

Visual Inspection and Health Appraisal
Of
Trees
Adjacent to
Stratton Playing Field/Play Area

Commissioned By:
Stratton Parish Council

Completed By:
Alan Goldstone
AG Tree Services Ltd
10a Knighton Lane
Broadmayne
Dorset
DT2 8EZ

Date of Report:
4th February 2019

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1. Introduction

- 1.1** I am the senior consultant practitioner with AG Tree Services Ltd. I possess the Foundation Degree (FdSc) in Arboriculture awarded by the University of Central Lancashire and the Professional Tree Inspectors certificate, awarded by Kingston Maurward College, Dorchester. I am an associate member of the Institute of Chartered Foresters and remain current by attending seminars and workshops regularly as part of my continued professional development.
- 1.2** I have over 14 years experience in arboriculture and have worked for numerous clients throughout the south-west of England and south Wales, including private estates, numerous local authorities, the Forestry Commission, Environment Agency and Ministry of Defence.
- 1.3** This inspection and report was commissioned by Stratton Parish Council.

2. Scope and Limitations of the Report:

- 2.1** The scope of the inspection and report affirms the clients' instructions, which were; to evaluate the risks from falling trees and branches within an agreed area of the Playing Field in Stratton (Plate 1) and to propose management to bring identified risks to an acceptable level. This report has been prepared containing recommendations to allow consideration of liability implications by the site owners/managers.



Plate 1 – The playing fields viewed from the south-west corner

- 2.2** This report considers the trees conditions and its environment solely on the day of inspection, Thursday 17th January 2019. The inspection was undertaken from the ground, using binoculars where necessary and the weather was bright and sunny for the duration of the site visit.
- 2.3** No soil analysis or root excavations were undertaken.
- 2.4** Any information or legal descriptions given to AG Tree Services Ltd are understood to be accurate.
- 2.5** No legal responsibility is assumed by AG Tree Services Ltd for matters arising from this report and AG Tree Services Ltd will not give testimony or attend court unless subsequent contractual agreements are made.
- 2.6** Any alterations to this report will invalidate it in its entirety.

- 2.7** Unusually high or unpredictable winds or storms may cause failure to trees or tree parts. Extremes of weather are unforeseeable and as a consequence, AG Tree Services Ltd cannot be held liable for any such failures.
- 2.8** This report is solely for the use of the addressee and all rights are reserved. No part of this report may be used, reproduced or transmitted without written permission of AG Tree Services Ltd.
- 2.9** The responsibility lies with the land owners, agents and managers for any work recommended in this report and subsequently undertaken. It is recommended that any contractors used should be able to prove a level of competence and should possess full public and employer's liability insurances. All employees should possess the relevant NPTC/City and Guilds qualifications for the type of work they are carrying out and all necessary site, task and machinery risk assessments should be completed by the contractors. All tree work carried out should comply with 'BS3998:2010 Recommendations for Tree Work'.
- 2.10** This report is valid until 4th August 2019.

3. Liability for Trees

Owners, in addition to any person(s) responsible for the management of trees owe a duty of care to those who visit their land. The liability comes under civil and criminal laws:

3.1 Civil Liability

Owners and tree managers have a duty to take reasonable care for the safety of those (being any person who can be reasonably foreseen) who may come within the vicinity of a tree. The standard of care that is used for benchmarking purposes is that of the “reasonable and prudent landowner”. Breach of this duty of care may lead to action arising against the tree owner/manager under the tort of negligence. The tort of nuisance also dictates that land owners/managers have a similar duty of care to neighbouring land.

The Occupiers’ Liability Act provides that person(s) with control over land (occupier) is obliged to take reasonable care such that any visitor (under the 1957 Act) or a trespasser (under the 1984 Act) will be reasonably safe, where the occupier knows of the potential presence of such people on their land and of the risk posed to them by features of the land such as trees. A higher standard of care is owed to a visitor than that to a trespasser. An even greater duty of care is owed to a child as occupiers must expect children to behave with less care than adults.

Warning notices, warning of specific dangers posed by a tree (or trees) may be sufficient to absolve an occupier from liability in that they may, by such notice, have taken all reasonable care for the visitor’s safety in the circumstances. However, in general, warning notices should not be relied upon alone to protect against a danger as they may not exclude or restrict liability under the Occupiers’ Liabilities Acts resulting from negligence.

3.2 Criminal Liability

The Health and Safety at Work Act 1974 places a duty on employers to ensure, so far as is reasonably practicable, that employees (section 2(1) and members of the public (section 3(2)) and other persons such as self-employed people – section 3(3)) are not put at risk.

