

Tree Survey
Arboricultural Impact Assessment
in accordance with BS 5837 : 2012
'Trees in relation to design, demolition and construction'

Tree at
**Claremont. Western Avenue,
Emsworth. PO10 7LP.**

Prepared for
Mr & Mrs Simmonds.
November 2014

ARBORTECH (Consultancy)

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Informative : Retained Trees & Development Sites.

TREES NEED ROOTS FOR :

- Anchorage i.e Stability.
- Water and nutrient uptake i.e general health.
- Energy storage i.e for drought periods.
- Breathing i.e Vertical gaseous exchange

DAMAGING TREE ROOTS MAY :

- Kill the tree.
- Weaken the tree.
- May cause the tree to fail.

TREE ROOTS CAN BE DAMAGED BY :

(Any may deny their needs for survival)

- Root severance
- Soil compaction.
- Escape of toxic fluids i.e Oil, Bitumen.
- Impermeable surfaces i.e Concrete



Tree Survey.

A Tree Survey records information about the trees on (or adjacent) a site, independently of any design proposal. Trees, groups of trees and woodlands are assessed for their physiological and structural condition and preliminary Health & Safety works are recommended. In addition the trees are categorised for their quality and value within the existing context. The tree categories are then differentiated on a tree survey plan.

The results of the Tree Survey may be included in the preparation of a Tree Constraints Plan which should be used to assist with layout design.



Arboricultural Impact Assessment.

Further to a tree survey, consideration is given to how a proposed development and retained trees will co-exist and interact in the present and future. It can identify and remove any potential conflicts between trees and the requirements of the development.

An AIA aims to identify, evaluate and mitigate the direct and indirect impacts on retained trees, that may arise as a result of the implementation of the layout proposal.



Arboricultural Method Statement for Protection of Trees during Construction.

This is a statement which is used to describe how construction works can be carried out close to trees and how the above and below ground parts of the trees will be adequately protected during this process.

Works are carried out in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* and good arboricultural practice.

1. INTRODUCTION

Client : Mr & Mrs Simmonds.

Report Ref : Simm/ATAIA/301114

Site : Claremont. Western Avenue, Emsworth. PO10 7LP.

The Development Proposal.

1.1 The proposal consists of the construction of a single storey extension to the South East of the existing property.

1.2 **Documents provided :**

mf designs ltd architect, provided the following drawings :

Existing elevations. Drg no : 101.

Existing layout. Drg no : 100.

Proposed layout/elevations. Dwg no : P_01A.

Proposed foundation design. Dwg : P_03A.

1.3 **Relevant background information :**

- The soil has a Clay content.
- There are no new utility services (including soak-aways) to be routed or sited within the RPA.
- The architect has informed me that tree T1 is not subject to statutory tree protection.

1.4 **Scope of the report.**

- The report is based on the site visits, hand dig site investigations and the information provided, listed in 1.2 and 1.3 above.
- This report includes a preliminary Visual Tree Assessment (VTA) from ground level.
- All dimensions are estimated.
- This report should be read in conjunction with the relevant scaled drawings produced by mf designs ltd.

1.5 **Limitations of use and copyright :** As set out in the terms of engagement provided.

1.6 **Qualifications and experience :** Details provided in Appendix 5.

2. TREE SURVEY

2.1 **Identification and location of the tree :**

The tree can be identified on the '*Tree Retention Plan*' included at Appendix 3.

2.2 **Tree observations :**

The tree was visually inspected from ground level and the information recorded on the '*Tree Survey Schedule*' included at Appendix 1.

2.3 The '*Tree Survey Schedule*' should be read in conjunction with Appendix 4 '*Tree Survey Notes*'.

3

ARBORICULTURAL IMPACT ASSESSMENT

This Arboricultural Impact Assessment aims to identify, evaluate and mitigate the impacts upon the existing tree, that may arise as a result of the implementation of the layout proposal.

3.1

Table 1 - Summary of the Impact of the proposed development.

