

Email exchange between applicant and Nicola Wallbank, Senior Tree and Woodland Manager

Summary

The email exchange needs to be read in reverse order.

On receipt of the second tree report stating that the 90ft dead and dying tree is hollow and decaying at the base and can't support its own weight and is in a worse state than originally thought, the applicant/resident contacts the tree people at the Council. This is the email exchange.

The resident emails the tree people with a copy of the second tree report, requesting they force the owner of the tree to have it made safe. As a reminder, he had previously been told by Cllr Andrew Hodson that the owner of the tree was Aaron Borbora. The Council tree people respond, accusing the resident of having started and stopped the work and that it is unregistered land.

The owner put Nicola straight on what had actually happened and also forwarded WhatsApp screenshots of Andrew Hodson stating that he would pass the first tree report onto the owner and also showing Aaron Borbora's WhatsApp messages stating that, as the sentiment from the other neighbours was high, he wasn't going to make the tree safe, in doing so endangering property and lives. The resident / applicant at this stage didn't quite understand what 'unregistered land' meant and at the bottom of his email said he thought the Council should force the owner to pay for it, but "it's their call" if they want to go ahead and pay for it (and putting the cost onto the taxpayer in doing so). Who do we think told Nicola that the resident/applicant had started to have the tree cut down and then stopped it, and why would any reasonable or rational person do this?

Nicola Wallbank's email on 18th July clearly states that Aaron Borbora is not the owner and that she has made Cllr Hodson aware that the tree will be cut down so there will be no objections when their contractors attend. It is her clear expectation that Cllr Hodson will notify the neighbours who "speed-dialled" him into attending the tree back in February earlier in the year. Do you think Cllr Hodson would have the decency or civility to do this?

The day of the Council's contractors – 5th August 2025

Well, a big fat NO is the answer. When the three contractors arrived, a neighbour, a man estimated to be in his early 60s, appeared from the only block of flats in the locality and started to give the contractors grief, so the resident/applicant went out to support the contractors and take the flak himself. He asked the neighbour, once he had aired his opinions, what it had to do with him, pointing out that he doesn't live next to it and he's not affected by it, there are two tree reports, and the Council has a responsibility to make it safe. He replied, "WE DON'T LIKE YOUR SORT AROUND HERE." The resident/applicant, having watched him appear from the block of flats, asked him his name and where he lived. He declined to give his name and just stuttered, "SOMEWHERE AROUND HERE," and then left to go back inside.

We asked the applicant/resident what he thought of this, and he thought it was quite comical, stating that he was the only person who had the decency and honesty to tell him straight. Not known at the time is that this neighbour is a landscape gardener – clearly one who can't tell a dead and dying tree when he drives past it at least twice a day. We do love ironies, and when we go to podcast, a documentary and a dramatisation, and the resident/applicant publishes his book, there will be plenty more ironies and twists to come out that we have kept to ourselves.

Within a few minutes of this man disappearing, a woman in her 30s holding a baby to the front of her body, almost shield-like, approached. We later find out that she lives around 120 metres away and can neither see the tree nor the applicant's house. She announced her arrival by screaming to the resident that she had come to stop the resident's contractors from cutting the tree down. He pointed out that they were not his contractors but those of the Council and asked what it had to do with her, and she replied that she was there on behalf of the owner. At this point, an egalitarian neighbour had come out to join in the fun, adding to the three witnesses already present. The resident pointed out that on his phone he had an email from the Council stating that Aaron Borbora doesn't own the tree and that he had two reports on the tree confirming that the tree was in a dangerous condition, life-threatening if it fell on someone. He added that he would forward all three documents to her email address if she provided it. He also added that Cllr Hodson was supposed to have told the residents that it was being cut down in order to stop the abuse that she and the previous neighbour were giving to the contractors. She continued to repeat that she was there to stop the tree from being cut down and didn't want to give her email.

