

TREE ASSESSMENT REPORT

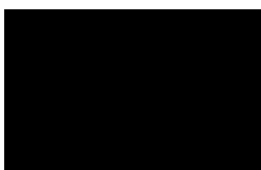
3 Spinney Close, Groby, Leicester LE6 0BY



17th September 2024

Client: Carol Lincoln

*Observations and recommendations following an inspection of trees at
the property on 27th August 2024*



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Contents

1	Introduction	1
2	Method.....	2
3	Overview	4
4	Statutory protection and designations.....	5
5	Tree Inspection Findings and Explanation.....	8
6	Conclusions and Recommendations	12
7	Statutory protection and legal considerations.....	12
8	Contracting work.....	13
9	Monitor and re-inspect	14
	Appendix A: References	15
	Appendix B: Tree Location Plan and Survey data	16

1 *Introduction*

- 1.1 I am a Registered Consultant of the Arboricultural Association. (RC Licence No: RC202) and have worked as a consultant for over 20 years. I hold the Arboricultural Association's Technician's Certificate and the Royal Forestry Society's Professional Diploma, which is a level 6 qualification equivalent to an Honours degree.
- 1.2 I was instructed by the Client to document an inspection of Ash trees in the garden of 3 Spinney Close, Groby. The Client has concerns over the health of the trees and has had advice from a tree surgeon that they should be felled.
- 1.3 Instructions were:
- To assess the health and condition of the trees
 - To identify any hazards and assess the level of risk associated with any hazards found
 - On the basis of the information gathered, to provide recommendations for any works required to reduce the level of risk to an acceptable level
 - To generally comment on pertinent tree management matters

2 Method

Inspection

- 2.1 I inspected and considered three Ash trees as directed by the Client.
- 2.2 The trees have been tagged with numbered discs for easy identification.

Assessment

- 2.3 I use the VTA (Visual Tree Assessment) method as described by Claus Mattheck, which is now widely used within the arboricultural industry as the basis for identifying tree defects. Other methods have also been described but all models consider the outward signs given by the tree in its overall setting, physical form, vigour and bark symptoms.
- 2.4 There follows a consideration of factors relating to the species of the tree such as:
- more prone to drop dead wood
 - more significant effect of a decay fungus
 - brittle wood
 - short safe useful life
 - prone to drought stress
 - good habitat or conservation value
 - undesirable qualities – prickly leaves/stems, berries/fruit, poisonous parts
- 2.5 There is also a consideration of any presence and significance of Decay Fungi. A decay fungus may cause a stem or branch to become hollow or alter the strength of the wood. There has been valuable research carried out recently into the significance of various decay fungi. We now recognize five colonization strategies and understand far more about the components of the wood that are decayed with each fungus/host combination. This results in better decisions being made about the best course of action to be taken. In addition, the biomechanical properties of wood have been researched and the criteria for the failure of a given component can now be applied to accurately assess the likelihood of failure.
- 2.6 Ivy is often thought to affect the health of trees. This is not true. The greatest threat to a tree is through the increased wind resistance of the ivy in the crown of the tree. Where heavy ivy infestation and a decay fungus or structural defect are found together, it will often be necessary to control the ivy in some way. Ivy can also prevent a proper inspection from taking place as bark cannot be seen and structural defects may be obscured. Generally, ivy can be left as habitat for nesting or a late food source for bees.
- 2.7 Bacteria, viruses, insects, birds and mammals can also have a significant impact on the health and condition of a tree.

Reporting

- 2.8 My complete survey notes and a Tree Location Plan showing the locations of trees referenced in this report can be found at Appendix B.

Limitations

- 2.9 There are some limitations to the method:

- As trees and shrubs are living organisms whose health and condition can change rapidly, conclusions and recommendations are only valid for one year. The health, condition and safety of trees should be checked regularly.
- The soil was not examined and no soil samples were taken. Should soil analysis be indicated, this will be recommended in the report.
- No invasive investigations were carried out to assess the internal condition of the trees. Should this be required, it will be highlighted in the report.
- No tree can be guaranteed to be safe. So long as trees are retained, zero risk cannot be achieved. The recommendations in this report are based on a reasonable and proportionate response to risk.

