B. J. UNWIN FORESTRY CONSULTANCY Ltd.

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14th April, revised 4th July 2023 - BJU/mmi

To: **Imogen & Hamish Bury**

Co: [redacted]

Ref: **Tree inspection at The Nuttery, Blick Hill, Malmesbury, SN16 9HZ.**

1. Instruction.

1.1 The new owners of The Nuttery wish to manage its trees as safe, amenity and habitat assets. The property has been neglected for at least the last ten years.

1.2 Therefore, Mr & Mrs Bury asked me to inspect trees and advise, primarily on safety, but I also advise on landscape & habitat management. In the appendices are two advisory notes on tree-owners' responsibilities.

2. Inspection.

2.1 I met clients, and made an accompanied inspection of the site on 4th April 2023, in bright light conditions.

2.2 The inspection was from ground level, on foot. It involved visual observation of trees, and sounding with a hammer and chisel and long steel rod if required (Visual Tree Assessment: Mattheck and Breloer 1994 and Lonsdale 1999).

2.3 The inspection was by Jim Unwin, who has >45 years' experience working with woodland & amenity trees (professional CV attached).

Notes:
Copyright: This report is copyright of BJUFC, and licensed only to the client, site and purpose(s) named above. It may not be assigned without the author's permission.
GDPR: no personal information can be used for cold-calling or marketing.
Limitation of Report:-The statements made in this Report do not take account of the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire. BJUFC cannot therefore accept any liability in connection with these factors, nor where prescribed work is not carried out in a correct and professional manner in accordance with current good practice. The authority of this Report ceases at any stated time limit within it, or if none stated after two years from the date of the survey or when any site conditions change, or pruning or other works unspecified in the Report are carried out to, or affecting, the Subject Tree(s), whichever is the sooner.

3. The Site.

3.1 The site is a sinuous strip of land about 200m long, all rising up a steep bank, south east from the River Avon. The house is perched above the river, with a narrow drive to the north, a small levelled garden to the south, and a wooded garden south of an old stone bridge across the river.

3.2 The site was developed around 1979, but has been in neglect for the past 10-20 years. It is extremely overgrown.

3.3 Geology from BGS website suggests:
Superficial deposits in the river valley: Alluvium - Clay, silt, sand and gravel. Sedimentary superficial deposit formed between 11.8 thousand years ago and the present during the Quaternary period.
Bedrock geology over most of the site: Forest Marble Formation - Mudstone. Sedimentary bedrock formed between 168.3 and 166.1 million years ago during the Jurassic period.
Bedrock geology at the northern tip: Cornbrash Formation - Limestone. Sedimentary bedrock formed between 168.3 and 163.5 million years ago during the Jurassic period.
Therefore, geology suggests the site has fine-textured subsoil, with volume-change potential. The site does take surface run-off from higher ground to the south east.

3.4 Google Earth shows the overgrown nature of the site. A public footpath runs along the western side of the water meadows below.
House:



4. Trees.

4.1 The site is dominated by large self-sown sycamores and ash. Some of these lean out of the bottom of the bank over the river. Examples below:



4.2 Of more immediate concern are sycamores and a few ash growing out of banks closer to the house and garage. Example below shows trees of all sizes, above corner of house roof. All need coppicing to reduce shading, domination and risk of ripping out of bank.



4.3 Below are sycamores above garage to be coppiced. Rootplates can be retained to stabilise bank.



4.4 Several ash on site exhibit dieback. T23 over the river is the worst. Below is forked ash T1 by the entrance just exhibiting symptoms and suppressing a good beech to its south west and sycamore to its north (T3).



4.5 “The Nuttery” area WG24 at the southern end of the garden has huge cobnut hazels, example below. But the area has self-sown with elms, most dead or dying, and sapling ash. I recommend gradually pruning largest stems off hazel bushes, felling diseased ash and all elms and planting gaps with oak, beech, hornbeam, birch and wild cherry. Note the formal paved garden path under collapsed apple completely obscured by debris.



