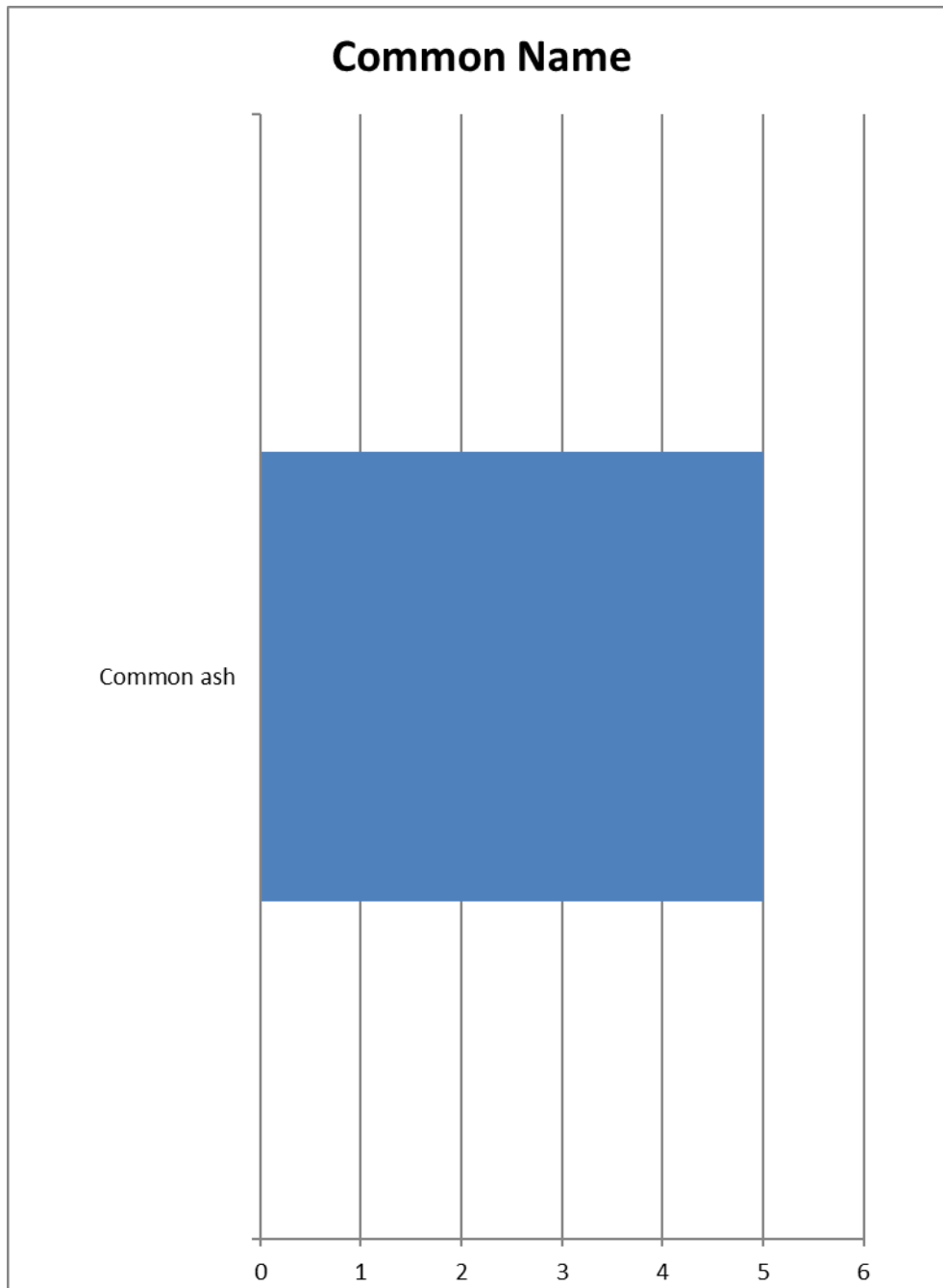


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Ref.	Species	Measurements	Survey Notes	Overall Condition	Risk Assessment	RoH
T1	Common ash (<i>Fraxinus excelsior</i>)	Height (m): 15 Crown Radius (m): 7 DBH (cm): 52 Life Stage: Mature Life Exp.: 10+ Years	Dieback - poor foliage. Dead wood. Pests and Diseases: Ash Health Class 1 - 100%-75% remaining canopy	Fair	Target Range: Occupation(4) 1 min/day - 2 min/week Multiple Targets: 1 Size: Size(4) 100mm - 25mm dia. Reduce Mass to: 100% PoF: PoF(2) 1/10 - 1/100 RoH: 1/5M	1/5M
T2	Common ash (<i>Fraxinus excelsior</i>)	Height (m): 15 Crown Radius (m): 5 DBH (cm): 51 Life Stage: Mature Life Exp.: 10+ Years	Pests and Diseases: Ash Health Class 1 - 100%-75% remaining canopy	Fair	Target Range: Occupation(4) 1 min/day - 2 min/week Multiple Targets: 1 Size: Size(4) 100mm - 25mm dia. Reduce Mass to: 100% PoF: PoF(2) 1/10 - 1/100 RoH: 1/5M	1/5M

