



Sylva Consultancy  
expert arboricultural advice

## ARBORICULTURAL REPORT

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Ref: Oak tree  
Situated on land at North Lane  
Weston on the Green  
Oxfordshire

February 2022

Ref: 22036

Prepared by Fiona Bradshaw MICFor; Dip. Arb (RFS); F. Arbor.A; Tech Arbor.A

Issued: 18<sup>th</sup> February 2022



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# 1. INTRODUCTION

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## 1.1 Instructions

1.1.1 Instructions have been received from Weston on the Green Parish Council to assess a path that has been constructed within close proximity to one oak tree (Site Location Plan Appendix 1).

1.1.2 The Parish Council has raised the following concerns:

1. Damage to the Conservation Area
2. The path does not meet accessibility standards due to the steep ramps.
3. The railings obscure visibility to oncoming traffic.
4. The building works were not carried out in accordance with the usual requirements to protect the tree.

1.2.3 This report deals with the construction of the path and whether best practice has been followed.

## 1.2 Arboricultural Survey

1.2.1 During September 2021 Sylva Consultancy conducted a tree survey in accordance with British Standard 5837:2012 'Trees in relation to Design, Demolition and Construction-Recommendations' and good arboricultural practice. This is a basic data collection exercise and a record of the trees condition at the time of surveying. The tree survey data can be viewed at Appendix 2 with the tree constraints plan provided at Appendix 3.

## 1.3 Tree Protection

1.3.1 A desk top study of information posted on the Cherwell District Council's (CDC) website reveals that the oak tree is protected by Tree Preservation Order (TPO) 04/2018.

1.3.2 A TPO ***prohibits the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction to protected trees or woodlands unless permission has been granted by the LPA.***

1.3.3 In addition to the tree preservation order the tree is registered as a 'notable tree' on the Ancient Tree Inventory (<https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=23315&from=3523&v=1938727&ml=map&z=16&nwLat=51.86844676976149&nwLng=-1.2396605540572558&seLat=51.86460426495364&seLng=-1.2125595141707812#/> )

## 2. PLANNING HISTORY

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- 2.1 Outline Planning Permission for the construction of up to 20 residential dwellings and associated infrastructure was granted on the 7th April 2015 by Cherwell District Council (Planning Application Ref: 13/01796/OUT).
- 2.2 A reserved matters planning application (Planning Application Ref:16/00574/REM) was validated on the 15<sup>th</sup> April 2016 and subsequently approved by Cherwell District Council on the 20<sup>th</sup> December 2016.
- 2.3 As part of the reserved matters application an arboricultural Impact Assessment Report (including an Arboricultural Method Statement) was submitted and validated on the 11<sup>th</sup> May 2016. The document was prepared by Lockhart Garratt and dated April 2016 (Report Reference:15-3636 3995 01). Within this report the oak tree is not listed and there are no references to the construction of the new footpath.
- 2.4 On the 29<sup>th</sup> September 2016 an Arboricultural Method Statement (AMS) issued by Lockhart Garratt and dated July 2016 was validated on the 22<sup>nd</sup> September 2016. Within this document the oak tree is now referenced and identified as T17. Commentary within this document is made in connection with the requirements to construct a new footpath linking the approved development with North Lane.
- 2.5 Condition 2 of the Reserved Matters Decision Notice is as follows:
- The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement prepared by Lockhart Garratt dated July 2016 received from the applicant's agent by e-mail on 22nd September 2016.*
- Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996*
- 2.6 On the 29<sup>th</sup> March 2019 a Section 278 agreement between Oxford County Council and Hayden Homes Ltd was signed. Part of this agreement relates to the provision of the new footpath linking the development and North Lane.
- 2.7 On the 2<sup>nd</sup> February 2021 an application was made by Weston on the Green Parish Council's to construct a new footpath following best practice to the north of the tree (Planning Application Ref: 21/00516/F). The application was subsequently approved on the 15<sup>th</sup> November 2021.

