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# Winchester City Council v Collins Snr & Collins Jnr

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Report of Andy Sherlock  
16<sup>th</sup> December 2020

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**Specialist Field:** Trees

**On behalf of:** Winchester City Council

**On instructions of:** Winchester City Council

**Subject matter:** This report relates to the felling, and damage to trees at Dagswell Copse and the Shedfield Equestrian Centre.

**Inspection dates:** 22<sup>nd</sup> October 2020

**Barrell reference:** 20203-Report-AS

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## Summary

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- 1 This report has been produced on behalf of Winchester City Council, relating to the felling and  
2 damage to trees at Dagswell Copse and the Shedfield Equestrian Centre, Shedfield.
- 3 I carried out a site visit on 2<sup>nd</sup> October 2020, accompanied by Mr I Gurdler (Winchester City Council  
4 Principle Arboricultural Officer) and Mr M Hinsley (Arboricultural Consultant representing Mr Collins  
5 Snr and Mr Collins Jnr). We were given permission to inspect the site by Mr Collins Snr provided Mr  
6 Hinsley accompanied us. We were able to access most of the area's where trees remain and where  
7 trees appear to have been removed. I have also had the opportunity of considering photographs  
8 provided by Winchester City Council (WCC) including Aerial photos taken over time from Google  
9 maps, and photos taken by WCC officers.
- 10 The main points I conclude from the analysis of my observations are as follows;
- 11 1 Soil levels have been significantly increased around trees G7, A8, G9, T10, T11, G12, G13,  
12 G14, and T15. The work involved in raising the soil levels and the consequences of raising  
13 the levels, is that it has caused considerable damage. This damage has resulted in the  
14 death of trees and it will cause the death of more trees within the next five years.
  - 15 2 The building of the stable/storage buildings will have damaged trees T1, T2, T3, T4 and  
16 T6. It will also result in the death of T4 within the next 5 years. Trees T1, T2, T3 and T6 will  
17 also be lost within the next 20 years if the buildings are not removed. It is not clear what  
18 the impact of the brick wall at the rear of the stable block will have on the trees long term  
19 health.
  - 20 3 It is not possible to be precise about the number of trees that have been removed over  
21 the past 20 years. However, my view is that hundreds of trees which were covered by the  
22 two TPOs on site have been removed and that there is no evidence to suggest that they  
23 were exempt from the TPOs.
  - 24 4 Tree T5 is likely to be lost within the next 10 years, as a result of the bark stripping damage.  
25 Tree T16 is dying and likely to be lost within the next 10 years due to capping of the whole  
26 rooting area with tarmac. Trees G17 have been damaged by the capping of part of its  
27 rooting area, but they are unlikely to die because of it.

## 1 Introduction

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### 28 1.1 Formal details

29 1 My name is Andy Sherlock, and I am an Arboricultural Consultant with Barrell Tree  
30 Consultancy. I hold the National Certificate in Arboriculture, The Arboricultural  
31 Association Technicians Certificate, and the Royal Forestry Society's Professional Diploma  
32 in Arboriculture. I am a Fellow of the Arboricultural Association. I am also a Chartered  
33 Forester and a Chartered Environmentalist. Our main office is at Field House, Ashford  
34 Road, Fordingbridge, Hampshire, and our core business is providing advice on the  
35 planning and legal aspects of tree management.

36 2 I have worked with trees for over 35 years including 12 years practical work, 10 years  
37 within local planning authority, 6 of those years were at senior level, and over 13 years as  
38 a consultant. During this time, I have gained a huge breadth of experience in  
39 arboriculture. I have also presented CPD events and workshops in Vancouver and  
40 Toronto, as well as all over the UK.

41 3 This is an expert's report prepared in order to help the court achieve the overriding  
42 objective. The content is my own professional opinion which is objective and unbiased  
43 and within the area of expertise required by the Court (CPR19.2(1)(a)). I am also aware of  
44 my duty to comply with Court directions when given and will inform the Court should I  
45 fail, or anticipate failure, of any direction given (CPR19.2(1)(b)). I am aware that these  
46 duties override any obligation to those instructing me and those paying me (CPR19.2(2)).  
47 More specifically, in the context of this case, I am familiar with the species of trees and the  
48 impact of works involved in this case, having frequently dealt with the issues as a  
49 contractor, advised on them as a local planning authority tree officer and private  
50 consultant.

### 51 1.2 Instruction

52 1 I am instructed by Winchester City Council, to prepare an expert report, to cover the  
53 relevant tree issues relating to the felling and damage to trees at Dagswell Copse and the  
54 Shedfield Equestrian Centre, Shedfield.

### 55 1.3 Disclosure of interests

56 1 I have no close personal connections with any of the parties, witnesses or advisors  
57 that might be thought to influence my opinions expressed in this report.

