

Tree Survey, Categorisation & Constraints Report
in accordance with
BS 5837:2012 (Survey Phase 4.4, 4.5 & 4.6)

At
Honey Suckle Close
On the instructions of
Merthyr Valley Homes via Asbri Planning

Dated
13th November 2020



Inspected by:

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Signed Steve Ambler	
Date	13 th November 2020

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1. INTRODUCTION

Steve Ambler & Sons Tree Specialists Ltd are instructed by Merthyr Valley Homes via Asbri Planning to undertake an arboricultural survey at Honeysuckle Close, Merthyr to assist in the submission of a planning application to the Local Planning Authority.

This survey is in accordance with the standards set out in BS 5837:2012¹ (items 4.4, 4.5 & 4.6) essentially to gather tree related information to assist the Local Planning Authority in their decision-making process, in the context of design, demolition and construction.

I have been provided with the following information -

→ HS/02 Topographical Survey

I understand there is a proposal to redevelop the site, however, the trees have been assessed objectively and without reference to any site layout proposals.

The weather conditions were favourable for a survey of this nature which was conducted from ground level on the 13th November 2020.

This Tree Survey Report is carried out by Steve Ambler who is the company founder and a professional arboriculturist with over 40 years' experience in the industry. His company was established in 1999 and later expanded during 2006 with the launch of a Specialist Tree Management section to become - Steve Ambler & Sons Tree Specialists Ltd. Steve holds the following arboricultural qualifications: -

- a) Fellow Member of the Arboricultural Association.
- b) Professional Diploma in Arboriculture (Royal Forestry Society)
- c) Professional Technician in Arboriculture (Arboricultural Association)
- d) Certificate in Arboriculture (Royal Forestry Society)
- e) LANTRA Award, "Bats and Arboriculture – A Guide for Practitioners" developed by The Bat Conservation Trust.

Unless otherwise stated, this Report remains valid for 12 months. Trees require frequent inspections and the next one is recommended within 12 months of the date of this Report.

Trees are a material consideration in the UK planning system embedded within Planning Policy Wales 2016 which includes the following –

"Trees and Woods" -

¹ British Standards Institute Publication "Trees in Relation to Design, Demolition and Construction - Recommendations" 2012

5.5.13 Local authorities have a duty to ensure that adequate provision is made for the planting or preservation of trees by imposing conditions when granting planning permission and/or by making Tree Preservation Orders (TPOs).

5.5.14 Local authorities have a general power to make TPOs if it appears it is expedient to do so in the interests of amenity. They can make a provisional TPO which takes effect immediately, and it can remain effective for six months or until the TPO is confirmed."

Planning Policy Wales 10 (December 2018) includes the following key paragraphs in relation to trees: -

4.1.1.9. Well-integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well-designed street layout.

6.2.1. Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways and mountain ranges. At a local scale, it might comprise parks, fields, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks.

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans.

6.7.3 Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring because of their association with the normality of everyday activities.....

Technical Advice Note 12 Design (2016). This advice note states the response to context should not be confined to architectural finishes. It is important to help integrate old and new development and reinforce hierarchy between spaces

through the consideration of retaining existing landmarks, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. The guidance notes that opportunity should be taken when improving the public realm to protect and enhance biodiversity and assist pollution abatement through careful design, implementation and maintenance of planting. Planting, particularly large tree species can also be used to improve microclimate and reduce dust and the perception of noise through, shade, shelter and screening.

In addition, following legislation applies -

The Town & Country Planning Act 1990.

Section 197 of the Act places an express duty on the local planning authority, when granting planning permission, to ensure whenever appropriate that adequate conditions are imposed to secure the preservation or planting of trees, and that any necessary tree preservation orders are made under section 198 of the Act. When granting outline planning permission, the authority may consider it appropriate to impose a condition requiring the submission of particular details relating to trees to be retained on the site, such as their location in relation to the proposed development and their general state of health and stability. When granting detailed planning permission, conditions may be used to secure the protection of trees to be retained, for example by requiring the erection of fencing around trees during development or restricting works which are likely to adversely affect them. The long-term protection of trees, however, should be secured by Tree Preservation Orders (TPO) rather than by condition; such orders may also be expedient for the temporary protection of existing trees until details of the reserved matters are submitted and it becomes clear whether there is a need to retain the trees.

The provision and acceptance of this report are subject to the general terms and conditions of Steve Ambler & Sons Tree Specialists Ltd, which can be made available upon request.

2. SITE DESCRIPTION AND OBSERVATIONS

The site is situated within the Gurnos Estate in Merthyr Tydfil, immediately south of the A465 (Heads of the Valley Road). situated some 1.16 kilometres north northwest of the centre of Merthyr Town and southwest of Prince Charles Hospital.

The site comprises of 2 open green amenity spaces that are accessible by the public and provide open space to the residents of the larger housing estate. The area is intensively managed as grass through regular mowing. A small play area is in proximity to two of the trees in this survey.

The site is open and somewhat exposed to winds and the cultural conditions seem a little harsh for this reason and the intense grass management that tends to deprive trees of essential nutrients.

All trees are highly visible from many vantage points of housing, footpaths and roads.

No Category A trees are recorded on this site.

2 x Category B - trees are recorded because they are large and prominent in the locality and in general good health and condition with some minor defects.

The remaining trees are in poor condition and have been allocated retention categories C or U.

NOTE - Category C trees are of little merit and need not necessarily be a significant constraint on the site's potential as their loss may be mitigated through planting.

3. SPECIES RECORDED

Listed in alphabetical order -

Oak (*Quercus robur*)

Sycamore (*Acer pseudoplatanus*)

Hornbeam (*Carpinus betulus* 'Pyramidalis')

4. TREE SURVEY & TREE SURVEY PLAN

This tree survey will include each tree within the site boundary with a stem diameter of above 75-mm or in the case of large groups those measuring above 150-mm when measured at a height of 1.5-m above ground level. Trees over this size growing on land adjacent to the site, which are within a distance equal to 12 times their stem diameter from the boundary, are also included.

The surveyed tree/s are identified on the attached Tree Constraints Plan, within the Appendices, and the Schedule of Findings. This baseline data provides reference to an individual and the location of the tree using a tree reference number or tree tag number or both. Where tree tag number are used, a numbered tag is attached to the trunk of each tree at about 1.5-2.0 metres above ground level. A tabular format later in this Report records the baseline details of each tree or group against the reference number or numbered tag in the Findings tables Item 7.0.