With her logic and rationale for wanting to stop the tree coming down starting to crumble, she then accused the applicant/resident of just wanting better views (of the Dee Estuary and North Wales coastline). He replied that he already had great views (pictures are documented in the email exchange between the planning officer and the applicant) and that she was welcome to come and see them, and she replied, “I’ve got great views,” leaving the applicant confused as to the intention of her visit – did she just want to tell everyone about her great views? She hadn’t achieved anything else. At this point, one of the contractors, a young lad who looked very early 20s, calmly said, “The tree is coming down, if not today, then tomorrow, if not this week, then next, and if not this month, next month – but it’s coming down.”

Not long after this incident, her house went up for sale on the market on 25th March 2025. It didn’t sell through the summer months of 2025 and was taken off the market, we believe, in October 2025. Whether this is to regenerate interest when it comes back on the market as “newly marketed” early next year, as a sale through the winter months is much less likely than summer ones, or whether their circumstances have changed, only time will tell.

The resident had told the woman with the baby that he would message Aaron and tell him that Cllr Hodson should have told them about the tree, which he did around 30 minutes later. Although the full WhatsApp messages are shown in the 50+ page report, part of the email exchange between the applicant and the planning officer, the resident emails Aaron with a screenshot of the Council statement that the tree is on unregistered land and that Cllr Hodson should have told them it was being cut down today, and that it was clear that Cllr Hodson had clearly not informed their “speed-dial” neighbourhood. We will leave the reader to form an opinion as to why he didn’t. Aaron’s response, which clearly shows he is not reading the messages, threatens legal action for criminal damage done by the resident’s contractors (on unregistered land and an unregistered tree – good luck with that!!) and now states, “As I’ve repeatedly said, this ownership is disputed.”

Please read the messages in full; they are from an Oxford-educated person, and they are hilarious.

It’s often said, “Never argue with racists – they will drag you down to their level and beat you with their experience.”



Andrew Hodson
last seen today at 08:59



2 February 2024

Messages and calls are end-to-end encrypted. Only people in this chat can read, listen to, or share them.
Learn more.

Missed video call
Tap to call back 14:56

can you call me councillor Andrew Hodson

14:58

Hi Andrew, just seen message. Just in a meeting. Will call asap. Regards 15:10 ✓

Voice call
3 mins 15:33

15:37 ✓

6 February 2024

Poplar tree on junction with The Akbar/Greenfield Lane in the boundary line of number 1 The Akbar belonging to Aaron.



3rd February 2024

As an experienced Arborist and with my knowledge in this field and being the climber who has been up this tree the tree has definitely come to its end of life, they have lived in since 1958, the limbs are brittle there has been numerous dead limbs and the height is in line with recommendations of the species maximum height, prior to any works being undertaken I noticed twigs/ branches on floor and in surrounding gardens which indicates weakness. As the tree stands today after I did some work on the tree with permission of owner (Aaron, who later retracted his permission to continue and finish the work that was started) it is very top heavy and canopy is acting like a sail due to height of tree the size of canopy and most of where tree is positioned, its wide open to the elements.

Poplar tree on junction with The Akbar/Greenfield Lane in the boundary line of number 1 The Akbar belonging to Aaron.



3rd February 2024

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My expert opinion is the tree needs to be reduced in height to where it's not a danger to people, structures, telephones, wires, cars etc I am very concerned with regards to this and would like to see height reduced, I have advised Aaron, local residents and even the local council official who attended site 2/2/2024 of this to cover myself.

It's easy for tree officials from council to attend, visually inspect and say "yes looks perfect healthy" but until you physically get into tree canopy the true extent cannot be seen.

Whilst working on tree I noticed damage to trunk and was informed by residents that it's not uncommon for vans, bin lorries, builders trucks etc to hit tree as they turn into The Akbar which again to me is concerning.

As an experienced Arborist with many years experience I stand by my opinion that the tree in its present state is a potential danger to life and needs to be addressed, I have again made my feelings very clear to all parties however I am not sure everybody is listening because it's not what they want to hear or see happen but it's a must.