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## 1 Introduction

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60 1.4 **Conventions used in this report**

61 1 Where appropriate, I have summarised my opinion relating to each point at the end of  
62 each subsection and have underlined it for ease of reference.

## 2 Background and issues

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### 63 2.1 The relevant parties

64 1 The parties that I refer to in this report and a summary of their role in the relevant events  
65 are as follows:

- 66 • Mr Ivan Gurdler (Principal Tree Officer WCC)
- 67 • Mr Nathan Mountney (Litigation Solicitor WCC)
- 68 • Mr Mark Hinsley (Arboricultural Consultant representing Mr Collins Snr and Mr Collins  
69 Jnr)

### 70 2.2 Provided documents

71 1 WCC provided me with the following documents;

- 72 1. Copy of CPR Part 19
- 73 2. Copies of two tree preservation orders (TPOs), including plans and confirmation of  
74 both orders.
  - 75 • TPO number 00661-2003-TPO, alternative reference 1569 W1.
  - 76 • TPO number 00581-2003-TPO, alternative reference 1489 A1.
- 77 3. Aerial photos, over time, from Google maps
  - 78 • 1999
  - 79 • 2005
  - 80 • 2007
  - 81 • 2012
  - 82 • 2014
  - 83 • 2015
  - 84 • 2019
- 85 4. Statement of Mr Ivan Gurdler, Principle Tree Officer, WCC, 2020
- 86 5. Statement of Mr Ian Jackson, Environment Agency, 20<sup>th</sup> October 2020
- 87 6. Statement of Mr Michael Edwards, Arboricultural Officer, WCC, 3<sup>rd</sup> November 1994
- 88 7. Statement of Mr Justin Paul, Planning Enforcement Officer, WCC, 18<sup>th</sup> October 1994
- 89 8. Two previous historic tree reports from TPO files
  - 90 • Jeremy Barrell Treecare – 27<sup>th</sup> March 1995
  - 91 • Keith Rushforth 9<sup>th</sup> September 1995, REF 1774
- 92 9. Photographs of the site and its surroundings, including Aerial photos

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## 2 Background and issues

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### 95 2.3 Summary of the tree issues

96 In accordance with my instructions, I summarise the main issues of relevance that I will  
97 provide opinions on as follows:

#### 98 **Raised ground level around trees**

- 99 1. Where has this occurred recently on site and what depth is the raised soil around the  
100 trees?
- 101 2. What are the effects to the trees health from mounding, levelling & raising soil levels  
102 around the trees?
- 103 3. What are the effects to the trees health of driving vehicles and excavators under the  
104 trees and over the roots of the trees?
- 105 4. Is there any damage to the lower stems of the trees from machinery?
- 106 5. What is the remaining safe useful life expectancy of the protected trees and by how  
107 much have the trees safe useful life expectancy been reduced as a consequence of  
108 the damage they have sustained?
- 109

#### 110 **Long barn – built in trees**

- 111 6. What are the effects to the tree's health of concreting over the roots of the oak trees  
112 within the stables and industrial units?
- 113 7. Has the building of a brick wall to the rear of the oak trees within the stable block  
114 had an effect on the health of the oak trees?
- 115 8. What are the effects to the tree's health from the damage to the lower stems of the  
116 oak trees within the stable block?
- 117 9. What is the remaining safe useful life expectancy of the protected trees and by how  
118 much have the trees safe useful life expectancy been reduced as a consequence of  
119 the damage they have sustained?
- 120

#### 121 **Felled Trees**

- 122 10. How many trees have been removed from the site – assess numbers of trees  
123 removed over a period of time from aerial photographs. (from 1995 to 2020), giving  
124 number of trees and species, where possible.
- 125 11. Confirm any trees felled near the border of the TPO are within –Address two areas,  
126 specifically the border running adjacent to the solar farm and border running  
127 through what was previously a pond.
- 128 12. Is there any evidence to suggest the trees removed were dead, dying or dangerous?

## 2 Background and issues

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129            **Other damaged trees covered by the TPOs**

130            13. What are the effects of surrounding a tree with tarmac.

131            14. What are the effects of horses removing bark from a tree trunk.

