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Technical Advice Note

DATE	25 th October 2015	TO	Mr. Bob Sayle
SUBJECT	Proposed Tree Works for Group 5 at Port Road, Wenvoe.	CC	Myles Thomas, Dafydd Andrews, Emyr Davies, Kevin Jones of Redrow Housing. Bob Clancy of Clancy Design Services.
To be considered in conjunction with:	<ul style="list-style-type: none"> - BS 5837 Tree Survey November 2013 (S. Ambler) - Arboricultural Method Statement July 2014 (S. Ambler) 		



Assessment carried out by Vaughan Lewis -Tec.Arbor.A.
of
Steve Ambler & Sons Tree Specialists Ltd

Introduction

The following technical advice note proposes management of Group 5 to the north-west corner of the Port Road development (see Tree Protection Plan extract Page 10). The aim is to improve the amenity value of this wooded copse and increase native tree and shrub species whilst retaining its screening value. The amenity value of this wooded copse is particularly important as it will form part of the rear gardens of plots 76-81 (refer to Phase 2 Re-plan 13034 – PH2-101 Rev B, presented on front page).

The Group is subject of statutory protection cited as Tree Preservation Order Number 7 of 2015 group 1 'Trees to rear of 10-14 Clos Llanfair, Wenvoe' (Refer to TPO plan in Appendices). As such, in principal approval form the LPA is sought to implement the following tree management.

N.B. If the LPA support this management approach in principal, then approval must be sought in writing from the LPA using the TPO Application for Works form. Refer to Legal constraints in Appendices.

Please refer to Legal Constraints Page 6, Report limitations Page 7 and the Terms and Conditions of Steve Ambler & Sons Tree Specialists Ltd (available upon request)

Description & Findings

This wooded copse is recent secondary woodland and does not pre date 1954 (4th Edition Epoch Maps). It is subject to a group Tree Preservation Order citing the main species as 'Oak, Ash, Sycamore, Hazel, Hawthorn and Cypress'. This wooded copse has been subject to the introduction of many non-native species somewhat devaluing its habitat potential.

The following woody species were noted:-

Apple (eating/desert varieties)	Horse chestnut (<i>Aesculus hippocastanum</i>)
Ash (<i>Fraxinus excelsior</i>)	Lawson cypress (<i>Chamaecyparis lawsoniana</i>)
Barberry (<i>Berberis vulgaris</i>)	Norway maple (<i>Acer platanoides</i>)
Box honeysuckle (<i>Lonicera nitida</i>)	Pedunculate oak (<i>Quercus robur</i>)
Cherry laurel (<i>Prunus laurocerasus</i>)	Sawara cypress (<i>Chamaecyparis pisifera</i>)
Crab apple (<i>Malus sylvestris</i>)	Spindle (<i>Euonymus europaeus</i>)
Goat willow (<i>Salix caprea</i>)	Sycamore (<i>Acer pseudoplatanus</i>)
Grey alder (<i>Alnus incana</i>)	Turkey oak (<i>Quercus cerris</i>)
Guelder rose (<i>Viburnum opulus</i>)	Wayfaring tree (<i>Viburnum lantana</i>).
Hawthorn (<i>Crataegus monogyna</i>)	Yew (<i>Taxus baccata</i>)
Hazel (<i>Corylus avellana</i>)	

There is also a Schedule 9 (Part 2 – Wildlife & Countryside Act 1981) species, 'that have established in the wild and pose a threat to native flora'– Montbretia (*Crocsmia x crocosmiiflora*) – refer to photograph below. In addition many of the oaks within the group are the non-native Turkey oak that naturally hybridises with our native oaks and readily regenerates.



The woodland layer coverage is estimated as follows:-

- Upper canopy = 65%
- Lower canopy = 15%
- Understorey = 40%
- Field layer = 95%
- Tree & Shrub Regeneration = 10% - ash, hawthorn (*Crataegus monogyna*), sycamore, horse chestnut, Norway maple, Cherry laurel, beech, hazel.

The canopy cover where it occurs, is dense with heavy shading provided by the frequently occurring early mature sycamore and exacerbated by the often dense evergreen understorey. Ivy dominates the ground flora under these shaded areas whilst bramble and stinging nettles dominate under the broken canopy occurring more frequently to the north. Small enclaves of tree regeneration exist to the north end in the form of young oak, sycamore and ash having established prior to the dense bramble cover.



