

TREE CONDITION REPORT ON ONE ATLAS CEDAR TREE



No. 2 Langland Gardens, London NW3 6PY

CLIENT:	The Plumbing Team Limited
CLIENT REF:	DF/LGL
AAAL REF:	SAL/KMA/11358
AAAL CONSULTANT:	Shane A Lanigan
REPORT DATE:	5th December 2022

Tree Condition Report Relating to One Atlas Cedar Tree in respect of the property::

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S.A. Lanigan Chartered Arboriculturist, MICFor, Dip.Arb.(RFS),M.ArborA, RCarborA – ISA - BCMA, CUEW,
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Page 1 of 21

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Page 2 of 21

TABLE OF CONTENTS	PAGE NO.
SUMMARY	4
1. Introduction....	5
2. The Inspection	6-7
3. Discussion	8
4. Conclusion.....	9
5. Recommendations	10
6. Assumptions and Limiting Conditions	11
7. Certificate of Performance	12
8. Professional Details of Mr S A Lanigan	13
APPENDIX 1 – PHOTOGRAPHS	14-18
APPENDIX 2 – SITE PLAN	19
APPENDIX 3 – REFERENCES	20
APPENDIX 5 – STATUTORY TREE PROTECTION	21

SUMMARY

I inspected one Atlas cedar tree on this site. It is growing directly on the boundary between No. 2 & 4 Langland Gardens to the northwest of the front elevation of the first property. Having visited the site and visually inspected the tree I concluded that it is in a good physiological and fair structural condition despite being surrounded by raised ground levels and retaining/boundary walls. The cedar tree is actively growing showing high vitality and now expanding appreciably both laterally and apically. Atlas cedar is a species that is prone to breakage of (mostly) laterally growing branches. Some considered crown reduction works would serve to reduce the likelihood of branch break and reduce encroachment over the neighbouring property - No. 4 Langland Gardens.

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Reference publications are listed in the references at the back of this report (Appendix 3)

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Page 4 of 21

1. Introduction

1.1 Mr Daniel Franchi of The Plumbing Team Limited contacted my office on 22nd November 2022. He wanted to know more about the structural and physiological condition of the Atlas cedar tree growing within the front garden of the dwelling house, No. 2 Langland Gardens, London NW3 6PY.

1.2 **Instructions:** My instructions were to inspect one Atlas cedar tree located to the front of No. 2 Langland Gardens and prepare a Tree Condition Report with appropriate management recommendations.

1.3 **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 also the European Protected Species legislation. These regulations provide statutory protection for birds, bats and other tree and woodland dwelling creatures. 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.

1.4 **Statutory Tree Protection:** I have made enquiries of the Local Planning Authority which in this instance is Camden 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 has informed us that the tree identified in this report is not protected by any Tree Preservation Orders but the site does lie within a designated conservation area, namely The Redington Froggnal 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 confirmed at the time of writing.

1.5 **Background Information:** Mr Daniel Franchi contacted me on behalf of his client, the owner of No. 2 Langland Gardens. The client is, I believe, concerned about the size and condition of the tree, particularly given its proximity to the pedestrian walkway, roadway, and adjacent properties. It is incumbent on property owners to take reasonable care of their trees (National Tree Safety Group [NTSG] 2011). Tree owners and managers have duties under the common law Duty of Care, and the Statutory Occupiers Liability Acts 1957 and 1984. The 1957 Act defines responsibilities owed to invited persons and employees whilst the 1984 amendment act extends the liability to uninvited persons – effectively, trespassers.

2. The Inspection

2.1 I visited the site at 9.45 am on Friday 2nd December 2022 and concluded my time on site at 10.21 am. Due to there being restricted access I could not inspect the tree from around its entire circumference. However, I was able to see the whole of the tree from the roadway and consider this to have been sufficient for my purposes. I used the process of Visual Tree Inspection (VTA) (Mattheck & Breloer, 1994). My inspection was made at International Society of Arboriculture Level 2 (from ground level by a suitably qualified arboriculturist using simple tools - diameter tape, hypsometer, mallet, trowel, binoculars). Tree details are summarised in the tabulation below:

Tree 1	Atlas cedar – <i>Cedrus atlantica</i> (Endl.) Family: Pinaceae
Ownership:	No. 2 Langland Gardens - although a significant part of the tree's trunk has grown across the boundary into the curtilage of No. 4 Langland Gardens (see photograph 6, Appendix 1 at the back of this report).
Grid reference:	TQ 259 852
Elevation:	70 m
Age Class:	Mature (being within the middle one-third of its probable life expectancy)
Height:	14 m (estimated)
DBH (diameter at breast height)	430 m (estimated due to lack of access and significant ivy cover)
Physiological condition:	Good – the tree shows high vitality (growth within its current location) – as opposed to vigour which is a genetic trait)
Structural condition:	Fair – my visual inspection showed that the tree was historically ‘topped out’ (decapitated). It has since regrown strongly with one leading shoot assuming apical dominance and two primary rival leaders growing up on the south and north sides (see photographs 1, 2 & 3). The topping operation altered the growth pattern of the tree temporarily and allowed the lateral branches to develop further and faster than they might normally have done.

