

Tree Condition Report Pertaining to One Beech Tree

**No. 4 Newlands Avenue, Radlett, Herts
WD7 6EL**

CLIENT:	Mr Barry Welck
CLIENT REF:	BW/NARH
AAAL REF:	SAL/KMA/11766
AAAL CONSULTANT:	Shane A Lanigan
REPORT DATE:	21st October 2023

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Summary

I inspected one common beech tree (*Fagus sylvatica* L.) on this site. It is located within the property curtilage around 1.5 m from the front, southwestern boundary. Having completed the inspection and subsequently considered my findings I concluded that the beech tree is terminally decayed at the base. It is contemporarily hazardous and should be removed as soon as is practicable. Its condition is such that a formal application under the Town and Country Planning Act 1990/Tree Regulations 2012 will not be needed. A 'five-day' notice will suffice.

**S.A. Lanigan – Chartered Arboriculturist
MICFor, Dip.Arb. (RFS), M.Arbor A, RCarborA – ISA - BCMA,CUEW,
ASCA Registered Consulting Arborist #588**

Reference publications are listed at the back of this report (Appendix 2)

Arboricultural Impact Assessment in respect of potential insurance issues and safety liabilities at:

No. 4 Newlands Avenue, Radlett, Herts WD7 6EL

S.A. Lanigan Chartered Arboriculturist, MICFor, Dip.Arb.(RFS),M.ArborA, RCarborA – ISA BCMA & Municipal Specialist - ASCA Registered Consulting Arborist #588

Date: 21st October 2023 - Our Ref: SAL/KMA/11766

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1. Introduction

1.1 Mr Barry Welck contacted my office on 19th October 2023 and asked that I attend site to inspect one common beech tree and thereafter prepare a written Tree Condition Report.

1.2 **Instruction:** Upon meeting with Mr Welck at No. 4 Newlands Avenue he formally instructed me to prepare a Tree Condition Report on the beech tree. I have identified the tree as T1 in the following report.

1.3 **Tree works:** Any necessary tree/hedge works are specified in Section 5 later in this report.

1.4 **Ecological Constraints:** Impacts on wildlife must be considered prior to and during any tree works deemed necessary. Such matters are governed by various pieces of primary legislation, specifically:

The Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 and other more recent regulations, including the Habitats Regulations 2017 which consolidate all the various amendments made to the Habitats Regulations 2010 in respect of England and Wales, and the European Protected Species legislation. These regulations provide statutory protection for birds, bats and other tree and other wildlife species. The presence of protected species could impose constraints upon the timing and implementation of the site works. Consultation with an appropriately qualified ecologist must be undertaken should this be deemed necessary.

1.5 **Statutory tree protection:** I have made enquiries of the Local Planning Authority which in this instance is Hertmere Borough Council to ascertain the existence or otherwise of any Tree Preservation Orders which may be applied to this site, or whether the site falls within a designated conservation area. The local authority's online mapping service shows that the tree referred to in this report is protected by Tree Preservation Order No. TPO/6/2009 but the site does not appear to lie within a designated conservation area (see Appendix 3 'A Brief Explanation of Tree Preservation Orders/Conservation Areas' at the back of this report). The status of the tree preservation order and conservation area legislation is only advised at the time of writing.

1.6 **Qualifications and professional experience:** This report is based on my on-site inspection and assessment of the existing trees. I hold formal qualifications in arboriculture and have fifty-three years of experience in this discipline. A summary of these matters is appended at Section 9.

2. The Inspection

2.1 I visited the site on Thursday 19th October 2023 and made my inspection of the beech tree, beginning at 4.55 pm and concluding at 5.40 pm. The inspection was made at level two as defined by the International Society of Arboriculture (ISA), this being a ground level survey by a suitably qualified arboriculturist using simple tools such as binoculars, hypsometer, mallet, and metal probe. Trees/hedge details are summarised in the tabulation below:

Tree 1	Beech – <i>Fagus sylvatica</i> L. Family: Fagaceae
Ownership:	No. 4 Newlands Avenue
Grid reference:	TL 15983 00034
Elevation (above sea level):	92 m
Age Class:	Mature (being within the final one-third of its probable life expectancy)
Height:	15 m (measured with a ‘Haglof’ Hypsometer)
DBH (diameter at breast height)	870 mm (measured with a standard diameter measuring tape)
Physiological condition:	Poor – the beech tree has been recently reduced quite heavily and responded by producing a flush of new growth in some areas and dying back in others (see Photograph 2, Appendix 1 at the back of this report). The dieback is likely more due to the pathogenic fungal colonisation at the base (see Photographs 3, 4, 5, 6, 7 & 8, Appendix 1 at the back of this report) than the pruning extent.
Structural condition:	Very poor – Tree 1 is hazardous due to significant basal fungal colonisation. It hosts a significant Artist’s bracket (<i>Ganoderma applanatum</i> (Pers.) Pat colonisation and has also been affected by brittle cinder fungus (<i>Kretzschmaria deusta</i> [Hoffm.] P.M.D. Martin) (see Photographs 3, 4, 5, 6, 7, 8, & 9, Appendix 1 at the back of this report).

3. Discussion

3.1 **inspection:** My inspection is intended to determine the extent of the contemporary tree condition within the context of its location. I determined that in this respect a level 2 inspection would be appropriate, there being nothing to gain by employing invasive boring or more detailed electronic investigation.

3.2 **Physiological condition:** I saw that the tree is in poor physiological condition. It has several areas of significant branch dieback (see Photographs 6, 7 & 8, Appendix 1 at the back of this report). Artist's bracket fungus has long been present within the tree (see Photograph 5, Appendix 1 at the back of this report). Although I did not see the brackets myself - due to them being kicked off as part of a supposed 'cure' by charlatan 'tree surgeons' – Mr Welck identified them from images I showed him. A 'bottle butt' form of the lower trunk (see Photograph 9, Appendix 1 at the back of this report) helps to confirm this diagnosis.

3.2.1 Artist's bracket is a white rot fungus that preferentially degrades the lignin content of wood thereby compromising its stiffness and resistance to compressive force. Cellulose and hemi-cellulose are degraded later.

3.2.2 Brittle cinder fungus is an ascomycete fungus (see Photographs 3, 4, 6 & 9, Appendix 1 at the back of this report) that causes a simultaneous white rot in which both lignin and cellulose are digested together (fungi break down wood using external enzymatic [proteins] digestion). It is more active in the outer sapwood – as opposed to Artist's bracket fungi which causes a heart rot – and is consequently more dangerous (the great majority of a tree trunk's strength is concentrated at the outer circumference). Heart rotted trees can stand for many years, sometimes decades, following colonisation. Those affected by sapwood rotting fungi fail much more quickly.

3.2.3 By destroying most of the tree's bark and sapwood the fungus has eliminated much of the vascular system, thereby depriving the branches, twigs and leaves of the mineral elements in solution (water) that they need to survive.

3.3 **Structural condition:** This tree is massively structurally compromised due to the long-standing actions of the two fungi. Having extensively tested the trunk by probing and sounding from ground level – 2 m or so above ground I determined that this tree is contemporarily hazardous. It should be felled as soon as possible, certainly with one month.

3.4 Whilst on site Mr Welck told me that he had submitted a planning application to install new driveway gates. Having received this the Local Planning Authority which in this case is Hertsmere Borough Council asked that a BS 5837 compliant Tree Survey and Arboricultural Impact Assessment be submitted in respect of the beech tree. The condition of the tree is such that it must be removed thereby negating the need for inspection and inclusion in such a survey.

4. Conclusion:

4.1 This tree is dangerously decayed such that it is a hazard representing a risk of harm to occupants of, and visitors to No. 4 Newlands Avenue, and other pedestrians/ drivers using the roadway to the front, southwest side. It should be felled within one month.

6. Recommendations

6.1 T1 – **Common beech** – fell to ground level within one month.

7. ASSUMPTIONS AND LIMITING CONDITIONS

- 7.1 Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
- 7.2 Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible, however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.
- 7.3 The consultant/appraiser shall not be required to give testimony or attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
- 7.4 Loss or alteration of any part of this report invalidates the entire report.
- 7.5 Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to who, it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.
- 7.6 Neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the consultant/appraiser particularly as to value conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initialed designation conferred upon the consultant/appraiser as stated in his qualification.
- 7.7 This report and values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
- 7.8 Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
- 7.9 Unless expressed otherwise, (1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and (2) the inspection was by means of visual examination of accessible items.

8. CERTIFICATE OF PERFORMANCE

I, Shane A. Lanigan, certify that:

8.1 I have personally inspected the trees and the property referred to in this report and have stated my findings accurately. The extent of the evaluation or appraisal is stated in the attached report and the Terms of Assignment.