I take no responsibility from this moment on the responsibility is with those who decided to stop anymore work to be carried out by myself. I offered to make the tree safe but was told on numerous occasions "NO"

I have informed my solicitor and insurance company regarding situation and made it perfectly clear to local authority so I can't be accused of any wrongdoing or negligence 14:07 ✓

The responsibility now lies with the owner of the tree and needs to be addressed forthwith.



Yours sincerely



Mark Robertson
(Owner, operator MITS)

Message



Message



Message



14:07 ✓

Thank you I will pass this onto the owners of the trees 14:10

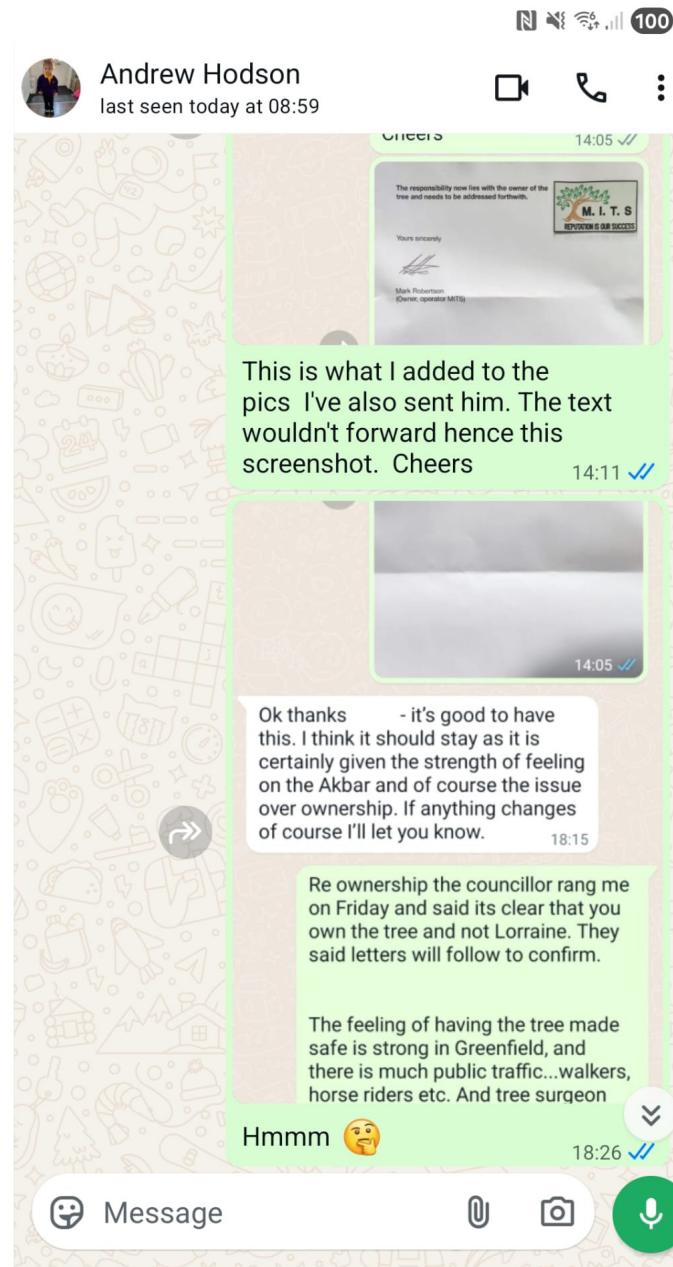
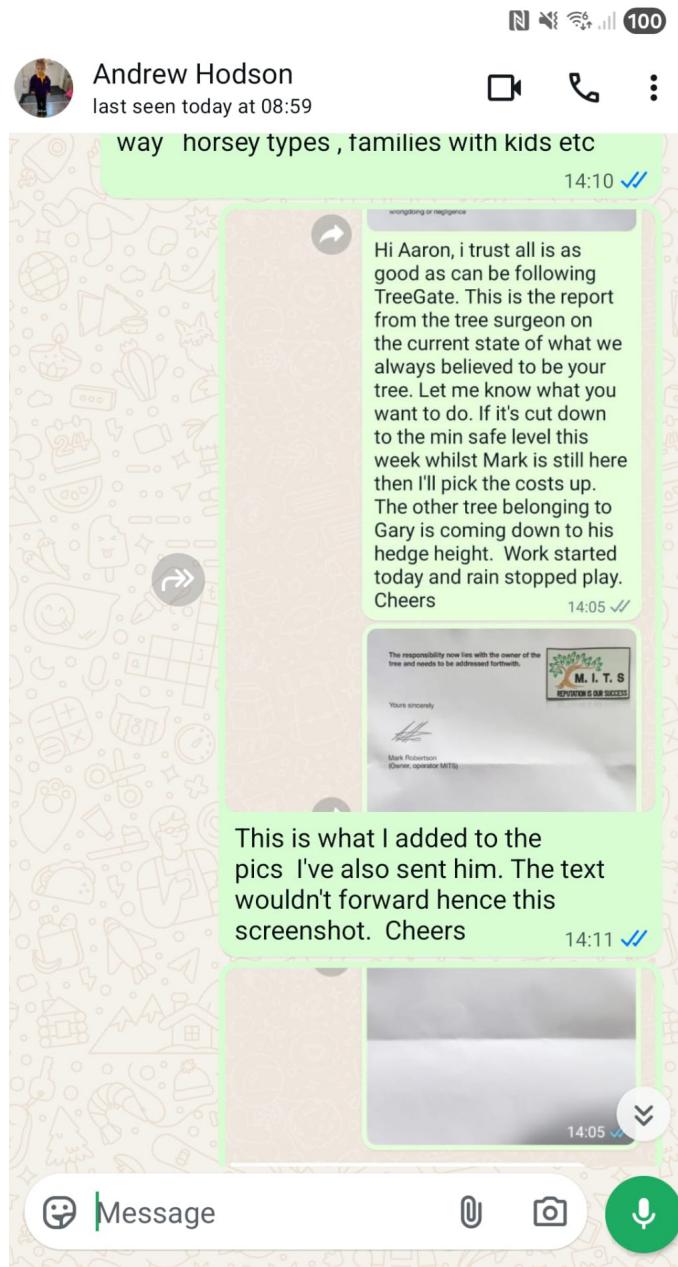
For info.. I've offered the owner of the tree to pay to have it cut down if its done this week.

