

TREE ASSESSMENT REPORT

Yew Tree Cottage, 2 Church Ln, Ratcliffe Culey, Atherstone CV9 3PA



24th June 2024

Client: Fisher German LLP

*Observations and recommendations following an inspection of Yew
Tree at the property on 12th June 2024*

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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 Fisher German LLP to conduct an inspection of a Yew tree at Yew Tree Cottage, 2 Church Lane, Ratcliffe Culey, Atherstone.
- 1.3 Instructions were:
- To assess the health and condition of the tree, including its remaining lifespan
 - 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 including an appropriate re-inspection regime

2 *Limitations*

- 2.1 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.
- 2.2 The soil was not examined and no soil samples were taken. Should soil analysis be indicated, this will be recommended in the report.
- 2.3 No invasive investigations were carried out to assess the internal condition of the tree. Should this be required, it will be highlighted in the report.
- 2.4 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 Property overview

- 3.1 Yew Tree Cottage is a detached brick-built house which has been extended. It is situated in a small inset to the side of Church Lane, a single-lane road which leads to the Church.
- 3.2 Across from the property there are two modern bungalows with wide driveways. One property owner has indicated that they experience loss of light and inconvenience relating to dropped leaves from the subject tree.
- 3.3 The property does not lie in a Conservation Area.

4 Yew NT1

- 4.1 The subject tree is a mature Yew of the following dimensions:

Key data	
Species	Yew (<i>Taxus baccata</i>)
Height:	14m
Crown Spread:	7m north; 8m east, 7m west; 7m south
Lower crown:	3.5m over road

- 4.2 The tree is included as T2 in *The Borough Council of Hinckley & Bosworth (2 Church Lane, Ratcliffe Culey, Witherley) (No. 12) Tree Preservation Order 2024*, which was Confirmed on 8th April 2024.
- 4.3 There are no visible defects in the main stem.
- 4.4 There are no visible defects in the scaffold branches.
- 4.5 The crown is well foliated and the tree has normal vigour.
- 4.6 Although the tree is an evergreen, its leaves are cyclically shed and renewed. This cyclical shedding does not affect the overall health of the tree unless it coincides with crown symptoms. I did not see anything to concern me at this inspection.

- 4.7 The lower crown has been pruned where it overhangs the road, which is to be expected. There has been some minor twig damage in the lower crown, which I have assumed is through contact with higher vehicles (refuse lorry is most likely). See Fig 1.