A cursory inspection found only one tree with significant condition defects, although it should be noted that the purpose of this survey was not to undertake a detailed tree condition inspection. The tree in question is an early mature ash located centrally with root plate heave resulting in it leaning towards the north, resting in the crown of an adjoining tree. This ash has a stem wound to the south at 1m above ground level, measuring 600mm x 200mm.

Recommendations

The following recommendations are proposed for year 1 (starting this coming winter 2015/16).

NOTE - Works cannot commence until express written permission is received from the Local Planning Authority.

1. Undertake a 30% thinning of standing volume within the dense areas of the upper and lower canopy favouring well-formed native and naturalised specimens. Stack arsing into compact habitat piles well away from the western edge.
2. Remove non-native understorey species in order to manipulate light levels and foster advanced regeneration of native species. Chip arsing evenly onto the woodland floor.
3. Reduce the aggressive weed species including bramble and eradicate the *Montbretia* to encourage further natural regeneration and native ground flora species.
4. Fell early mature ash with root plate heave and allow to regrow from stump.
5. Regularly mow into the leading woodland edge on the site side, in order to gradate the vegetative cover from the formal garden setting into this wooded copse.

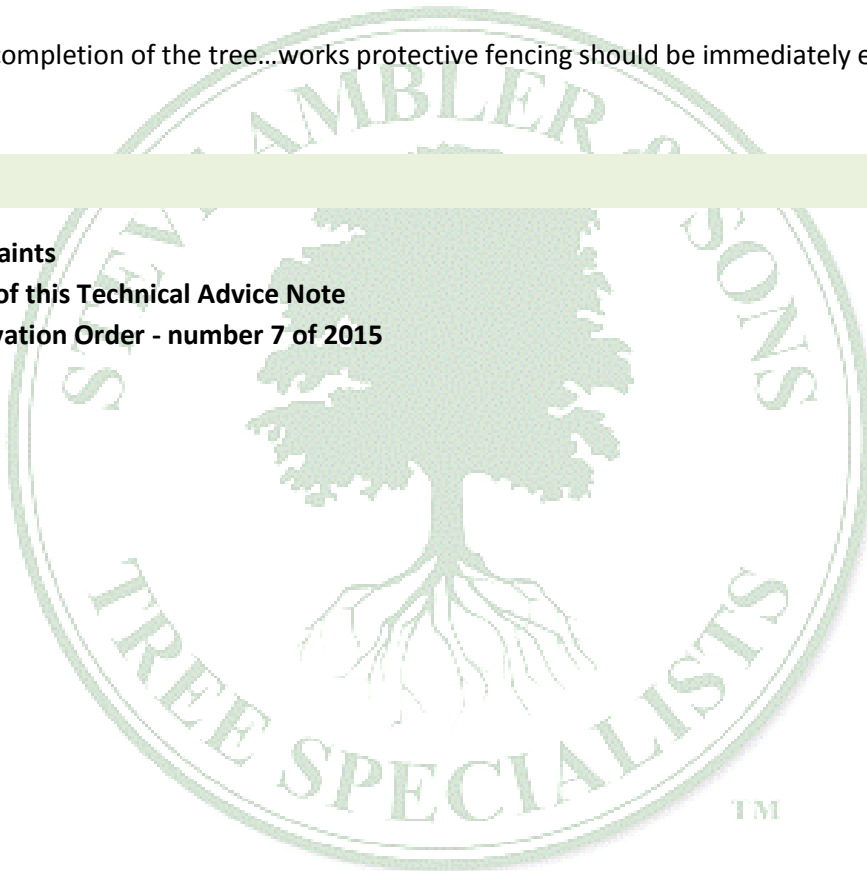
6. Plant native shrub species at 2-m spacings to the eastern boundary adjoining the houses of Clos Llanfair in order to improve screening and woodland edge habitat in mitigation for the reduced woodland edge cover adjoining the gardens to the west. Suggested species – 50% hazel, 20% hawthorn, 20% field maple, 5% Guelder Rose, 5% Spindle. Use 1+1, 60-80cm bare root stock protected with easy start or spiral guards supported with a cane. Maintain for a minimum of three years and beat up any failures as required.
7. All tree works must be in accordance with British Standards 3998:2010 Tree Work – Recommendations.
8. Tree works may only be undertaken by competent tree professionals to be agreed with the Local Planning Authority prior to commencement of works
9. On completion of the tree...works protective fencing should be immediately erected.