4.6 In summary, the tree work proposed here is initial work to rescue some of the garden: specifically, to reduce dominance, shading, overbearing and risk of uprooting in the garden and around the house.

5.0 Detailed Tree Descriptions

5.1 Please refer to attached plan and table below for notes on each tree recommended for work.
Trees are marked on our tree plans, attached. Most are white paint-numbered. .

Age class is described as:-

Sap:	Very young tree, or sapling, one-five years old.
Y:	Young tree less than fifteen years old and <1/3 fully grown.
Sm:	Semi-mature tree having attained 1/3 to 2/3 full stature and 1/3 to 1/2 estimated lifespan.
Em:	Early mature: tree at 2/3 to virtually full size, and halfway through its safe life.
M:	Mature: fully-grown tree with useful life expectancy.
Lm:	Late-mature: fully grown, of declining vigour, but still healthy.
Om:	Over-mature tree: fully grown and starting to decline in health (but may still have many years of safe life).
Vet:	Veteran: usually very old; of significant historic, habitat or cultural value.

Health &Structurlal condition = Dead, Poor, Fair (default), Good,

Priority: Timing given in years.
Reason for work: Safety work = S, work for landscape or tree management = M.

5.2 Treework informatives.

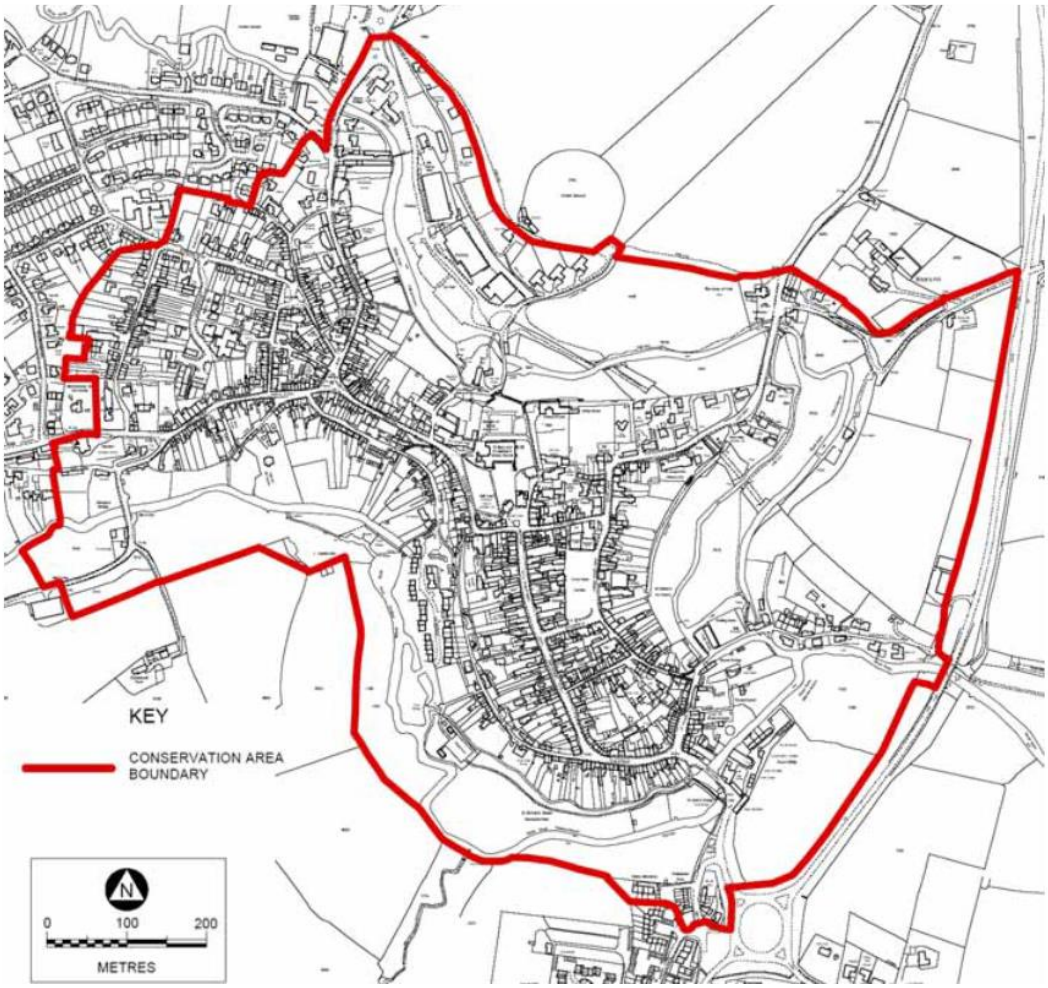
5.2.1 Disturbance to wildlife.