8.2 I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.

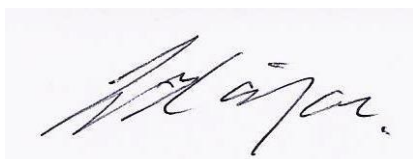
8.3 The analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and facts.

8.4 My analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices.

8.5 No one provided significant professional assistance to me, except as indicated within the report.

8.6 My compensation is not contingent upon the reporting of a predetermined conclusion that favours the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

8.7 I further certify that I am a Chartered Arboriculturist being a professional member of the Institute of Chartered Foresters and a Registered Consultant of that professional body. I am a Registered Consultant of the Arboricultural Association, and a Registered Consulting Arborist (#588) of the American Society of Consulting Arborists. I am also an ISA Board-Certified Master Arborist and hold the Royal Forestry Society Professional Diploma in Arboriculture. In matters of tree inspection, I hold the LANTRA Professional Tree Inspection Module with integrated assessment and update training. I have worked full time in the field of Arboriculture for a period of fifty-three years.



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9. PROFESSIONAL DETAILS OF MR S.A. LANIGAN

Qualifications: I hold the City and Guilds Certificate in Tree Surgery and am an International Society of Arboriculture Certified Arborist, also holding the International Society of Arboriculture Municipal Arborist Accreditation and being a Board- Certified Master Arborist of that professional body.

In addition, I hold the Royal Forestry Society's Professional Diploma in Arboriculture which is a degree level qualification rated as level 6 on the qualifications and curriculum framework. It is a qualification specific to the arboricultural profession. In matters of tree safety and risk assessment I have undertaken and completed the LANTRA Awards Professional Tree Inspection Course and integrated assessment, I also hold the International Society of Arboriculture Tree Risk Assessment Qualification (TRAQ).

I am a registered consultant of the American Society of Consulting Arborists (ASCA RCA#588), a Chartered Arboriculturist, being a Professional Member of the Institute of Chartered Foresters and a Registered Consultant of the Arboricultural Association.

In respect of legal issues, I am also a Cardiff University Law School Certified Expert Witness in both civil and criminal proceedings.

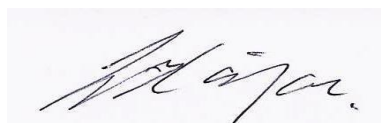
My professional memberships include:

- The American Society of Consulting Arborists
- The Arboricultural Association
- The Consulting Arborist Society
- The International Society of Arboriculture
- The Institute of Chartered Foresters
- The Royal Forestry Society

Career details: I am a second- generation arborist having worked from 1971 to 1979 for a private tree care company before forming my own arboricultural company in 1979.

Continuing professional development: I maintain and improve my professional knowledge by being an active member of the five professional bodies referred to above. In addition, I attend a high number of arboriculture related seminars and the annual conferences of the International Society of Arboriculture, the Arboricultural Association, and the Institute of Chartered Foresters (ICF). I was also privileged to serve on the credentialing council of the International Society of Arboriculture educational certification department for seven years. Having served two consecutive terms as an elected member. I 'rolled off' the council in late 2020.

Currently, I am the senior consultant within Abbots Arboricultural Advice Limited. This is my consulting practice which is a forward-looking operation. In order to keep abreast of changes in arboriculture and consulting practice I attend many conferences and seminars which contribute to my CPD/CEU obligations.