The Report assigns the trees to one of four categories U, A, B, C (see Table One - Appendix A) depending on their overall health, size, condition, amenity, cultural and conservation value, their suitability in view of the increased usage that will arise following development. For trees in categories A to C, it should qualify under one or more of the three subcategories (1, 2, 3). Subcategories 1, 2, and 3 are intended to reflect arboricultural and landscape qualities, and cultural values, respectively. This system will also identify any unsuitable trees and suggest removal where necessary.

Where trees are found to require immediate attention, they will be identified in red bold text in the schedule of findings.

Care is needed when considering the quality and value of C grade and young trees, especially where they occur as individual specimens and should not dominate site layout considerations.

Trunk diameters are measured at 1.5 metres above ground level and rounded to the nearest 25 millimetres.

Trunk diameters and accessible crown spreads are measured with tree height, first significant branch and the lower crown ground clearance being estimated, unless otherwise stated.

NOTE - In all cases where a tree's position may be critical (e.g. in accurately determining clearances between a tree and a proposed structure) all dimensions should be checked on site.

5. TREE CONSTRAINTS PLAN

A Tree Constraints Plan accompanies this Report and identifies a 'Root Protection Area' (RPA) for each tree or group of trees surveyed. The RPA is in effect a layout design tool indicating the minimum area around a tree or group deemed to contain sufficient roots and rooting volume to maintain tree viability and stability, and in which the protection of the roots and soil structure is treated as a priority. Where a tree is to be retained, its RPA should be respected from the initial design period and throughout the demolition works until completion of the build. The necessary RPA distances are found in Table D1 of the British Standards¹

The RPA is marked on the Tree Constraints Plan as a solid orange line and reflects a radial distance when measured from the centre of the tree's trunk which is shown as a circle, centred upon the trunk of the tree, to enclose an area equal to the required RPA. This measurement is replicated within the end column of the Schedule of Findings and again in tabular format and appears in the Tree Constraints Plan.

In practice, the distribution of roots may frequently prove to be uneven due to the presence of a variety of constraining influences. These may be physical barriers such as existing foundations etc., or the existence of localised soil conditions inhospitable to root growth, such as water logging or soil compaction. Conversely, soil conditions may be particularly conducive to root development in one quarter and this might lead to an asymmetric distribution of roots around the tree. However, in most cases the nominal circular areas as indicated will provide a reasonable guide as to where special protection is needed.

Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area will be produced on the Tree Constraints Plan to represent this. Modifications to the shape of the RPA will reflect a soundly based arboricultural assessment of likely root distribution.

Proposed new planting may be marked on the plan as a constraint and the soil should be protected from compaction where this is to occur.

Trees will be coloured according to their category and the following will apply (Refer to 'Tree Quality Assessment' and Tree Constraints Plan in the Appendices).

- U - Dark red
- A - Light green
- B - Mid blue
- C - Grey

6. RECOMMENDATIONS

Efforts should be made to retain category B trees.

C category trees may be retained if desired although not need necessarily be a significant constraint on the site' s potential.

Category U trees should be removed as part of any site development and evaluated through a site risk assessment in the sites existing current situation.

Design and layout should take account of existing trees of importance and consider their requirements to maintain existing landscape value where possible. The site layout should ensure construction activity is outside the Root Protection Area of any retained trees. Recommended minimum Root Protection Area radii are shown in the final column of the survey schedule and diagrammatically as circles on the Tree Constraints Plan.

ANY LANDOWNER OR LAND MANAGER SHOULD BE AWARE THAT - Trees must receive regular tree inspections by persons with adequate specialist arboricultural qualifications. A landowner has a duty of care imposed by statute and common law to do so and keep records of such (see legal constraints below). For further advice contact www.trees.org.uk

Tree felling and surgery works should only be undertaken by trained, competent and appropriately certificated personal with adequate experience and public, third party and employers liability insurance to 5,000,000 pounds. Always ask for proof from the contractors prior to engagement and seek references where necessary.

In view of the recommendations for the design and construction process, in considering tree care (Figure 1, Appendix A), further assessments are required throughout the planning and design phase and recommended as follows...

- (1) **Arboricultural Implications Assessment (AIA)**
- (2) **Tree Protection Plan (TPP),**
- (3) **Arboricultural Method Statement (AMS)** which should be undertaken by an 'Arboriculturalist' .

Tree clearance works or works other than those to deal with serious defects posing considerable risk shall not commence until such time written approval or full planning approval is received from the Local Planning Authority. Any authorised tree works should be completed prior to the onset of any demolition or construction works, taking account of all legal constraints.

All the retained trees should be re-examined by an arboricultural specialist, once the development is complete.

Where the installation of paths or lightweight structures such as walls are unavoidable near to trees, the design and construction specification needs to take account of future growth. Refer to Table A of the Standard.

Shading of buildings by trees can be a problem, particularly where there are rooms which require natural light. Buildings will need to be positioned further away than just the outer edge of tree canopies in order to reduce the likelihood of pressure from future occupiers for tree removal or trimming. This applies particularly where windows of habitable rooms

will face onto tree canopies. Future dimensions of immature trees and shadow patterns should also be taken into account. A minimum of 2-m should be allowed between buildings and the outer edge of fully-grown canopies to allow for building maintenance and the erection of scaffolding etc.

Proposed buildings should be designed to take account of existing trees that are to be retained, their ultimate size and density of foliage, and the effect that these will have on the availability of light. Where sufficient distances (including allowances for future growth) cannot be achieved, the removal of C category trees should be considered. Larger trees are unlikely to increase greatly in height or spread. Older trees are particularly sensitive to root disturbance and are best retained within open space where they can be managed for optimum health, amenity value, and safety, rather than within private spaces.

All trees being retained must be protected by barriers and/or ground protection before -

- Any site activity, except for tree clearance
- Materials or machinery are brought onto site
- Demolition of any kind
- Removal of surfaces
- Stripping of soil
- Stripping of vegetation

Where all activity can be excluded from the RPA, vertical barriers should be erected to create a construction exclusion zone. Where construction activity cannot be fully or permanently excluded in this manner from all or part of a tree's RPA, appropriate ground protection should be installed (see 6.2.2 and Figure 2 of the standard) working under the guidance of an approved AMS and the supervision of the Project Arborist.