BS 5837 Tree Category	Tree Ref	Possible impact	Proposed Mitigation
Category A	T1	Damage /Disturbance within the RPA and aerial crown portions.	Design. In accordance with BS 5837 : 2012 Section 7.5 : - Low Impact Foundation Design - Mini piles (sleeved) and ground beams set at/above ground level and positioned as per drawings. *Prior hand-dig investigations have determined that no significant roots are present within the trial pits at pile foundation positions. - Ventilated air space beneath floor to allow gaseous exchange of tree root system and for volumetric changes in the soil. - Existing site levels within the RPA are to remain unchanged. - Cellweb® load suspension layer beneath patio extension. During Construction. in accordance with BS 5837 : 2012 Section 6.2 : - Temporary Ground Protection in RPA. - Tree Protection Barriers.

*To evaluate any potential adverse impacts upon the tree by the development layout proposal; Careful hand-dig site investigations were undertaken at pile positions to determine the presence of any significant roots. **No significant roots were found.**
For more detail see Appendix 2 '*Hand dig site investigations*'

Detailed Impact Assessment.

General - Protection of the tree during development.

- 3.2 In collaboration with our client, architect and structural engineer, a well considered foundation design for the new extension is proposed. Tree protection has been at the centre of the design process.
- 3.3 A precautionary approach towards tree protection will be adopted.
- 3.4 It is recognised that in order to prevent physical damage to the rooting environment and aerial portions of the retained tree during construction activities; the retained tree will need to have measures put in place for its protection prior to, during and post construction phases of development.

Tree Root Protection Area (RPA).

- 3.5 The 'Root Protection Area' is 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 priority.
(As calculated in accordance with BS 5837 : 2012 Paragraph 4.6)

- 3.6 **Table 2 : Root Protection Area - Retained Tree.**

Tree Reference Number	Root Protection Area Radius of a circle (m) centred on tree stem.	Root Protection Area (m ²)
T1	15	707

- 3.7 Virtually all of the rear garden at this site is within tree T1 Root Protection Area.
- 3.8 The proposed development footprint has been significantly reduced in size from its original form in order to minimise impact on the tree. The majority of the proposed extension will utilise an area within the RPA which is currently down to hard surface (raised patio).
- 3.9 Although the proposed development is to be located partially within the tree Root Protection Area, the foundation has been site specifically designed to minimise disturbance to the tree. Section 5.3.1 of BS 5837 : 2012 allows for such a circumstance : *'Where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s)'* and Section 7.5.1 states that *'the insertion of specially engineered structures within RPAs may be justified if this enables the retention of a good quality tree that would otherwise be lost (usually categories A or B).'*

- 3.10 In total 23.5m² (<3.5%) of the total RPA area (707m²) of tree T1, is subject to encroachment into the RPA by the new development.
- 3.11 The hand-dig site investigations provide evidence that this will not adversely affect the tree if the site specifically designed foundation is utilised, together with a load suspension layer (Cellweb®) beneath the patio.

Crown proportions.

- 3.12 The crown proportions are stated in the 'Tree Survey Schedule' at Appendix 1 and indicated on the Tree Retention Plan at Appendix 3.

Foundation Design and Construction.

- 3.13 Only <3.5% of the total RPA area (m²) of tree T1 is proposed to encroachment by the new construction.
- 3.14 In accordance with BS 5837 Section 7.5 '*Special engineering for foundations within the RPA*' a low impact foundation design is proposed to minimise any potential adverse impacts upon the tree by development, incorporating;
- Prior hand-dig investigations. This has concluded that no significant roots are present.
 - Existing site levels within the RPA are to remain unchanged.
 - Low Impact Foundation Design - Mini piles (sleeved) and ground beams which are to be positioned at/above ground level i.e suspended above the RPA.
 - Ventilated air space beneath floor to allow for gaseous exchange of tree root system and for volumetric changes in the soil.
- 3.15 The construction exclusion zone will need to be maintained throughout the development process. See Appendix 3.
- 3.16 A compact drilling rig will be utilised for the piling task i.e GP manufacturing Model T3000. This rig has small overall dimensions. It is a lightweight rig (970kgs) on tracks to aid load-spreading upon Ground Protection. Piling mats will be utilised as necessary.
- 3.17 In combination, the low impact foundation design proposed will allow for the sustainable co-existence of the tree and development in the long-term.

Hand-dig Site Investigations within T1 RPA.

- 3.18 To evaluate any potential adverse impacts upon the tree by the development layout proposal;
- 3.19 Careful hand-dig site investigations have been undertaken to determine the presence of any significant roots at mini pile locations (the ground beams are to be suspended above the RPA).