The Management of Health and Safety at Work Regulations 1999: Regulation 3 requires employers and self-employed persons to make suitable and sufficient risk assessments regarding health and safety.

Breaches of either the Act or Regulations can result in a criminal prosecution against the employer.

4. Site Details and History

The west Dorset village of Stratton is located approximately 3 miles north-west of the county town of Dorchester, in the Frome valley.

Public records show the site as having loamy and clayey floodplain soils with naturally high groundwater although due to the topography, I would expect this sloping bank area to have freely draining slightly acid loamy soils in accordance with public records for the soils immediately north of the site.

The playing fields area measures approximately 1.3 hectares (Ha), however the strip of trees and vegetation that were inspected was only around 0.1 Ha. This strip started in the west side, adjacent to gated entrance from Penn Hill and stretched to around 40 metres beyond the corner of the property of 7 Church View. The inspection site was divided into 3 distinct areas as depicted in Figure 1. One of the areas (3) was sub-divided and a 4th area was added as although this was not part of the area requested to be inspected, it was observed during the site visit and comments have been made accordingly.

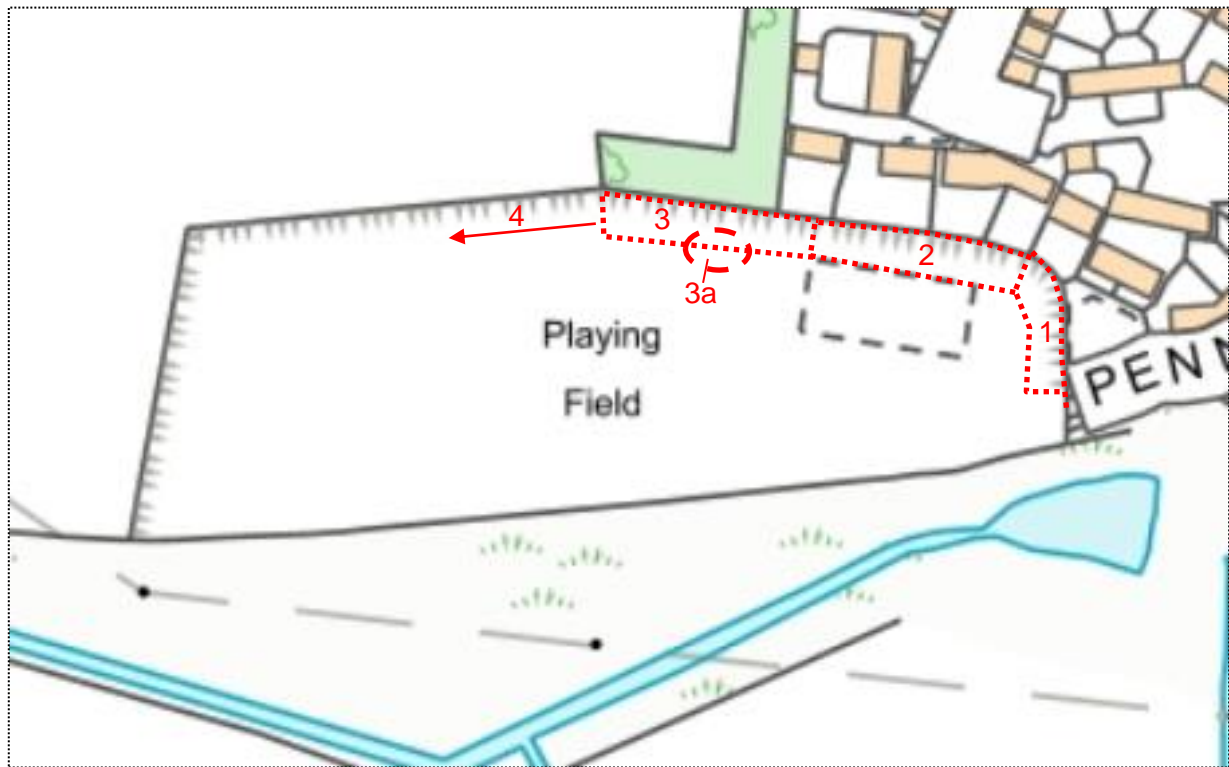


Figure 1 – Map of playing fields site divided up into survey areas

An email from West Dorset District Council dated 1st February 2019 confirmed that the property was not within a Conservation Area and that there were no Tree Preservation Orders (TPOs) present on this site.

Prior to carrying out an inspection of the site, I was made aware that residents in at least one of the houses up-slope (north) from the trees to be inspected had complained that the trees were now blocking their view and had concerns about damage to the boundary wall.