The default specification should consist of a vertical and horizontal scaffold framework, well braced to resist impacts, as illustrated in Figure 2 in the Appendices. The vertical tubes should be spaced at a maximum interval of 3 metres and driven securely into the ground. Onto this framework, welded mesh panels should be securely fixed. Care should be exercised when locating the vertical poles to avoid underground services and, in the case of the bracing poles, to avoid contact with structural roots. If the presence of underground services precludes the use of driven poles, an alternative specification should be prepared in conjunction with the project arboriculturist that provides an equal level of protection. Such alternatives could include the attachment of the panels to a free-standing scaffold support framework.

In order to prevent damage to the trees, including their roots, within the fenced area (RPA) there should be no...

- Alteration of ground levels, including soil stripping and digging.
- Installation of drainage or services using conventional open trenching methods which would not be in accordance with BS: 5837. (Any works should be in accordance with the National Joint Utilities NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees Volume 4)
- Excavation (there are exceptions when covered by an approved² Arboricultural Method Statement)
- Storage of any materials or equipment, even on a temporary basis.

² Approved by the Local Planning Authority

- Storage of oil, bitumen, cement or other harmful materials, mixed or discharged within 12-m of the trunk of any retained tree and making further allowances for any slope of the ground to prevent running contamination. Phytotoxic materials would include any mineral oil, fuels, cement mortar washings concrete washings, mortar.
- Fires must not be lit beneath or within 12-m of any tree canopies.
- Site operations such as - deliveries, site machines, crane jibs etc (should be organised to avoid damaging the trunk or crown of trees). Where this conflict is unavoidable, then facilitation pruning should be carried out in advance, rather than after damage has occurred. This may also be required to allow demolition operations. (facilitation pruning will require the consent of the LPA and should be under the guidance of the PA.
- Mechanical cultivation of the soil as part of landscaping operations.

Tree felling and surgery may be required to allow access for construction or future site traffic, or in the interests of the future health and safety. Detailed recommendations for such works can be provided once a final site layout is agreed and it is determined which trees (if any) are to be retained. All surgery should comply with the British Standards 3998:2010 Tree Work Recommendations or more recently accepted arboricultural good practice. The legal position regarding site designations should be considered.

7. SCHEDULE OF FINDINGS

Tree Number	Tree Tag	Species	Height (M)	Effectual Diameter (mm)	Branch Spread				1st Significant Branch	Canopy Clearance	Life stage	General Observations	Preliminary Management Recommendations	Remaining Contribution (years)	Retention Category	Root Protection Area (M2)	Root Protection Radius (M)	Photo Ref
					N	S	E	W										
T1	/	Oak (Quercus robur)	14	530	6	6	7	6	5.0	5.0	EM	This is a single stemmed specimen in general poor condition. Basal wound with internal decay on the west side measuring 300 x 1400. Another 2 wounds noted at 2.4-metres above ground level on the same axis coalescing between and probably to the basal wound. At the base, a second sub dominant stem has died and remains as a stub. Crown has been much reduced via surgery works probably to compensate for the large basal wound and reduce wind loading.	Consider felling due to short life expectancy. If retention is desirable, undertake a full and detailed diagnostic testing of the main stem in relation to the wound site prior to any scheme layout design.	10-20	C 2	124	6.30	1 2

Tree Number	Tree Tag	Species	Height (M)	Effectual Diameter (mm)	Branch Spread				1st Significant Branch	Canopy Clearance	Life stage	General Observations	Preliminary Management Recommendations	Remaining Contribution (years)	Retention Category	Root Protection Area (M2)	Root Protection Radius (M)	Photo Ref
					N	S	E	W										
T2	/	Pyramidal Hornbeam (Carpinus betulus 'Pyramidalis')	16	410	3	2	3	3	2.5	2.5	EM	A single stem rises to 1.7 metres above ground level (AGL) at which point it divides into two stems forming a codominant union under compression. One of the stems is subdominant and this prevents it from becoming a suitable candidate for flexible cable brace installation to help stabilise the defective union. The tree has reasonable vigour for its situation slightly below normal. It has a typical narrow crown for the species.	Reduce sub dominant stem by 2 metres. Monitor recovery and union.	20	B 2	81	5.10	3 4

Tree Number	Tree Tag	Species	Height (M)	Effectual Diameter (mm)	Branch Spread				1st Significant Branch	Canopy Clearance	Life stage	General Observations	Preliminary Management Recommendations	Remaining Contribution (years)	Retention Category	Root Protection Area (M2)	Root Protection Radius (M)	Photo Ref
					N	S	E	W										
T3	/	Sycamore (Acer pseudoplatanus)	14	780 @ 1.4m	5	5	5	6	4.0	4.0	EM	Forms a twin stem at 1-m above ground level which is slightly compressive with rib formation just beginning to form on the west side indicating a defect. large basal wound measuring 400 x 1400-mm with exposed xylem tissue decayed leading to 2 cavities at 2.2 metres AGL on the north and south on the same axis and coalescing between and to the base. the small basal wound has occlusion and a wall thickness less than the 30% critical values required at that point. Wind damaged crown with a large section lost from the uppermost portion giving the tree a slightly squat appearance. Vigour is notable low. Some deadwood occurs along with other smaller cavities relating to lateral branch wounding some years previous. Internal decay is present throughout the main stem.	Retention category is preliminary until a full structural evaluation of the base and main stem using diagnostic testing equipment is undertaken to distinguish the amount, severity, and significance of any internal decay. If close to structural limitations, then wood strength testing will be required in addition to assess the wood properties of the critical residual wall thickness. Re evaluate the retention category and remaining contributory years following structural evaluation.	20	B 2	272	9.30	5 6 9

Tree Number	Tree Tag	Species	Height (M)	Effectual Diameter (mm)	Branch Spread				1st Significant Branch	Canopy Clearance	Life stage	General Observations	Preliminary Management Recommendations	Remaining Contribution (years)	Retention Category	Root Protection Area (M2)	Root Protection Radius (M)	Photo Ref
					N	S	E	W										
T4	/	Oak (Quercus robur)	18	790	7	7	8	5	3.0	3.0	EM	A large dominant specimen of reasonable form and condition situated within a grassy open space near a play area. Basal wound due to mechanical damage measuring 300 x 300-mm. exposed xylem tissues hard. A single main stem rises to 3 metres AGL where it has a slight kink and a wound site where the loss of a large limb occurred many years previous. The wound has not been able to occlude fully. Crown architecture appears normal for the species and leaves are of normal size. Growth signatures amongst the most distal regions of the crown show good vigour between terminal bud and girdle scar from this year in the lower crown. Some minor deadwood is noted in the crown but due to cladoptosis which is normal and not an indication of poor health. No fungal bodies were noted. Some rope is noted on lower branches	Remove deadwood Remove rope	40	B 2	290	9.60	7 8 9

NOTES -Tree felling should only be undertaken by trained, competent and appropriately certificated personal with adequate experience and public liability insurance to £5,000,000. Always ask for proof from the contractors prior to engagement and seek references where necessary. Trees must receive regular tree inspections by persons with adequate specialist qualifications. For further advice contact www.trees.org.uk

8. LEGAL CONSTRAINTS

With regards trees, the legal constraints on any site should be considered early on in the planning process and well before any work commences on site. Such constraints may cause time delays and should be given full consideration from the outset. The legal constraints here are general constraints that relate to arboriculture only and do not cover any other legal matters that may be relevant on this site.

