

Tree condition survey
at
St Lawrence Churchyard, Alton
for
Alton Town Council

sapling arboriculture ltd

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Tree Condition Survey Sheet

Site: St Lawrence Churchyard, Alton

Date: September 2016

Weather: Clear with light wind.

Surveyed by: Ben Abbatt

No	Species	Height (m)	Age class	Condition (Physiological and structural)		Recommendations	Priority for works
1	Wild Cherry - east of church	c4	Young	Fair	Dominant canopy. Sparse canopy. Replacement specimen.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm. Remove stake and guard.	Moderate Moderate
2	Ornamental Cherry - southeast of church	c3	Young	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm.	Moderate
3	Variegated Holly - southeast of church	c4	Mature	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Litter bin beneath tree.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm. Crown lift to 3m over footway.	Low Low
4	Variegated Holly - southwest of church	c4	Mature	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm. Crown lift to 3m over footway.	Low Low
5	Wellingtonia - south of main gate	c29	Mature	Good	Intermediate canopy. Good vitality shown by twig and leaf size, structure, colour and density. Footway beneath tree. Top of tree previously lost / pruned off. Minor deadwood (less than 25mm diameter).	No works required	-

No	Species	Height (m)	Age class	Condition (Physiological and structural)		Recommendations	Priority for works
6	English Elm - north of church hall	<10	Young	Removed	-	-	-
7	Elderberry - southwest of church hall	<10	Mature	Removed	-	Remove stump.	Low
8	Holly - southwest of church hall	c10	Mature	Good	Intermediate canopy. Good vitality shown by twig and leaf size, structure, colour and density. Church hall car park beneath tree. Canopy biased to south. Compaction evident beneath tree Leaning to the South East.	Crown lift to 3m all round.	Low
9	Yew - southwest of church hall	c10	Mature	Good	Intermediate canopy. Good vitality shown by twig and leaf size, structure, colour and density. Church hall car park beneath tree. Compaction evident beneath tree. Leaning to the North East.	Crown lift to 3m all round.	Low
10	Lawson cypress - southern site boundary	c13	Middle aged	Good	Intermediate canopy. Good vitality shown by twig and leaf size, structure, colour and density.	No works required.	-
11	Lawson cypress - west of access path	c13	Middle aged	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density.	No works required.	-

No	Species	Height (m)	Age class	Condition (Physiological and structural)		Recommendations	Priority for works
12	Lawson cypress - west of access path	c13	Middle aged	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Twin stemmed at 1.8m with included union. Compaction from desire line adjacent to tree.	No works required.	-
13	Lawson cypress - west of access path	c13	Middle aged	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Twin stemmed at 1.8m with minor included union but good equal holding wood either side. Compaction from desire line adjacent to tree.	No works required.	-
14	Lawson cypress - west of access path	c12	Middle aged	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density.	No works required.	-
15	Wellingtonia - south of church	c30	Mature	Good	Intermediate canopy. Good vitality shown by twig and leaf size, structure, colour and density. Footpath and informal access path beneath. Metal bracket on main stem at 3m above ground level. Top of tree previously lost / pruned off. Minor deadwood (less than 25mm diameter) evident.	No works required.	-

No	Species	Height (m)	Age class	Condition (Physiological and structural)		Recommendations	Priority for works
16	Wellingtonia - south of church	c30	Mature	Good	Intermediate canopy. Good vitality shown by twig and leaf size, structure, colour and density. Footpath beneath. Top of tree previously lost / pruned off. Minor deadwood (less than 25mm diameter).	No works required.	-
17	Wellingtonia - south of church	c30	Mature	Good	Intermediate canopy. Good vitality shown by twig and leaf size, structure, colour and density. Footpath and informal access path beneath. Minor bark exudates on main stem at 1m on south side. Metal bracket on main stem at 3m above ground level. Top of tree previously lost / pruned off. Minor deadwood (less than 25mm diameter) evident. Rubbing and crossing branches evident.	No works required.	-
18	Sycamore - south of church	c21	Mature	Good	Footpath beneath. Concrete in old cavity at 5m above ground level. Metal bracket on main stem at 5m above ground level. Previously pollarded at 6m above ground level with minor regrowth.	Remove epicormic growth from base to 3m.	Low
19	Sycamore - south of church	>15	Mature	Removed	-	Replace with <i>Liquidambar styraciflua</i> 'Thea' or tree of similar height and spread when mature.	Low