3 Overview

The property

- 3.1 No. 3 Spinney Close is a detached brick-built property located on the western side of Groby (see Fig. 1)



Fig. 1 Location of property shown in red on aerial imagery from June 2021 © Google Maps 2024

The trees

- 3.2 2 Spinney Close occupies land to the eastern side of a former sand pit, with a significant change in level beyond the eastern boundary.
- 3.3 The trees are located on the edge of the former sand pit.
- 3.4 The trees form a linear group which provides some screening between the site and Spinneyside.
- 3.5 In my estimation, the site usage adjacent to the trees is 'Low'.
- 3.6 The trees are orientated north-south and can be seen from several vantage points.
- 3.7 The trees are within falling distance of buildings to the east and west.
- 3.8 The trees are mature.

4 *Statutory protection and designations*

Site

- 4.1 The property does not lie within a Conservation Area.

Trees

- 4.2 The trees are included in The Borough Council of Hinckley & Bosworth: Groby (The Sandpit, Ratby Road) Tree Preservation Order 1983. (see Fig. 2 overleaf).
- 4.3 Spinney Close occupies the area included in the TPO as Woodland W1. The remaining trees do not represent a woodland in character.
- 4.4 Woodland 1 is described in the schedule for the Order as comprising: “60 individual tree species together with 18 groups of thorn specimens as follows: Ash (41), Thorn (7), Birch (1), Crabtree (1), Larch (1), Oak (9), Thorn Groups (18).” It is unusual to describe the contents of the woodland.
- 4.5 A Woodland designation provides protection not only to those trees present at the time the TPO was made, but also other elements of natural generation (seedling growth for example). It does not include those trees that have been planted in the course of ‘gardening’. This brings an element of ambiguity with some trees but on this site, the three Ashes are clearly part of the original TPO Woodland.

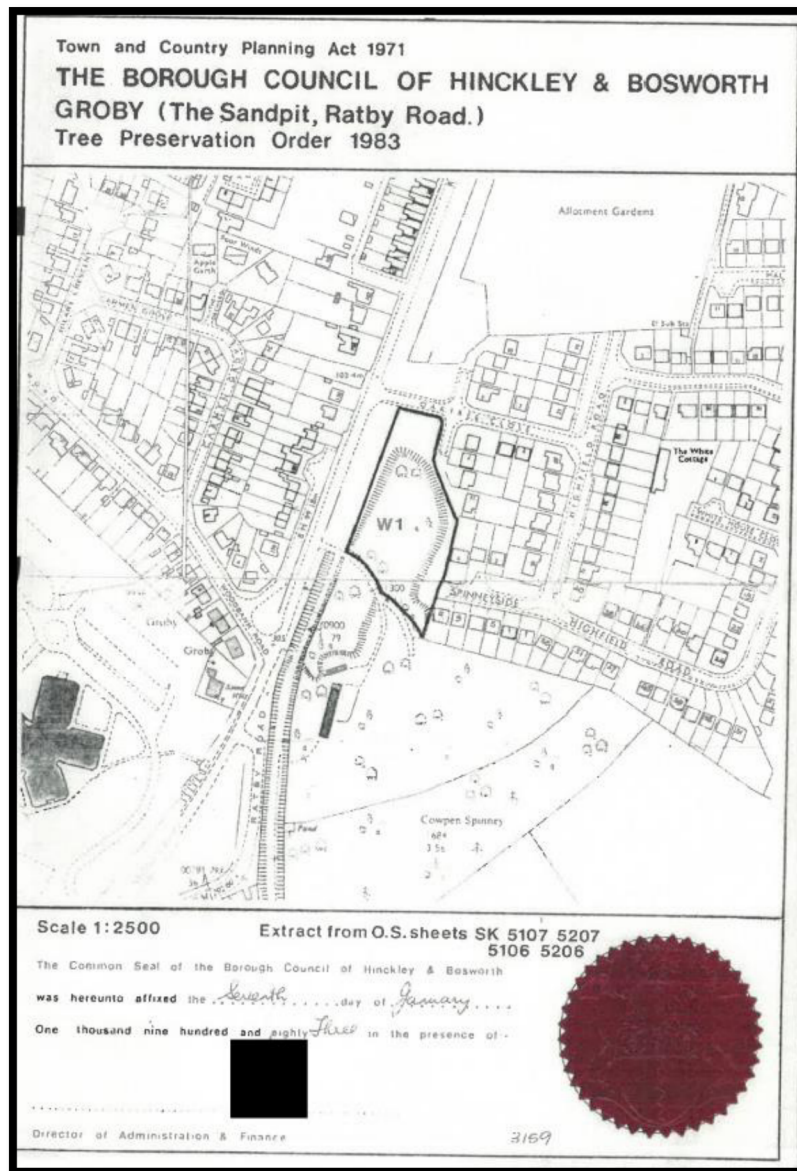


Fig. 2 Plan from *The Borough Council of Hinckley & Bosworth: Groby (The Sandpit, Ratby Road) Tree Preservation Order 1983*