2.2 Location: I saw that the tree is growing to the northwest of the dwelling house. It is growing directly on the boundary line between Nos. 2 & 4 Langland Gardens around 1 m southeast of the front boundary (see photographs 1, 2, 3 & 6). The western side of the tree crown encroaches over public land to the front of the property, including the pedestrian footway and road (see photograph 1). Much of the north eastern crown area extends over the front garden area of No. 4 (see photographs 3 & 4).

2.3 Tree condition: I made an initial ground-based visual inspection of the tree from around 270° of its circumference. Top height is around 14 m and the crown spread is now extensive, disproportionately so on the western side (see photograph 3). It is not a maiden tree, having been historically topped. Due to this action, it now has essentially three leading stems. General physiological condition is good although it is heavily covered by ivy on areas proximal to the trunk to a height of around 8 m above ground (see photograph 2). Annual shoot extension growth is high, indicating high vitality.

3. Discussion

3.1 Tree 1 is an Atlas cedar of mature age class which is within the middle one-third of its probable life expectancy. I suspect that it pre-dates the building by many decades.

3.2 The tree is now effectively 'open-grown' and as such with no immediate competition, is growing very rapidly in both height and spread. Many of the laterally growing branches have been able to grow faster and further than they might otherwise have done due to the short-term loss of hormone controlled apical dominance induced by the topping operation. This effect is particularly noticeable on the western side (see photograph 3).

3.3 Physiological condition of the tree is good, structural condition less so. The tree form is now over-extensive laterally and gives rise to concern about breakage of the longer lateral branches. Atlas cedar is probably more susceptible to branch-break than either Lebanon or Himalayan cedars, seemingly due to poorly formed branch unions. In this location the propensity toward branch-break is of significant concern.

4. Conclusion

4.1 The cedar tree is a visual and ecological asset which contributes appreciably to local landscape character. It is however, of a species markedly prone to branch-break and the likelihood of this is elevated by the fact of the earlier topping works and subsequent development of over-extended lateral branches and rival leaders. In order to reduce the likelihood of such an occurrence it would be prudent to reduce the overall tree spread appreciably with a concomitant minor height reduction to achieve a reasonably symmetrical form. A pruning prescription will be detailed in Section 5.

5. Recommendations:

5.1 **T1 – Atlas cedar** – reduce the over-extended westerly-growing branch above the roadway by around 3 m. All other lateral branches should be reduced by around 2 m with the aim of achieving a balanced crown form. A minimal height reduction of 1.5-2 m will serve to achieve a reasonably symmetrical form. The ivy growing on the trunk should be severed at ground level. All pruning works shall conform to the recommendations provided within British Standard BS 3998: 2010.

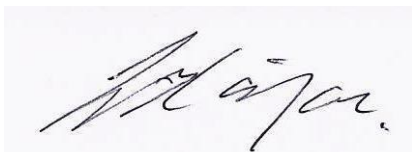
6. ASSUMPTIONS AND LIMITING CONDITIONS

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 Loss or alteration of any part of this report invalidates the entire report.
- 6.5 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.
- 6.6 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 initialled designation conferred upon the consultant/appraiser as stated in his qualification.
- 6.7 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.
- 6.8 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.
- 6.9 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.

7. CERTIFICATE OF PERFORMANCE

I, Shane A. Lanigan, certify that:

- 7.1 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.
- 7.2 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.
- 7.3 The analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and facts.
- 7.4 My analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices.
- 7.5 No one provided significant professional assistance to me, except as indicated within the report.
- 7.6 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.
- 7.7 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 International Society of Arboriculture 'Tree Risk Assessment Qualification' (TRAQ) and have completed 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 years.



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Date: 5th December 2022 - Our Ref: SAL/KMA/11358

Page 12 of 21

8. PROFESSIONAL DETAILS OF SHANE 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.

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

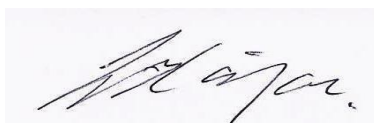
My professional memberships include:

- 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. Currently, all these events are delivered online.



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Date: 5th December 2022 - Our Ref: SAL/KMA/11358

Page 13 of 21

**APPENDIX NO. 1
PHOTOGRAPHS 1 - 6**



**PHOTOGRAPH NO. 1 - T1 – ATLAS CEDAR – VIEWED FROM THE NORTH
SHOWING OVER-EXTENDED WESTERN LATERAL BRANCH (ARROWED)**

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Date: 5th December 2022 - Our Ref: SAL/KMA/11358

Page 14 of 21



PHOTOGRAPH NO. 2 - T1 – ATLAS CEDAR – VIEWED FROM THE SOUTH

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Date: 5th December 2022 - Our Ref: SAL/KMA/11358

Page 15 of 21



PHOTOGRAPH NO. 3 - T1 – ATLAS CEDAR – VIEWED FROM THE NORTHEAST

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Date: 5th December 2022 - Our Ref: SAL/KMA/11358

Page 16 of 21



PHOTOGRAPH NO. 4 - T1 – ATLAS CEDAR – VIEWED FROM THE NORTH

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Date: 5th December 2022 - Our Ref: SAL/KMA/11358