- 3.20 More detail is provided at:
- Appendix 2 '*Hand-dig investigations*'
 - Appendix 3 '*Tree Retention Plan*' (indicating preliminary tree protection measures and site levels).
- 3.21 The hand-dig site investigations have confirmed that no significant roots were found at the proposed pile locations (1-3) i.e no roots larger than 25mm in accordance with BS 5837 Section 7.2.
- 3.22 It is however considered prudent to re-excavate the pile pit positions prior to piling to ensure locating piles correctly, where no significant roots are present.

Hard surfaces within the RPA.

- 3.23 **Removal of existing hard surfaces.**
To achieve the site specific construction design and levels required to implement the proposed extension within the tree RPA, the hard surface beneath will require removal. (Some areas of patio are to be retained and a new final wearing surface applied).
- 3.24 The removal will need to be undertaken by hand using hand-held tools following a 'pull-back' method, away from tree. Particular care will be required to ensure that removal operations avoid damage to the retained tree roots and rooting environment or contact with aerial tree parts.

Installation of new hard surfaces

- 3.25 A NO-DIG method of construction is proposed utilising Cellweb® Tree Root Protection system as appropriate for the loadings. Cellweb® is a permeable (water and gas), synthetic 3-dimensional load spreading product suitable for avoiding localised compaction within RPAs.
- 3.26 Cellweb® is to be used in conjunction with a 'no fines' granular aggregate infill which remains water and gas permeable for its design life.

Additional construction notes :

- 3.27 - Existing ground levels within RPAs are to remain unchanged.
- No machine excavation, soil stripping or site grading should be undertaken.
 - Access by construction activity is prohibited within the unprotected RPAs.
 - Works will need to be undertaken with arboricultural supervision (Section 6.3 BS 5837)
 - 'General Tree Protection Measures' apply.

Post Construction.

Landscape operations and Management within RPAs.

- 3.28 - All landscaping to be undertaken sensitively by hand using hand-held tools only.
- Good quality topsoil may be used to level and fill hollows.
 - Raising levels may be achieved by use of a granular material which remains gas and water permeable throughout its design life.
 - 'General Protection Measures' apply.

4 PHYSICAL TREE PROTECTION MEASURES

4.1 'Construction Exclusion Zone' - Tree Protection Barriers/Ground Protection.

In order to prevent physical damage to the rooting environment and aerial portions of the retained tree during construction activities; measures will need to be put in place for tree protection prior to, during and post construction phases of development in accordance with BS 5837:2012 (*Section 6.2*).

4.2 Tree Protection Barriers and Ground Protection are proposed to protect the tree during construction activities.

4.3 *"The protected areas should be regarded as sacrosanct, and once installed, barriers and ground protection should not be removed or altered without prior recommendation by the project arboriculturist and where necessary, approval from the local planning authority"* (BS 5837:2012 Paragraph 6.2.1.3).

4.4 The 'Tree Retention Plan' at Appendix 3 indicates the proposed tree protection for this development.

Temporary Ground Protection in the RPA.

4.5 Ground protection should be suitable for purpose and capable of supporting loads without being distorted or causing compaction of underlying soil within RPAs. It should be positioned right up to the edge of the foundation to maintain the integrity of the RPA.

4.6 Ground Protection may comprise one of the following :

a) *For pedestrian movements only.*

A single thickness of scaffold boards placed either on top of a driven scaffold frame, so as to form a suspended walkway, or on top of a compression-resistant layer (e.g 100mm depth of woodchip), laid onto a geotextile membrane.