Tree Preservation Orders and Conservation Area Status in Wales

In Wales, the law on TPOs is in Part V111 of the Town and Country Planning Act 1990 Town and Country Planning (Trees) Regulations 1999. When any tree/s are protected by a TPO or are situated within a Conservation Area, it is an offence (1) cut down (2) uproot (3) top (4) lop (5) wilfully damage or (6) wilfully destruct a tree without the express written permission from the Local Planning Authority (LPA), there are exceptions. An LPA may grant permission, if considered reasonable following the submission of an application for consent to undertake the works, or where in accordance with an Approved Planning Application or under the exemptions within the Town and Country Planning Act 1990 of dead, dying, or dangerous. It is advisable to consult the LPA and an Arborist prior to conducting any tree works under these exemptions.

Felling Licence

A Felling Licence is required in certain felling operations which are administered by the Forestry Commission where more than five cubic metres of wood are felled in one calendar quarter and when selling more than two cubic metres. There are exceptions, and these are in the Forestry Act 1967 and Regulations made under this Act. Contravention of the felling licence controls can incur substantial penalties. Tree felling forming part of a Local Authority Planning Approval is exempt.

The Wildlife and Countryside Act 1981 protects nesting birds and to disturb nesting birds can be a criminal offence. Therefore, caution must be aired if tree works are programmed during the nesting season, between March and August. Should nesting birds be present then all but essential works will be postponed. If in undertaking essential works a nest or nests are found to be present, then further advice will be sought from the Countryside Council for Wales.

Bats...Summary of Current Relevant Legislation

There are some 17 species of bat which are known to breed in the British Isles, all are insectivorous and depend to some extent on habitat in which trees are a significant element. Bats are a protected species and are in decline both globally and nationally. Therefore, they are to be fully considered before any tree work commences and particularly if the trees are mature. If a bat roost is known to be in any tree that is to be removed or worked on, a license must be obtained from the Welsh Government beforehand.

The European Habitats Directive (passed in 1992) provides the principal legal protection for bats in the UK and this is currently enacted into British legislation through the Conservation of Habitats and Species Regulations 2010 in England and Wales; the Conservation (Natural Habitats &c) Amendment (No. 2) (Scotland) Regulations 2009 in Scotland; and the Conservation (Natural Habitats &c) Regulations (Northern Ireland) 1995 (as amended) in Northern Ireland. These regulations relate to all animals which are identified as European Protected Species (EPS) which includes all bat species.

The different countries of the UK have domestic legislation which also provides protection (by varying degrees) to bats; however, this has largely been superseded by the Regulations specified above.

Under the Regulations it is illegal to:

- kill, injure or capture a bat
- disturb bats
- damage or destroy a bat's breeding site or resting place (roost)
- possess a bat (live or dead) or offer one for sale or exchange.

This is a simplified summary of the legal position relating to bats and is intended for guidance purposes only. If further assistance is required, the primary legislation should be referred to or legal advice sought.

The legislation makes it an offence to intentionally or recklessly damage, destroy or obstruct access to a site used by bats whether bats are present at the time or not. This can include work on trees whether it is surgery, felling, the covering, or filling of cavities or the installation of rod braces and flexible cable braces, where a bat roost is present.

Where there is a risk bat roosts may be present, it is incumbent upon the owner or manager to commission a specialist bat survey to identify bat roosts before instructing tree surgery to commence. Failure to do so and in the event of disturbing a roost site or injuring any bats is an offence. Maximum penalties for committing offences relating to bats or their roosts can amount to imprisonment for a term not exceeding six months or to fines of up to Level 5 on the standard scale under the Criminal Justice Act 1982/ 1991 (i.e. £5000 in April 2001) per roost or bat disturbed or killed, or to both.

Statute and Common Law.

A landowner or land manager should be aware that both statute and common law dictates that regular inspections of trees on land in their control are necessary where such trees could cause injury or damage in the event they should fall or shed any parts. The part of the statute law that relates to this responsibility is governed by the Occupiers' Liability Act (1957 & 1984) in the case of England and Wales and most prosecutions are brought under this heading. In addition, a landowner has a "Duty of Care" see court case reference...British Road Services v Slater & Another [1964] Vol. 1, Weekly Law report 493-497

A person suitably qualified in arboriculture should undertake such routine inspections and any remedial tree works recommended should be carried out within the time constraints specified, to prevent injury or damage occurring. A landowner should retain records of all inspections and any remedial tree works that have resulted from such inspections. Arboricultural Association, the Malthouse, Stroud Green, Standish, Stonehouse, Gloucestershire, GL10 3DL. Telephone 01242 522152. www.trees.org.uk are able to provide advice on suitably qualified persons or indeed suitable qualifications a person should hold to undertake qualified inspections.

9. LIMITATIONS OF THIS REPORT

It must be stressed that this report is a pre-development survey and not a risk assessment or a detailed report on the health and condition of the trees. Whilst any obvious problems noted during this ground level inspection may be noted, general comments are made based on a somewhat cursory, visual inspection. In addition, future management may receive a mention or be briefly discussed but such comments are general comments only, for basic information, which should not be taken to form immediate or long-term management plan, nor do they replace the need for having professional management plans for groups, areas or woodlands.

Trees are living dynamic organisms which can be affected by external environmental conditions and very occasionally internal biological symptoms that are not visible, causing failure without warning. It is therefore not possible to state with any certainty that any tree is completely safe. There are occasions when even healthy and completely defect-free trees break or become windblown. This represents a "normal failure rate" which is the price of the lightweight, energy-saving structure that favours the species to compete with others in a cost-effective way.