### 3. ARBORICULTURAL APPRAISAL

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#### 3.1 Background

- 3.1.1 The tree survey data within the Arboricultural Method Statement (AMS) issued by Lockhart Garratt dated July 2016 is updated from the earlier arboricultural report and now references the oak (Ref T17 – extract of tree survey data Appendix 4).
- 3.1.2 The survey identifies the oak tree as a veteran tree and subsequently categorises the tree as a category A3 tree in accordance with the British Standard 5837:2012 'Trees in relation to Design, Demolition and Construction – Recommendations (Appendix 5 Table 1 Cascade Chart for Tree Quality). There is no reference in the report acknowledging the tree preservation order.
- 3.1.3 The executive summary (para 4) of Lockhart Garratt's Arboricultural Method Statement dated July 2016 refers to the oak tree:

*'A single tree outside the site will require permanent ground protection due to the construction of a new footpath leading from the development providing access to Weston on the Green'.*

- 3.1.4 The arboricultural method statement references tree protection measures for both the development and the oak tree. Condition 2 of the Reserved Matters Decision Notice clearly states that the development

*'shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement prepared by Lockhart Garratt dated July 2016 received from the applicant's agent by e-mail on 22nd September 2016'.*

- 3.1.5 At Section 1.5 the arboricultural method statement states '

*There is no requirement for any of the following within Root Protection Areas (RPAs) of retained trees:*

- *Site gradient changes*
- *Contractors parking*
- *Storage of materials*

- 3.1.6 Section 3.3 of the arboricultural method statement relates to Arboricultural Supervision: '

*An Arboricultural Clerk of Works (ACoW) will be appointed by the developer to advise on the tree management for the site and to attend:*

- *The pre-commencement meeting before any works start*
- *Regular supervision visits; and*
- *As needed to oversee specific works that could affect trees*

- 3.1.7 Section 3.9 of the arboricultural method statement states

*The ACoW will make a record of the visits, and these will be attached to the site copy of the AMS for inspection. A further copy will be sent to the LPA. The purpose of these written records is firstly to provide proof of compliance that will allow the developer to robustly demonstrate adherence to best practice in the event of any dispute. Secondly it will help the LPA efficiently discharge the relevant planning conditions.*

- 3.1 8 At section 3.38 of the arboricultural method statement permanent hard surfaces within the RPA 's of trees are dealt with. Specific reference is made in relation to the oak tree:

*3.38 Where permanent hard surfaces are required within the RPA, there must be no excavation into the soil, either through the lowering of levels and/or scraping, other than the removal of turf or other surface vegetation. All such works shall be carried out using hand tools only.*

*3.39. One tree (T17) will require permanent protection due to the construction of a new footpath leading from the development providing access to Weston on the Green.*

*3.40. In order to protect the RPA of T17 a three-dimensional cellular confinement system will be installed. This is a load bearing system which protects roots from the effects of compaction from regular pedestrian movement. The recommended product for this solution is CellWeb but whatever system is used, the end result must be that the underlying soil (rooting environment) remains undisturbed and retains the capacity to support existing and new roots.*

*3.41. The dimensions for the area protected by the Cellweb have been marked on the draft TPP (Ref: D16-1130), which can be identified by the purple crosshatch on the plan*

*3.42. Details of Cellweb are included in Appendix 9, and a methodology for installation given in Appendix 10. This methodology has been provided by the manufacturer and it will be the responsibility of the contractor to ensure that whatever system is used, it is installed in accordance with the latest guidelines provided by the manufacturer.*

- 3.1.9 Appendix 8 of the submitted and subsequently conditioned arboricultural method statement provides detailed guidance for working in the root protection areas of trees.
- 3.1.10 Photographs of pre path construction work and post construction works are listed at Appendix 6.

### 3.2 Information relating to the construction of the footpath

- 3.2.1 A briefing note from Weston on the Green Parish Council has been forwarded providing photographs of the construction of the footpath (Extract of photographs as Appendix 7).
- 3.2.2 The briefing note provided information on observations taken during the construction works – extracts of which are reproduced below:

*We understand that CDC are the legal custodians of the tree which has a TPO*

- a) No Arboricultural Method Statement was submitted to CDC, nor does one appear to have been prepared.*
- b) There does not have been any supervision of the building works by an Arboriculturalist or other tree expert.*
- c) Construction is within the RPZ and close to the trunk.*
- d) A foundation for the retaining wall (stepped kerbs) was dug by a mechanical digger and concrete poured in the bottom. A retaining wall was then constructed using tiered pre-cast concrete kerbs set in concrete.*

- e) *There was then a mix of machine and hand digging beneath the path itself, but smaller roots were severed. This excavation was filled with hardcore and compacted using a plate vibrator. Cellweb was laid on this compacted base and then further hardcore and compaction. Interlocking blocks laid on the top.*
- f) *Railings have now been concreted into the top.*
- g) *An application has now been made to CDC to remove branches in order to provide headroom for pedestrians. This is being opposed by the PC.*