No	Species	Height (m)	Age class	Condition (Physiological and structural)	Recommendations	Priority for works
20	Small Leaved Lime - southern site boundary adjacent to 14 Oliver Rise	c12	Middle aged	Fair Co-dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Surface roots. Poor form. Minor included bark union throughout.	Remove. Replace with <i>Tilia cordata</i> 'Winter orange' or tree of similar height and spread when mature.	Low Low
21	Common Lime - southern site boundary adjacent to 14 Oliver Rise	c12	Middle aged	Fair Co-dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Surface roots. Multi stemmed with rubbing branches. Old tear out wounds evident. Exudates from unions at base.	Remove. Replace with <i>Tilia x europaea Pallida</i> or tree of similar height and spread when mature.	Low Low
22	Wild Plum - southwest of church	c11	Mature	Fair Suppressed canopy. Good vitality shown by twig and leaf size, structure, colour and density. Footpath and bench beneath tree. Series of crossing limbs. Fungal bracket of <i>Ganoderma</i> (c75mm across) at base of main stem to southwest. Poor form.	No works required.	-
23	Wild Plum - southwest of church	c7	Mature	Fair Suppressed canopy. Good vitality shown by twig and leaf size, structure, colour and density. Majority of branches to East. Surface roots evident. Footpath and bench beneath tree.	Reduce radial branch spread to East to 3m.	Low

No	Species	Height (m)	Age class	Condition (Physiological and structural)		Recommendations	Priority for works
24	Sycamore - southwest of church	c22	Mature	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Previously pollarded at 6m. Minor deadwood (less than 25mm diameter). Tarmac lifting to north of tree. Footpath and 30 Olivers Rise beneath tree.	Crown lift to 4m all round.	Low
25	Wild Plum - southwest of church	c5	Mature	Fair	Suppressed canopy. Good vitality shown by twig and leaf size, structure, colour and density. Multi stemmed. Basal growth encroaches over footpath. Imbalanced canopy to South West.	Crown lift to 3m over footway.	Low
26	Wild Plum - southwest of church	c8	Mature	Fair	Suppressed canopy. Good vitality shown by twig and leaf size, structure, colour and density. Surface roots evident. Compaction beneath tree evident. Twin stemmed at 3m above ground level. Fungal fruiting body of <i>Phellinus</i> evident on previously pruned stem at c2m. Small decay cavity evident. Bacterial canker with apparent fungal fruiting body present in centre. Increased risk of stem failure. Recent branch failure c150mm diameter to South.	Remove and plant replacement. OR Reduce main stem to 3m.	HIGH HIGH

No	Species	Height (m)	Age class	Condition (Physiological and structural)		Recommendations	Priority for works
27	Wild Service Tree - southwest of church	c6	Young	Fair	Suppressed canopy. Sparse vitality. Main stem badly vandalised.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm.	Moderate
28	Wild Plum - southwest of church	<10	Mature	Removed	-	Remove stump. Replace with <i>Lagerstoemia indica Rosea</i> (Crape Myrtle) or tree of similar height and spread when mature.	Low
29	English Oak - west of church	c23	Mature	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Typical moderate deadwood (25-100mm diameter) occasionally throughout.	Crown lift to 4m all round. Remove deadwood more than 25mm diameter.	Moderate Low
30	Hawthorn - west of church	c5	Young	Good	Suppressed canopy. Good vitality shown by twig and leaf size, structure, colour and density. Footpath adjacent to tree. Slightly sparse canopy. Mechanical damage at base.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm.	Moderate
31	Hawthorn var 'Pauls Scarlet' - west of church	<10	Young	Good	Suppressed canopy. Good vitality shown by twig and leaf size, structure, colour and density. Footpath adjacent to tree. Mechanical damage at base.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm.	Moderate
32	Cherry stump - west of church.	200mm	Mature	-	Area used by St Lawrence Primary School - well used by school children during break time. Adjacent tree planted as replacement.	Remove. Replace with <i>Prunus avium Kordia</i> or tree of similar height and spread when mature.	Low Low