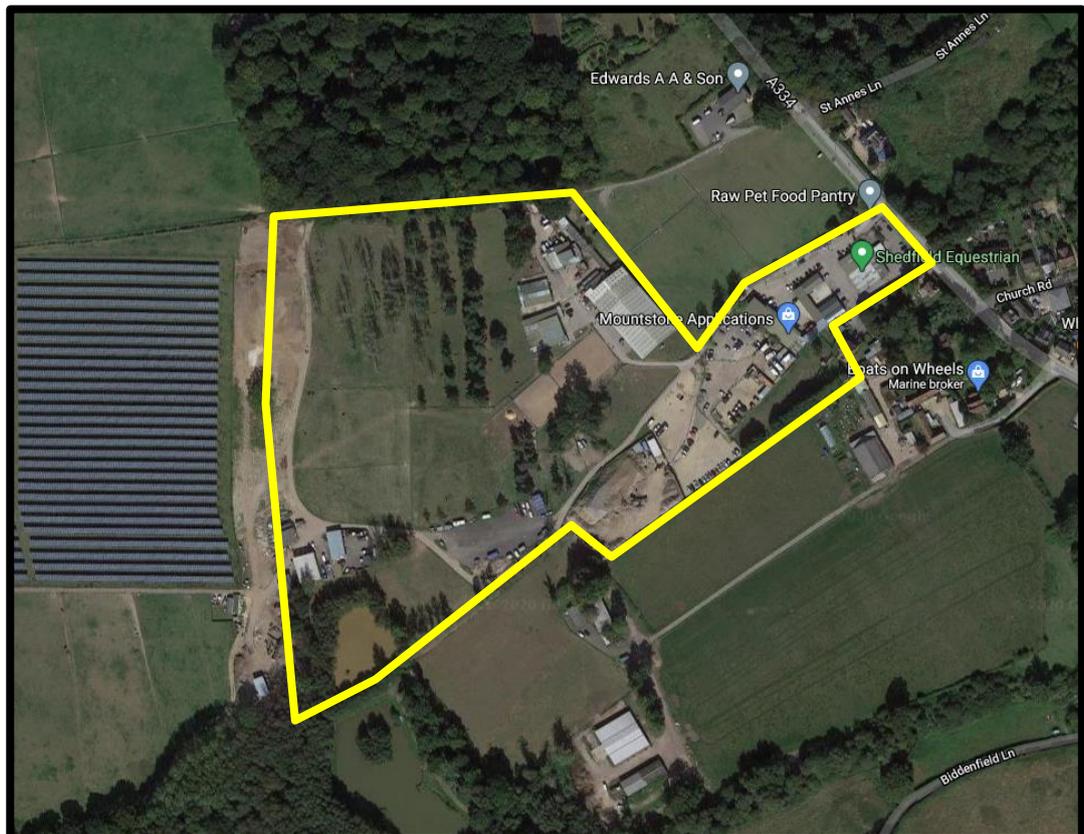
### 3 Site visit and observations

#### 132 3.1 Site visit

133 1 I carried out a site visit on 2<sup>nd</sup> October 2020, accompanied by Mr I Gurdler (WCC Principle  
134 Tree Officer) and Mr M Hinsley (Arboricultural Consultant representing Mr Collins Snr and  
135 Mr Collins Jnr). The weather during the visit was clear, still, and dry, with good visibility.  
136 Mr Gurdler had previously visited the site, so he showed us around. All my observations  
137 were by visual means without detailed investigations, and all measurements were  
138 estimated unless otherwise stated. During my visits, I took photographs as a record of  
139 what I saw and include several of those in this report.

#### 140 3.2 Site and tree locations

141 1 **Site location:** The site is located south west of Shedfield, west of the A334 (Figure 1).



**Figure 1:** This aerial image is provided courtesy of Google. The yellow line indicates the approximate site boundary. **Note:** The date of this image is unknown

142 2 **Tree locations and observations:** I inspected each tree and have indicated the numbering  
143 on the Tree Location Plan enclosed as sketch plan BT1. This plan is for illustrative purposes  
144 only and no measurements should be scaled from it. My observations and comments are  
145 summarised in table 1 below:

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### 3 Site visit and observations

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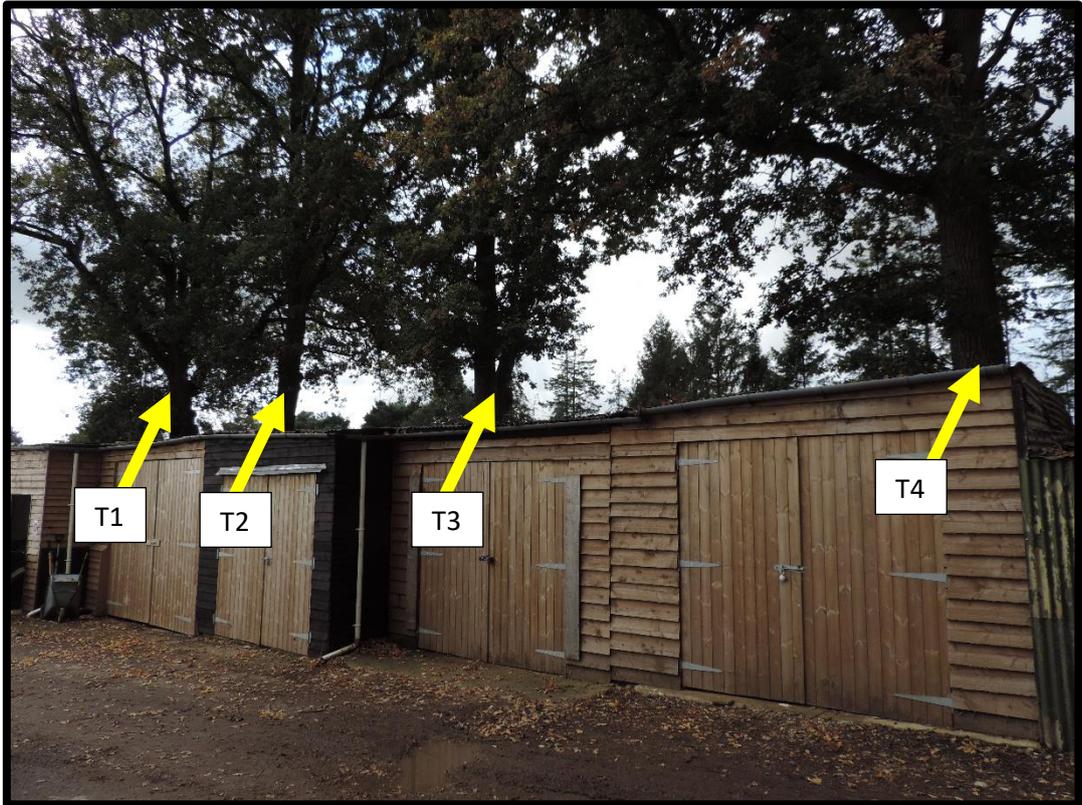
**Table 1**