3.2.3 Post construction photographs are listed at Appendix 8

3.2.4 In addition to Weston on the Green Parish Council's observations comments have been made by Cherwell District Council's arboricultural officer in relation to the construction of the footpath (Appendix 9). An extract of their comments from the internal email memo dated 12 April 2021 are reproduced below:

*'I am led to believe the existing footpath was installed using a 'no dig' methodology, with a permeable surface supported by a cellweb, or similar structure to prevent compaction. My site observations, however, have brought some concerns for the existing footpaths installation. The RPA of the tree based of BS5837:2012 actually exceeds the capped metre square volume of 707m<sup>2</sup>, with an indicative RPA radius of 16.9m, attached as image 1. Whilst I am led to believe the footpath has been installed sensitively to the trees roots, it must be stressed sections of the footpath adjacent to the B430 under conventional construction would also have likely been completed within the rooting area of the oak. Attached as image 2 is the near side of the B430 footpath. Full bag of concrete included. Whilst I cannot conclusively comment on the construction of the existing footpath, there is evidence of concrete, and root severance immediately adjacent to the oak trees buttress roots, attached as images 3 and 4. These also appear to suggest whilst the bulk of the footpath is as I am told supported by cellweb, the concrete slabs and supporting concrete on either side of the footpath appear to be placed directly on top of the roots. In light of the above, I feel there is fair reason to suspect the existing footpath holds potential to be of detriment to the trees vitality'.*

### 3.3 Root Morphology

3.1.1 Tree roots are wide spreading, and with ground conditions permitting will extend in all directions, for distances often in excess of the tree's height. The majority of live roots are found within the upper 600mm of the soil with the main structural roots found up to a distance of 2 - 3m from the main stem of the tree where they will then rapidly subdivide. Damage, death or excessive pruning to the root system can adversely affect the health, life expectancy and overall safety of a tree. Soil disturbance within the rooting area should also be avoided, as this can significantly affect a trees stability and moisture uptake. Where tree roots become exposed via soil disturbance further desiccation and root death can occur to the root system.



## 4. CONCLUSIONS

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### 4.1 Impact on the Path Works in relation to the oak tree

- 4.1.1 The oak tree is subject to Cherwell District Council's Tree Preservation Order 04/2018. In addition, the oak tree is recognised as a 'notable tree' on the Ancient Tree Inventory.
- 4.1.2 Standing advice issued jointly by Natural England and the Forestry Commission provides detailed information on what to take into account when making planning decisions that affect ancient woodland, ancient trees or veteran trees (<https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>)
- 4.1.3 In the event that planning permission is granted the standing advice guidance advises to use planning conditions or obligations to make sure the developer:
- *Avoids damage*
  - *Mitigates against damage*
  - *Compensates for loss or damage (use as a last resort)*
- 4.1.4 From the information that has been provided to Sylva Consultancy, the site visit that has been carried out by Sylva Consultancy, and information widely available on Cherwell District Council's website it is concluded that the construction of the pathway is in breach of Planning Permission Ref:16/00574/REM for the following reasons:
1. Gradient changes have occurred within the root protection area of the oak tree (see images at Appendix 8). Noncompliance with the Arboricultural Method Statement (AMS) issued by Lockhart Garratt dated July 2016.
  2. Noncompliance with the Arboricultural Method Statement (AMS) issued by Lockhart Garratt dated July 2016 at Sections 3.38 & 3.40.
  3. No evidence that an Arboricultural Clerk of Works (ACoW) was appointment as recommended within Arboricultural Method Statement (AMS) issued by Lockhart Garratt dated July 2016.
  4. No evidence that an Arboricultural Clerk of Works (ACoW) was appointment as recommended within Arboricultural Method Statement (AMS) issued by Lockhart Garratt dated July 2016.
  5. No evidence that site supervision notes as advised in Lockhart Garratt Arboricultural Method Statement dated July 2016 was submitted to Cherwell District Council.
- 4.1.5 It is further concluded that that the oak tree has sustain damage to the roots by the work. This is confirmed by the evidenced listed in the memo dated 12 April 2021 from the arboricultural officer at Cherwell District Council.
- 4.1.6 The construction of the 'Cellweb' path is not in compliance with the manufacturers instructions and as such is deemed not fit for purpose. The subbase that has been installed in not permeable and will not allow gaseous exchange to occur for the roots or to allow water to percolate through to the rooting zone.