No	Species	Height (m)	Age class	Condition (Physiological and structural)		Recommendations	Priority for works
33	Purple Leaved Norway Maple - west of church	c7	Middle aged	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Area used by St Lawrence Primary School. Very dense and compact canopy.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm.	Low
34	Buddleia - south of 16 Amery Hill	<10	Middle aged	Removed	-	-	-
35	Yew - northwest of church	c5	Middle aged	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Multi stemmed. Commemorative plaque beneath. Low spreading habit.	No works required	-
36	Blue Atlas Cedar - north of church	c1	Young	Good	Good vitality shown by twig and leaf size, structure, colour and density. Replacement tree.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm.	Low
37	Copper Beech - north of church	c13	Middle aged	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Ornate tree guard surround.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm.	Low
38	Copper Beech - grounds of St Lawrence Primary School	c22	Mature	Fair	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Typical frequent overlong branches. Tarmac surround. Nearby extension at school. Inspected externally from site.	Selective tip reduction of c40 overlong branches to natural target pruning points. Final height to be 22m with 9m radial canopy spread. Maximum wound diameter to be 75mm. Reason: to reduce potential for branch failure. Clear building by 2m. Crown lift to 4m all round.	Moderate Moderate Moderate

No	Species	Height (m)	Age class	Condition (Physiological and structural)		Recommendations	Priority for works
39	Beech - grounds of St Lawrence Primary School	>15	Mature	Removed	-	-	-
40	Privet	3	Young	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm. Remove guard and tie. Reduce stake to 30cm height.	Moderate Low Low
41	Privet	3	Young	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm. Remove guard and tie. Reduce stake to 30cm height.	Moderate Low Low
42	Amelanchier	c3	Young	Fair	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm. Remove guard and tie. Reduce stake to 30cm height.	Moderate Low Low
43	Crataegus crus-galli	c3	Young	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density.	Cut turf and remove within 0.5m radius of tree base to depth of 50mm and replace with wood chip to settled depth of 75mm.	Low
44	Horse Chestnut	c8	Middle aged	Good	Dominant canopy. Good vitality shown by twig and leaf size, structure, colour and density. Within school grounds. Surveyed from Church footway.	No works required.	-

No	Species	Height (m)	Age class	Condition (Physiological and structural)		Recommendations	Priority for works
45	Whitebeam	c5	Young	Good	Suppressed canopy. Good vitality shown by twig and leaf size, structure, colour and density. Low branches over footway. Within school grounds. Surveyed from Church footway.	Crown lift to 3m over footway.	Low

Resurvey to be complete by 30th December 2017

General notes:

The tree survey has been carried out in relation to the landowner's duty under the Occupier's Liability Act 1984 and common law. The tree survey was carried out from ground level, identifying significant tree features that may have significant bearing upon the condition and management of the tree and giving appropriate recommendations and priorities. All dimensions are estimated. No soil investigations will be carried out.

To carry out the tree survey reasonable access around the base of the tree is required. Where this is not feasible, these parts of the tree may not be able to be inspected. If view of the entire structure of the tree(s) is limited, for instance by the properties in private ownership, this is a limitation to the tree survey and some parts of the tree may not be able to be fully surveyed. The tree survey will be carried out from the ground with the aid of binoculars if necessary. The tree will not be climbed as part of this survey.

Typical significant defects that are to be identified can be referred to in "Hazards from Trees, a general guide" by David Lonsdale and "The body language of trees" by Claus Mattheck published by the Forestry Commission and the Department of the Environment respectively.

The tree survey can only be an assessment of the tree at the time of the survey and the tree(s) should be re-surveyed on a regular basis. An appropriate time period between surveys may be up to 5 years depending upon the condition of the trees, their maturity and the target(s). Recommendations for the period between surveys will be given.

As trees are dynamic structures their condition and health may change in a short period of time, particularly in relation to changes in their immediate environment and circumstances. Therefore the survey is an assessment of the trees at the time of the survey only. If there is a significant change in the immediate environment and circumstances then this should be brought to the attention of the arboriculturalist so that they may advise accordingly.

I have not checked whether the site is within a Conservation Area or whether the trees are under Tree Preservation Order (TPO). Prior to any tree works confirmation of whether these legal restrictions apply to the site or trees ought to be sought from the Local Planning Authority (LPA). If the trees stand within a Conservation Area designated under the Town and Country Planning Act the LPA will normally require 6 weeks notice of intention to carry out any tree works as detailed in the survey. If the trees are under TPO then the LPA will normally require an application for any tree works. Some tree works are exempt, for instance if the trees are dead or dangerous, and certain works can be carried out without application. It is necessary to give the LPA at least five days notice prior to carrying out any of these tree works under these exemptions. This survey, with recommendations, can be used to support any such application or notice.