5. Investigations and Observations

5.1 General

The Playing Field has an area of hardstanding on the north-east corner as well as play equipment to the west of this, all of which is immediately adjacent to the inspected Areas 1-3.

All areas are on located on steep slopes.

5.2 Area 1

This area consists predominantly of semi-mature ash (*Fraxinus excelsior*) and sycamore (*Acer pseudoplatinus*) with an area of hawthorn (*Crataegus monogyna*) overhanging the parking area at the end of Penn Hill View.

The canopies of the mixed shrubs and Oak (*Quercus* sp.) tree (Plate 2) at either end of the car parking area are drooping low over the end spaces.



Plate 2 – Overhanging canopies of the parking spaces

The street light is currently being obstructed by branches (Plate 3).



Plate 3 – Streetlight obstructed by branches

Under the canopy of the semi-mature trees are planted mixed shrubs, some are still in tree shelters.

A cluster of closely spaced, spindly semi-mature alder (*Alnus glutinosa*) is located on the upper slopes in the corner, adjacent to the properties. These trees have very sparse crowns. There is also dense bramble (*Rubus fruticosus*) around these alder trees.

5.3 Area 2

The trees in this area are predominantly semi-mature ash and alder, although they are smaller and far more sparsely scattered than in other the other inspected Areas.

There is considerable overhang of vegetation, largely bramble, encroaching onto the ramp and hardstanding play area (Plates 4 & 5).



Plates 4 & 5 – Vegetation encroaching onto ramp and hardstanding play area

5.4 Areas 3 & 3A

These Areas have predominantly semi-mature and mature alder with small numbers of sycamore and young cherry stems.

Some worn paths were noted on the slopes but they all lead to dense vegetation which is largely impassable for humans so these are likely to be used solely by animals.

There is a large number of seedling and sucker regeneration in this area.

Area 3a, depicted on the map diagram in Section 4 of this report and circled in red, has heavily leaning alder stems growing over the grass play area due to phototropism (Plate 6) and many have mammal damage on the stems which is probably caused by grey squirrel (Plate 7).

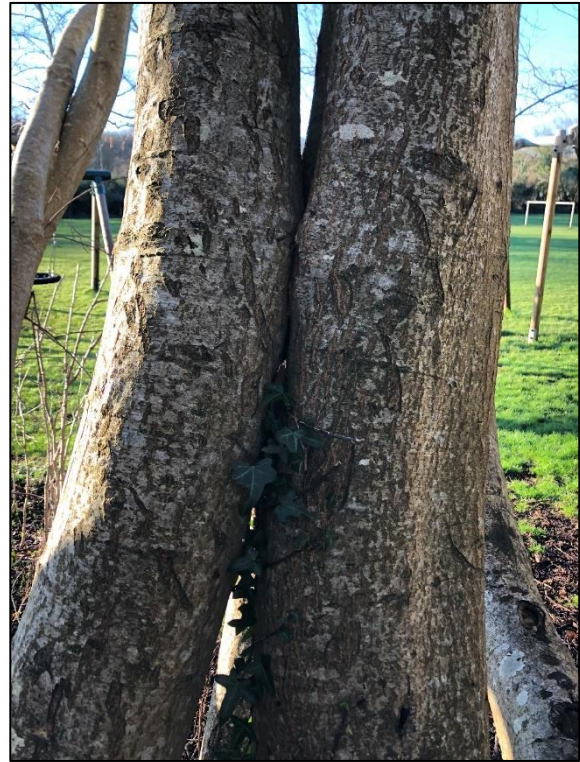


Plate 6 – Heavily leaning alder stems in area 3a



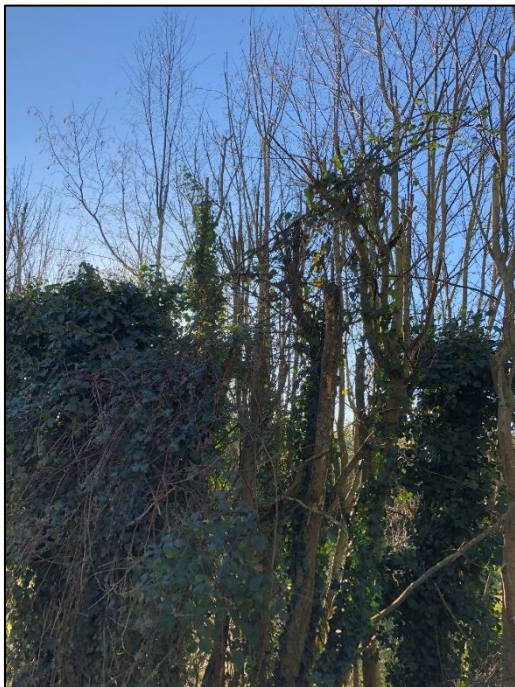
Plate 7 – Example of mammal (squirrel) damage

There were at least three stems touching or crossing in Area 3a (Plates 8 & 9).