Every attempt has been made to provide a realistic and accurate assessment of trees and their condition at the time of this inspection. No responsibility can be accepted for damage or injury as a result of the failure of any tree or its parts due to faults not apparent upon a visual inspection carried out at this season, or for faults developing subsequent to the survey. Similarly, no liability can be accepted for the condition of the trees that are obscured in part or by whole (e.g. due to dense ivy or other foliage), nor for any that proved inaccessible to the inspector. Certain features which might provide evidence of ongoing decay or decline (Such as seasonal fruiting bodies, damage to foliage, insect emergence holes etc.) may not be in evidence. Only those features present at the time of inspection could be assessed.

This report is based on the tree's circumstances and condition at the time of the survey. It must be recognised that the circumstances may be altered radically over the course of any development process and that such changes cannot be accurately predicted. The report also does not provide any specific long-term management recommendations.

The effect this new development may have on localised wind turbulence has not been assessed during this inspection. As trees grow, they respond and mechanically adapt to their surroundings and exposure limits. With the erection of dwellings in close proximity to existing trees, new turbulence is created. The author accepts no liabilities to any failure subsequent upon such new imposed, artificial conditions.

Unless stated in writing, the inspection shall not include any underground parts of the tree. It does not consider **indirect** damage resulting from the extraction of moisture from shrinkable clay soils by tree roots causing **subsidence** or by **heave** occurring through soil rewetting following removal of trees on this site. Such problems are almost entirely restricted to areas of shrinkable clay soils and as I have **not** considered a soil analysis as part of my present brief, this aspect is **not** addressed at this time.

Unless otherwise stated in writing and in the absence of altered circumstances, a report on the health and safety of a tree or trees cannot be relied on after a period of 12 months. Following such a period, a further inspection is required.

Soil testing to ascertain the plasticity index or shrinkable characteristics of the soil on the development site to provide information in relation to the likelihood of building damage caused by tree related subsidence or heave where trees are within influencing distance has not been carried out. The author cannot be held liable for building damage as a result. A soil analysis can be provided if requested.

Further and more general report limitations are set out in the authors Terms and Conditions and copies are available upon request.

10. TERMS AND DEFINITIONS

For the purposes of this British Standard, the following terms and definitions apply.

Access facilitation pruning

one-off tree pruning operation, the nature and effects of which are without significant adverse impact on tree physiology or amenity value, which is directly necessary to provide access for operations on site

Arboricultural method statement

methodology for the implementation of any aspect of development that is within the root protection area (3.7), or has the potential to result in loss of or damage to a tree to be retained

Arboriculturist

person who has, through relevant education, training and experience, gained expertise in the field of trees in relation to construction

Competent person

person who has training and experience relevant to the matter being addressed and an understanding of the requirements of the particular task being approached. NOTE A competent person is expected to be able to advise on the best means by which the recommendations of this British Standard may be implemented.

Construction

site-based operations with the potential to affect existing trees

Construction exclusion zone

area based on the root protection area from which access is prohibited for the duration of a project

Crown Spread

The crown spread is measured as the radius from the centre of the trunk in meters and in most cases is approximate covering the four points of the compass. For woodlands or substantial tree groups, the overall extent of the canopy.

Diameter (DBH)

The trunk diameter for each tree is measured in millimetres at a height of approximately 1.5 metres above ground level, unless otherwise stated. All measurements are approximate.

Height

The height of the trees, shrub masses and hedgerows are measured in metres and is usually approximate. If the abbreviation 'Clinom' appears after the given measurement, it indicates the tree has been measured with an optical measuring instrument, a Clinometer, and is accurate to within 5 metres.

Life Stage

The age of the tree is given based on its life expectancy. For example, an oak tree at an age of 100-years is perceived as early mature when a hawthorn at 100 years would be considered old. Age classes are given as follows: -

Y.	Young trees (recently planted or saplings under 15 years old)
SM.	Semi mature (around 1/3 their life expectancy, still growing vigorously but not as fast as a younger tree)
EM	Early Mature (between 1/3 – 2/3 life expectancy still growing reasonably vigorously)
M.	Mature trees (above 2/3 life expectancy. Growth rates beginning to slow down at this stage)
OM.	Over Mature trees (growth rates slow and possibly beginning to display signs of decline)
V.	Veteran (decline is well set-in, but the tree may be of specific ecological value. The tree is likely to contain sufficient deadwood and decay that is a special habitat for many rare invertebrates that are considered to be at risk from extinction)

Number (No.)

a tree number is allocated to each tree or group and provides reference to an individual. It will occur either by way of a T-number T1, T2 etc. or a series of numbers e.g. 00123 that relates to an identification tag attached to the stem of each tree. Such numbers will occur on the Tree Constraints Plan.

Recommendations

The recommendations give the appropriate action required for the trees or groups of trees to fulfil the brief, which possibly include reducing the most blatant foreseeable risk or improve the physiology of the tree.

Root protection area (RPA)

layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority

Service

any above- or below-ground structure or apparatus required for utility provision
 NOTE Examples include drainage, gas supplies, ground

source heat pumps, CCTV and satellite communications.

Stem

Principal above-ground structural component(s) of a tree that supports its branches

Special Precaution Area this is an area, usually within the root protection area, where construction or other activity may be permitted but only under the direction of an 'Arboricultural Method Statement' and the supervision of an Arborist.

Species The species is the given name of the tree which is usually provided in both the common and scientific names.

Structure

manufactured object, such as a building, carriageway, path, wall, service run, and built or excavated earthwork

Tree protection plan

scale drawing, informed by descriptive text where necessary, based upon the finalized proposals, showing trees for retention and illustrating the tree and landscape protection measures

Veteran tree

tree that, by recognized criteria, shows features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned. NOTE These characteristics might typically include a large girth, signs of crown retrenchment and hollowing of the stem.

NOTES.

All measurements given are approximate.

AGL: an abbreviation for above ground level.

REFERENCE. The British Standards Institution 2012

11. GLOSSARY OF TERMS

Adaptive Growth; in tree biomechanics, the process whereby wood formation is influenced both in quality and in quantity by the action of gravitational force and mechanical stresses on the cambial zone (THIS HELPS TO MAINTAIN A UNIFORM DISTRIBUTION OF MECHANICAL STRESS)

Adventitious; Latent or dormant bud on stem or root often invisible until stimulated into growth which occurs from an unusual place i.e. not a twig, leaf or bud.

Anchorage; in trees, the holding of the root system within the soil, involving the flow of forces from the stem through the branches of the root system to the cohesive root/soil interface.