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T3	Common ash (<i>Fraxinus excelsior</i>)	Height (m): 9 Crown Radius (m): 3.7 DBH (cm): 27 Stems: 2 Life Stage: Early Mature Life Exp.: <10 years	Unstable root plate. Root damage. Bark necrosis. Dieback - poor foliage. Dead wood. Fungus: Honey Fungus (<i>Armillaria mellea</i>) Pests and Diseases: Ash Health Class 1 - 100%-75% remaining canopy	Poor	Target Range: Occupation(4) 1 min/day - 2 min/week Multiple Targets: 1 Size: Size(2) 450mm - 260mm dia. Reduce Mass to: 100% PoF: PoF(2) 1/10 - 1/100 RoH: 1/100K	1/100K
T4	Common ash (<i>Fraxinus excelsior</i>)	Height (m): 0.5 Crown Radius (m): 0 DBH (cm): 50 Life Stage: Mature		Dead	Target Range: Occupation(4) 1 min/day - 2 min/week Multiple Targets: 1 Size: Reduce Mass to: 100% PoF: RoH:	

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T5	Common ash (<i>Fraxinus excelsior</i>)	Height (m): 0.5 Crown Radius (m): 0 DBH (cm): 50 Life Stage: Mature		Dead	Target Range: Occupation(4) 1 min/day - 2 min/week Multiple Targets: 1 Size: Reduce Mass to: 100% PoF: RoH:	
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Notes:

- Ref: Identification number – T=Tree, G=Group, H=Hedge, S=Stump
- Species: Tree Species, given in Latin and common name, where both are known
- Height: Approximate height in metres
- DBH: Diameter at Breast Height – The diameter of the trunk at 1.3m from the ground level
- Crown Radius: The spread of the crown's radius from the centre of the stem. Given as an average of each cardinal point in metres N-North, E-East, S-South, W-West
- Life Stage: Estimated life stage of the tree Newly Planted -A newly planted tree, Young – Establishing tree could be a transplanted without the need of specialist equipment i.e less than 150mm diameter, Semi mature –A tree that is established but with some growth to make before reaching it potential maximum size, a tree within its first third of life span, Early Mature – A tree that is reaching its ultimate potential height, who's growth rate is slowing down but it healthy will still increase in stem diameter and crown spread, a tree in its second third of lifespan, Mature – A tree that has limited potential for any significant increase in size, even if in good health, a tree within its last third of its lifespan, Over Mature – A senescent (declining/degradation) or moribund specimen that has low vigour and is within its final third of lifespan. It may also contain sufficient structural defect that may or may not pose a safety risk, Veteran – Trees that exhibit features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, a tree that is beyond its normal life span for its species, Ancient – A tree that is beyond its species normal life span, Dead – A dead Tree
- Life Expectancy: Estimated years of remaining tree life
- Description: General comments on the tree
- Survey notes: A broad guide to defects and any diseases and fungus
- Overall condition: The condition rating is not to be used for health and safety purposes but will indicate the approximate condition of the tree and highlight any major faults. Good – No obvious faults, or some minor faults which would reduce the life expectancy of the tree, a good form or a full canopy. Fair – A tree with significant faults which will reduce the life expectancy. Probably with faults that require surgery and which will reduce the amenity of the tree. A tree with poor form or a thin canopy. Poor – A tree near the end of its life or one with severe faults which may be correctable with surgery or may not but which will probably leave the tree in a form which is poorly structured.
- Risk Rating – The risk rating based on the likelihood of failure/damage occurring, likelihood of impact and the consequence of the damage or failure as per the information above on Risk of Harm.

5. Recommendations

Ref.	Species	Recommendation	Work Timescale
T1	Common ash (<i>Fraxinus excelsior</i>)	Crown reduce tree by 30% and bring in lateral branches by 2m leaving 5m. Bring in branches over the neighbours property to leave 5m and reshape canopy. Reduce height by 4.5m leaving 10.5m.	25-May-2025 (3 Months)
T2	Common ash (<i>Fraxinus excelsior</i>)	Crown reduce tree by 30% and bring in lateral branches by 1.5m leaving 3.5m. Bring in branches over the neighbours property to leave 5m and reshape canopy. Reduce height by 4.5m leaving 10.5m.	25-May-2025 (3 Months)
T3	Common ash (<i>Fraxinus excelsior</i>)	Fell tree.	25-May-2025 (3 Months)

- 5.1 All tree works are to be undertaken in accordance with *BS3998:2010, Tree Work – Recommendations*. All arisings are to be removed from site and the site should be left as found. Care is to be taken to protect the ground around the retained tree and hedge to ensure they do not become compacted due to tree surgery operations. To prevent subsequent compaction and root death, no equipment or vehicles shall be parked or driven beneath the crowns of any trees.

If required by the client, Apex Environmental Ltd can source, tender and oversee the necessary tree works.