Wildlife issues are of significant concern to the general public. A balance has to be found between the protection of wildlife and the need for safety when managing trees. The Wildlife and Countryside Act (1980) and Countryside Rights of Way Act (2000) give statutory protection to wild birds, bats, mammals, some invertebrates and plants. It is important to ensure that this legislation is properly considered when carrying out any works to trees.

Bird nests were not identified whilst on site. However, any Arborist carrying out the tree works should ensure that there is no disturbance to nesting birds prior to the works being carried out. Further guidance upon the appropriate timing of the works can be sought from DEFRA, if necessary. Where nesting birds are found further information should be sought from DEFRA 08459 33 55 77 or helpline@defra.gsi.gov.uk.

In this instance, considering the size of the trees, their location and features I believe that there is a Moderate potential of bats using the mature trees as a roost site. A bat survey prior to tree works is not recommended as it would be difficult to determine the location of any exit point from the roost within the tree by a bat survey and also confusion may also arise from bats travelling from other roosts. Any such exit could more easily be identified by a competent tree worker. During the tree works the contractor should carry out the tree works with bats as an active consideration and follow the current industry best practice, e.g. Arboricultural Association Guidance Note 1 Bats in the context of tree work operations 2011, which a competent tree contractor should be familiar with.

Typical significant defects that are to be identified can be referred to in "Hazards from Trees, a general guide", "Principles of tree hazard assessment and management" both by David Lonsdale and "The body language of trees" by Claus Mattheck published by the Forestry Commission and the Department of the Environment respectively.

Trees are dynamic structures and as such their condition and health may change in a short period of time, particularly in relation to changes in their immediate environment and circumstances, as such the survey relates to the visible condition found on the day of the survey.

Key to condition survey sheet

No	Tree number.								
Species	Species of tree.								
Height	Height measured in metres.								
Branch Spread	Branch spread in metres taken at the four cardinal points to derive an accurate representation of the crown.								
Height of crown	Height in metres of crown clearance above adjacent ground level.								
Age Class (Age)	<p>Young A tree considered to be less than approximately 20 years old.</p> <p>Middle aged A tree in approximately the first 1/5th of its normal life span with apical dominance (rapidly growing with a clear main leader) and not yet fully at its environmental potential full height.</p> <p>Mature A tree in its 2/5ths to 5/5ths of its normal life span with apical dominance lost and at its environmental potential full height.</p> <p>Over mature A tree beyond the normal life span for the location with apical dominance lost and with symptoms of canopy decline.</p> <p>Veteran A tree of interest biologically, aesthetically or culturally because of its age and is old relative to others of the same species.</p>								
Condition (Physiological and Structural)	<p>Good Full healthy canopy; but possibly including some suppressed branches or minor physical damage. A tree that requires little or no tree works and it is anticipated to be retained for over 20 years.</p> <p>Fair Slightly reduced leaf cover, minor dead wood, or isolated major deadwood. A tree that requires tree works to remove defects and/or improve the form so that it may be anticipated to be retained for over 5 years.</p> <p>Poor Overall sparse leafing or extensive dead wood. A tree that has a significant proportion of defects and/or requires considerable tree works to aid its retention and/or where the retention of the tree is not anticipated beyond 5 years.</p> <p>Very poor Large areas of crown dead. A tree that has a significant proportion of defects and/or requires considerable tree works to aid its retention.</p>								
Recommendations	As per BS3998: 2010 Recommendations for Tree Works.								
Priority	<table border="0"> <tr> <td style="background-color: red; color: white; padding: 5px;">Immediate</td> <td>Works should be carried out immediately as the probability of harm or damage occurring is likely.</td> </tr> <tr> <td style="background-color: red; color: white; padding: 5px;">High</td> <td>These works are important to carry out as soon as reasonably possible and any budget available for tree management should be spent upon these trees before the moderate and low categories. Works in this category usually will relate to abatement of risk for harm and or damage to occur. Ideally works in this category are anticipated to be carried out within 1 month.</td> </tr> <tr> <td style="background-color: orange; padding: 5px;">Moderate</td> <td>These works are important to carry out as soon as reasonably possible and any budget available for tree management should be spent upon these trees before the low categories. Works in this category usually will relate to abatement of risk for harm and or damage to occur and for the good arboricultural management of the trees. Ideally works in this category are anticipated to be carried out within 3 months.</td> </tr> <tr> <td style="background-color: yellow; padding: 5px;">Low</td> <td>Works in this category usually will relate to the good arboricultural management of the trees. Ideally works in this category are anticipated to be carried out within 12 months.</td> </tr> </table>	Immediate	Works should be carried out immediately as the probability of harm or damage occurring is likely.	High	These works are important to carry out as soon as reasonably possible and any budget available for tree management should be spent upon these trees before the moderate and low categories. Works in this category usually will relate to abatement of risk for harm and or damage to occur. Ideally works in this category are anticipated to be carried out within 1 month.	Moderate	These works are important to carry out as soon as reasonably possible and any budget available for tree management should be spent upon these trees before the low categories. Works in this category usually will relate to abatement of risk for harm and or damage to occur and for the good arboricultural management of the trees. Ideally works in this category are anticipated to be carried out within 3 months.	Low	Works in this category usually will relate to the good arboricultural management of the trees. Ideally works in this category are anticipated to be carried out within 12 months.
Immediate	Works should be carried out immediately as the probability of harm or damage occurring is likely.								
High	These works are important to carry out as soon as reasonably possible and any budget available for tree management should be spent upon these trees before the moderate and low categories. Works in this category usually will relate to abatement of risk for harm and or damage to occur. Ideally works in this category are anticipated to be carried out within 1 month.								
Moderate	These works are important to carry out as soon as reasonably possible and any budget available for tree management should be spent upon these trees before the low categories. Works in this category usually will relate to abatement of risk for harm and or damage to occur and for the good arboricultural management of the trees. Ideally works in this category are anticipated to be carried out within 3 months.								
Low	Works in this category usually will relate to the good arboricultural management of the trees. Ideally works in this category are anticipated to be carried out within 12 months.								
Re-survey	This is the time period in which it is recommended that the tree is surveyed again. This is based upon the condition of the tree, its location, previous, current and future management. It is normally expressed at a time period from the date of the report / survey, which ever is the sooner. If no time period is noted then the default period is one year.								