## 5. RECOMMENDATIONS

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- 5.1 It is recommended that the path is removed and the soft ground areas re-instated to allow conditions suitable for (new) root growth to occur and for the existing rooting environment to thrive.
- 5.2 Given the nature of the work that has occurred it is strongly recommended that the oak tree is regularly inspected by a competent person. It is recommended that annual inspections occur. Inspections must also ensure that the canopy condition is monitored (visual summer inspections) and autumn inspections are also implemented. This is to review whether any decay fungus is present which could affect the trees health and or stability.
- 5.3 In the event that any fungal fruiting bodies are found on or within close proximity to tree it is recommended that these are positively identified by a competent person as soon as is practically possible.

## APPENDIX 1

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### SITE LOCATION PLAN

# SITE LOCATION PLAN

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## APPENDIX 2

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TREE SURVEY DATA:  
SYLVA CONSULTANCY

# KEY TO TREE SCHEDULE

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Tree No: Relates to individual trees identified within the Tree Survey Schedule and Tree Constraints Plan

Species: Common name

Height: Estimated height expressed in meters

ST: Stem diameter of the main trunk taken at 1.5m above ground level or in accordance with Annex C BS5837:2012.

Height in M of Canopy: Information of the first significant branch and direction of growth in order to inform on ground clearance.

Abbreviations:

#:	Estimated
Ave:	Average
A.G.L:	Above ground level
SULE:	Safe Useful Life Expectancy

Branch Spread: Estimated crown radius expressed in meters, taken for each cardinal compass point.

Age Class:

Y	Young - Less than one third of natural life expectancy
MM	Middle aged - One to two thirds of natural life expectancy
M	Mature - More than two thirds of natural life expectancy
OM	Over mature
NP	Newly Planted

Physiological Condition:

G	Good
F	Fair
P	Poor
D	Dead

## Notes:

Root Protection Area: This is a layout tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability and where the protection of the roots and soil structure is treated as a priority (detailed in paragraph 3.7 British Standard 5837:2012 'Trees in relation to Construction-Recommendations').

Young trees with a stem diameter of less than 150mm: Whilst the presence of young trees of good form and vitality is generally desirable (i.e those which have the potential to develop into quality mature specimens), they need not necessarily be a significant constraint on the site's potential (detailed in paragraph 4.5.10 British Standard 5837:2012 'Trees in relation to Construction-Recommendations').

# CASCADE CHART FOR TREE QUALITY ASSESSMENT

Category and definition Criteria (including subcategories where appropriate) Identification on plan

## Trees unsuitable for retention (see Note)

<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>	Dark Red
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### 1 Mainly arboricultural qualities

### 2 Mainly landscape qualities

### 3 Mainly cultural values, including conservation

## Trees to be considered for retention

<b>Category A</b> <b>Trees of high quality</b> with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	Light Green
<b>Category B</b> <b>Trees of moderate quality</b> with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value	Mid Blue
<b>Category C</b> <b>Trees of low quality</b> with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value	Grey

TREE NO.	SPECIES	Height in (M)	CALCULATED STEM DIA (MM)	BRANCH SPREAD				HEIGHT IN M OF CANOPY	AGE CLASS	PHYS. COND	COMMENTS	LIFE EXPECTANCY (EST YEARS)	BS5837:2012 CATEGORY GRADING
	( <i>Latin</i> )			N	E	S	W				Recommendations		
T1	Oak <i>Quercus robur</i>	15.5	1140	4.5	5	7.5	4.5	5	V	F	Notable tree growing on grass verge. Low foliage over recently install highway footpath. Subject to a TPO. Listed as a notable tree. No Work	40+	A3