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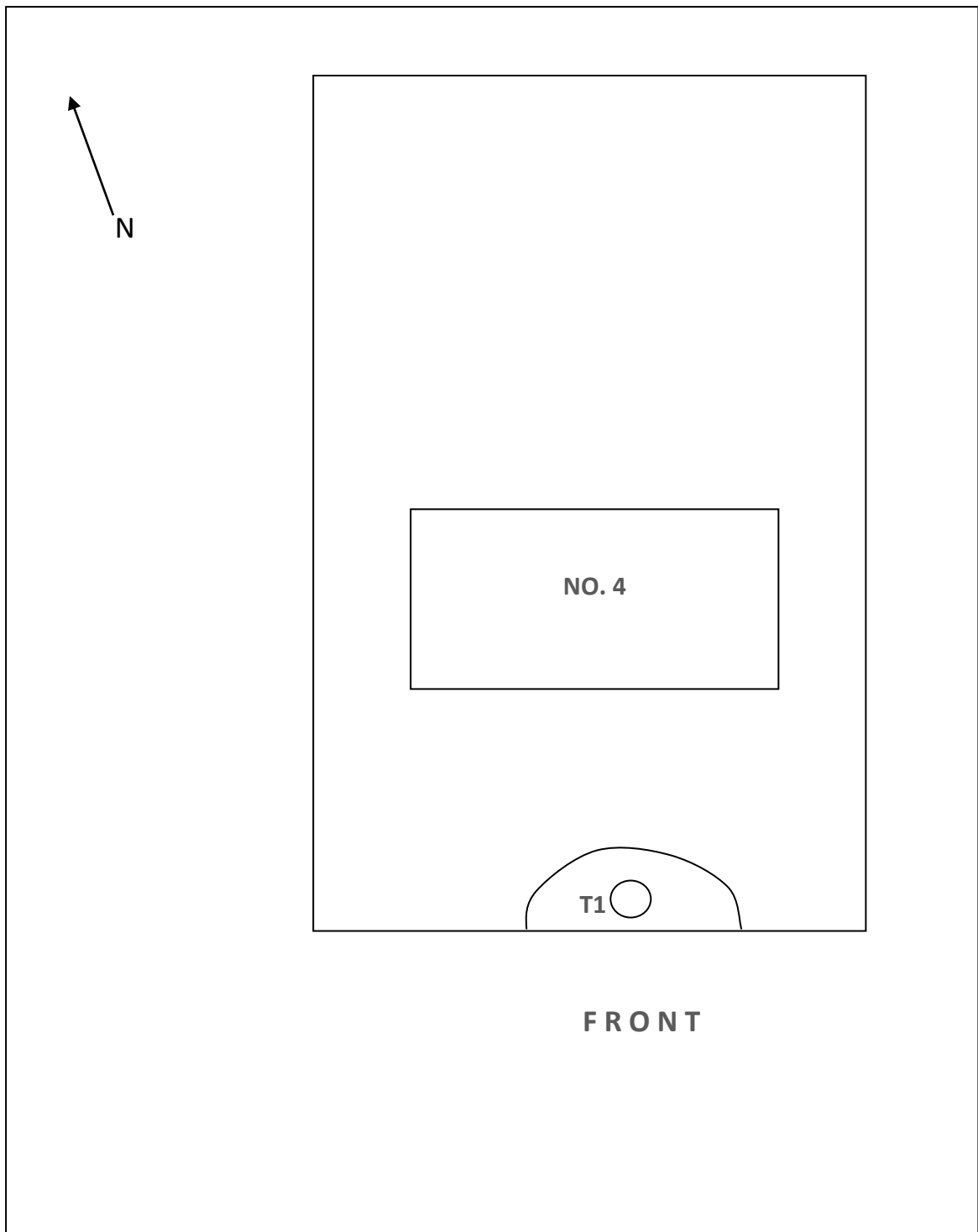
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10. PLAN OF THE BEECH TREE AT NO. 4 NEWLANDS AVENUE, RADLETT, HERTS WD7 6EL



This sketch plan is not to scale and may exclude certain features that are on site.