Appendices

Legal constraints

Limitations of this Technical Advice Note

Tree Preservation Order - number 7 of 2015



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. A 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 may be required in certain felling operations, and these 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.

Limitations of this Technical Advice Note

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 plans 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 trees 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.

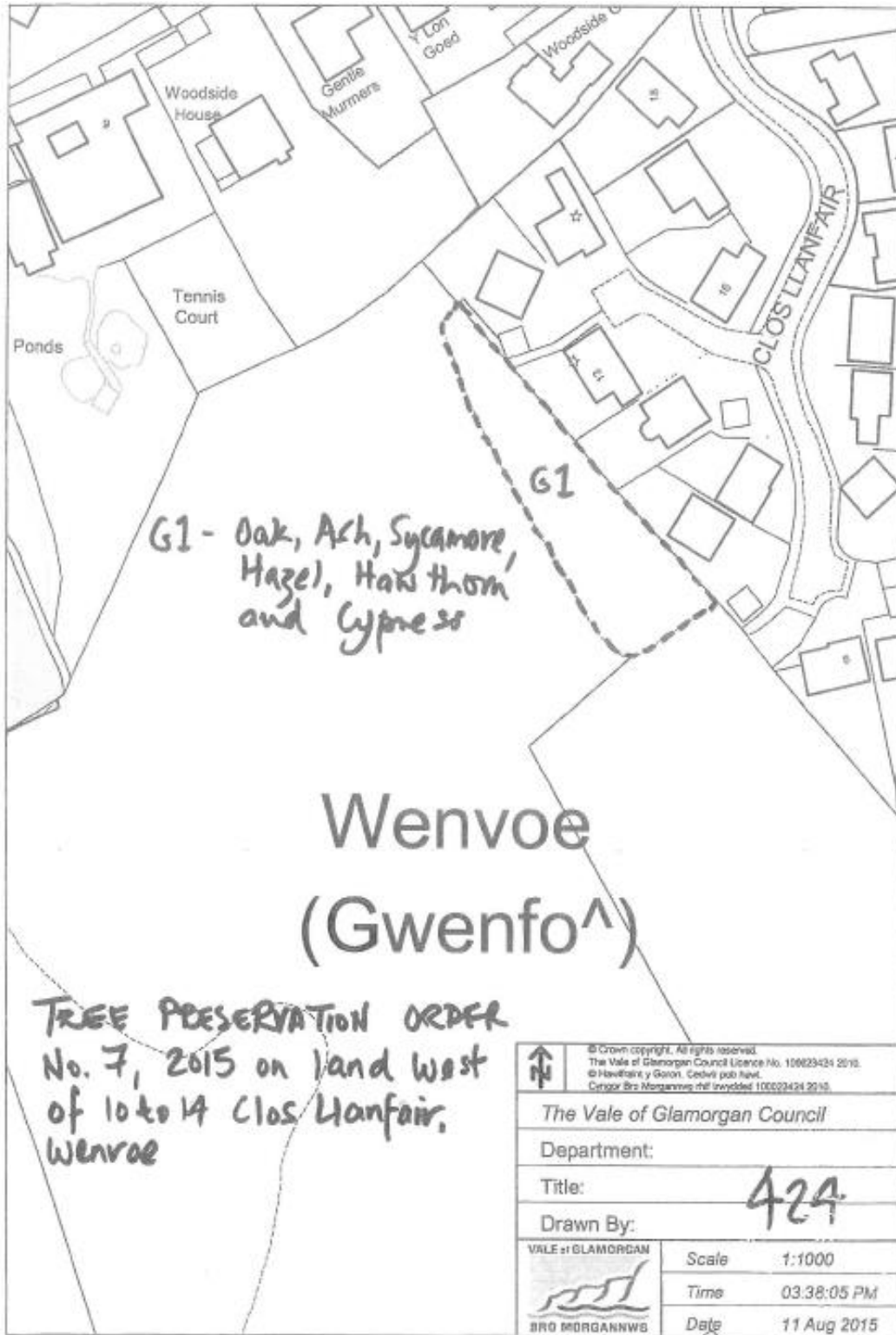
Unless otherwise stated in writing and in the absence of altered circumstances, a report on the health and safety of a tree or trees cannot be relied on after a period of 12 months. Following such a period, a further inspection is required.

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



Tree Preservation Order - Number 7 of 2015



Tree Protection Plan (extract G5) - 2014