ROOT PROTECTION AREA

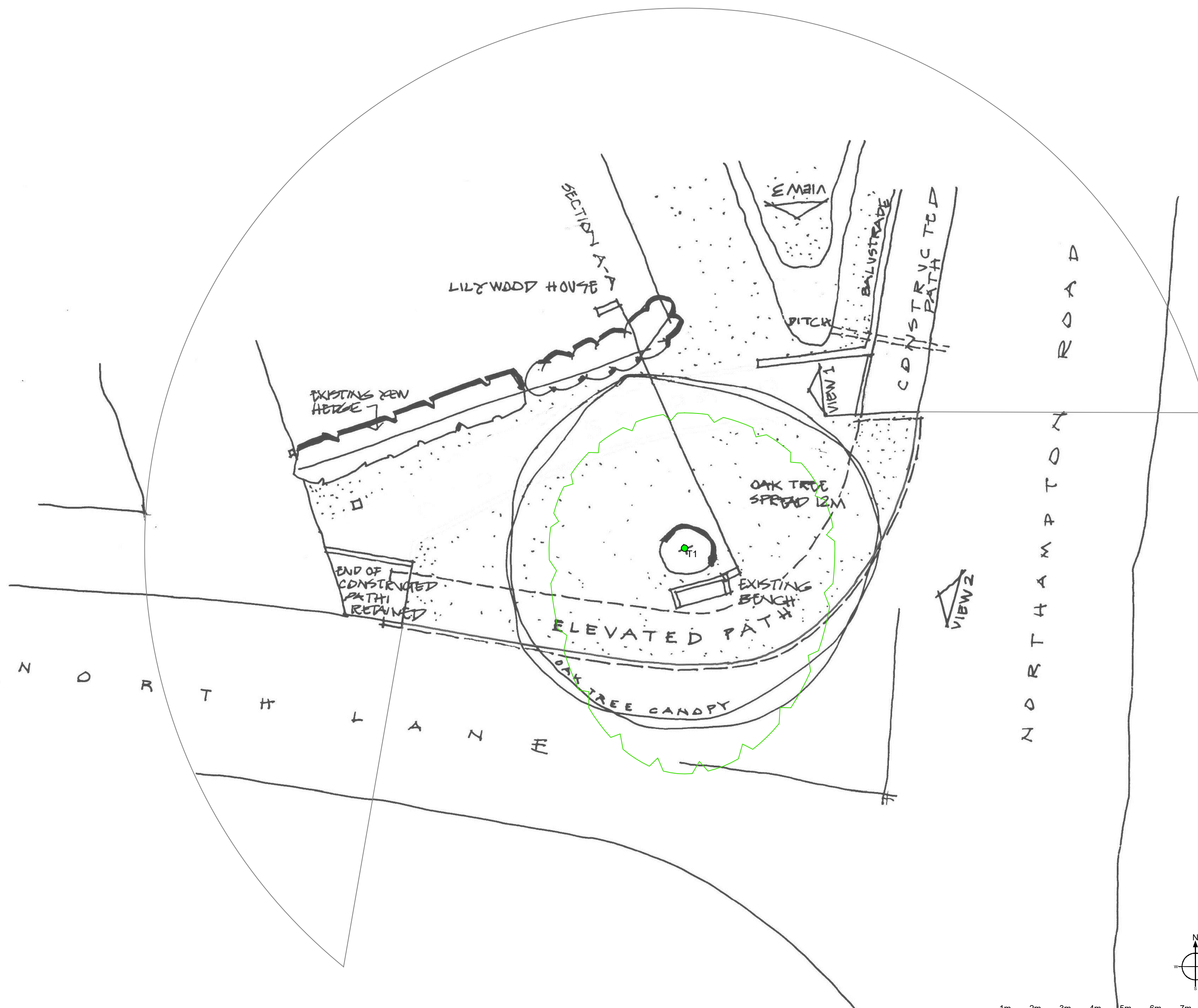
TREE NO.	SPECIES	NO. OF STEMS	SINGLE STEM DIA (mm)	2-5 STEMS					> 5 STEMS	ROOT PROTECTION AREA - RPA (RADIUS IN M)	RPA (M <sup>2</sup> )	LIFE EXPECTANCY (EST YEARS)	BS5837:2012 CATEGORY
				STEM 1 (mm)	STEM 2 (mm)	STEM 3 (mm)	STEM 4 (mm)	STEM 5 (mm)	MEAN STEM DIA (mm)				
T1	Oak	1	1140							17.10	919	40+	A3

## APPENDIX 3

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### TREE CONSTRAINTS PLAN

SYLVA CONSULTANCY



Sylva Consultancy

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e-mail: mail@sylvaconsultancy.co.uk  
The Oxford Boaters Box, Woodstock Road, Oxford, OX2 7AH



Site: Weston-on-the-Green	1:100 @ A2
Drawing Title: Tree Protection Plan	Oct 2021

Key:

- Category A
- Category B
- Category C
- Category U

Category

Root Protection Area

Crown Spread

Tree Number

13

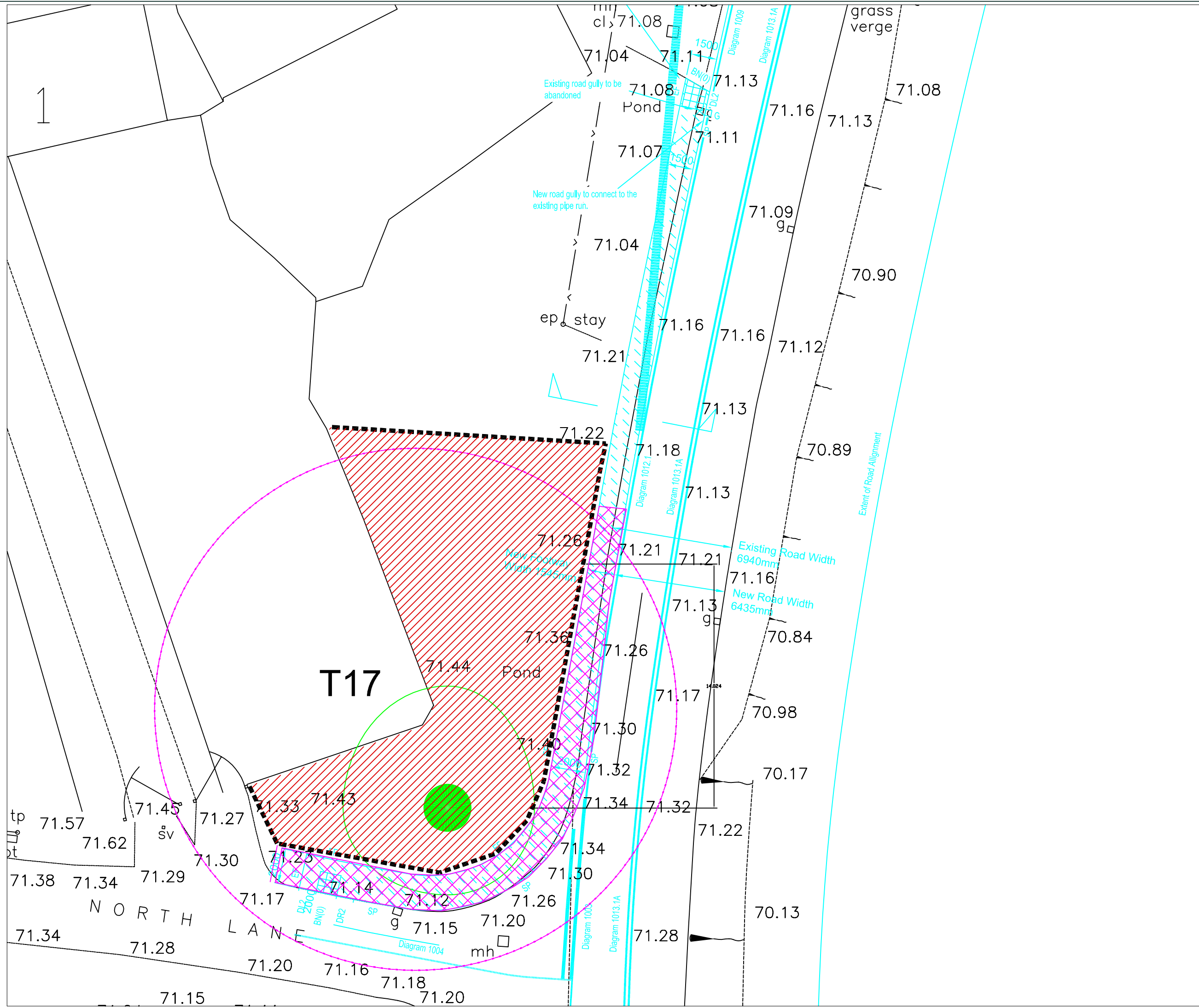
NOTE: Tree marked has approximate location.

NOTE: The original of this drawing was produced in colour - a monochrome copy should not be relied upon.