I'm hoping he's sensible enough to agree or we may need to get you guys involved again.

The road is heavily used by walkers (who park at the top and head towards the wirral way horsey types , families with kids etc 14:10 ✓

wrongdoing or negligence

Hi Aaron, i trust all is as good as can be following TreeGate. This is the report from the tree surgeon on the current state of what we always believed to be your tree. Let me know what you want to do. If it's cut down to the min safe level this week whilst Mark is still here then I'll pick the costs up.





Aaron BORBORA
last seen today at 00:57

N 🔋 ⌂ 100



THXKS! 🙏

09:08

6 February 2024



3rd February 2024

As an experienced Arborist and with my knowledge in this field and being the climber who has been up this tree the tree has definitely come to its end of life, they have been in since 1958, the limbs are brittle there has been numerous dead limbs and the height is in line with recommendations of the species maximum height, prior to any works being undertaken I noticed twigs/branches on floor and in surrounding gardens which indicates weakness. As the tree stands today after I did some work on the tree with permission of owner (Aaron) who later retracted his permission to continue and finish the work that was started it is very top heavy and canopy is acting like a sail in the wind causing damage to property and most of all where tree is positioned, its wide open to the elements. My expert opinion is the tree needs to be reduced in height to where it's not a danger to life or to surrounding properties, telephone wires, cars etc I am very concerned with regards to this and would like to see height reduced. I have advised Aaron, local residents and even the local council official who attended site 2/2/2024 of this to cover myself. It's easy for tree officials from council to attend, visually inspect and say "yes looks perfect healthy" but until you physically get into tree canopy the true damage is not visible. While working on tree I noticed damage to trunk and I was informed by residents that it's not uncommon for vans, bin lorries, builders trucks etc to hit tree as they turn into The Akbar which again to me is concerning.