It is essential to check for nesting birds, bat roosts, badgers and hibernating animals such as hedgehogs under trees, before pruning or removing trees, as negligent disturbance is an offence under the EC Habitat Directive 1992 as amended and strengthened 21st August 2007 to protect European Protected Species (bats are most relevant concerning trees) and CROW Act 2000.
In general, autumn tree work: **September, October and November** is least disruptive to bats and birds. However, with appropriate risk assessment, work can proceed at any time.

5.2.2 Permission.

The Nuttery is well inside Malmesbury's Conservation Area. Map below, so six-week's notice is needed for any tree works.

To check for TPOs: Email: Planningtrees@wiltshire.gov.uk Call: 0300 456 0114. But given the CA notification, this is not needed.



A felling licence would be required for extensive woodland felling (>5m^3 or 5 tonnes in any calendar quarter). This site is all garden.

Therefore, a contractor must satisfy himself that all necessary permissions are in place before touching trees.

5.2.3 Contractor.

All off-ground tree work should be done by an insured tree surgeon, with certificates in aerial chainsaw use (new designations:- NPTC 020-04, 0020-05, 0020-07, 0021-01, 0021-07; LANTRA 600/5703/8, 600/5717/8, 600/5715/5, 600/5704/X, 600/5714/2), and working to BS3998:2010.

Woodland work can be done by a competent and insured woodland contractor. (Stumps can be left to shoot again, ground out, or grubbed out, depending on location).

5.3 The Nuttery, Malmesbury - Tree Inspection - BJUFC – 4th April 2023

No. T=tree S= shrub H= hedge G= group	Species	Dbh (stem diam @ 1.5m ht) mm.	Height est. m.	Av crown radius and direction if offset. m.	Age class	Health	Structural Condition	Comment (All are in average to good health and condition, unless stated otherwise.)	Recommended WORK excluding development.	Priority Year Safety or Management TPO ?
T1	Ash	500			Em	P	P	Starting to show ash dieback, slightly supressing beech tree and adjacent sycamore. Narrow main fork.	Fell.	2 M/S
T2	Sycamore	3 stems X 200			Em	F	P	Extreme lean out of bank across field access track.	Coppice.	1 M
T3	Sycamore	5 stems			Em	F	F	Lopsided to west Squirrel damage to limbs.	Crown lift to 10m above ground clear stems.	1 M
T4	Sycamore	700			Lm	F	F	Heavy diagonal limbs over garden, suppressing nearby Lawson Cypress and Norway Maple.	Crown lift removing two low limbs to west, and smaller limbs to 8m clear stems.	1 M
T5	Sycamore	150/ 200			Sm	F	P	Extreme lean over drive	Coppice.	
T6	Sycamore	350			Em	F	P	Extreme lean over drive	Coppice.	
T7	Sycamore	80, 150			Sm	F	P		Coppice.	1 M