Trees	Species	Height (m)	Diameter (cm)	Observations and comments
T1	Oak	22	85	Maturing oak with normal leaf colour and crown density. The tree is growing inside a stable building and out through the roof. The floor of the stable is concrete. The base of the tree is surrounded in concrete. Bark damage on the lower trunk on the eastern side. The trunk is growing/bulging over the concrete by approximately 2cm. The concrete is cracked and lifted in places. A new looking wall has been built along the rear of the building. Figures 2, 3 and 7.
T2	Oak	22	80	Maturing oak normal leaf colour and crown density. The tree is growing inside a shed/storage structure and out through the roof. The floor is concrete which surrounds the base of the tree. The building was full of equipment and stored materials which prevented close inspection. A new looking wall has been built along the rear of the building. Figures 2, 4 and 7.
T3	Oak	22	80	Maturing oak normal leaf colour and crown density. The tree is growing inside a shed/storage structure and out through the roof. The building it grows through was locked, preventing access. A new looking wall has been built along the rear of the building. Figures 2 and 7.
T4	Oak	20	90	Maturing oak. Thin canopy and die-back in the canopy. The tree is growing inside a shed/storage structure and out through the roof. The floor is concrete which surrounds the base of the tree. The north east side of the lower truck has been cut away to allow access to an internal door in the building. The cut size is 2m x 70cm. Callus growth around the edges of the wound. A new looking wall has been built along the rear of the building. Figures 2, 5, 6 and 7.
T5	Ash	15	30	Maturing ash with normal crown density and leaf colour. Forked into two stems at 3m, with a one-sided canopy. Bark from ground level, up to 2m stripped on 50% of the tree circumference. Good callus growth around the stripped bark. No evidence of ash die-back. Figures 7, 8 and 9.
T6	Oak	28	90	Mature oak with normal crown density and leaf colour. One sided canopy due to the adjacent woodland. The tree is growing inside a shed/storage/stable structure and out through the roof. The floor is concrete which surrounds the base of the tree. Access to the trunk of the tree is restricted due to it partially being boxed in with wooden panels. Figures 10 and 11.
G7	Spruce	20	30	Group of 18 spruce trees growing in a field. All trees have thin canopies and yellowing foliage.

### 3 Site visit and observations

				Ground level within the field has recently been raised by approximately 30cm. The raised soil at the base of the trees has been pulled back so it is not on the trunk of the trees. Recent bark damage on several trees. Figures 12 and 13.
A8	N/A	N/A	N/A	This area does not have any trees on it. The ground level here has been raised by approximately 30cm. There appears to be a layer of manure covered with soil.
G9	N/A	N/A	N/A	This area does not have any trees on it. The ground level here has been raised by approximately 40 - 150cm.
T10	Oak	22	90	Maturing oak with a thin canopy. Ground level surrounding the tree appears to have been raised by 50cm. A new building has been erected 5.8m from the tree. Figures 14 and 15.
T11	Oak	5m	60	This is a dead oak stump.
G12	4 x scots pine, 5 x birch, 3 x oak	15	35	Group of maturing trees, including four dead scots pine. The remainder of the trees have thin canopies. The soil level has been raised by 50 - 100cm. Figure 16
G13	Birch, scots pine	15	30	Group of maturing trees, including one dead scots pine and three dying birch. Soil levels raised by up to 1.8m. Figures 17 and 18.
G14	3 x scots pine	12	30	Standing dead trees. Soil level in the adjacent field raised by 40cm. Figure 19.
T15	Oak	16	75	Maturing oak. Canopy with heavy die-back. Soil bund 3m high and 4m wide formed adjacent to the tree. Figure 20 and 21.
T16	Poplar	22	55	Maturing tree with a very small, thin canopy and extensive deadwood (50% of the canopy is dead). Ground surrounding the tree is covered with tarmac. Figure 22.
G17	3 x Poplar	22	55	Maturing trees with a tarmac car park on one side and a tarmac road on the other.