APPENDIX 1

PHOTOGRAPHS 1 – 9



PHOTOGRAPH NO. 1 – T1 – Beech – viewed from the southeast

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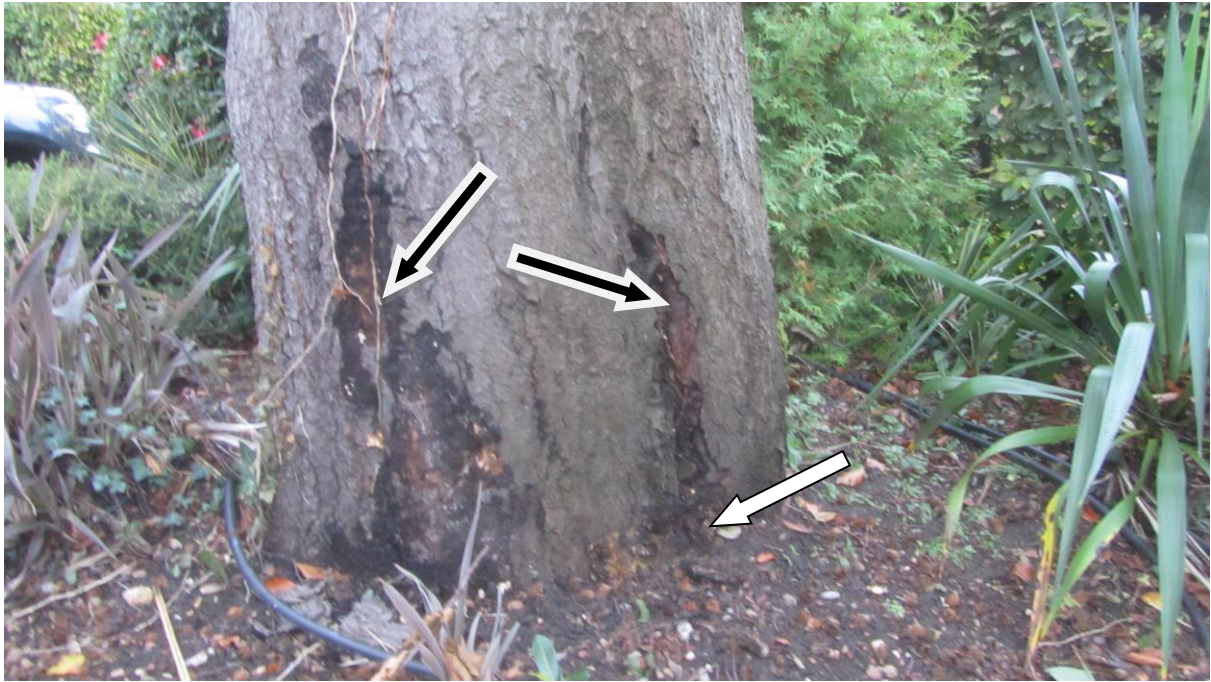


PHOTOGRAPH NO. 2 – T1 – Beech – viewed from the southwest

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PHOTOGRAPH NO. 3 – Base of T1 northeast side showing site of former Ganoderma fungal bracket (white arrow) and brittle cinder fungus on bark/sapwood (black arrows)



PHOTOGRAPH NO. 4 – T1 – Brittle cinder fungus on east side (arrowed)



PHOTOGRAPH NO. 5 – T1 – Remains of old Ganoderma fungal bracket on south side



PHOTOGRAPH NO. 6 – T1 – Brittle cinder fungus on north side (arrowed)



PHOTOGRAPH NO. 7 – T1 – Screwdriver pushed into decayed wood on northwest side with adventitious roots (arrowed)



PHOTOGRAPH NO. 8 – Decayed bark and sapwood on the western side



PHOTOGRAPH NO. 9 – ‘Bottle Butt’ form of the trunk of T1 – consistent with colonisation by a white rot fungi - with brittle cinder fungus at the base (arrowed)

APPENDIX 2

References:

Hillier J G (2014). *The Hillier Manual of Trees and Shrubs*. 14th ed. 80 Vincent Square, London SW1P 2PE; (Hillier Nurseries and The Royal Horticultural Society,).

NHBC Standards (2020). *NHBC Standards Effective 1 January 2020*. NHBC House, Davy Avenue, Knowhill, Milton Keynes MK5 8FP: NHBC.

UK Soil Observatory – British Geological Survey - <https://www.bgs.ac.uk/map-view> - accessed October 2023

APPENDIX 3

Statutory Tree Protection

Tree Preservation Orders/Conservation Areas

Tree Preservation Orders are made under Section 198C of the Town & Country Planning Act and applied by the 2012 Tree Regulations. They effectively prohibit unauthorised removal and pruning of trees identified within the order. Conservation areas are designated areas defined by geographic limits within which any tree with a stem diameter of more than 75mm (measured at breast height or 1.5m above ground level) is effectively protected. Certain exceptions exist under both sets of legislation, though these are limited and ideally require interpretation by a suitably qualified arboriculturist.

Felling Licenses

Felling licenses may apply for felling significant volumes of timber on sites without full planning permission. The statutory legislation in this case is the Forestry Act 1967 which is administered by the Forestry Commission.

Faculties

Faculties may be required for significant tree works on sites that fall under the jurisdiction of the church authorities. The local Parochial Church Council can advise on the need and requirements for faculties.

Hedgerow Removal Notices

A hedgerow removal notice will be required for the removal of almost any hedge growing in a rural area. Certain works are permitted without notification including (j) “for the proper management of the hedgerow.” The applicable statutory legislation may be cited as “The Hedgerow Regulations 1997” (Statutory Instrument 1997 No. 1160).