Site plan



<p>General / Key:</p> <p>Tree position ●</p> <p>Tree position (removed) ○</p>	<p>Site: St Lawrence Churchyard, Alton</p> <p>Data: Centremapslive under licence number 100019980. Crown copyright. All rights reserved.</p> <p>This drawing is copyright of Sapling Arboriculture Limited and may not be copied, altered or reproduced in any way without writtent authority from Sapling Arboriculture Limited.</p> <p>Tree positions are approximate.</p>	<p>Drawing title: Tree condition survey</p> <p>Drawing reference: J064 / 14 / 2016</p> <p>Revision: -</p> <p>Date: November 2016</p> <p>Scale: N/A on A4</p> <p>Sheet: 1 of 1</p>	<p>sapling arboriculture ltd</p> <p>registered in england: 5414238</p> <p>T: 01420 544 860 E: ben@saplingarboriculture.com W: www.saplingarboriculture.com</p> <p>Ben Abbatt MICFor, MRICS, CEnv, Dip. Arb. (RFS), BA (Hons) Arboricultural Association Registered Consultant</p>
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CONDITIONS OF ENGAGEMENT

1. Interpretation

'Client' means the person named on the Quotation for whom the Contractor has agreed to provide Specified Services in accordance with these terms.

'Contract' means the Contract for the provision of the Specified Services.

'Contractor' means Sapling Arboriculture Ltd.

'Quotation' means the Quotation to which these Terms and Conditions apply.

'Specified Services' means the service to be provided by the Contractor to the Client, as referred to in the Quotation.

2. The responsibilities of the Contractor

2.1 The Contractor shall provide the Specified Services to the Client as set out in the Quotation.

2.2 Timescales for the Specified Services will be agreed with the Client and adhered to as far as is reasonable. Where information received is out of date, inaccurate or if scheme design changes, it may not be possible to adhere to agreed timescale.

2.3 The Contractor shall provide his opinion on those matters in respect of which he has given the Client express written confirmation and subject to the limitations and conditions stated. The Contractor will not purport to express an opinion about or advise upon the condition of un-inspected parts of the land or trees and should not be taken as making any implied representation or statements about such parts.

2.4 The Contractor will only provide advice on matters within his arboricultural experience and qualifications.

3. The responsibilities of the Client

3.1 The Client shall provide the Contractor with accurate and up to date information as requested by the Contractor in a timely manner and in the format requested.

3.2 The Client shall notify the Contractor in writing of any changes to the Specified Services brief in the Quotation, scheme design or works instructions.