b) *For pedestrian operated plant up to a gross weight of 2 t.*

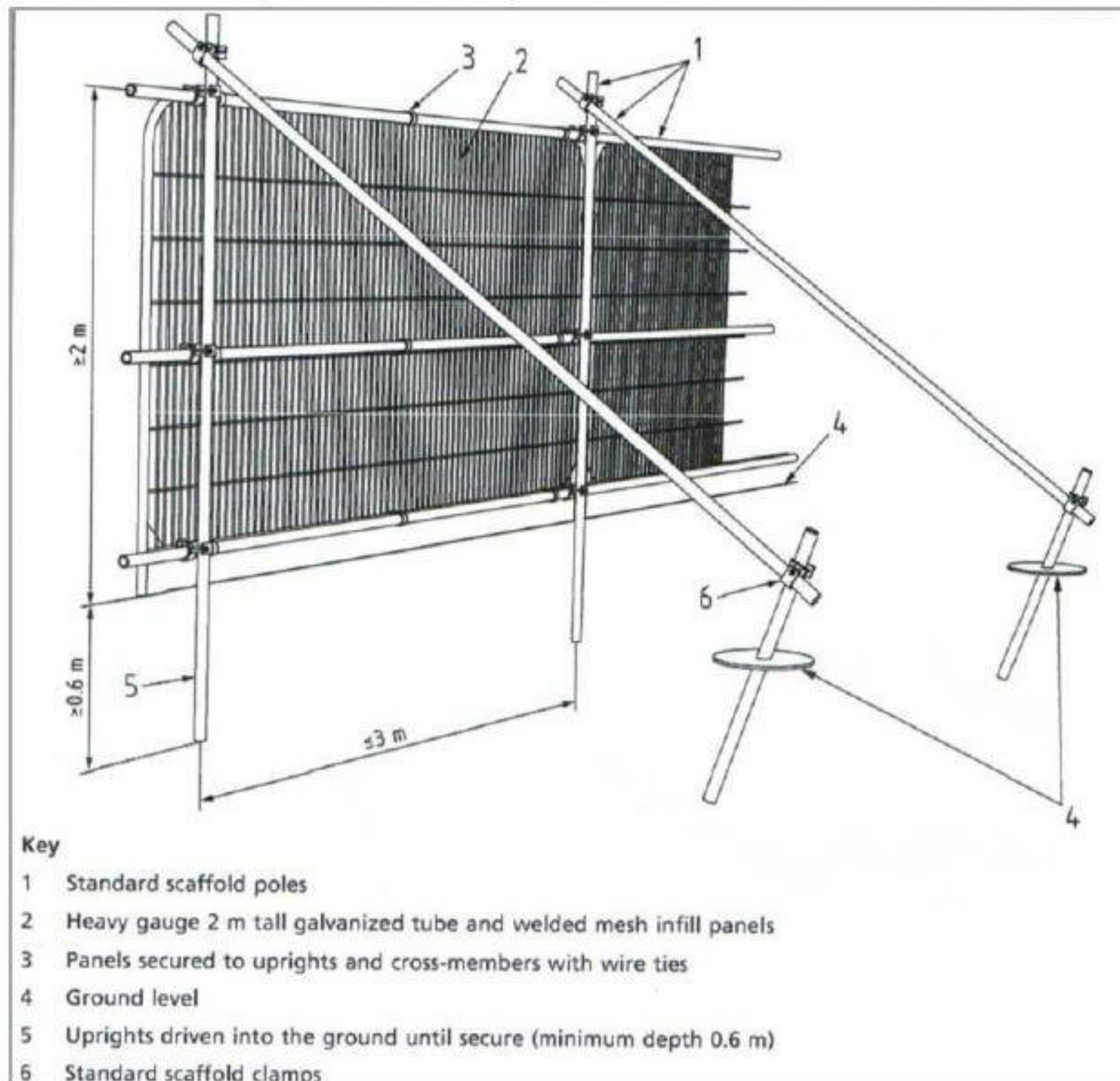
Proprietary interlinked ground protection boards placed on top of a compression-resistant layer (e.g 150mm depth of woodchip), laid onto a geotextile membrane.

c) *for wheeled or tracked construction traffic exceeding 2t gross weight.*

an alternative system(e.g proprietary systems or pre-cast concrete slabs) to an engineering specification designed in conjunction with arboricultural advice, to accommodate the likely loading to which it will be subjected.

Tree Protection Barriers.

- 4.7 Tree Protection Barriers should be capable of withstanding side impact and should be positioned to protect aerial portions of the crown and the RPA from damage.



Default specification for Tree Protection Barriers (Fig 2 BS 5837 : 2012).

General Protection Measures.

Root Protection Areas

- 4.8 The Root Protection Area of the retained tree should be regarded as sacrosanct. Access by construction activity is prohibited within the unprotected RPA.

Soil Level Changes.