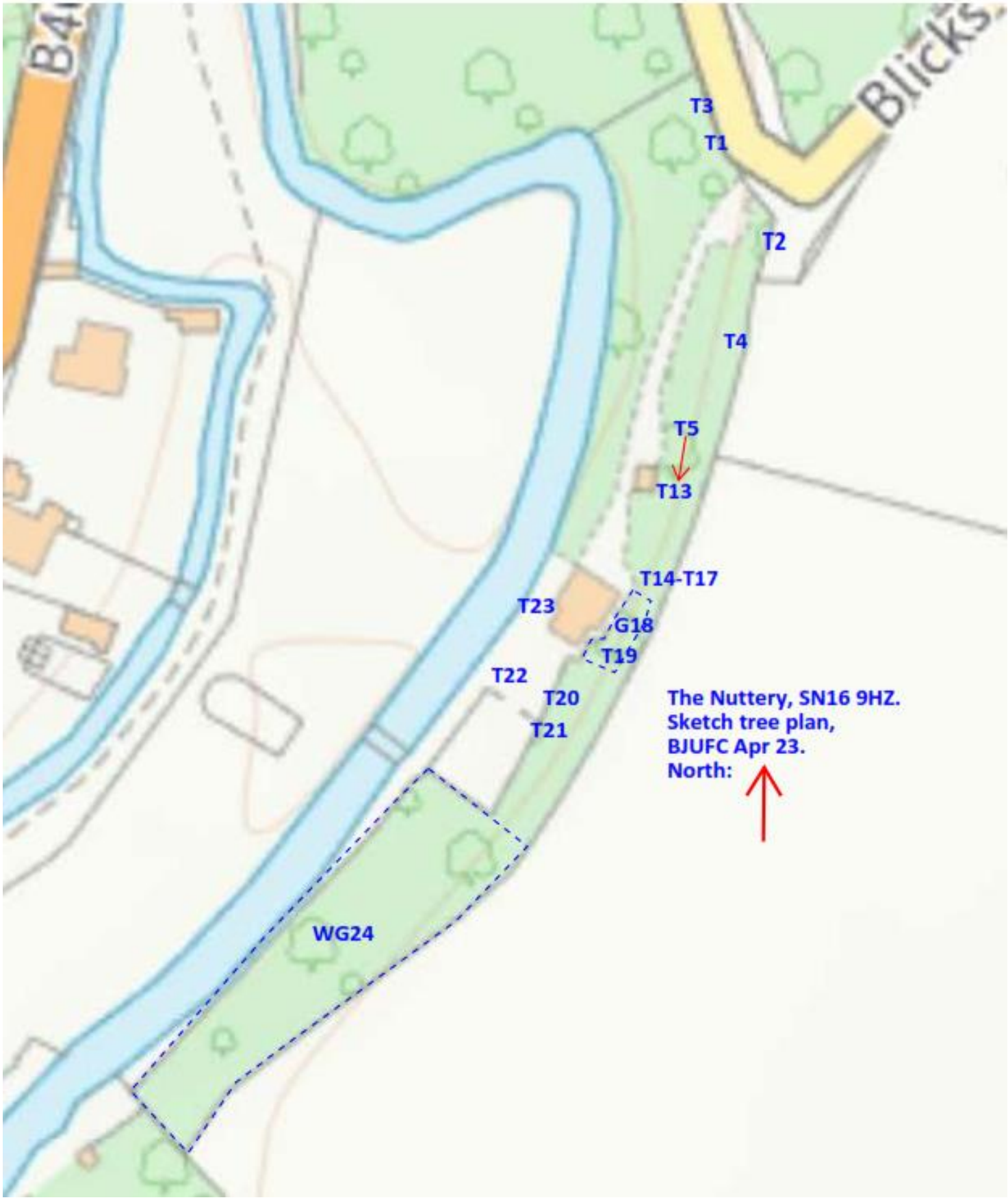
T8	**Sycamore**	**300**			**Sm**	**F**	**P**	**All located over parking area, garage and oil tank. Self-sown. Growing out of steep bank. Blocking light and supressing other shrubs and trees.**	**Coppice.**	**1 M**
T9	**Sycamore**	**450**			**Sm**	**F**	**P**		**Coppice.**	**1 M**
T10	**Sycamore**	**150**			**Sm**	**F**	**P**		**Coppice.**	**1 M**
T11	**Sycamore**	**200**			**Sm**	**F**	**P**		**Coppice.**	**1 M**
T12	**Sycamore**	**200**			**Sm**	**F**	**P**		**Coppice.**	**1 M**
T13	**Sycamore**	**150/ 200**			**Sm**	**F**	**P**		**Coppice.**	**1 M**
T14	**Yew.**	**300**			**Em**	**F**	**P**	**Extreme lean over corner of house.**	**Coppice.**	**1 M**
T15 T16 T17	**Sycamores x 3**	**300-350**			**Em**	**F**	**P**	**Extreme lean over house roof.**	**Fell.**	**1 M**
G18	**Hazel, Elm, Sycamore Saplings**							**Young scrub above retaining wall above house. Previously coppiced. Across house roof.**	**Re-coppice all and repeat every 5 years.**	**1-5 M**
T19	**Sycamore**	**250**			**Y / Sm**			**Self-sown on bank just behind house: no space to grow large.**	**Coppice together with G18.**	**1 M**
T20	**Ash**	**550**			**M**			**Self-sown in garden. Leaning across main lawn. High pollarded several times. Heavy shade. Poor tree.**	**Fell.**	**1 M**
T21	**Ash**	**450**			**Em**			**Self-sown. Lean. High polled. Dominating and shading garden.**	**Fell.**	**1 M**
T22	**Dwarf Cyprus**	**300 basal**						**Growing over footpath and steps and dominating the edge of the lawn.**		