3.3 If a report suggests further investigation works be carried out by a specialist firm or person (e.g. Structural Engineer, Surveyor) the Client is responsible for sourcing such services and information. On no account will liability be accepted by the Contractor in respect of such matters nor if the client proceeds or acts without obtaining and acting upon the relevant further advice.

4. Assumptions

4.1 That the land, which is the subject of the inspection or survey, is not subject to any unusual or especially onerous restrictions, encumbrances or outgoings and that good title can be shown;

4.2 That the land and its value are unaffected by any matters which might be revealed by a local land search or replies to conveyancing enquiries or by any statutory notice and that neither the land nor its condition nor its uses nor its intended uses is, or will be unlawful or contrary to planning or building regulations;

4.3 That inspection of those parts of the land or soil strata or any tree which have not been inspected would neither reveal material defects nor cause the Contractor to alter his opinion materially;

4.4 That there are no underground pipes, wires, cables or others services or installations which might be damaged as a result of work recommended or necessary; and

4.5 That no tree is subject to legislation relating to Conservation Areas, Tree Preservation Order or terms of a planning consent, in relation to which the Client must make his own enquiries of the Local Planning Authority.

5. Charges

5.1 The Client shall pay the Contractor its fee regardless of any outcome as well as reimbursing the cost of all reasonable out of pocket expenses incurred.

5.2 Payment in full (including VAT) must be paid within 14 days of the date of the invoice.

5.3 No discount nor retention or set off against the amount due is allowed unless previously agreed by the Contractor in writing.

5.4 The Contractor reserves the right to charge interest on any monies which are not received within 14 days. In accordance with the Late Payment of Commercial Debts (Interest) Act 1998 the Contractor will be entitled to charge interest (both before and after any judgement of the amount unpaid) at the rate of 10% per month over the Bank of England base rate until payment in full is made (part of the month shall be treated as a full month for the purpose of charging interest).

5.5 All unpaid accounts will be referred to the County Courts. Sapling Arboriculture Ltd reserves the right to claim compensation in respect of debt recovery costs.

5.6 Sapling Arboriculture Ltd reserves the right to withhold the release of reports and other Specified Services until payment is received in full.

6. Contractor liability

- 6.1 Any report is provided for the sole use of the named client and is confidential to the client and his professional advisors. The Contractor accepts responsibility to the Client alone for the stated purposes of the report, which will be prepared with the skill, care and diligence reasonably expected of a competent Arboricultural Consultant, but no responsibility whatsoever is accepted to any person other than the client himself. Any other such person relying on the report does so at his own risk. Neither the whole nor any part of the report or any reference thereto may be included in any published document, circular or statement nor may it be published in any way without the Contractor's prior written approval of the form and context in which it may appear. Liability is limited to the amount that the Contractor is insured to. Intellectual Property Rights shall remain in the ownership of the Contractor.
- 6.2 The Contractor shall not be held liable to the Client or deemed to be in breach of the Contract by reason of any delay in performing, or failing to perform any of the Contractor's obligations in respect of the Specified Services, if the delay or failure was beyond the Contractor's control.
- 6.3
- (i) Subject as expressly provided in these conditions, and except where the client is sold to a person dealing as a consumer (within the meaning of the Unfair Contract Terms Act 1977) all warranties, conditions or other terms implied by the statute or common law are excluded to the fullest extent permitted by law.
 - (ii) Any claim by which the client is based on any defect in the nature or quality of the Company's services shall be notified to the Company within 7 days from the date of supply.
 - (iii) Except in respect of death or personal injury caused by the Company's negligence, the Company shall not be liable to the client by reason of any representation, or implied warranty, condition or other term, or any duty at common law, or under the express terms of any contract, for any consequential loss or damage (and whether caused by the negligence of the Company, his employees or agents or otherwise) which arise out of or in connection with the Contractor's services, except as expressly provided in these conditions.

7. Miscellaneous

- 7.1 Quotations are valid for 28 days from the date of the quotation.
- 7.2 Any dispute arising out of or in connection with the contract between the client and the Company shall be referred to the arbitration or a single arbitrator appointed by agreement between the parties or, in default of agreement, nominated on the application of either party to the Arboricultural Association.
- 7.3 The Contractor reserves the right to refuse work(s) if a conflict of interest is identified or arises.
- 7.4 The report is valid for a period of one year from the date on the report.
- 7.5 Each provision of these conditions limiting or excluding liability operates separately in itself and survives independently of the others.
- 7.6 The Contract between the Client and the Contractor shall be governed by the laws of England.