As an experienced Arborist with many years experience I stand by my opinion that the current state is a potential danger to life and needs to be addressed. I have got the feelings very clear to all parties however I am not sure everybody is listening because it's not what they want to hear or see happen but it's a must.

I take no responsibility from this moment on the responsibility is with those who decide to stop anymore work to be carried out by myself. I offered to make the tree safe but was told on numerous occasions "NO"

I have informed my solicitor and insurance company regarding situation and made it perfectly clear to local authority so I can't be accused of any wrongdoing or negligence

Hi Aaron, i trust all is as good as can be following TreeGate. This is the report from the tree surgeon on the current state of what we always believed to be your tree. Let me know what you want to do. If it's cut down to the min safe level this week whilst Mark is still here then I'll pick the costs up. The other tree belonging to Gary is coming

Message



Aaron BORBORA
last seen today at 00:57

N 🔋 ⌂ 100



this week whilst Mark is still here then I'll pick the costs up. The other tree belonging to Gary is coming down to his hedge height. Work started today and rain stopped play. Cheers

14:05 ✓

The responsibility now lies with the owner of the tree and needs to be addressed forthwith.



Yours sincerely



Mark Robertson
(Owner, operator MITS)



14:05 ✓

Ok thanks - it's good to have this. I think it should stay as it is certainly given the strength of feeling on the Akbar and of course the issue over ownership. If anything changes of course I'll let you know.

18:15

Message



Subject: RE: Imminent danger of fatality from 'creaking', decaying tree - tree surevy report attached - escalation

Date: Thursday, 18 July 2024 at 18:09:22 British Summer Time

From: Wallbank, Nicola <nicolawallbank@wirral.gov.uk>

To:

Attachments: image001.jpg, image002.jpg, image003.jpg, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png

Hi ,

Many thanks for your explanation. We've done a land registry check and the verge on the outside of your neighbours' hedge is unregistered. Therefore, we are unable to issue them a notice to make the tree safe as they are not registered as owners of the land (or tree).

I have made Councillor Hodson aware of the situation and so we hope that no further objections will be made when our contractors attend.

Kind regards

Nicola Wallbank Ph.D. B.Sc. (Hons) MArborA
Senior Trees and Woodland Manager
Wirral Council
Email: nicolawallbank@wirral.gov.uk
Visit our web site www.wirral.gov.uk

Subject: RE: Tree today
Date: Monday, 5 August 2024 at 14:26:08 British Summer Time
From: Wallbank, Nicola <nicolawallbank@wirral.gov.uk>
To:

Hi

We will not be carrying out any further works to the tree. We have made the tree safe, and it is now at a similar height to the adjacent tree.

I would suggest seeking legal advice before carrying out any works to the tree. Although the ownership of the verge is unregistered, this does not grant permission to carry out any works.

Kind regards

Nicola Wallbank Ph.D. B.Sc. (Hons) MArborA
Senior Trees and Woodland Manager
Wirral Council
Email: nicolawallbank@wirral.gov.uk
Visit our web site www.wirral.gov.uk

From:
Sent: Monday, August 5, 2024 2:11 PM
To: Wallbank, Nicola <nicolawallbank@wirral.gov.uk>
Subject: Tree today

Hi Nicola, firstly thanks for your tree contractors coming out today. I saw them getting some 'grief' from members of the [REDACTED] Tree Society so I went out to take the it from them. Sadly for them, they told me they get a lot of it and were thankful of me taking it and responding directly to their uninformed 'abusers'. Clearly Hodson hadn't told anyone the news that they obviously didn't want to hear that the tree was dangerous and had to be felled. Aaron, the owner of No. 1 [REDACTED] had sent a lady out with a baby to represent him as I asked he what it was to do with her when she lived 150 metres away and she told me that he had asked her to represent him. As you can from the subsequent Whatsapp messages with him (in the attached screenshot), he has changed his story from owning the tree (previous whatsapp) to the ownership is in dispute Bizarre that he says he has repeatedly said this when it's the first time. He uses . It would appear, though it might not be the case, that Hodson hadn't told him either. You can also see that Aaron appears to struggle to read and digest facts.