### 3 Site visit and observations



**Figure 2:** View of tree T1, T2, T3 and T4 growing out through stables and sheds.



**Figure 3:** This image shows the base of T1, the damage to the bark on its eastern side and the cracking of the concrete.

### 3 Site visit and observations



**Figure 4:** View of the trunk of T2 inside the storage building.



**Figure 5:** View of the trunk of T4 inside the storage building with the lower trunk cut away to gain access through the internal door.

### 3 Site visit and observations



**Figure 6:** View of the trunk of T4 inside the storage building. Chainsaw marks are visible where the tree was cut several years ago.



**Figure 7:** View of a new looking wall at the rear of a stable/storage unit of buildings, and trees T1, T2, T3 and T4 with the buildings constructed around them.

### 3 Site visit and observations



Figure 8: View of ash T5 growing out through a horse shelter.

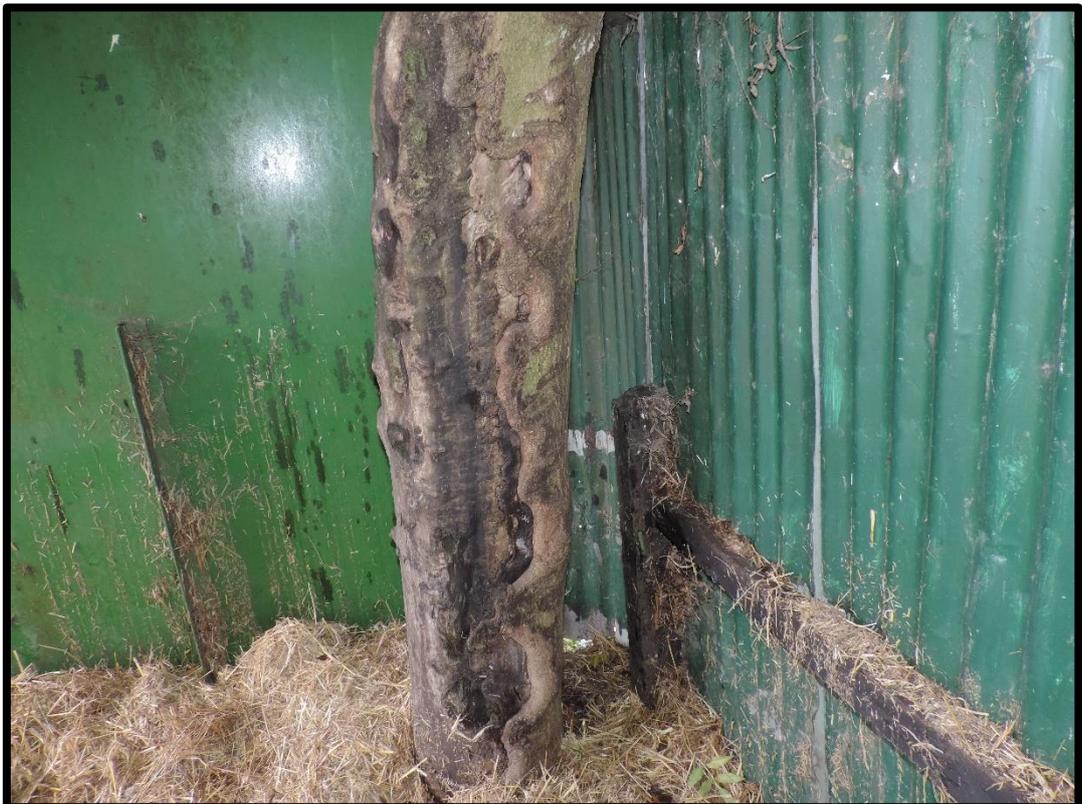


Figure 9: View of the trunk of T5 and the stripped bark.

### 3 Site visit and observations



**Figure 10:** The trunk of T6 is behind the white wooden panel.



**Figure 11:** View of T6 growing out of the roof of the shed/storage/stable building.

### 3 Site visit and observations



**Figure 12:** View of some trees within group G7, showing new raised soil levels.



**Figure 13:** View of the soil pulled back from the trunk of some of the trees in G7.

### 3 Site visit and observations



**Figure 14:** View of the trunk of T10 with Mr Gurdler standing on the original ground level.



**Figure 15:** View of the trunk of T10 and the new building recently erected.

### 3 Site visit and observations



**Figure 16:** View of trees G12 with the soil level surrounding them raised.



**Figure 17:** View of part of G13 with soil level raised.

### 3 Site visit and observations



Figure 18: View of part of G13. Soil level raised around all the trees.