Plates 8 & 9 – Examples of the touching and crossing branches in Area 3a

A number of trees directly behind 7 Church View have been ‘topped’ in recent years. These trees are dead (Plates 10 & 11).



Plates 10 and 11 – The ‘topped’ dead trees behind 7 Church View

There was very little vegetation noted in close proximity to the high boundary wall (Plate 12).



Plate 12 – The vegetation close to the wall

5.5 Area 4

There is a thick patch of bramble noticeably overhanging the grass playing field area (Plate 13).



Plate 13 – Overhang in Area 4

6. Conclusions and Recommendations

6.1 General

The tree stock on the property was considered to be in relatively good health considering the number of trees present and the amount of remedial work recommended is relatively limited. Some of the work in this section is required to abate a hazard or because it a legal requirement whereas some recommendations are preventative or good practice. This is made clear by use of the words 'required' or 'preventative' in brackets after a recommendation has been made.

The trees and shrubs inspected are extremely valuable, for many reasons including those listed below;

- Amenity value to the landscape
- Provides habitat and food to various wildlife
- Provide oxygen and clean the air of pollutants
- Increase our wellbeing
- Help prevent soil erosion

6.2 Area 1

Dorset Highways stipulate that a 2.2m minimum clearance from trees, hedge and shrubs must be present over a pedestrian area and 5.2m over a highway. The car parking area in Penn Hill View would technically be called as highway but a 5.2m would be excessive given that no lorries need to pass below it. It is there for recommended (required) that the oak trees and mixed shrubs are pruned to a height of 2.7m over the car parking area. This gives the 2.2m required for pedestrian areas and a 0.5m buffer to allow for regrowth. It will also ensure that sufficient height is achieved to allow taller vehicles (vans) to park in this area without being struck by the overhang.

Dorset Highways further stipulate that street lamps must be clear of vegetation, ensuring that a tapered clearance is also obtained to ensure that the lamp can illuminate an area below it.

It is therefore recommended (required) that the Street Lamp is cleared similar to the guidance shape given in Plate 14, which was taken from Dorset County Councils guidance leaflet.

These stipulations are enforceable by the Highways Department.

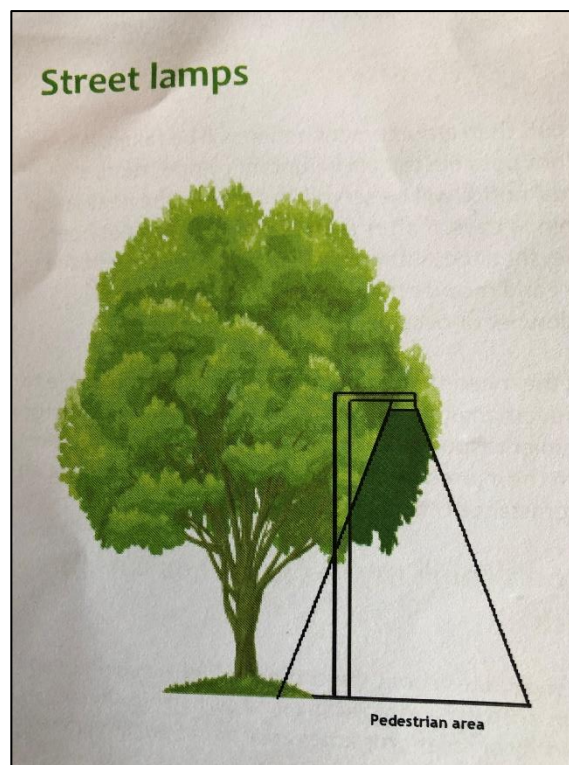


Plate 14 – County Council guidance on clearing around a street lamp

Consideration should be given (preventative) to thinning the number of alder stems in the upper slopes corner of this area or even to remove them and replace with more suitable sized species and in less density. The current cluster has been competing for light and this has resulted in tall spindly trees with very small crowns. Any tree that grows quicker than it usually would in competition for light, is likely to have done so by compromising its structural

integrity to a certain degree. These trees are therefore likely to present issues in the near future.

6.3 Area 2

The vegetation overhanging the play area poses a risk of injury to the children likely to be using it in the form of scratches, splinters and potential eye injuries. It is recommended (required) that this vegetation is trimmed back from the hardstanding edge. A 2m clearance buffer is suggested to ensure the regrowth can also be kept off the play area.