T23	**Ash**	**450**			**Em**			**Heavy lean over river Advanced ash dieback.**	**Fell.**	**1 M**
WG 24	**Holly, Elms, Scots Pine, Hazel, Crab Apple Tree, Norway maples.**							**The Nuttery part of the garden. Overgrown. A few bigger trees, overgrown hazel stools (cobnuts?) and young elms and ash.**	**Clear dead elms and dead crab apple tree (apple tree is blocking footpath). Fell ash saplings. Coppice or remove larger spreading stems of half the Hazels. (Do the rest in a few years.) Create glades for replanting of: - Silver Birch - Oak - Wild Cherry - Beech - Hornbeam**	**2-5 M 5-10 M**

End of table.

5.4 Tree sketch plan, below.

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T3
T1
T2
T4
T5
T13
T14-T17
T23
G18
T19
T22
T20
T21
WG24
The Nuttery, SN16 9HZ.
Sketch tree plan,
BJUFC Apr 23.
North:

6.0 Other matters.

6.1 Replanting.

I recommend replanting in The Nuttery after felling dead elms, diseased ash and thinning out stems on hazel bushes. As noted in paragraph 4.5 above I would suggest equal mixtures of oak, beech, hornbeam, birch and wild cherry planted at 1.5m centres in single species groups of nine trees to fill all gaps under the upper canopy.

6.2 Re-inspection.

Every year, or after heavy winds, a competent countryman, should make a visual inspection of trees in or adjacent to frequented places. This should be recorded.

We would recommend an arboriculturist or forestry consultant inspection every five years, unless gross changes (eg dieback or uprooting) raised concerns.

This report may be submitted to Wiltshire Council for notification, or permission if needed, and to a contractor for quote.

Please contact us if you have any queries, or require further assistance.

Yours sincerely,

[redacted]

B J Unwin Forestry Consultancy.

References:

"The Body Language of Trees". Claus Mattheck and Helge Breloer. HMSO 1994.
"Principles of Tree Hazard Assessment and Management". David Lonsdale. HMSO 1999.
BS 3998: 2010 "*British Standard Recommendations for Treework*".
"*How much crown pruning is needed for specific wind load reduction*?!" Frank Rinn, Western arborist. 2014.

Attached:

- **NTSG advice to tree owners.**
- **Zones of confluence From VALID**
- **BJUFC Professional CV.**

A1

The extract below from *Common Sense Management of Trees, NTSG,* details tree owner's responsibilities.