The council's contractors , as you can see have left the tree as a 'monolith', a word that you used

in your email. That was their instructions and I fully understand that they can only follow them . When we exchanged messages , and you said 'monolith', I replied saying that I expected it to be cosmetically appealing and that would be at hedge height, so we can put it behind us.

Can you confirm that the council will not bring it down to hedge height and be cosmetically appealing and plan on leaving it as it is - fyi - I pay almost £400 a month in council tax and all I get is my bins emptied.

Can you confirm that as the tree is on unregistered land that I can bring it down to hedge height myself.

Please rest assured I won't let this drop.

Thanks and regards,

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

Subject: RE: Imminent danger of fatality from 'creaking', decaying tree - tree surevy report attached - escalation
Date: Thursday, 18 July 2024 at 18:09:22 British Summer Time
From: Wallbank, Nicola <nicolawallbank@wirral.gov.uk>
To:
Attachments: image001.jpg, image002.jpg, image003.jpg, image004.png, image005.png, image006.png, image007.png, image008.png, image009.png

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Kind regards

Nicola Wallbank Ph.D, B.Sc. (Hons) MArborA
Senior Trees and Woodland Manager
Wirral Council
Email: nicolawallbank@wirral.gov.uk
Visit our web site www.wirral.gov.uk

From:
Sent: Thursday, July 18, 2024 5:55 PM
To: Wallbank, Nicola <nicolawallbank@wirral.gov.uk>
Subject: RE: Imminent danger of fatality from 'creaking', decaying tree - tree surevy report attached - escalation

Thanks Nicola,

Your statement 'We are aware that you had initially instructed contractors to fell the tree, but the work was not completed' leads me to believe that you don't know what's really gone on.

The owner of the tree ([REDACTED]) had agreed to have the tree removed in Jan / Feb and I agreed to pay for it. Once the work began, this caused commotion amongst Heswall elderly residents in the [REDACTED] who are not affected by the tree and decided that they shouldn't let it happen. (I'm new to the area, but now I know their type) They wouldn't listen to reason that the tree was dying and dangerous and even had the audacity in one case to claim ownership of the tree, though had never maintained it, and they made other untruths about the historical nature of the tree.

I have all of this evidenced in Whatsapp messages.

The owner of the tree then put a stop to the work mid-way through the work due to the pressure from those residents despite having a report saying it was dangerous. (Again this is evidenced in whatsapp messages) I've had a recent tree survey carried out on other parts of [REDACTED] Lane and thought I may as well get a second one on this tree at the same time – with this report saying its much worse than the first one did, and despite the fact that its not my liability , I'm conscientious enough to act on it.

When it falls , it will fall on my cars and property as the wind will come from the River Dee. Also, we are a mixed race family – when white people have trees cut down in [REDACTED] Lane (approx. 30 + large trees have been cut down in the last 8 years including another poplar in the adjacent garden in Feb) , then nothing is said , when a dangerous tree is being felled that is seen to be advantageous to non-whites , the work to have it made safe is stopped.

I trust the above now gives you an exact picture on its recent history – my thoughts were that the council could enforce the owner of the tree to make this tree safe (and not do the work yourselves) , but that's your call.

I very much look forward to seeing it made safe and being cosmetically appealing in its final state.

Thanks and regards,

PS please don't think of me as anti -tree – please look at my companies record on initiatives that we fund in this space. I'm very pro the environment, but I trust you agree that a line has to be drawn when they are dangerous 😊

From: Wallbank, Nicola <nicolawallbank@wirral.gov.uk>

Sent: Thursday, July 18, 2024 5:01 PM

To:

Subject: RE: Imminent danger of fatality from 'creaking', decaying tree - tree surevy report attached - escalation

Dear [REDACTED],

As the tree is on unregistered land, we have instructed our contractors to reduce the tree to a monolith to make it safe. We are aware that you had initially instructed contractors to fell the tree, but the work was not completed, leaving it in its current state which is susceptible to wind throw. It is in the interest of public safety that we have decided to reduce the tree. The works will be completed within 2 weeks.