Page 17 of 21



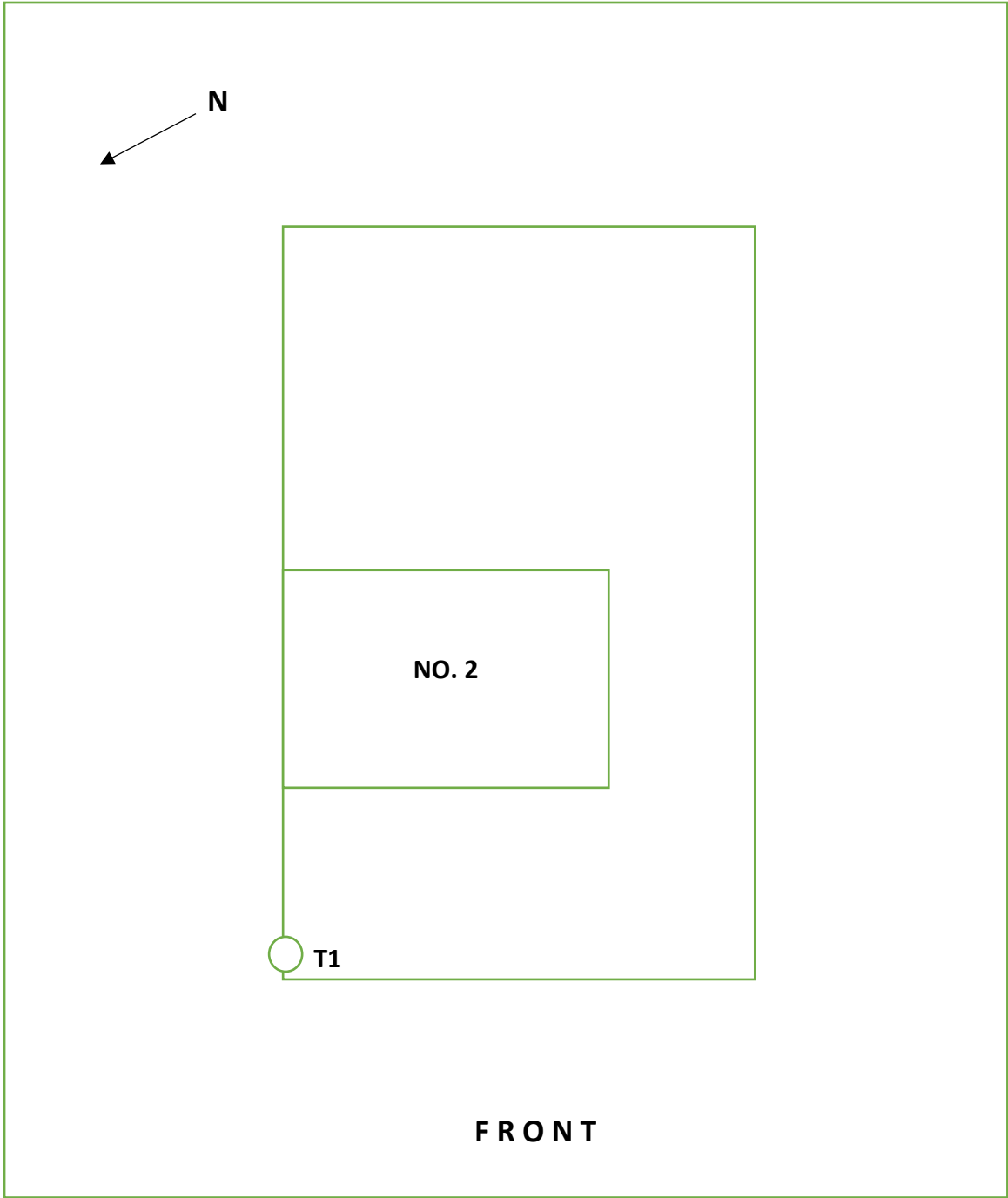
PHOTOGRAPH NO. 5 - CRACKING OF THE RETAINING WALL SOUTH OF THE TREE BASE



PHOTOGRAPH NO. 6 - BASE OF T1 ENCROACHING INTO THE CURTILAGE OF NO. 4, ALSO SHOWING MOVEMENT OF THE FRONT BOUNDARY WALL (ARROWED)

APPENDIX NO. 2

PLAN OF TREE AT NO. 2 LANGLAND GARDENS, LONDON NW3 6PY



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

APPENDIX 3

References:

Bean, W.J. (1073). *Trees & Shrubs Hardy in the British Isles*. 8th ed. 50 Abermarle Street, London W1X 4BD (M Bean & John Murray (Publishers) Ltd 1973).

BS 3998:2010 British Standards Limited (2012) *Tree Work – Recommendations* 3rd ed. 2 Park Street, London W1A 2BS. British Standards Institution.

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,).

Mattheck, C and Breloer, H (1994). *The Body Language of Trees*. PO Box 29 Norwich NR3 1GN: The Stationery Office.

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

APPENDIX 4

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 Management and 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).