- 4.6 Work may be permitted on a tree protected by a TPO after an application has been submitted to the LPA and written permission granted. Once an application has been made, a representative of the LPA may inspect the trees, notices may be posted so that affected parties can object or make representations and a decision should be made within an eight-week period. If a decision has not been made within an eight-week period, the person making the application can apply to the Planning Inspectorate for Non-Determination. If the LPA refuses the application, the applicant still has the right to appeal.
- 4.7 If trees included within a Tree Preservation Order are illegally cut-down, topped, lopped, uprooted or willfully damaged or destroyed, the owner of the tree(s) and the contractor responsible for the work can both be legally prosecuted. The current maximum fine is £20,000 per tree at the Magistrates Court or unlimited fine at the Crown Court.

Ecology

- 4.8 Trees and other vegetation can often provide nesting, roosting and feeding opportunities for protected species, including bats. The Wildlife and Countryside Act 1981 (as amended) makes disturbing a nesting bird or destroying its nest an offence. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment.
- 4.9 Bats are protected by The Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and the Conservation of Habitats and Species Regulations (2010). People committing bat crimes can face six months imprisonment and/or unlimited fines. Additionally, any profits made as a consequence of not following lawful process can be confiscated and items used to commit the offences such as vehicles, plant or machinery can be forfeited. Visit: <http://www.bats.org.uk/>.

5 Tree Inspection Findings and Explanation

Decay

- 5.1 I found decay at the base of Ash 1366 through testing with a mallet for audible signs of decay. There were also tracts of dead bark associated with the area of decay, which were most likely linked with infection (see 5.5 below). Given the overall condition of this tree, some significant intervention is required to reduce the level of risk.

Dieback

- 5.2 Crown dieback refers to the gradual decline and death of the foliage of a tree. It is characterised by the browning and loss of leaves, reduced growth, and eventual loss of branches. Crown dieback can result from various factors including root damage, environmental stress, diseases, pests, poor soil conditions (including waterlogging or drought), ground contamination, and other adverse factors that impact a tree's health and vitality.
- 5.3 Ash 1366 and 1368 were noted to have crown dieback. This is most likely to be associated with the *Phytophthora* infection (see 5.5 below.) The condition of Ash 1366 is shown in Fig. 3 below.



Fig 3. Picture showing poor crown condition of Ash 1366

Deadwood and dead trees

- 5.4 One of the primary benefits of leaving dead trees in place is that dead wood serves as habitat and a food source for various species. Many insects, such as beetles and wood-boring insects, depend on dead wood for breeding and feeding. In turn, these insects attract birds, including woodpeckers, which rely on them as a food source. Additionally, small mammals like squirrels may use dead trees as nesting sites.
- 5.5 Furthermore, dead wood contributes to nutrient cycling within the ecosystem. As it decomposes, it releases valuable nutrients into the soil, benefiting plant growth and overall ecosystem health. This nutrient cycling is essential for maintaining a balanced and sustainable environment.
- 5.6 However, dead wood also presents a hazard of falling debris and where the trees overhang neighbouring gardens, I consider that you should reduce the level of risk by removing the deadwood.

Disease

- 5.7 *Phytophthora* is a fungal infection that generally shortens the life of a tree by causing vascular dysfunction that causes low vigour, de-foliation and crown dieback. While this does not make a tree dangerous, any dead wood that forms could be a hazard. There is no cure or control, and infected trees will die sooner than they would if they were not infected. (see Fig 4 below)



Fig 4. Picture showing *Phytophthora* bleeds on main stem

- 5.8 Ash Heart Rot is caused by the fungal decay pathogen *Inonotus hispidus* (see Fig 5 below) which causes the wood to decay in such a way that it becomes brittle and liable to sudden fracture. Stems will break before there is any hollowing or loss of wood volume. An adequate safety factor can often be gained through pruning, which reduces the forces acting on the tree's structure.



Fig. 5 Picture showing the structure of Ash 1368 with fungal fruiting bodies arrowed red.