### TREE CONSTRAINTS PLAN

Client:		Firmpride Ltd															Reference:		16-1131				
Site:		Weston on the Green - Footpath					Surveyor:		Rob Davidson										Date of survey:		01/07/2016		
Key to Notations																							
							Age Class		Definition					Category Grading									
Stem Dia:		Stem diameter (mm) at 1.5m above ground level					Y	Young	1st 1/3rd of life expectancy					Category					ULE		Sub category		
C.C.		Height of crown clearance above ground level					EM	Early Mature	2nd 1/3rd of life expectancy					A	High Quality & Value				40+	1	Mainly arboricultural value		
L.B.		Lowest branch height in meters					M	Mature	Final 1/3rd of life expectancy					B	Moderate Quality & Value				20-40	2	Mainly landscape value		
D.L.B.		Direction of Lowest Branch					OM	Over Mature	Beyond life expectancy & in natural decline					C	Low Quality & Value				10-20	3	Mainly cultural value		
U.L.E.		Useful Life Expectancy of tree in years					V	Veteran	Great age & poss. high conservation value					U	Dead, dying or dangerous				<10				
Physiological condition			Good		No significant health problems					Fair		Symptoms of health that can be remediated					Poor		Significant ill health				
Structural condition			Good		No significant defects					Fair		Significant defects that can be remediated					Poor		Significant defects with no remedy				

Tree No.	Tag No.	Species	Botanical Name	H (m)	Stem Dia.	No of Stems	Branch Spread (m)				CC (m)	LB (m)	DLB (m)	Age	PC	SC	Comments	Recommendations	ULE	Cat.	RPA (m2)	RPA Radial distance (m)	Direct Removal?
							N	E	S	W													
17	T17	Oak	Quercus sp.	14	1380	1	7	5	5	6	2	3	South	V	Fair	Fair	Prominent veteran oak located on Northampton Road. Historic pruning. Cavity at 2.5m with bee nest. Due to age is likely to have rooting sytemty below road. Offset RPA to account for site features.	None	40+	A3	855	17	



## LEGEND

- 
- Category A trees  
(Stem and Canopy Spread)
- Category B trees  
(Stem and Canopy Spread)
- Category C trees  
(Stem and Canopy Spread)
- Category U trees  
(Stem and Canopy Spread)
- Root Protection Area
- Proposed Layout
- Protective Fencing
- Construction Exclusion Zone
- Permanent Ground Protection



TITLE: Draft Tree Protection Plan

PROJECT/SITE: Footpath at Weston on the Green

CLIENT: Firmpride Ltd

MAP REF: 3995 / 01 / D16-1130

REVISION:	1
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DATE: July 2016	SCALE: 1:200@A3
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APPROVED BY: SW	PRODUCED BY: R
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### BS5837:2012 Table 1 Cascade Chart for Tree Quality



# CASCADE CHART FOR TREE QUALITY ASSESSMENT

Category and definition Criteria (including subcategories where appropriate) Identification on plan

## Trees unsuitable for retention (see Note)

<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>	Dark Red
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### 1 Mainly arboricultural qualities

### 2 Mainly landscape qualities

### 3 Mainly cultural values, including conservation

## Trees to be considered for retention

<b>Category A</b> <b>Trees of high quality</b> with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	Light Green
<b>Category B</b> <b>Trees of moderate quality</b> with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value	Mid Blue
<b>Category C</b> <b>Trees of low quality</b> with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value	Grey

## APPENDIX 6

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PHOTOGRAPHS:

GOOGLE STREET VIEW



Photograph 1

Google Street View Image Sept 2016

Pre footpath works

Existing soft ground area no longer present. See Photograph 2



Photograph 2

Google Street View Image Nov 2021

Post Path Works New pathway has been constructed



Photograph 3

Google Street View Image March 2011

Pre footpath works

Building up of levels has occurred for the path works – see Photograph 4



Photograph 4

Google Street View Image Nov 2021

Post Path Works Illustrated

## APPENDIX 7

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PHOTOGRAPHS:

SUPPLIED BY WESTON ON THE GREEN PARISH COUNCIL





Photograph 1

Image illustrating machinery constructing path.

Machinery working in close proximity to the oak tree to carry out the work. Not in compliance with the information provided within Lockhart Garratt's arboricultural method statement

Inadequate fence protection. Not in compliance with the information provided within Lockhart Garratt's arboricultural method statement



Photograph 2

Compacted sub-base – see photograph 3 for image of a 'wacker plate'.

Not in compliance with the information provided within Lockhart Garratt's arboricultural method statement



Photograph 3

Wacker plate present. Indicates that subbase has been constructed

Concrete used to install kerb edges

Not in compliance with the information provided within Lockhart Garratt's arboricultural method statement



Photograph 4

Cell web grid overlaid onto a membrane that has been positioned on a consolidated subbase.