Architecture; in a tree, a term describing the pattern of branching of the crown or root system.

Assessment; in relation to tree hazards, the process of estimating the risk which a tree or group of trees poses to persons or property (THIS INVOLVES A VISUAL INSPECTION FOR DEFECTS AND CONTRIBUTORY SITE FACTORS, AND SOMETIMES ALSO A DETAILED INVESTIGATION OF SUSPECTED DEFECTS)

Assym; This abbreviation means...asymmetric...and refers to the tree having an asymmetric or unbalanced crown. This is usually preceded by a measurement in metres which provides the extent of crown asymmetry and is measured from the centre of the trunk. It may also have a correlation to the lever arm

Arboriculturalist; person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the management of trees generally and in relation to construction.

Architecture; in a tree, a term describing the pattern of branching of the crown or root system.

Arboricultural Implication Assessment (AIA) study, undertaken by an arboriculturalist, to identify, evaluate and possibly mitigate the extent of direct and indirect impact on existing trees that may arise as a result of the implementation of the site layout.

Arboricultural Method Statement; methodology for the implementation of any aspects of development that has the potential to result in loss of or damage to a tree.

Assessment; in relation to tree hazards, the process of estimating the risk which a tree or group of trees poses to persons or property (THIS INVOLVES A VISUAL INSPECTION FOR DEFECTS AND CONTRIBUTORY SITE FACTORS, AND SOMETIMES ALSO A DETAILED INVESTIGATION OF SUSPECTED DEFECTS)

Bole (trunk); the main stem of a tree below its first major branch

Branch; a limb extending from the main stem or parent branch of a tree

Canopy; the topmost layer of twigs and foliage in a woodland, tree or group of trees

Construction Exclusion Zone; area based on the RPA (meters as a radial measurement and sometimes a m²), identified by an Arboriculturalist, to be protected during development, including demolition and construction work, by use of barriers and/or ground protection fit for the purpose to ensure the successful long-term retention of a tree.

Crown; in arboriculture the main foliage-bearing portion of a tree containing the leaves and branches

Defect; in relation to tree hazards, any feature of a tree that detracts from the uniform distribution of mechanical stress, or which makes the tree mechanically unsuited to its environment.

Dysfunction; in woody tissues, the loss of physiological function, especially water conduction.

Failure; in connection with tree hazards, a partial or total fracture within woody tissues or loss of cohesion between roots and soil. (IN TOTAL FAILURE, THE AFFECTED PART SNAPS OR TEARS AWAY COMPLETELY. IN PARTIAL FAILURE, THERE IS A CRACK OR DEFORMATION WHICH RESULTS IN AN ALTERED DISTRIBUTION OF MECHANICAL STRESS)

Group: the term 'group' is intended to identify trees that form cohesive arboricultural features either **aerodynamically** (e.g. trees that provide companion shelter), **visually** (e.g. avenues or screens) or **culturally** including for biodiversity (e.g. parkland or wood pasture).

Heave: in relation to a shrinkable clay soil, expansion due to re-wetting, sometimes after the felling or root severance of a tree which was previously extracting moisture from the deeper layers; also, in relation to root growth, the lifting of pavements and other structures by radial expansion; also, in relation to tree stability, the lifting of one side of a wind-rocked root plate.

Leader: in a tree, a topmost shoot that has apical dominance.

Preventive action: in a tree hazard management, action that helps to prevent injury to persons or damage to property.

Pruning: the removal or cutting back of twigs, branches or roots; in some contexts, applying only to twigs or small branches only, but more often used to describe all kinds of work involving cutting.

Retained Tree: a tree that has been considered suitable by an Arborist for retention and which during the design stage is selected for retention and incorporated within the development.

Risk: the likelihood of the potential harm from a particular hazard becoming actual harm.

Root Protection Area (RPA): layout design tool indicating the area surrounding a tree that contains sufficient rooting volume to ensure the survival of the tree, shown in plan form in m²

Soil heave: *see heave*

Subsidence: in relation to soil or structures resting in or on soil, a sinking due to shrinkage when clay soils dry out, sometimes due to extraction of moisture by tree roots.

Subsidence: in relation to branches of trees, a term that can be used to describe a progressive downward bending due to increasing weight.

Targets: in a tree hazard assessment (and with somewhat incorrect terminology), persons or property or other things of value, which might be harmed by mechanical failure of the tree or by objects falling from it.

Tree: a woody plant, which typically has a single main stem and, in maturity, attains a height of at least four metres and a stem diameter at breast height of at least 75-mm.

Tree Constraint Plan (TCP): plan prepared by an Arboriculturalist for the purpose of layout design showing the RPA and representing the effect that the mature height and spread of retained trees will have on layouts through shade dominance, etc.

Tree Preservation Order: in Great Britain, an order made by a local authority, whereby the authority's consent is generally required for the cutting down, topping or lopping of specified trees.

Tree Protection Plan: scale drawing prepared by an arboriculturalist showing the final layout proposals, tree retention and tree and landscape protection measures detailed within the arboricultural method statement (AMS), which can be shown graphically.

Trunk: the single main stem of a tree.

Vigour: in tree assessment, an overall measure of the rate of shoot production, shoot extension or diameter growth (*cf. vitality*)

Visual Tree Assessment (VTA): in addition to the literal meaning, a system expounded by Mattheck & Breloer (1995) to aid the diagnosis of potential defects through visual signs and the application of mechanical criteria.

Wind exposure: the degree to which a tree or other object is exposed to wind, with regard both to duration and velocity.

Wind pressure: the force exerted by wind on a tree or other object.

Wind snap: the breaking of a tree stem by wind.

Windthrow: the blowing over of a tree at its roots.

12. REFERENCES

- **British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations** Arboricultural Association, Guidance Note 10, Protected Species and Arboriculture
- **British Standard Recommendations for Tree Work BS 3998; 2010**
- **Fay N, Dowson D, Heliwell R.** Tree Surveys, A Guide to Good Practice, Arboricultural Association
- **Hillier Manual of Trees and Shrubs**
- **Lonsdale D.** Hazards from Trees, A General Guide, Forestry Practice Guide
- **Lonsdale D.** Principles of Tree Hazard Assessment and Management.
- **Mattheck C. & Breloer H.** The Body Language of Trees Department of the Environment.