Kind regards

Nicola Wallbank Ph.D. B.Sc. (Hons) MArborA
Senior Trees and Woodland Manager
Wirral Council

Email: nicolawallbank@wirral.gov.uk
Visit our web site www.wirral.gov.uk

From:

Sent: Thursday, July 18, 2024 4:44 PM
To: Satoor, Paul <paulsatoor@wirral.gov.uk>; Stuart, Paul C. (Councillor) <paulstuart@wirral.gov.uk>
Cc: ; Wallbank, Nicola <nicolawallbank@wirral.gov.uk>
Subject: RE: Imminent danger of fatality from 'creaking', decaying tree - tree surevy report attached - escalation

Hi Paul, just to let you know – over a week once since our last emails to each other and I'm not sure anything has happened

Thanks and regards

From: Satoor, Paul <paulsatoor@wirral.gov.uk>
Sent: Thursday, July 11, 2024 11:22 AM
To: ; Stuart, Paul C. (Councillor) <paulstuart@wirral.gov.uk>
Cc: ; Wallbank, Nicola <nicolawallbank@wirral.gov.uk>
Subject: RE: Imminent danger of fatality from 'creaking', decaying tree - tree surevy report attached - escalation

Dear

Thank you for your email which I am acknowledging on behalf of myself and Councillor Stuart.

I can confirm that your enquiry has been forwarded to Nicola Wallbank who is the Council's Senior Trees and Woodland Manager for her attention. Nicola has overall responsibility for the service area with which you have raised your concerns. I have asked Nicola to ensure you receive a response as soon as ever possible.

Kind regards

Paul Satoor
Chief Executive, Wirral Council
Wallasey Town Hall
Brighton Street
Wallasey
Wirral CH44 8ED

paulsatoor@wirral.gov.uk

From:

Sent: Thursday, July 11, 2024 10:12 AM

To: Satoor, Paul <paulsatoor@wirral.gov.uk>; Stuart, Paul C. (Councillor) <paulstuart@wirral.gov.uk>

Cc:

Subject: Imminent danger of fatality from 'creaking', decaying tree - tree surevy report attached - escalation

Dear sirs, I draw you attention to the email below sent 7 days ago to the Wirral Council Tree Officer, detailing a tree which is decaying, with its falling over being inevitable. It is in a lane frequented by ramblers, joggers, families and horse riders (see below picture) as they make their way down to the Wirral Way. No response or action has been taken whatsoever and with a fatality high likely, I am escalating this for your attention.

I'm sure you recall an incident covered in this BBC article <https://www.bbc.co.uk/news/uk-england-merseyside-53473933> another tree based fatality near Arrowe Park where Wirral Council was heavily fined.

, who is a long-standing friend and colleague, asked that I cc him on this escalation to yourselves.

I look forward to action being taken.

Regards,

From:

Sent: Thursday, July 4, 2024 9:12 AM

To: planningenforcement@wirral.gov.uk

Subject: FAO Wirral Council Tree Officer - imminent danger of fatality from 'creaking', decaying tree

Dear sir or madam,

I've had a tree survey carried out, at my own expense, because its clear to me that a tree in the boundary of [REDACTED] Heswall (opposite to my house) poses a danger to members of the public and adjacent properties, of which mine is one. It is 90ft high. The surveyor is reputable and I believe that he is well-known to relevant departments in the council , and I'm sure you will also visit the tree and assess it for yourself.

The Lane in front of it - [REDACTED] Lane is used by horse riders (as pic below), ramblers, joggers, families etc. as a thoroughfare to the Wirral Way. There can be over a hundred members of the public on a single weekend day using the lane.

Last night, under very light winds, the tree could be heard audibly creaking. The home owner refuses to take any action.

I assume that there will be procedures in place to deal with this within the council. There is no doubt it will fall soon and if someone is underneath it, death is highly likely, and serious life changing injury is guaranteed.

Please contact me if you need any further information.

Sincerely