

SEPTEMBER 2015

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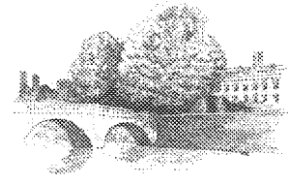
REPORT ON

INSPECTION OF COMMON
WALNUT (*Juglans regia* L.)

AT

CODICOTE GREEN, CODICOTE,
HERTFORDSHIRE

FOR CODICOTE PARISH
COUNCIL



REPORT ON
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1. INTRODUCTION

1.1. Instructions

1.1.1. I am instructed to inspect a mature common walnut (*Juglans nigra*) at Codicote Green. The inspection is to consider the tree's condition, assess arboricultural and landscape implications and present recommendations for future management.

1.2. Background information

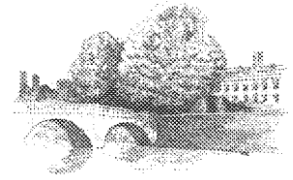
1.2.1. I understand that the tree which is the subject of this report is the property of the Codicote Parish Council and was planted by them as a memorial tree. Concern has been expressed by a nearby resident as to the management of the tree. I gather these concerns, in general concern encroachment and the current size of the tree.

The tree stands within the Codicote Conservation Area, designated by the Local Planning Authority (North Hertfordshire District Council) in pursuit of the Authority's powers under the Town and Country Planning Act 1990 (as amended).

1.3. Photographs

1.3.1. A number of photographs were taken. Some of these are shown at Appendix B, the remainder have been retained.





2. REPORT ON SITE VISIT AND APPRAISAL

2.1. General

2.1.1. I inspected the tree on 8 September 2015. All photographs and data contained in this report were obtained during these visits.

2.1.2. The tree stands on a small triangle of grass at the junction between The High Street and St Albans Rd. Its position is indicated on the attached aerial photograph, obtained from Google Earth - it should be noted that the tree is difficult to see on the photograph as it is not in leaf.

2.1.3. The tree is clearly visible from viewpoints in the High Street, from both northwest and southeast and from St Albans Road. It forms a 'foil' for nearby built forms and contributes to local landscape amenity and visual quality. There is an asphalted footway running between the trunk of the tree and the nearest house (which shows the Number 8 on its front elevation).

2.1.4. 'Footfall' within the area immediately below the tree is high, as the footway is used by pedestrians visiting the local shop.

2.1.5. The tree is growing approximately 9 metres from the front elevation of the nearest houses and the mid crown encroaches marginally over the boundary line of the property.

2.2. Inspection

2.2.1. The tree was inspected from ground level. No invasive examination was carried out. Recorded dimensions are shown at Appendix A. The following observations were made:

2.2.2. **General** The tree is a common walnut in the early part of the mature stage of its life cycle. I envisage that it has a long safe, useful life expectancy in excess of 50 years.

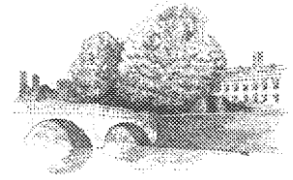
2.2.3. **Base** The base of the trunk is surrounded by a wooden memorial bench. This slightly hampered examination, however, I saw nothing to indicate the presence of decay or damage.

2.2.4. **Trunk** This showed firmly attached bark, true to species type.

2.2.5. **Crown** The crown is full, well-shaped and well-furnished with both branches and leaves. Extension growth and leaf size are within parameters to be expected for the species, indicating that it is growing with appropriate vigour. I saw no branches which were poorly attached, or apparently hazardous. The crown of the tree encroaches slightly into an overhead utility line, however, it is the duty of statutory providers to ensure that trees do not interfere with their equipment - a duty for which Parliament has given them appropriate powers.

2.2.6. The lowest principal branches form at about 3.5 metres from ground level and arc downwards. This has the effect of partly enclosing the seat surrounding the base. There is evidence that the crown of the tree has been lightly reduced in the past.





3. DISCUSSION

3.1. General

3.1.1. Trees may present management challenges where growing near houses. These may be discussed (in the present instance as:

3.2. Size

3.2.1. The size of a tree does not, of itself pose a threat. Trees are lightweight, shape-optimised, organic structures, capable of resisting severe environmental pressures without damage. However, there is always a risk that branches will be shed under severe loading. I saw nothing, in this instance, to indicate that this is liable to happen in the near future, however wind blowing past, or over, built structures such as houses may eddy and give rise to unforeseen forces.