Not in compliance with the information provided within Lockhart Garratt's arboricultural method statement

## APPENDIX 8

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PHOTOGRAPHS:

SYLVA CONSULTANCY





Photograph 1

Photograph taken in Sept 21 by Sylva Consultancy.

Footpath construction completed.



Photograph 2

View of completed path works. Additional tarmac laid in front of the access of the adjacent property.



Photograph 3

New path linking the development and elevated path by the oak tree



Photograph 4

Google Street View image linking new raised path and the development.



### EMAIL MEMO FROM CDC ARBORICULTURAL OFFICER

## Lynne Baldwin

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**From:** dcregistration  
**Sent:** 23 April 2021 09:25  
**To:** DC Support  
**Subject:** FW: 21/00516/F - CDC Arboriculture  
**Attachments:** Image 1.jpg; Image 2.jpg; Image 3.jpg; Image 4.jpg

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**From:** Iain Osenton <iain.osenton@cherwell-dc.gov.uk>  
**Sent:** 22 April 2021 17:01  
**To:** Matthew Chadwick <Matthew.Chadwick@Cherwell-DC.gov.uk>; Nathanael Stock <Nathanael.Stock@Cherwell-DC.gov.uk>  
**Cc:** dcregistration <dcregistration@Cherwell-DC.gov.uk>  
**Subject:** 21/00516/F - CDC Arboriculture  
Hi Matthew,

Please accept my further amended comments in light of observations made on site, 21/04/21.

I am led to believe the existing footpath was installed using a 'no dig' methodology, with a permeable surface supported by a cellweb, or similar structure to prevent compaction. My site observations however, have brought some concerns for the existing footpaths installation.

The RPA of the tree based of BS5837:2012 actually exceeds the capped metre square volume of 707m<sup>2</sup>, with an indicative RPA radius of 16.9m, attached as image 1. Whilst I am led to believe the footpath has been installed sensitively to the trees roots, it must be stressed sections of the footpath adjacent to the B430 under conventional construction would also have likely been completed within the rooting area of the oak. Attached as image 2 is the near side of the B430 footpath. Full bag of concrete included.

Whilst I cannot conclusively comment on the construction of the existing footpath, there is evidence of concrete, and root severance immediately adjacent to the oak trees buttress roots, attached as images 3 and 4. These also appear to suggest whilst the bulk of the footpath is as I am told supported by cellweb, the concrete slabs and supporting concrete on either side of the footpath appear to be placed directly on top of the roots.

In light of the above, I feel there is fair reason to suspect the existing footpath holds potential to be of detriment to the trees vitality. As far as I'm aware, there are no arboricultural/technical drawings which have been made available for review on its construction. Previously, I held concerns for the proposed footpaths placement beneath 2 large dying/dead limbs forming veteran features/habitat within the tree, and the residual requirement to remove these should the footpath pass beneath them. However, I now believe it could be expected these limbs may need to be pruned/removed anyway due to their size, and position in relation to the existing footpath.

The proposed footpath in principle will meet similar challenges to the existing footpath, in that it will be placed within close proximity to the buttress roots. It must also be stressed the likelihood the RPA of the tree is offset North/West accounting for the B430, and North lane to the South/East. However, in principle under specialist arboricultural/engineering design, I feel a footpath could be installed which would offer minimal impact to the trees rooting area.

The proposed plans at this stage do not include enough technical information for me to support them. In addition, the proposed plans do not appear to include the existing footpath, suggesting there is a plan to remove it. Should this be the case, a method statement detailing the existing footpaths removal would also be required for review.

Kind regards,

**Iain Osenton**

Arboricultural Officer (South)  
Environmental services  
Cherwell District Council



Direct Dial 01295 221708

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## APPENDIX 10

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### QUALIFICATIONS

## Fiona Bradshaw

MicFor; RFS Dip Arb;F. Arbor.A; Tech Cert (Arbor.A)

I have over 23 years' experience of arboriculture and I am the principal consultant at Sylva Consultancy. I hold the Royal Forestry Society's Professional Diploma in Arboriculture and the Arboricultural Associations Technicians Certificate. I am a Fellow member of the Arboricultural Association and a professional member of the Institute of Chartered Foresters, of which I am also a registered Consultant.

I have the benefit of both a local authority and private practice background and I am frequently instructed to provide advice and assistance relating to trees and the planning process. I am also experienced at compiling expert reports, providing evidence and also appearing as an expert witness at Public Inquires.

I am committed to my continued professional development which is reflected in my regular attendance of seminars and workshops.