The legal framework:
Under both the civil law and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch. The civil law gives rise to duties and potential liabilities to pay damages in the event of a breach of those duties. The criminal law gives rise to the risk of prosecution in the event of an infringement of the criminal law.

The civil law:
The owner of the land on which a tree stands, together with any party who has control over the tree's management, owes a duty of care at common law to all people who might be injured by the tree. The duty of care is to take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property.

The duty holder:
This is the person who has control of the tree's management whether as owner, lessee, licensee or occupier of the land on which the tree stands. The relevant highway authority is responsible for trees on land forming part of the highway.

The person to whom the duty is owed:
This is any person who can be reasonably foreseen as coming within the tree's vicinity and being injured by a fall of the tree or a branch from the tree. those using highways, footways, public footpaths, bridleways, railways and canals are likely to come within striking distance of trees on adjacent land. In public spaces, and semi-public spaces such as churchyards and school grounds, those working in or visiting them can be expected to come within the vicinity of trees. On private land, visitors and employees can also be expected to come within the reach of trees. Trespassers may also, in certain circumstances, be expected to come within the vicinity of trees on private land.

The duty owed
This can be stated in general terms as being a duty to take reasonable care for the safety of those who may come within the vicinity of a tree. The courts have endeavoured to provide a definition of what amounts to reasonable care in the context of tree safety, and have stated that the standard of care is that of "the reasonable and prudent landowner". The tree owner is not, however, expected to guarantee that the tree is safe. They have to take only reasonable care such as could be expected of the reasonable and prudent landowner. the duty owed under the tort of nuisance is owed by a tree owner to the occupier of neighbouring land. the duty, however, is no different to the general duty owed under the tort of negligence. It is the duty holder's fundamental responsibility, in taking reasonable care as a reasonable and prudent landowner, to consider the risks posed by their trees. the level of knowledge and the standard of inspection that must be applied to the inspection of trees are of critical importance. It is at this point that the balance between the risk posed by trees in general terms, the amenity or other values of trees and the cost of different types of inspection and remedial measures becomes relevant.

A2

Zones of high confluence from VALID: example of an attempt to objectify tree risk assessment.
www.validtreerisk.com



What is a zone of high confluence?

A typical zone of high confluence

We're most likely to find any risks that are not Acceptable or Tolerable where we have a combination of high-use that's not affected by foul weather and large trees. We call these 'zones of high confluence' because in tree risk-benefit language they're where the highest categories of Likelihood of Occupancy and Consequences merge; Likelihood of Failure being the third risk component. A typical large tree, providing many benefits, may have a very low Likelihood of Failure in a high-use zone. For risk management zoning rather than assessment, the highest Consequences are trees that have a diameter at breast height of about 50cm or more. It's these trees that we'll carry out Active Assessment on.

Zones of highest occupancy (high-use)

This is how we're measuring the zones of highest occupancy

The highest Likelihood of Occupancy zones for roads are where traffic is on average 1400 or more vehicles per day. Generally, they're roads you'd think of as being busy. We zone train or tram lines as being the highest occupancy. For people, it's roughly someone passing about every minute or so between 7am –7pm, Monday to Friday, which is around 1200 per day. Typical combinations of traffic and people which are zones of highest occupancy are urban areas that are rich with offices, shops, bars, and restaurants. Shopping centres and markets make it into this category as well. In and immediately around schools, colleges, universities, hospitals, transport stations and stops, sports stadiums, and many pedestrian crossings, also qualify. Some footpaths through urban parks that are well-used to get to work or school are included. Last, locations where events are held, emergency routes, and campsites, are in the highest Likelihood of Occupancy categories.

Zones of high confluence maps

Our zones of high confluence are marked on maps

The following maps illustrate our zones of high confluence. We're managing the risk in all zones with Passive Assessment, day in day out. We'll carry out an Active Assessment in zones of high confluence every 5 years.