13. APPENDICES

APPENDIX A - TABLE 1 TREE QUALITY ASSESSMENT

APPENDIX B - DEFAULT SPECIFICATION FOR PROTECTIVE BARRIER

APPENDIX C - TABLE B1- TREES AND THE PLANNING SYSTEM

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APPENDIX G - TREE CONSTRAINTS PLAN

APPENDIX A - TABLE 1 TREE QUALITY ASSESSMENT

The trees are categorised as stated within the British Standard in a way that should help assist those within local government to help form a balanced judgement. The primary purpose of this report is to provide an assessment of the trees and to determine their suitability for retention in any proposed development.

The Tree Categories used in evaluating the trees on this site are reproduced below. This categorisation is also included in the tree data schedules and by colour code on the attached plan.

Category and definition Criteria (including subcategories where appropriate)

Category U

Trees unsuitable for retention (see Note)

Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years

- ✓ Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)
- ✓ Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline
- ✓ Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low-quality trees suppressing adjacent trees of better quality

NOTE - Category U trees can have existing or potential conservation value which it might be desirable to preserve; Refer to 4.5.7. See Table 2

Trees to be considered for retention

Category A

Trees of high quality with an estimated remaining life expectancy of at least 40 years

- ✓ 1 Mainly arboricultural qualities- Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)
- ✓ 2 Mainly landscape qualities- Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features
- ✓ 3 Mainly cultural values, including conservation- Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture) See Table 2

Category B

Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.

- ✓ 1 Mainly arboricultural qualities- Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for

retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation

- ✓ 2 Mainly landscape qualities- Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality
- ✓ 3 Mainly cultural values, including conservation- Trees with material conservation or other cultural value See Table 2

Category C

Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.

- ✓ 1 Mainly arboricultural qualities- Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories
- ✓ 2 Mainly landscape qualities- Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits.
- ✓ 3 Mainly cultural values, including conservation- Trees with no material conservation or other cultural value. See Table 2.

NOTE - The British Standard states...*Particular care is needed when evaluating young trees, especially where they occur as individual specimens. Where these are less than 150 mm stem diameter at 1.5 m above adjacent ground level, it might be acceptable and relatively straightforward to mitigate their loss, if necessary, with similar new tree planting. Alternatively, it might be practicable to relocate such trees within the site (e.g. using a tree spade). Whilst the presence of young trees of good form and vitality is generally desirable (i.e. those trees which have the potential to develop into quality mature specimens), they need not necessarily be a significant constraint on the site's potential.*

Where remaining contributory years' score is provided within the 'Findings' , and where further investigative works are required, these scores are preliminary only and based on an incomplete inspection.

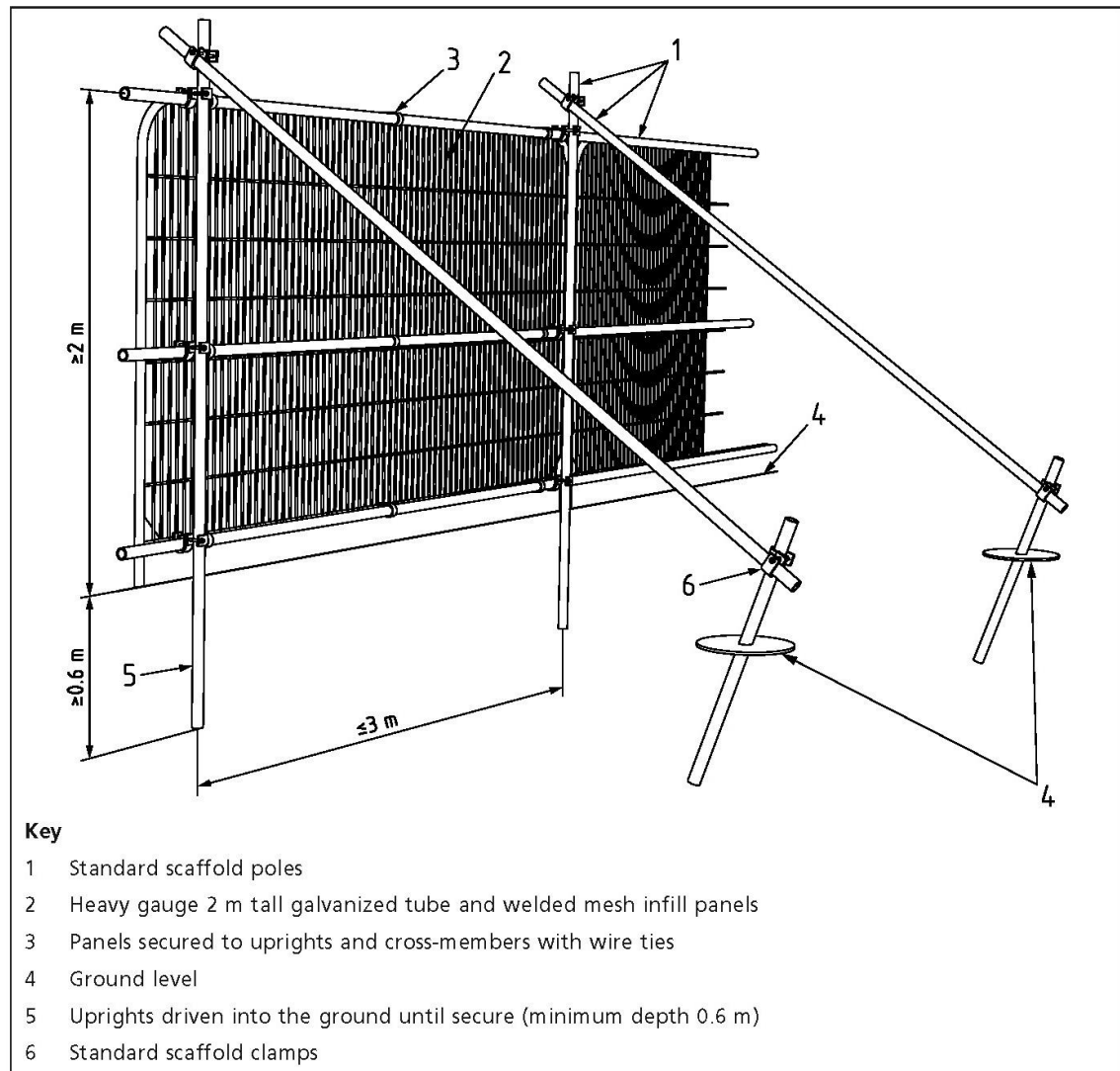
BRITISH STANDARD BS 5837:2012

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APPENDIX B - DEFAULT SPECIFICATION FOR PROTECTIVE BARRIER

Figure 2 Default specification for protective barrier



APPENDIX C - TABLE B1- TREES AND THE PLANNING SYSTEM

BS 5837:2012

BRITISH STANDARD

Annex B
(informative)

Trees and the planning system

Under the UK planning system, local authorities have a statutory duty to consider the protection and planting of trees when granting planning permission for proposed development. The potential effect of development on trees, whether statutorily protected (e.g. by a tree preservation order or by their inclusion within a conservation area) or not, is a material consideration that is taken into account in dealing with planning applications. Where trees are statutorily protected, it is important to contact the local planning authority and follow the appropriate procedures before undertaking any works that might affect the protected trees.