- 4.9 No machine excavation, soil stripping or site grading should be undertaken within the RPA to avoid root severance/disturbance.

Topography of the Site.

- 4.10 Care should be taken to avoid 'run off' from toxic fluids during construction, which may be harmful to trees i.e concrete mixings, diesel, oil.

Storage of construction materials

- 4.11 No construction materials or any material likely to be injurious to a tree i.e Oil, Bitumen, Cement (concrete mixing), should not be stacked or discharged within the Tree Root Protection Area or within 10m from a tree stem. Allowance should be made for any slope of the ground, so that damaging materials cannot run towards the trees. At no time should the Root Protection Area be breached for storage purposes.

Machinery/Equipment near tree canopy.

- 4.12 Great care should be exercised when using piling rigs, mobile cranes or similar equipment near the spread of the canopy of trees, so as not to damage them in any way. The site supervisor should take responsibility for supervising the approach, exit and on site activities of delivery, muck-away vehicles and site machinery.

Fires

- 4.13 Fires should not be lit in a position where their flames can extend to within 5m of foliage, branches or trunk. Size of fire and wind direction should be taken into account.

5 RECOMMENDATIONS.

Arboricultural Monitoring during construction.

- 5.1 In accordance with BS 5837 : 2012 *Paragraph 6.3*; An auditable system of arboricultural site monitoring, including a schedule of specific site events should be implemented during the development project where tree protection measures are identified on the Tree Protection Plan, within or adjacent RPAs.

Building near trees :

- 5.2 Foundations/structures in proximity to removed and/or retained trees should be specified by a structural engineer taking into account the potential for volumetric changes of the soil. Current guidance is set out in National House Building Council Chapter 4.2 (Foundations) Building near trees.

6 OTHER CONSIDERATIONS

Trees subject to statutory controls :

- 6.1 Consultation with the local planning authority will be required prior to any pruning works to trees covered by a tree preservation order or located in a conservation area.

Risk

- 6.2 The Occupiers Liability Act 1957 & 1984 places a “common duty of care” upon the owner occupier of a site to take reasonable steps to minimise the risk of personal injury or damage to property arising from any tree on that site.

Trees outside the property.

- 6.3 Trees located in adjacent properties are effectively out of the control of the owners of this site. By common law, branches from trees on adjacent properties extending over boundaries can be pruned back to the boundary line without the permission of the owners. However, the material belongs to the tree owner and the same guidance on statutory controls apply.

Wildlife.

- 6.4 Your attention is drawn to the wildlife and Countryside Act 1981 and related legislation which provides statutory protection for nesting birds and bats including roosting sites, some mammals, invertebrate species and plants.
- 6.5 It would be prudent to undertake a Bat survey prior to carrying out any works to trees with significant cavities and to avoid works at times when birds are likely to be nesting.

7 BIBLIOGRAPHY / REFERENCES

British Standard 5837 '*Trees in relation to design, demolition and construction - Recommendations*' : 2012.

British Standard 3998 '*Recommendations for Tree Work*' (2010)

Conservation of Habitats and Species Regulations (2010).

Occupiers Liability Act 1957 & 1984.

Town & Country Planning Act 1990.

Wildlife & Countryside Act 1981 (As amended)

CRoW Act 2000

APPENDIX 1

Tree Survey Schedule

To be read in conjunction with Appendix 4 'Tree Survey Notes'

Tree No	Species	Height (m)	Diameter (mm) as BS 5837 Annex C	Height above ground(m) 1 st branch Canopy		Age Class	Structural	Physiological	Category	RPA Area (m ²)	Located On site?
T 1	Giant Redwood <i>Sequoiadendron giganteum</i>	21	1600	0.5 West	N 6.75 S 6.75 E 5.5 W 6	M	Good	Good	A	15	Yes
Notes : - Surface rooted. - Single upright stem. - Large limb to South West with adaptive growth. - Appears that the crown may have previously been lifted over garden.											

APPENDIX 2

Hand-dig Site Investigations.

To be read in conjunction with Appendix 3 'Tree Retention Plan'.

Hand dig site investigations were undertaken at the proposed mini pile positions. No significant roots were found to be present.

3 x trial pits (300 x 300mm) were dug to a depth of 600mm (to North East, South East and South West).