A3

- B J UNWIN FORESTRY CONSULTANCY Ltd. -

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-105 Charfield Court, 2 Shirland Road, **London**, W9 2JR.
Associate office: - 1 Market Place Mews**, Henley-on-Thames, Oxfordshire,** RG9 2AH.
Principal: **Jim Unwin BScFor, MICFor, FArborA, CEnv.**
Chartered Forester - ICF Registered Consultant - Fellow of the Arboricultural Association - Chartered Environmentalist.

From:	**Jim Unwin**	*To:*	**Prospective Client**
Date:	**April 23**	*No. of pages:*	**2**
Subject:	**Professional CV**		

Below are set out **B J Unwin Forestry Consultancy**'s competences and experience.

Insurance:-

£5m Public Liability & **£2m Professional Indemnity** **(renewed June)**.

Personnel:-

B J Unwin (born 1956) started his forestry career as a tree surgeon and landscape contractor in 1975. He studied forestry at Aberdeen University from 1977 to 1981, worked for Unilever as a Forestry Manager in the Solomon Islands from 1981 to 1983. Since then he has been based in Gloucestershire assisting clients to manage their woodland, trees and vegetation throughout Southern Britain, and occasionally in northern England, Scotland and Northern Ireland.
In the mid-1980s to mid-1990s for a period of about ten years he taught chainsaw, tree felling and tree surgery courses at Worcestershire Agricultural College on a part-time basis. He was assessed and passed as a LANTRA assessor in these skills, and held NPTC certificates of competence in chainsaw use on the ground and up trees.
He now works as a tree consultant / manager / contract manager to a range of clients listed below.
For tree decay testing we have a **PICUS II ULTRASOUND** tomograph with electronic callipers and **RESISTOGRAPH-R400** micro-drill.
He works with two self-employed arboriculturalists of >40 years' combined experience:-
Jasper Fulford-Dobson Arboricultural Association Registered Consultant - Associate Member of the Institute of Chartered Foresters - Professional member of the International Society of Arboriculture - Technicians Certificate (ArborA) 2005, now regarded as NQF "level 4" - Professional Tree Inspection Certificate (LANTRA) 2013,
Owen Hutchison BSc(Hons) Agriculture & Estate Management, Level 4 Diploma Arboriculture, LANTRA Professional Tree Inspection & working with trees since 2007.
Plus a secretary/ plan technician; calling in extra help as required (eg ecologist or arboricultural assistant). On bigger projects he regularly works as a part of a multi-disciplinary team.

Current BJUFC qualifications are:-
BSc Forestry Hons 1st Class, Aberdeen 1981.
Chartered Forester No. 0330064, 1986.
Fellow of the Arboricultural Association, 1995.
Licensed Subsidence Risk Assessor, 1997-2001 (scheme closed in 2001).
Completed Training in September 2002 to Prepare Native Woodland Plans for CCW and FC in Wales.
Arboricultural Association Registered Consultant No. 42, from 2004 to May 2021.
LANTRA certificate for Arboriculture and Bats, BJU in 2005.
Examined and approved to submit Welsh WGS as Management Planner and PAWS Assessor, 2006.
Joined Utilities Vendor DataBase, Supplier No: 88101 in Feb 2006 (left 2010).
Training and Certification in basic CAD operation 2006.
Chartered Environmentalist April 2008.
Woodfuel Production and Supply : LANTRA Certificate of Training Dec 2008.
Training in CAVAT amenity tree asset valuation October 2010.
Company Safety Policy:- We were successfully assessed by Safety Management Advisory Services (SMAS) for many years as meeting CDM Regs 2015 Core Criteria Stage 1, as a ***Worksafe Consultant No. 75950.*** expired 09/2020. Not renewed.
CITB *Health, Safety & Environment Test for Managers & Professionals* passed 22/01/2015.
First-aid at work June 2013.
DBS Basic Certificate P0003GX9B7C dated 28th Nov 2022 Certificate 001100238741.

ROSPA Routine Playground Inspection Certificate valid from 2010/22 to 20/10/2025.