- 5.2 Under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2000, it is a criminal offence under normal circumstances to disturb or destroy – whether intentional or unintentional - the nesting sites of wild birds or the roost sites of bats. You should therefore avoid carrying out significant tree works during the bird nesting season [mid- March to end of July], and you should ensure that trees are professionally surveyed for signs of bat roosts and/or bat activity before starting any tree work. Further advice on protected species can be obtained from the local office of Natural England.
- 5.3 The Forestry Act 1967 regulates the management of forests in the UK, including the felling of timber. It typically requires that any significant volume of timber to be felled must be approved through a formal felling license (greater than 5m³ of timber in any calendar quarter ie Jan-Mar etc). The Act aims to ensure sustainable forest management, protect the environment, and prevent deforestation.

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This concludes the report. If I can be of further assistance, please do not hesitate to contact me.

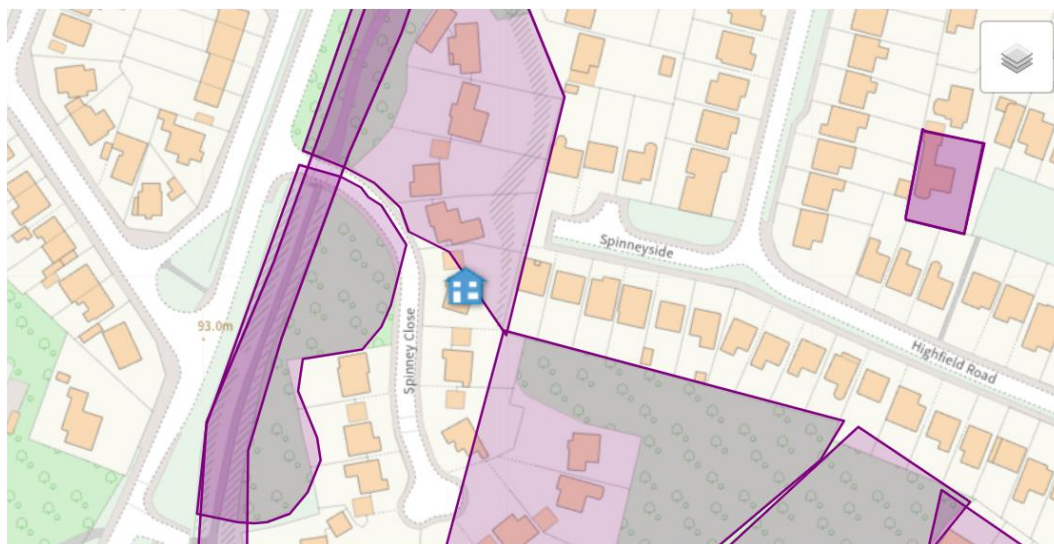
Signature: 

Date: 6th March 2025

Reuben Hayes M.Arbor.A; CMgr MCMI
Managing Director for and on behalf of Apex Environmental Limited

6. Other considerations

- 6.1 **Trees subject to statutory controls:** If these trees are covered by a Tree Preservation Order (TPO) or are located in a conservation area, it will be necessary to consult the council before any pruning works (other than certain exempted works) can be carried out. The aforementioned works are necessary for reasonable management and should be acceptable to the council. However, tree owners should appreciate that they may take an alternative point of view and have the option to refuse consent.



Online confirmation from Hinckley and Bosworth Borough Council

Tree Preservation Order 0801/09/08 – The Borough Council of Hinckley and Bosworth Groby (The Sandpit, Ratby Road) Tree Preservation Order 1983. This order only includes a woodland schedule to protect Ash, Thron, Birch, Crabtree, Larch, Oak and Thorn groups.

As the order is a Woodland then the TPO is slightly different to normal TPOs in that it protects the land and any new trees within the description which grow. This would theoretically also include the Ash trees and any new saplings which grow. This also means that the removal of saplings from the garden would be considered a breach of the order. The use of Woodland orders should not for this reason be used within residential areas. This order should therefore be reviewed with the order changed to individual trees instead of a woodland.

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Appendix I – Bibliography

British Standards Institution (2010), BS3998 Tree Work - Recommendations

British Standards Institution (2012), BS5837 Trees in relation to design, demolition and construction - Recommendations

Appendix II – About the author

Author of this report: Mr Reuben Hayes, M.Arbor.A; CMgr MCMI

Qualifications

Quantified Tree Risk Assessment, 2018 – QTRA

CMI Management and Leadership (Level 5) – May 2015

Professional Tree Inspection, 2009 – Lantra

Higher National Diploma, Arboriculture (HND), July 2003 – Warwickshire
College

National Diploma (Tree Management and Arboriculture), 2000 – Warwickshire
College

Experience

Apex Environmental Ltd: May 2013 – Present

Cannock Chase Council: July 2010 – Present

RJH Silvicultural and Arboricultural Services Ltd: 2008 – 2010

London Borough of Camden: January 2005 – July 2010

Three Rivers District Council: March 2003 – January 2005

Forestry Commission: 1997 – 1998

National Trust

Membership of professional bodies

Professional Member of the Arboricultural Association

Professional Member of Consulting Arborist Society (CAS)

Associate Member of the Institute of Chartered Foresters

Fully accredited Chartered Manager of Chartered Management Institute (CMI)

Member of Institute of Directors (IoD)

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