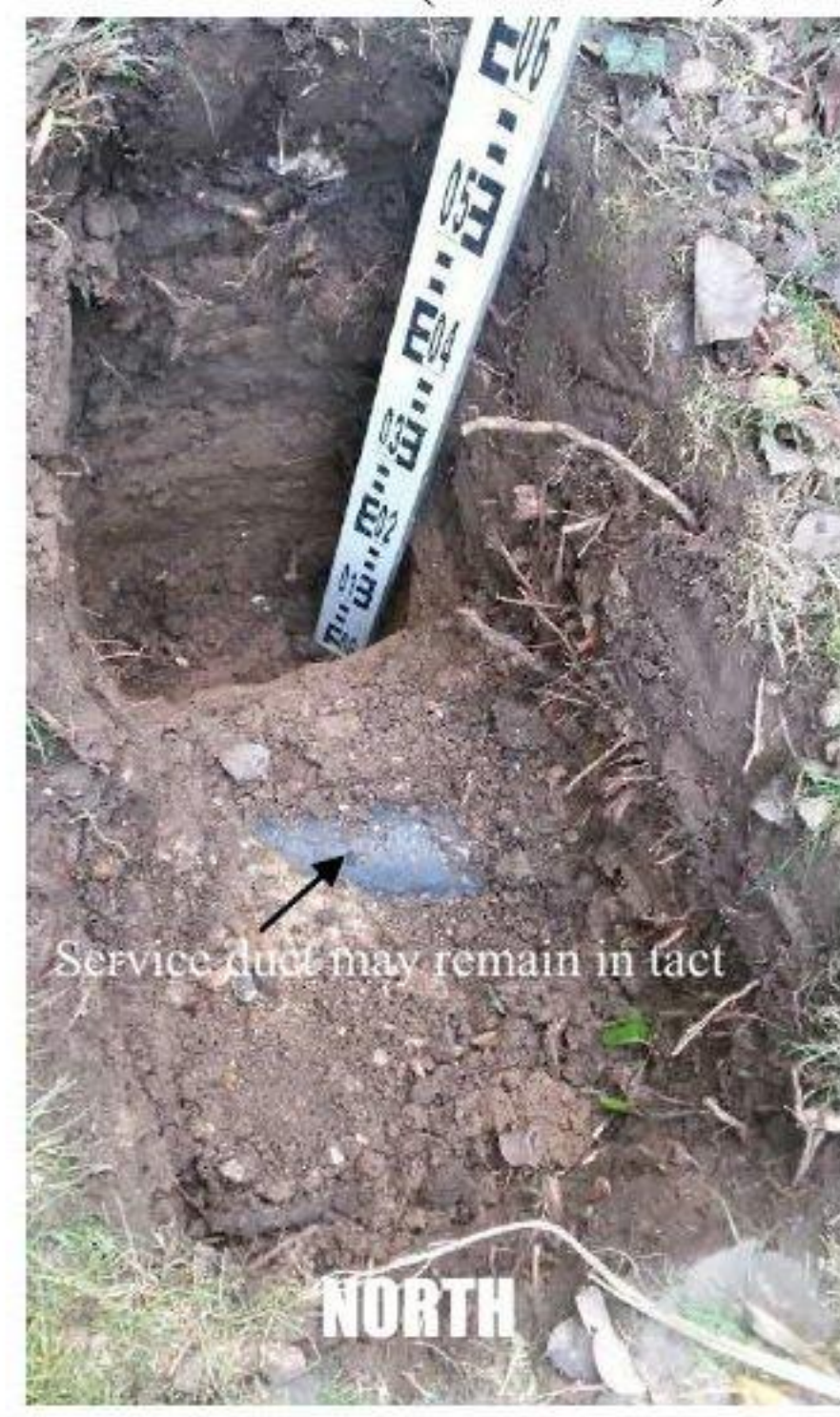
It was not possible to dig the 4th trial pit (North West) as the existing patio is located in that position. However adjacent the proposed pile position there is an existing soil pipe with drains running toward North East. Levels are indicated at Appendix 3 'Tree Retention Plan'.

It is considered that the ground has previously been disturbed to depth at this position, but as a precaution, site investigations will be undertaken to determine that no significant roots are present prior to piling. Piles are a versatile foundation method and they may be relocated if a significant root(s) is discovered.