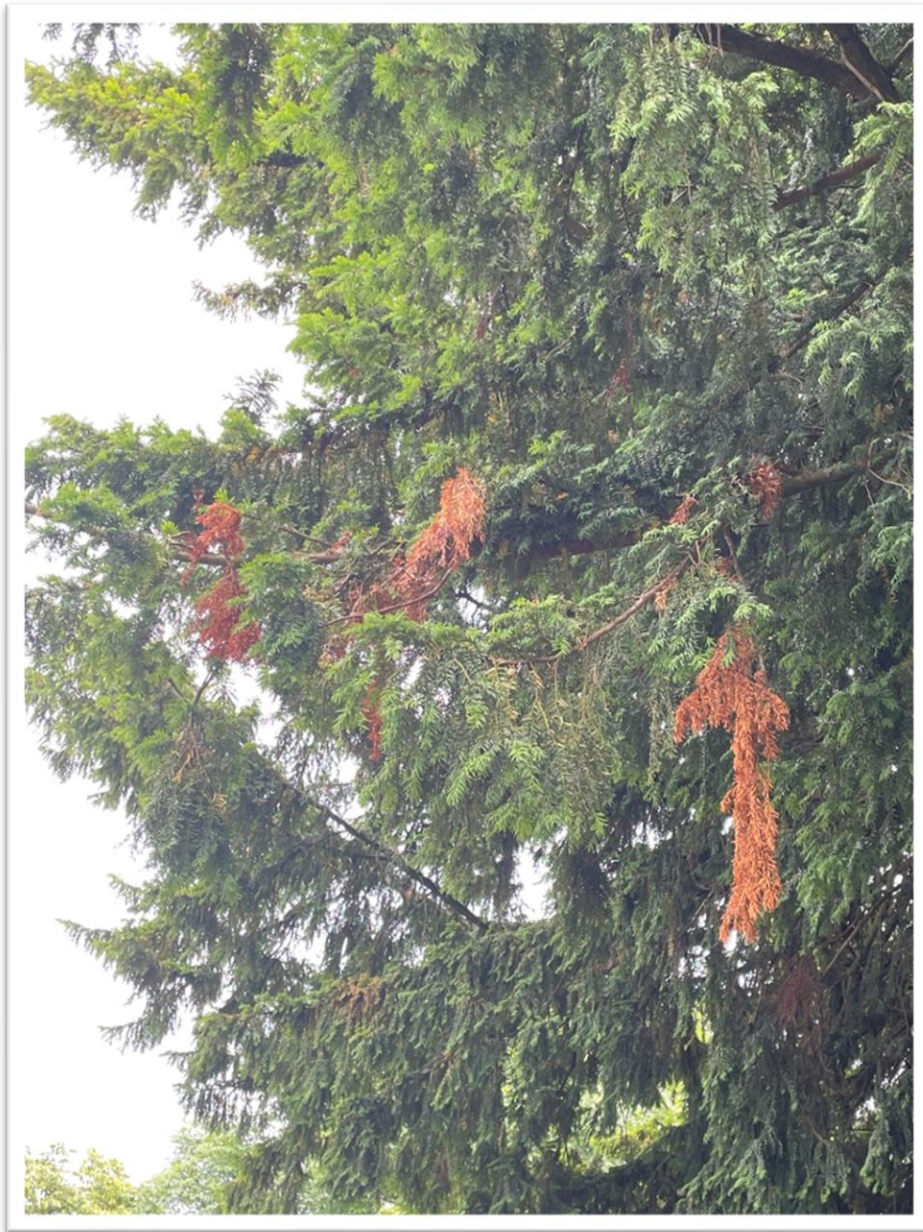


Fig. 1 Picture showing dead twigs in lower crown

- 4.8 The crown is touching the building and should be pruned to negate the risk of damage through the movement of branches against the brickwork or parts of the roof. (see fig 2 below)



Fig 2. Picture showing crown near building.

- 4.9 The tree is of some considerable age, with a substantial main stem girth. There was some information passed to me by the tenant that suggested the tree has been severely pruned in the past by someone who has been in the village all their life. However, I did not see evidence of severe pruning.
- 4.10 The life span of a Yew can be considerable and is counted in hundreds of years rather than 'tens' of years. It is always difficult to age a tree like a Yew, especially where it may have been pruned historically. However, if I were to estimate the current age at 150 - 200 years this puts it in the first third of a normal life expectancy. But Yews can live for much longer.

5 *Statutory protection*

- 5.1 Under the Tree Preservation Order, there are controls over what work can be implemented.
- 5.2 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.
- 5.3 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.
- 5.4 Work on trees that are dead or dangerous is exempt from legislation. For example: "The exceptions allow removal of dead branches from a living tree without prior notice or consent." (Guidance available at the Gov.UK website. Paragraph 079. Reference ID: 36-079-20140306. Revision date: 06 03 2014). However, it is customary to contact the local planning authority to provide five days' notice of the intent to carry out works to trees that fall into these categories.
- 5.5 I recommend notifying the City Council Tree Officer of the intention to carry out any works, including those that are exempt as it can help to administer enquiries from concerned neighbours.

6 *Conclusions and Recommendations*

- 6.1 I found no defects or causes for concern in the structure of the tree.
- 6.2 It would be prudent to prune the tree to clear the building. A one metre clearance is adequate and should give several years where no further work is required. With care, this work will not result in any loss of screening for the tenant. This work requires an Application under the TPO.
- 6.3 I also consider that it would be prudent to increase the lower crown height over the road to avoid accidental damage by passing vehicles. This work is exempt under the TPO.
- 6.4 No further work is justified, nor is likely to gain consent under the TPO.
- 6.5 You should maintain a regular regime of inspection. Given the setting, I consider that 36 months is a defensible interval. Therefore, the next inspection should be in June 2027.
- 6.6 Given the size of the tree and its setting, additional inspections should be undertaken after any extreme weather or in the event that the tenant reports any changes that they have observed.
- 6.7 When hiring contractors, you should ask that the work be performed to British Standard 3998 (ref: British Standard BS3998: 2010 'Tree Work – Recommendations'). By following this standard, contractors prioritise safety, deliver high-quality work, demonstrate professionalism and comply with legal regulations.
- 6.8 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 appropriate Regulations. Contractors must have Public Liability Insurance (preferably £5 million) and Employer's Liability Insurance (preferably £10 million).
- 6.9 Future Inspections should also assess whether previous recommended works have been carried out, and to a standard which resolves the original issue.

References:

Town and Country Planning Act 1990 [Available at:
<https://www.legislation.gov.uk/ukpga/1990/8/section/211>]

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 (2 Church Lane, Ratcliffe Culey, Witherley) (No. 12) Tree Preservation Order 2024