The nature and level of detail of information required to enable a local planning authority to properly consider the implications and effects of development proposals varies between stages and in relation to what is proposed. Table B.1 provides advice to both developers and local authorities on an appropriate amount of information. The term "minimum detail" is intended to reflect information that local authorities are expected to seek, whilst the term "additional information" identifies further details that might reasonably be sought, especially where any construction is proposed within the RPA.

Table B.1 Delivery of tree-related information into the planning system

Stage of process	Minimum detail	Additional information
Pre-application	Tree survey	Tree retention/removal plan (draft)
Planning application	Tree survey (in the absence of pre-application discussions) Tree retention/removal plan (finalized) Retained trees and RPAs shown on proposed layout Strategic hard and soft landscape design, including species and location of new tree planting Arboricultural impact assessment	Existing and proposed finished levels Tree protection plan Arboricultural method statement – heads of terms Details for all special engineering within the RPA and other relevant construction details
Reserved matters/ planning conditions	Alignment of utility apparatus (including drainage), where outside the RPA or where installed using a trenchless method Dimensioned tree protection plan Arboricultural method statement – detailed Schedule of works to retained trees, e.g. access facilitation pruning Detailed hard and soft landscape design	Arboricultural site monitoring schedule Tree and landscape management plan Post-construction remedial works Landscape maintenance schedule

APPENDIX D - PHOTOGRAPHS

Photograph 1 – Oak (*Quercus robur*) tree T1



Photograph 2 – oak T1 showing wound site and dead stub



Photograph 3 – Hornbeam (*Carpinus betulus*) T2 and T1 in background



Photograph 4 – Compression defect in T2 (red arrow)



Photograph 5 – Tree 3 sycamore



Photograph 6 – T3 - twin stemmed Sycamore (*Acer pseudoplatanus*) and basal wound



Photograph 7 – Tree T4 Oak (*Quercus robur*) showing basal wound



Photograph 8 – T4 and aerial wound



Photograph 9 – showing T4 to the left and T3 to the right. Both dominant trees in the landscape



APPENDIX E – BASE LINE DATA CAPTURE

The following baseline data for each tree, group of trees or woodland have been recorded in the Table of Findings & Section 3.

Prefix – Tree (T), Group (G), Hedge (H), Woodland (W).

Species including the common and scientific names.

Height measured in metres from the stem base. Where the ground has a significant slope, measurements are taken from the higher ground.

Crown height within groups is measured in metres as an indication of average height where the main crown is formed.

Stem diameter is measured in millimetres at 1.5-m above ground level. Where the ground has a significant slope measurements are taken from the higher ground or immediately above the root flare for multi-stemmed trees.

Crown spread is measured in metres at the four cardinal points to accurately represent the crown.

Age class is described as young, semi-mature, early-mature, mature or over-mature.

Physiological condition as applicable is classed as good, fair, poor, or dead. This is an indication of the health of the tree and considers vigour, presence of disease and dieback.

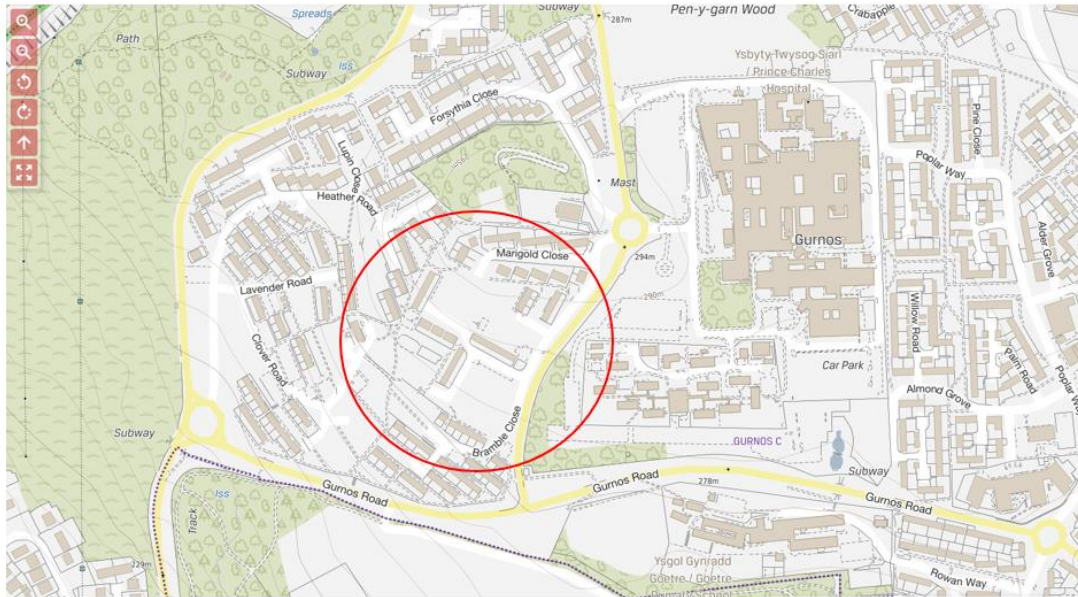
Structural condition as applicable is classed as good, fair or poor. This is an indication of the structural integrity of the tree and takes into account significant wounds, decay and quality of branch junctions.

Life expectancy is classed as: less than 10 years (<10) (Very Short); 10-20 years (Short); 20-40 years (Medium); or more than 40 years (40+) (Long). This is an indication of the safe useful life expectancy and number of years before removal is likely.

General Observations may include a brief description to include the visual merits of the tree/s, other beneficial characteristics, form, vitality, health and any visually obvious significant defects that may be present.

Recommendations are given in order to offset risks posed by identified hazards, management to improve the amenity value / habitat value / life expectancy.

APPENDIX F – SITE LOCATION PLAN



APPENDIX G – TREE CONSTRAINTS PLAN