Trial Pit 1 (South West)



Trial Pit 2 (South East)



Trial Pit 3 (North East)



Pile position 4 (North West)

It was not possible to dig the 4th trial pit - See above

APPENDIX 4

Tree Survey Notes

GENERAL TREE SURVEY NOTES.

- Tree species has been determined (common name and scientific)
- All tree dimensions are estimated, height and spread being measured in metres and trunk diameter measured at 1.5m above ground level or if more than one stem, an average stem diameter is stated.
- The tree age classification is made in terms of the trees site specific maturity within the landscape.

Age groups are indicated as

J	- Juvenile tree
SM	- Semi-mature tree
EM	- Early mature
M	- Mature tree
OM	- Over mature
Vet	- Veteran
Anc	- Ancient

ASSESSMENT AND CATEGORY CLASSIFICATION.

The condition of trees included in the survey has been assessed by a person being qualified and experienced in arboriculture. In making the assessment particular consideration has been given to :

- Tree species.
- Tree dimensions.
- Health, Age and Vigour of tree.
- Tree conformation including any structural defects.
- The location of the tree, relative to the existing site and surroundings.
- The landscape and environmental/habitat value.

On the basis of this individual assessment, the trees are classified into one of the following categories, or intermediate categories

- | | | |
|----------|----------------|--|
| A | (GREEN) | Trees of high quality. |
| B | (BLUE) | Trees of moderate quality. |
| C | (GREY) | Trees of low quality in adequate condition until new planting established. |
| U | (RED) | Trees in current context cannot realistically be retained. |

In addition, the above categories may be attributed one or more of the following criteria :

- 1 Arboricultural values.
- 2 Landscape values.
- 3 Cultural values including Conservation.

APPENDIX 5 – ABOUT US.....

We specialise in all tree-related matters :

- ✓ Development/Planning-BS5837:2012,
- ✓ Planning Services-Tree Preservation Orders & Conservation Areas,
- ✓ Tree Hazard Evaluation,
- ✓ Woodland Management etc

We have 25 years experience in the arboricultural industry.

We aim to keep at the forefront of arboriculture; through ongoing review, training and development programmes.

Arboricultural Consultant : Mr J.R Hayes. Tech.Cert.(Arbor.A).

Technicians Certificate in Arboriculture 1998.
City & Guilds Tree Surgery for Craftsmen 1990.

Arboricultural Surveyor : Mrs J.A Hayes.

Lantra Professional Tree Inspection Award 2006
Studying Diploma in Arboriculture Level 4.
Registered Natural England Class Survey Licence Holder :
Bat Conservation Level 1 : CLS002485
Bat Survey Science & Education Level 2 : CLS02485

Member of :

The Arboricultural Association.
Chartered Institute of Ecology and Environmental Management.

Arboricultural Consultants to :

Chichester Cathedral.
Chichester City Council
Chichester District Council
Goodwood Estate.
Halburn Ecological Consultants.
London Biggin Hill Airport.
Mansell Construction.
John Mowlem & Company PLC.....
References supplied upon request.

Insurance cover :

Employers liability	10,000,000
Public liability	5,000,000
Professional indemnity	1,000,000

Copy supplied upon request

TERMS OF ENGAGEMENT.