3.2.2. **Anti-social behaviour** Trees do not, of themselves provoke anti-social behaviour, although the use of newly planted trees as goalposts can be a course of friction. However, the presence of a seat around the base of the tree may prompt gatherings which may not always be amenable to nearby residents. In this case, the drooping crown, almost enclosing the seat may provide an addition attraction (and possible cause for concern). This issue is likely to be considerably improved by lifting the crown to provide clearance over the seat and surrounding ground.

3.2.3. **Risk to building structure** As trees grow, property owners may become concerned as to the safety of their houses. Fear of building subsidence (caused by the volumetric change in some soils consequent on extraction of water by vegetation) is regularly 'stoked' by the press, despite the fact that only a very small proportion of trees which might damage buildings actually do so (the risk has been calculated at 0.03% of the trees which have the potential to cause damage actually doing so). Several attempts have been made to formulate a model which would predict which (if any) trees would damage buildings in any given set of circumstances. These have proved abortive - a fact which was recognised in the case of *Berent v The London Borough of Islington and Mosaic Housing Association* (2012), when the High Court stated that, as it was impossible to predict when (or if) a tree would cause damage, no allegation of negligence could be made against a tree owner until damage was experienced. In the such a case, failure to take action would then constitute negligent behaviour.

3.2.4. **Aerial and root encroachment** Encroachment into an adjoining property constitutes a trespass and the neighbouring landowner has a Common Law right to prune branches back level with the boundary of his property. However, where a tree is subject to statutory protection, either by virtue of its position in a Conservation Area, or by its being the subject of a Tree Preservation Order, such protection overrides the owner's Common Law rights (see below). Aerial encroachment may be managed by periodic crown pruning.

3.2.5. **Shading and light attenuation** The tree will cast shade towards the frontages of some of the nearest houses to the west during the early part of the day. A right to light may be infringed where trees block light but there appears to be no reported case of any action in respect of such blockage by trees being brought, let alone succeeding.¹

¹ Mynors, C. 2011. *The Law of Trees, Forests and Hedges*. Sweet and Maxwell, London, pp 86,87.



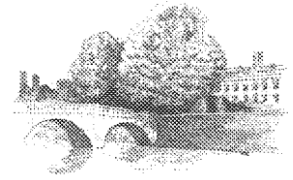


3.2.6. Shade will be cast towards the north and is therefore, unlikely to affect No 8 St Albans Road, which is the more southerly house in the row adjacent to the tree. At the time of my visit (approximately 11 am), no shade was being cast towards house frontages to the west. Clearly, any shade cast will be less when the tree is out of leaf (photographs at Appendix B).

3.2.7. On the Google Earth aerial photograph shown at Appendix B, clearly taken in spring before the walnut has leafed (note flowers on adjacent cherry to north), shade can be seen cast towards the house to the north of No 8 St Albans Road.

3.2.8. **Conservation Area protection of trees** This extends to all trees with a trunk diameter at 1.5 metres from ground level of 7.5 centimetres or greater. Where work is proposed to such a tree in a Conservation Area, the Local Planning Authority must be served with 6 weeks' notice. They then have the opportunity to make a Tree Preservation Order in respect of the tree. If they take no action, the works may go ahead after the expiration of the six weeks.





4. CONCLUSIONS AND RECOMMENDATIONS

4.1. General

4.1.1. The tree is healthy, has a long safe, useful life expectancy and contributes to local visual amenity and character, being visible from a number of viewpoints within the immediate visual 'envelope'.

4.1.2. The tree has the potential for future growth and I consider that crown management will be necessary to avoid conflict with neighbouring property owners as the tree grows.

4.2. Recommendations

4.2.1. The crown of the tree should be reduced by 1 metre overall. The crown of the tree should be raised to give 3 metres clearance over adjoining ground. These operations should be repeated at 3 yearly intervals. The appropriate notice should be served on the Local Planning Authority before any works are undertaken. All works should conform best arboricultural practice, based on the provisions of British Standard 3998: 2010, Tree Work.