6 *Conclusions and Recommendations*

Remedial works

- 6.1 As we discussed during my visit to inspect the trees at your home, there are several options available to you. While pruning can help improve safety, a pragmatic approach is necessary as in addition to factors making the trees dangerous, the vascular disease caused by *Phytophthora* will significantly shorten the life of the trees.
- 6.2 On this site, I recommend that Ash 1366 and 1368 are felled and replaced. However, you could consider retaining Ash 1366 as a 'monolith' at a height of 5-8m.
- 6.3 You could consider reducing the height and crown spread of Ash 1368 but this will only be delaying the inevitable loss of the tree.

Tree planting

- 6.4 One advantage of complete removal would be the opportunity to replace.
- 6.5 The success of tree planting is dependent on careful planning and implementation of a robust maintenance strategy.
- 6.6 I am happy to be consulted further on this element in terms of species choice, design and implementation.

7 *Statutory protection and legal considerations*

- 7.1 Before the commencement of any treeworks, the contractor will ensure that the proper checks for bats and nesting birds have been carried out by an appropriately-qualified inspector.
- 7.2 With the exception of removing dead wood, the suggested pruning or removal will require an application under the TPO to the Local Planning Authority. Please ask if you would like my assistance, this is a free service that I offer my clients.
- 7.3 If removal is approved, replacement planting may actually be required as part of the conditions set by the authority.

8 Contracting work

- 8.1 The implementation of the recommendations in this document is entirely within the control of the Client. However, we would suggest that when hiring contractors, they should ask that the work be performed to British Standard 3998 (ref: British Standard BS3998: 2010 'Tree Work – Recommendations'). By following this standard, contractors prioritize safety, deliver high-quality work, demonstrate professionalism and comply with legal regulations.
- 8.2 Tree work is skilled and potentially dangerous work, which must be carried out by trained and certificated staff. It is their responsibility to ensure that their machinery and equipment are appropriately maintained, inspected, and operated and that their work practices are in alignment with the Regulations established within the Health and Safety at Work Act 1974. The relevant regulations include:
- Work at Height Regulations 2005
 - Control of Substances Hazardous to Health Regulations 2002 (COSHH)
 - Manual Handling Operations Regulations 1992
 - Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
 - Provision and Use of Work Equipment Regulations 1998 (PUWER)
- 8.3 There is not a specific "Chainsaw License" in the UK; however, chainsaw operators must show that they have received adequate training (including update/refresher training) relevant to the type of work they will undertake. They are also required to wear appropriate chainsaw protective clothing whenever they use a chainsaw, and of course adhere to the requirements of the regulations mentioned above.
- 8.4 Anyone working in a tree with a rope and harness must adhere to the Work at Height Regulations 2005. They must carry out a risk assessment, consider all other options (such as a lift platform), and ensure that they and others on the team have received adequate training in the operation they will be carrying out (including training in rescue techniques).
- 8.5 For more information on the training in this industry, visit <https://www.nptc.org.uk> (City & Guilds NPTC) or <https://www.lantra.co.uk> (Lantra)
- 8.6 Contractors must have Public Liability Insurance (preferably £5 million) and Employer's Liability Insurance (preferably £10 million).

9 *Monitor and re-inspect*

- 9.1 Where retained, I consider that a defensible re-inspection schedule for the trees at this location would be every 3 years. Therefore, the next inspection should be in August 2027.
- 9.2 Monitoring in this context means observation by you when near the trees and a re-inspection by a suitably qualified person after a weather 'event'.
- 9.3 Any changes that you note must be conveyed to the arboriculturalist as soon as possible.

Appendix A: References

Mynors, C.; Hall, S. & Nicholls, E. (2023) *The Law of Trees Forests and Hedges* London: Sweet & Maxwell.

Gov.uk (2014) *Tree Preservation Orders and trees in Conservation Areas* (Collection: Planning Practice Guidance) [available from: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>]

British Standard 3998:2010 'Tree work – Recommendations'