Figure 19: View of the three dead scots pine in G14 and the field with raised soil level.

### 3 Site visit and observations



Figure 20: View of T15 with the soil bund adjacent.



Figure 21: View of the die-back in T15.

### 3 Site visit and observations



Figure 22: View of T16 surrounded with tarmac.



Figure 23: View of G17 growing adjacent to the car park and road.

## 4 My opinion

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### 150 4.1 Raised ground level around trees

151 1 **Where has this occurred recently on site, and what depth is the raised soil around the**  
152 **trees:** Ground levels have been raised recently around trees G7, A8, G9, T10, T11, G12,  
153 G13, G14, and T15. The amount of increase varies between 30cm to 3m as set out in table  
154 one. It is evident that the raised soil level is recent as the structure of the soil is loose  
155 without any fine roots from weeds and grass holding it together. In all locations listed it  
156 is also clear where the original soil level was, due to vegetation growing at the original  
157 level, and in some locations fences that are partly buried. It is also possible to see the  
158 increased soil levels around trees as the root flares, which are found at the base of trees,  
159 are buried/missing. In some places the raising of levels is very recent as there is no weed  
160 or grass growth on the new soil.

161 2 **What are the effects to the trees health from mounding, levelling & raising soil levels**  
162 **around the trees:** One of the consequences of increasing soil levels is that it inhibits and  
163 often prevents gaseous exchange taking place, which is the exchange of gases in roots of  
164 a tree by the process of diffusion. During diffusion, oxygen diffuses into the root hairs  
165 and passes into the root cells, from where the carbon dioxide moves out into the soil. The  
166 impact of this change is that the roots do not get the oxygen that they require, and the  
167 carbon dioxide is not removed. Raised soil levels also changes moisture penetration,  
168 which can result in water logging or drought.

169 3 **What are the effects to the trees health of driving vehicles and excavators under the trees**  
170 **and over the roots of the trees:** Driving vehicles and machinery over soil causes damage  
171 in a number of ways. It can cause direct physical damage to the roots by breaking them  
172 due to the weight of the vehicle or exposing them and stripping the bark. Both of these  
173 types of physical damage can result in root death. The soil is also compacted by the  
174 weight passing over it. This compaction squeezes out the air gaps that exist between soil  
175 particles and increases its bulk density. The likelihood of compaction is greater with soil  
176 that has a high volume of small particles, such as clay. Tree roots extend by initially  
177 growing between the soil particles. If there are reduced air gaps the roots cannot grow  
178 and utilise the soil. Existing roots will also suffer from disrupted moisture penetration and  
179 gaseous exchange as discussed above. Compaction of soil can also create an  
180 impermeable layer which prevents normal water penetration and gaseous exchange. The  
181 water either cannot drain away, resulting in waterlogging, or it cannot get through the  
182 soil, so the roots below suffer from drought. All of the above listed consequences of  
183 driving vehicles over tree roots result in damage and often death which ultimately kills  
184 the trees.

## 4 My opinion

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185           4. **Is there any damage to the lower stems of the trees from machinery:** The lower stems of  
186           several trees have been recently damaged. This damage consists of physical damage to  
187           the trunk which has knocked off patches of bark.

188           5 **What is the remaining safe useful life expectancy of the protected trees and by how much**  
189           **have the trees safe useful life expectancy been reduced as a consequence of the damage**  
190           **they have sustained:** As set out above the raising of soil levels around trees causes  
191           damage in a number of ways. It is not possible to precisely assess the safe useful life  
192           expectancy of the trees. However, it is clear that it has been significantly reduced with  
193           several trees dead and many others showing sign of decline where soil levels have been  
194           increased.

195           6 **Opinion: My opinion is that soil levels have been significantly increased around trees G7,**  
196           **A8, G9, T10, T11, G12, G13, G14, and T15. The work involved in raising the soil levels and**  
197           **the consequences of raising the levels is that it has caused considerable damage. This**  
198           **damage has resulted in the death of trees and it will cause the death of more trees within**  
199           **the next five years.**

### 200           4.2 Long barn – built in trees

201           1 **What are the effects to the tree's health of concreting over the roots of the oak trees**  
202           **within the stables and industrial units:** It is not clear if any soil was excavated prior to the  
203           concrete floor of the buildings being poured. If the soil was initially reduced (excavated),  
204           it is likely that it would have resulted in root severance. When the concrete was poured  
205           over the soil (reduced level or existing) it will have caused some soil contamination as the  
206           cement element of the concrete would have leached into the soil. Cement is poisonous  
207           to trees, so it is likely that this caused some damage. The forming of a concrete base such  
208           as this creates a cap preventing moisture penetration and gaseous exchange (described  
209           above), which can result in root death. The concrete also inhibits normal radial growth.  
210           The trunk of the trees will deform as they expand, resulting in a bulge over the solid  
211           concrete. This deformity will eventually be a weak point in the trees structure.