1. Any report is provided for the sole use of the named Client and is confidential to the Client and his professional advisors. The Consultant accepts responsibility to the Client alone for the stated purposes of the report. No responsibility whatsoever is accepted to any person other than the Client himself. Any other such person relies upon the report at entirely his own risk. Neither the whole nor any part of the report or any reference thereto may be reproduced or transmitted, in any form or by any means, nor sold, hired or divulged to any third party without the Consultants prior written approval.
2. The content of any information supplied to the consultant by the client, including such items as reports, plans diagrams letters, data etc will be deemed to be true and accurate and such items will not be investigated or checked for their validity. Any information supplied subsequently found to be inaccurate, misleading or false may render the contents of the report invalid.
3. The report remains the property of the Consultant until payment has been received in full. The Client shall pay the Consultant his fee regardless of any outcome. In addition the Client will reimburse the Consultant the cost of all reasonable out of pocket expenses which he may incur. Payment in full of the total amount due must be made within 14 days and the Consultant shall be entitled to charge interest both before and after any judgement on the amount unpaid, at the rates listed below (delayed payment surcharge) per month (30 days) from time to time, until payment in full is made (a part of a month being treated as a full month for the purpose of calculating interest). No discount nor retention or set off against the same due is allowed unless agreed previously by the Consultant in writing.
DELAYED PAYMENT SURCHARGE.
Accounts not settled within the 14 day period will be surcharged as follows :
2.5% for payment within 1 month.
5% for payment within 2 months.
10% for payment within 3 months (maximum time limit)
Surcharges are not an offer of extended credit.
4. The consultant reserves the right to charge the client for a proportion of the services undertaken, should the client, further to instructions, cancel the agreed commissioned services.
5. Any information in relation to the tree(s) survey/inspection must be provided at the time of the survey/inspection process, prior to the compilation of the report document. Any information received by the consultant after this time will not have been considered and an additional re-assessment of the trees may be necessary at the clients expense.
6. In making the report, the following assumptions will be made by the Consultant (and these are therefore matters for which no responsibility can be accepted by the Consultant);
 - (i) that there are not underground pipes, wires, cables, or other services or installations which might be damaged as a result of work recommended or necessary.
 - (ii) that no tree(s) is the subject of or protected by a Tree Preservation Order or the terms of a planning consent (unless stated), in relation to which the Client must make his own enquiries of the Planning Department responsible.
7. It is possible that the report will suggest further investigation works to be carried out by a specialist firm or person eg. Structural Engineer, Surveyor, drain or electrical engineer or other. On no account will liability be accepted by the Consultant in respect of matters on which the client is recommended to obtain such other specialist advice or if the Client proceeds or acts without obtaining and acting upon the relevant further advice.
8. The report will not purport to express an opinion about or to advise upon the condition of un-inspected parts of the land or tree(s) and should not be taken as making any implied representation or statements about such parts.
9. Preliminary surveys are visual inspections which do not include any information on engineering, no root or soil samples are taken for analysis and trees are not climbed (unless stated).
10. The Consultant will inspect as much of the land and tree(s) as is practicable given the scope of his instructions and the level of fee agreed. He will be under no obligation to inspect those areas that are unexposed or not readily accessible.
11. The tree survey and inspection process requires good, clear access to the trees being inspected. Any obstructions will limit the inspection process and will be noted within the survey / inspection assessment. The removal of any obstructions such as dense undergrowth, climbing plants etc will not be undertaken as part of the process, unless this additional operation has been previously agreed with the client.
12. The statements made in this report do not take account of the effects of extreme climate, vandalism or accident whether physical, chemical or fire. We cannot therefore accept any liability in connection with these factors, nor where prescribed work is not carried out in a correct or professional manner in accordance with current good practice. The authority of this report ceases at any stated time limit within it, or if none stated after 1 year from the date of the survey or when any site conditions change, or pruning or other works unspecified in the report are carried out to, or affecting the subject tree(s), whichever is the sooner.
13. Any trees referred to in this report should be re-inspected further to storms or extreme weather conditions due to the potential for deterioration in tree condition/situation.
14. All trees referred to in this report are assessed in the situation and site usage as seen on the day of inspection.
The client should inform the consultant of any foreseeable changes/ variations prior to the site visit.
15. Any verbal information given by the Consultant prior to the Clients receipt of the written report shall not be construed as a representation or warranty and should not be relied or acted upon.
16. Any claim by the Client which is based on any defect in the nature or quality of the Consultants services shall be notified to the Consultant within 7 days from the date of supply.
17. Except in respect of death or personal injury caused by the Consultants negligence, the Consultant 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 (whether for loss of profit or otherwise), costs, expenses or other claims for consequential compensation whatsoever (and whether caused by the negligence of the Consultant his employees or agents or otherwise) which arise out of or in connection with the Consultant's services, except as expressly provided in these conditions.
18. The Consultant shall not be liable to the Client or be deemed to be in breach of the contract by reason of any delay in performing, or any failure to perform any of the Consultants obligations in relation to the services he renders.
19. The identification of fungi, insects or tree disorders are based on field observations and do not include a laboratory analysis (unless requested).
20. The contract between the Client and the Consultant shall be governed by the laws of England.