It is worth noting that bramble provides an excellent food source for small mammals and birds and as such, should not be eradicated from the site. It is however a vigorous growing species which can be deemed invasive so it is important (preventative) that the amount of bramble in this area is monitored and maintained accordingly in future grounds maintenance programmes.

6.4 Areas 3 & 3a

It is not clear whether the pruning of the trees behind 7 Church View had been carried out with the permission of the Parish Council but as it has almost certainly contributed to the fatality of the trees in this area. It should be made clear to local residents that this practice is not acceptable (and unlawful if carried out without the landowner's permission) and should cease immediately. Due to the dead trees' location at the top of the slope and their size, they are not deemed to present a significant risk and can be retained as standing deadwood habitat.

It is naive to think that there will not continue to be pressures from the residents of adjacent houses properties to prune or remove trees from this area to regain a view they were likely to have had when the houses were built. There appears to be no reason from a health and safety aspect for any work to be carried out on the trees in question, therefore there is no requirement for the Parish Council to fund any remedial work on them. It would seem fair and may be acceptable, however, for the residents affected to fund any such work to remove

a small number of trees causing this issue and replacing them with a mixture of predominantly native smaller growing trees (preventative). If this were to happen, it would increase structural and species diversity which is likely to increase the natural resilience of this area of trees and shrubs.

The area of vegetation growing in close proximity to the wall is minimal but to ensure that good airflow is maintained (thus preventing any damp issues attributable to the vegetation) it is recommended (preventative) that a 2m clearance buffer of vegetation is removed along the length of the wall and maintained as part of any future grounds maintenance programme.

It is recommended that the worst of the overhanging vegetation in Area 3a is removed (preventative) and that the saplings are thinned out favouring the cherry trees. This will encourage the remaining trees to grow straighter.

The worst of the squirrel damaged stems should also be removed (preventative) as the removal of the bark is likely to have allowed the ingress of decay to occur which is expected to cause issues in the near future.

The crossing and touching stems are also likely to cause issues in the near future as there is insufficient room to allow incremental growth. This should be addressed (preventative) by removal of one or both affected stems (depending on the quality of the stems involved).

6.5 Area 4

It is recommended that consideration is given to removing the worst of the overhanging trees/large shrubs along the playing field edge in this Area (preventative). This will stop any heavily leaning stems growing out over the playing fields as a result of phototropism.

It is also recommended (preventative) that the large clump of bramble is managed as part of future grounds maintenance to stop it spilling into the playing fields and to prevent it becoming invasive and stopping other vegetation from establishing.

6.6 Legal Obligations

The legal requirement is for owners/managers to take “reasonable care to avoid acts or omissions which cause a reasonably foreseeable risk of injury to persons or property”. **To achieve this, this inspection must not be a stand-alone action but should instead be absorbed into a defendable tree risk management policy covering all trees owned or managed by the client.**

Industry guidance states that all treed areas on a property or within ownership should firstly be zoned in accordance with their risk, taking into account proximity to areas of high public use (whether permissive or not) and property. Any area where groups of children regularly congregate would be allocated the highest zoning and the re-inspection frequency must reflect the zoning.

I strongly recommend that due to the number of large and old trees that the Parish Council is likely to own, they should consider their duty of care. Implementation of this tree management policy will help the owners to fulfil their duty of care.

It is worth bearing in mind that whilst recommendations would be made in a tree management policy for the inspection frequency of trees in an allocated zone, these are the maximum periods in between surveys/inspections. Inspection frequencies may be shortened to allow a more comprehensive tree inspection in which tree stocks are looked at periodically during varying seasons, including when fruiting bodies are more common, when trees are in full leaf and also when they are dormant.

The results achieved by the formation and implementation of a such a tree risk management policy will be a reasonable, balanced approach to tree management, achieving the defendable legal position at the lowest cost and avoiding the unnecessary removal of trees. If carried out correctly, all actions and reactions will be proportionate to the risk and will ensure that land owners and managers fulfil their legal duty of care.

The policy will have pro-active and reactive elements to it, which makes it imperative that the management of risk from trees within the boundaries of land owned by the Parish Council does not rely on periodic arboricultural inspections alone. Instead, the owners and any staff that they may employ to work on or look after any land areas and/or tree stock should be made aware that they have a duty to report any tree defects they may observe whilst carrying out their normal daily business, whilst parishioners and any visitors should be encouraged to report any hazardous tree or tree part that they observe, to the parish council for further investigation.