212           The concrete over the roots of the trees will have caused damage at the time of  
213           construction, which appears to have been several years ago. Except for T4, the trees have  
214           managed to cope with the damage, and they have recovered, adapting to the new  
215           environment, which is evident from their current normal crown density and leaf colour.  
216           However, in the long term as the trees grow, they will be inhibited by the concrete and it  
217           will create weak points leading to a higher chance of failure.

## 4 My opinion

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218           2 **Has the building of a brick wall to the rear of the oak trees within the stable block had an**  
219 **effect on the health of the oak trees:** The brick wall at the rear of the stable block stands  
220 on ground that is approximately 40cm lower than the ground where the stables/storage  
221 buildings are. The roots from the trees T1, T2, T3 and T4 will follow the contours of the  
222 ground, so the difference in levels has no impact on the potential for roots to exist in this  
223 location. If the new wall has new strip foundations the trenching work required to form  
224 the new foundations will have severed any roots which grew towards the adjacent field  
225 for the entire depth of the foundation. The impact of this root severance will take several  
226 years to become evident in the trees canopy.

227           3 **What are the effects to the tree's health from the damage to the lower stems of the oak**  
228 **trees within the stable block:** Trees T1, T2, T3 and T6 have coped very well with the  
229 damage which will have been inflicted on them during the construction of the structures.  
230 Tree T4 has had a huge section of its trunk cut away (Figures 5 & 6). Whilst the tree has  
231 managed to respond remarkably well to this damage with good reaction growth, the  
232 wound is far to big for it to survive long term. The canopy of the tree is now showing  
233 signs of die-back with branch ends dying and excessive deadwood in the canopy. The  
234 leaf coverage is also very thin compared to the adjacent trees. The wound has also  
235 created a weak point on the tree stem which makes it more likely to failure at this point  
236 during adverse weather. Tree T4 is currently still alive, but it is dying as a result of the  
237 wounding that was carried out several years ago.

238           4 **What is the remaining safe useful life expectancy of the protected trees and by how much**  
239 **have the trees safe useful life expectancy been reduced as a consequence of the damage**  
240 **they have sustained:** Trees T1, T2, T3, T4 and T6 are all oak trees which are approximately  
241 80 – 120 years old. If the structures had not been constructed around them, I would  
242 expect them to be able to reach 300-400 years of age, possibly more. However, T4 is  
243 showing significant signs of decline and I would expect it to be lost within the next 5 years.  
244 Trees T1, T2, T3 and T6 are likely to be lost within the next 20 years of the structures are  
245 not removed.

246           5 **Opinion:** My opinion is that the building of the stable/storage buildings will have  
247 damaged trees T1, T2, T3, T4 and T6. It will also result in the death of T4 within the next 5  
248 years. Trees T1, T2, T3 and T6 will also be lost within the next 20 years if the buildings are  
249 not removed. It is not clear what the impact of the brick wall at the rear of the stable block  
250 will have on the trees long term health.

251

252

## 4 My opinion

### 253 4.3 Felled Trees.

254 1 How many trees have been removed from the site – assess numbers of trees removed  
255 over a period of time from aerial photographs. (from 1995 to 2020), giving number of  
256 trees and species, where possible: Mr Gurdler provided me with a number of aerial  
257 photographs dated, 1999, 2005, 2007, 2012, 2014, 2015 and 2019. These photos show a  
258 gradual decline and thinning out of trees over the whole period, with some areas which  
259 previously appeared to be well stocked with trees, now completely cleared.



Figure 24: 1999 aerial view showing most of the site with a good covering of trees

## 4 My opinion



**Figure 25:** 2019 aerial view of the site showing trees significantly thinned out and areas completely cleared.

260 The western side of the site appeared to have straight lines of trees running north south.  
261 They are likely to have been spruce, as the remnants which remain today are also spruce.  
262 The central part of the site has mature and maturing oak trees. Although, as with the rest  
263 of the site there are considerably less trees on site today, than existed in 1999. It is also  
264 worth noting that the trees which are visible on sketch plan A8 in 2019 are now gone.  
265 Also, several areas of trees which are visible around the pond area in the south west are  
266 also now missing and new structures have been built. I estimate that approximately 10  
267 mature and maturing oaks have been removed from the centre of the site, and 200-300  
268 spruce, birch, scots pine and willow trees have been removed from the remainder.

269 **2 Confirm any trees felled near the border of the TPO are within – basis of decision against**  
270 **lie of the land. Address two areas specifically the border running adjacent to the solar**  
271 **farm and border running through what was previously a pond:** The edge of the woodland  
272 TPO takes a similar line to the existing track adjacent to the solar farm. There are no trees  
273 in this area that are close to the line of the TPO where there is doubt about their inclusion  
274 within the TPO or not. The edge of the TPO where it is adjacent to the pond is not so clear.  
275 However, I am confident that the trees I have specifically listed within this report are  
276 within the woodland order.