Current clients and typical work include:-

English Heritage	Tree safety inspection contract 2007-2013 for East Midlands, East Anglia, London and SE England. Tree safety inspection contract for West of England & Midlands 2008 - 2021.
Planning Inspectorate (**PINS**) & Dept for Communities and Local Government. 2000-2017.	**Arboricultural Inspecting Officer** in South-West England, South East England, West Midlands and East Midlands; advising the First Secretary of State on TPO appeals since 2000. Contract with DCLG expired April 2008 when transferred to PINS. Contract continued with PINS, as Non-Salaried **Arboricultural Inspector, determining TPO appeals and High Hedge appeals. All non-salaried inspectors released in 2017.**
Architects / Developers / Planning Appeals	Complete Tree Constraints, Impact Assessment & Tree Protection advice for planning, working with other professionals to input arboriculture into more complex development schemes. Recent assignments in Liverpool to Cornwall, Kent, Norfolk & London. All using BS5837:2012. FULL CAD CAPABILITY.
Amey Mouchel Ltd	Overseeing Amey Tree Officer on motorway and trunkroad tree inspections throughout Midlands and Marches to 2012. Amey Mouchel are agents for Highways Agency.
CRH Tarmac Ltd, + Midland Quarry Products + Quarryplan (in Northern Ireland).	Since 1990 working with Estates staff, quarry managers and Landscape / ecological consultancies organising and managing contracts for tree and woodland planting both pre- and post- quarrying. Also preparing landscape restoration schemes for straightforward sites plus landscape management on sites throughout southern England, East Anglia and south and south-west Wales. (Commendations for Land Restoration and Environmental improvements from Spelthorne Borough Council 2003.) Also in England & Northern Ireland ongoing tree consultancy for Quarryplan.
Land Agents	Assisting Bruton Knowles clients' with woodland management and other tree issues since 1984. We also assist clients of Fisher German and Savills on a regular basis.
Tarmac Central now CRH Tarmac Ltd.	1988-2018 woodland management of Hopwas Hays Wood, Tamworth.
Rural estates in Herefordshire, Worcestershire and Gloucestershire, plus private woodland owners in southern England and Wales.	Since 1983 woodland management, tree management, hedgerow management. Many are Ancient woodlands and SSSI's requiring detailed ecological management plans produced in consultation with ecologists. About forty Farm Woodland Premium Schemes and about twenty Native Woodland Plans prepared to date in England and Wales. On-going EWGS grant applications. Input into Tir Gofal (and its successor) and Stewardship schemes. Better Woods for Wales (BWW) applications.
British Waterways	Ten-year Tree and Vegetation Management Plans along canals and around reservoirs in London, Hertfordshire, Berkshire, Birmingham, Staffordshire, Worcestershire, Gloucestershire, Shropshire, Llangollen Canal, etc: plus help in dispute with riparian owners. This work ceased around 2011.
Stroud District Council	Management of 49Ha woodland since 1989 on FC schemes plus grassland on DEFRA Stewardship Schemes, including HLS. Retired Nov07.
One–off clients	Since 1983 assisting tree owners, developers, lawyers etc throughout southern or midland Britain, including Wales, on a wide range of tree-related issues including planning, planning appeals, subsidence, health & safety, disputes, vegetation control, expert witness, valuation of woodlands, standing and felled timber, Christmas trees etc, and tree and landscape planting schemes. Recently High Hedge issues and BS5837 are hot topics.
Malvern Hills District Council. South Oxfordshire District Council	BJU Stand-in part-time Consultant Tree Officer Summer 2003. JF-D stand in Consultant Tree Officer summer 2009 to spring 2010.
Golf course & leisure facilities	Assistance with development of Carden Park golf course in Cheshire. Management advice for trees on other golf courses: Eg Ross Golf Club, Swindon Golf Club .
Farm management	Management of own 95Ha farmland since 1985.

Please do not hesitate to ask for further information. B J Unwin END.