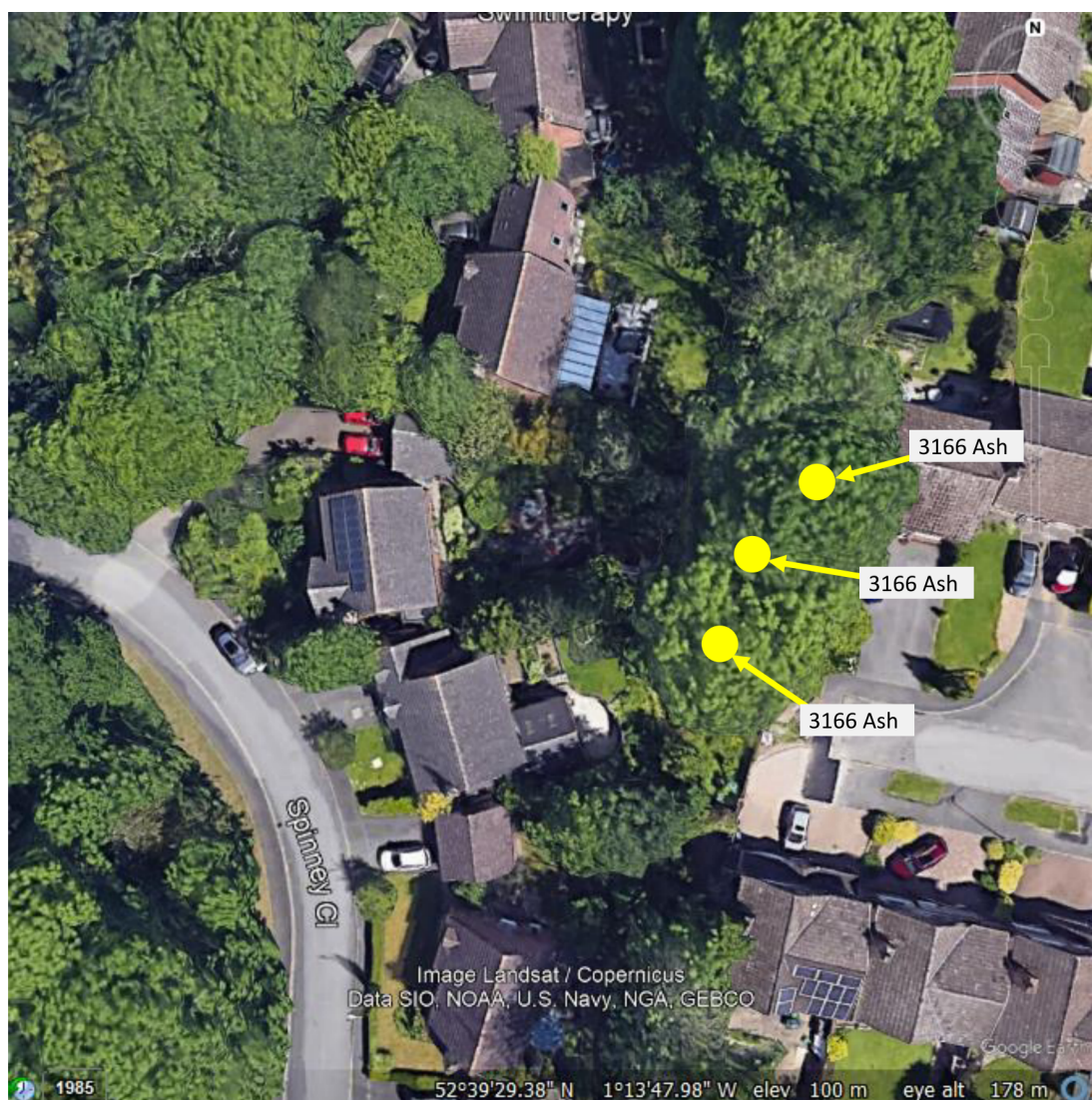
Diagnosis of Ill Health in Trees (Strouts and Winter) 1994

Fungal Strategies of Wood Decay in Trees (FMWR Schwarze; J Engels; C Mattheck)

The Borough Council of Hinckley & Bosworth: Groby (The Sandpit, Ratby Road) Tree Preservation Order 1983

Appendix B: Tree Location Plan and Survey data

Tag	Species	Height (m)	Age Class	Observations	Recommendation
1366	Ash	19	M	Phytophthora bleeds on main stem. Decay at base of main stem. Scattered minor dead wood throughout crown. Some moderately-sized pieces of deadwood in crown. Dieback in crown.	Reduce to a monolith at 6-8m as desired or fell and replace
1367	Ash	21	M	Triple co-dominant main stems. No evidence of weak unions	No work required
1368	Ash	19	M	Phytophthora bleeds on main stem. Decay at base of main stem. Scattered minor dead wood throughout crown. Some moderately-sized pieces of deadwood in crown. Infected with Ash Heart Rot. Dieback in crown.	Either reduce the height by 6m or reduce to a monolith at 6-8m as desired



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