277 **3 Is there any evidence to suggest the trees removed were dead, dying or dangerous:** There  
278 is no evidence on site to suggest that any of the trees were dead dying or dangerous due

## 4 My opinion

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279 to natural causes. The works on site have resulted in dead trees and other dying and  
280 becoming dangerous.

281 4 **Opinion:** My opinion is that it is not possible to be precise about the number of trees that  
282 have been removed over the past 20 years. However, my view is that hundreds of trees  
283 which were covered by the two TPOs on site have been removed and that there is no  
284 evidence to suggest that they were exempt from the TPOs.

### 285 4.4 Other damaged trees covered by the TPOs

286 1 **What are the effects of surrounding a tree with tarmac:** Tree T16 has all its rooting area  
287 covered in tarmac (figure 22), and G17 has a large percentage of its rooting area covered  
288 in tarmac (figure 23). The effect of covering the rooting area with tarmac is that it caps  
289 the soil. It creates an impermeable layer which prevents moisture penetration and  
290 gaseous exchange taking place. It can also cause direct damage as the installation can  
291 cause direct physical damage to the roots. Based on this, if the entire rooting area of a  
292 tree is covered, there is a high chance that the tree will slowly die as a result in the change  
293 in environment.

294 2 **What are the effects of horses removing bark from a tree trunk:** Tree T5 has had bark from  
295 ground level, up to 2m stripped on 50% of its circumference by horses (figures 7, 8 and 9).  
296 The impact of this is that the wood which is now exposed by the removed bark is  
297 difunctional and more likely to decay or break as it is not as flexible. Also, the tree only  
298 has half the vascular system connecting the roots to the canopy which makes it less  
299 efficient and less able to cope with changes to its environment. It also means that it is less  
300 able to cope with ash die-back which is spreading across the UK.

301 4 **Opinion:** My opinion is, tree T5 is likely to be lost within the next 10 years as a result of  
302 the bark stripping damage. Tree T16 is dying and likely to be lost within the next 10 years  
303 due to capping of the whole rooting area with tarmac. Trees G17 have been damaged by  
304 the capping of part of its rooting area, but they are unlikely to die because of it.

## 5 Summary

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305 5.1 **Summary of my opinion**

306 I summarise my opinion based on the information I have seen as follows:

- 307 1 Soil levels have been significantly increased around trees G7, A8, G9, T10, T11, G12, G13,  
308 G14, and T15. The work involved in raising the soil levels and the consequences of raising  
309 the levels, is that it has caused considerable damage. This damage has resulted in the  
310 death of trees and it will cause the death of more trees within the next five years.
- 311 2 The building of the stable/storage buildings will have damaged trees T1, T2, T3, T4 and  
312 T6. It will also result in the death of T4 within the next 5 years. Trees T1, T2, T3 and T6 will  
313 also be lost within the next 20 years if the buildings are not removed. It is not clear what  
314 the impact of the brick wall at the rear of the stable block will have on the trees long term  
315 health.
- 316 3 It is not possible to be precise about the number of trees that have been removed over  
317 the past 20 years. However, my view is that hundreds of trees which were covered by the  
318 two TPOs on site have been removed and that there is no evidence to suggest that they  
319 were exempt from the TPOs.
- 320 4 Tree T5 is likely to be lost within the next 10 years as a result of the bark stripping damage.  
321 Tree T16 is dying and likely to be lost within the next 10 years due to capping of the whole  
322 rooting area with tarmac. Trees G17 have been damaged by the capping of part of its  
323 rooting area, but they are unlikely to die because of it.

324

325 **Andy Sherlock TechCert(ArborA) DipArb(RFS) FArborA MICFor CEnv**

## Appendix 1: Qualifications and experience of Andy Sherlock

**Credential summary for**

# Andy Sherlock

*TechCert (ArborA) DipArb(RFS)  
 FArborA MICFor CEnv RCarborA*



Andy has extensive experience at dealing with basement projects in London working on some of the highest profile developments in the country. Sadly, most of them are subject to strict confidentiality agreements, so we cannot show the details!



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### Qualifications and achievements

Work experience ●  
 Qualifications ○  
 Professional achievements ●



### Interesting projects



**The Parabola, Kensington:** Formerly the Commonwealth Institute building on Kensington High Street, the Parabola is a Grade II Listed Building recently refurbished into the new Design Museum.

[Read more >>](#)



**Basements in Westminster, Kensington, Chelsea & Camden:** most of our projects are so sensitive that strict confidentiality agreements prevent us from reproducing any details other than what is already within the public realm.

[Read more >>](#)

## Appendix 2: Statement of Truth

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This statement (consisting of 29 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Andy Sherlock  
16<sup>th</sup> December 2020