Brian G. Crane

M Hort, P Dip Arb (RFS), OND Hort, C Hort, FCI Hort, FLS, F Arbor A, MIC For, MEWI, MRSB

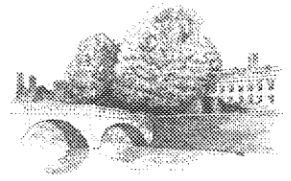
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APPENDIX A
TREE INSPECTION DATA

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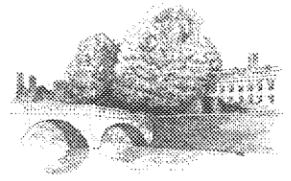
Appendix A - Tree Inspection data

Date of inspection: 8 September 2015

Inspected by: BGC

Tree No	Species	Height	Crown radii				Point of crown formation	Trunk diameter at 1.5 metres	Remarks	Commemorative tree	Age class	Target area	Safe, useful life expectancy	Work required
			North	East	South	West								
1	<i>Juglans regia</i> - common walnut	11	5	5	6	5.5	0.5	33	Seat around base. Low branching. Branches form at 3.5 metres then descend. Close to utility wires to north. Approximately 9 metres from front elevation of nearest houses. Evidence of past light crown reduction	Yes	Early maturity	High risk	Over 50	The crown of the tree should be reduced by 1 metre overall. The crown of the tree should be raised to give 3 metres clearance over adjoining ground. These operations should be repeated at 3 yearly intervals. All works to conform to British Standard 3998: 2010 Tree Work. The appropriate notice should be served on the Local Planning Authority before any works are undertaken.



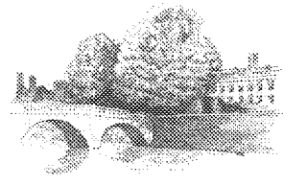


APPENDIX B

PHOTOGRAPHS AND AERIAL LOCATION PHOTOGRAPH

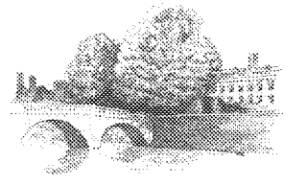
Photographs are dated





TREE LOCATION (INDICATED BY YELLOW ARROW)



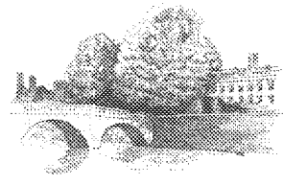


Photograph 1 Showing base of tree with commemorative bench.



Photograph 2 View of the tree looking due south. Note limited shade at base of tree.



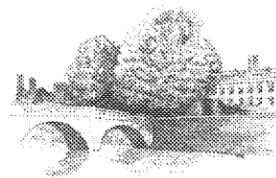


Photograph 3 View of tree from St Albans Road, looking due north.
Note limited shade at base.

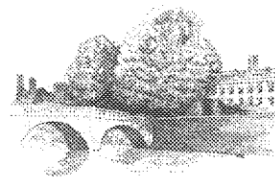


Photograph 4 View of tree from St Albans Road, looking due west.





Photograph 5 View of tree and setting, looking due south.



BRIAN GERALD CRANE.

BRIEF PROFESSIONAL HISTORY

Brian Crane entered horticulture and arboriculture following service in the Police Force. He received his initial training in horticulture at the Hertfordshire College of Agriculture, St. Albans.

He has had experience in a wide range of landscape posts in both local authority (including Milton Keynes Development Corporation Landscape and Forestry Section) and private employment, specialising particularly in matters relating to tree and woodland management.

In 1984 he formed the Arboriculture and Amenity Forestry Section at the Capel Manor Institute of Horticulture and Field Studies, Enfield, he was appointed as Head of the Section (having originally been Head of the Horticulture Department) and wrote a City and Guilds Phase III syllabus for Amenity Forestry, which was adopted nationally.

He lectured on a number of topics, including arboriculture, horticulture, countryside management and wildlife conservation practice. During this time he carried out arboricultural consultancy work on a part time basis. In September 1991 he left Capel Manor to devote himself to consultancy work full time. He has lectured on arboriculture to Diploma students at the Royal Botanic Gardens, Kew.

Past and current clients include Harrow School, Haileybury School, the Duchy of Lancaster, Westminster Abbey, the Property Services Agency (Ministry of Defence), the Highways Agency, the National Rivers Authority (Environment Agency), the National Grid, the British Airports Authority, several of the Cambridge Colleges, Architects, Developers, Planning and Landscape Architecture Consultancies. His services as a Consultant are utilized on a regular basis by a number of London Boroughs, and Local Planning Authorities. He has acted as consultant to the Consumers' Association and the Treasury Solicitor and has been interviewed for national television on a number of arboricultural topics.

Projects have included planning inquiries, advisory work on individual trees, supervision of civil engineering works, advice to planners and architects, landscape rehabilitation, computerised tree surveys and management and the preparation of Local Authority Tree Strategies, management plans, work schedules and specifications.

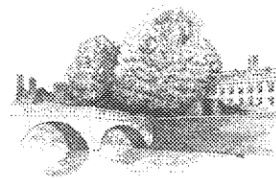
He has represented Clients at High, Magistrates, and County Courts and Public Inquiries in matters related to trees and has considerable experience in arboricultural matters pertaining to both Planning and Development.

In 1991 he was accepted (after examination) as a Registered Consultant of the Arboricultural Association.

He writes (irregularly) on arboricultural, landscape and conservation topics for several professional magazines, including Horticulture Week and the Arboricultural Journal and has presented technical papers on a number of occasions. Published articles include works on tree inspection, root damage due to cable installation, hedgerow and avenue management.

He has presented papers on a number of arboricultural topics in Britain, Sweden Finland and Italy.





Qualifications and academic awards:

- ☐ Master of Horticulture (Royal Horticultural Society).
- ☐ Professional Diploma in Arboriculture (Royal Forestry Society)
- ☐ Ordinary National Diploma in Commercial Horticulture (Distinction).
- ☐ Chartered Arboriculturist (Institute of Chartered Foresters.
- ☐ Chartered Horticulturist (Chartered Institute of Horticulture)
- ☐ Certificate in Arboriculture (Royal Forestry Society) (Distinction)
- ☐ City and Guilds (Phase II) Arboriculture (Distinction)

Prizes

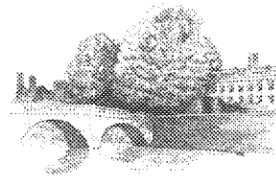
In 1980 he was awarded the Chittenden Memorial Prize and the Worshipful Company of Gardeners Prize by the Royal Horticultural Society.

In 1978 he was awarded 6 prizes, including the E.W. Gardner Memorial Prize for Science on Advanced Courses, by the Hertfordshire College of Agriculture

Professional memberships

- ☐ Fellow of the Linnean Society (FLS)
- ☐ Fellow of the Arboricultural Association (F Arbor.A.)
- ☐ Fellow of the Chartered Institute of Horticulture (FCI Hort),
- ☐ Professional Member of the Royal Forestry Society
- ☐ Member of the International Society of Arboriculture (Member at large)
- ☐ Former Registered Forestry Training Council Instructor and Assessor.
- ☐ Former Lead Assessor for Arboricultural Association Approved Contractor List
- ☐ Assessor for Arboricultural Association Registered Consultant List
- ☐ Past examiner (written papers) for the Arboricultural Association Technician's Examination
- ☐ In September 1993 he was elected to the National Council of the Arboricultural Association, and is a former member of the Professional Committee of the Arboricultural Association.
- ☐ In September 1997, he was elected national Vice Chairman of the Arboricultural Association.
- ☐ He has been a member of a working party engaged in the revision of British Standard 3998 'Tree Work'.
- ☐ He has chaired a Consumer's Association investigation into the effects of root damage on urban trees.
- ☐ He has been a voluntary Business Adviser to the Prince's Trust.
- ☐ Following the storm of October 1987, he was co-opted on to the London Tree Officers committee overseeing Task Force Trees.
- ☐ He was instrumental in the formulation of the Master's (MSc and MA) courses in Resource Management at Middlesex University.
- ☐ He is a former member of the governing body of the Greater London Proficiency Testing Council for Horticultural, Arboricultural and Agricultural skills.
- ☐ He was a member of the Hortlink 212 project, part funded by the Department of the Environment, Transport and the Regions, researching the effects of pruning on the water uptake of trees.





- ☐ He is a former Trustee of the Tree Advice Trust.
- ☐ He is an Associate Member of the London Tree Officer's Association, occasionally acting on that body's working parties convened in response to particular issues.
- ☐ He acted as a Consultant Arboricultural Inspector for the Planning Inspectorate in determining Tree Preservation Order Appeals between 2000 and 2014.
- ☐ He was a member of the British Standards 5845 'Trees from Nursery to Landscape' Working Party (published 2014).
- ☐ He has acted as an examiner for the European Tree Worker Certificate.
- ☐ He is a member of a working party determining a methodology for listing 'Heritage Trees'.
- ☐ He is conducting research into the long term effects of root damage to street trees and has presented a paper on this in Italy and Britain.

