

Visual Inspection and Health Appraisal

Of

Trees

At

The Allotments, Chalky Road, Broadmayne

Commissioned By:

Janet Davis, Broadmayne Parish Council Clerk

Completed By:

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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 a professional member of the Arboricultural Association and remain current by attending seminars and workshops regularly as part of my continued professional development.
- 1.2** I have over 17 years experience in arboriculture and have worked for numerous clients throughout the south-west of England and south Wales, including large private estates, numerous local authorities, the Forestry Commission, Environment Agency and Ministry of Defence.
- 1.3** This inspection and report was commissioned by Janet Davis, Clerk to Broadmayne Parish Council.

2. Scope and Limitations of the Report:

- 2.1** The scope of the inspection and report affirms the clients' instructions, which were;
- (i) to evaluate any risks from apparent defects from any trees on the site
 - (ii) to propose management to bring any identified risks to an acceptable level and for management in accordance with deemed best practice. This report has been prepared containing recommendations to allow consideration of liability implications by the site owners/managers.
- 2.2** This report considers the tree's condition and its environment solely on the day of inspection, Monday 11th July 2022. The inspection was undertaken from the ground, using binoculars where necessary and the weather was dry and bright 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 only 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 5th February 2022.

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 Parish Council owned allotments are located to the south-east of Chalky Road in the village of Broadmayne.

The trees lie around boundary of the allotments with an grass access track running along the northwest boundary, parallel to the road.

Desk top studies show that the soils on this site are typically shallow lime rich soils over chalk or limestone.

At the time of writing this report, it was confirmed by Dorset Council that there are no Tree Preservation Orders on any tree within the site and it does not lie within a Conservation Area.

5. Observations, Conclusions and Recommendations

The tree numbering used corresponds with the table at Annex A and the tree location diagram at Annex B. The prefix 'T' is used for individual trees and 'G' used for tree groups.

It is recommended that the ivy on the trees on site should be addressed by severing a ring of the ivy on the stem to kill the growth above. This is not deemed a priority but is recommended as a method of abating potential hazards. Whilst ivy affords nesting and good late food sources for birds, and a source of late summer and early autumn nectar and pollen for pollinating insects, it also increases the sail area of tree crowns and subsequently the loading stresses on the tree increases. This can increase the risk of failure of defective parts of the tree and subsequently, ivy covered trees in areas with high target area values is not recommended. Ivy also hides defects from surveys and inspections which is undesirable.

The overhang from the trees at the north eastern end and the hedges at the south western end of the allotments can be problematic in terms of access, encroachment onto the plots and light levels for growing produce. The recommendations that have been made to prune it back is abate these factors and not for any health or safety reason. If the pruning work is undertaken, there is a legal requirement to offer the cut material to the owners of the the land on which the trees/hedge originates. It cannot be thrown back over the boundary onto their land as this is fly tipping, the person carrying out the pruning cannot access the land the trees/hedge originates on without permission of the landowner otherwise this is trespassing.

Ash tree (T1) was noted as having a compression fork at the main union. . Compression forks are weakened structures and are usually a result of trees or stems competing for light and the stems crush against each other creating the mechanical equivalent of a crack. Trees do often put an 'envelope' of annual wood around this area to strengthen it which helps to reduce the risk of failure. At the current time there was too much ivy covering the union so a more detailed assessment could not be made. The recommendation has been made to ring band the ivy which should allow the compression fork to be monitored during future surveys.

With regards to ongoing tree surveys, 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 defensible tree risk management policy which would include periodic inspections.

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 tree next to well used roads and areas where public often congregate in substantial numbers would be allocated the highest zoning and the re-inspection frequency must reflect this. There is no guidance on the exact frequency required for tree inspections but there is no doubt that the frequency should be directly related to the risk. I recommend that, due to the limited number of trees on site and their current age and condition, the Broadmayne allotments should be surveyed by a suitable competent and experienced person a minimum of every 3 years. Implementation of a tree management policy will help the owners and managers to fulfil their duty of care.

It is worth bearing in mind that whilst recommendations have been made above for a re-inspection frequency, these are the maximum periods in between surveys. Survey re-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 defensible 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 on the property does not rely on periodic arboricultural

inspections alone. Instead, the owners and any staff that they may employ to look after property 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 any other visitors should be encouraged to report any hazardous tree parts that they observe to the management for further investigation.

Annex A – Tree Survey Schedule

Tree Number	Species	Age	Observation	Recommendation	Timescale
G1	Sycamore / Ash	Semi Mature and Mature	Overhang from neighbouring land is very low over area used for vehicular access Ivy on stems	Consider pruning back the overhang to allow easier vehicular access and to increase light to the plots at that end (not required for any safety reason. Recommendation made to improve access and light only)	12 months
G2	Mixed	n/a	Mixed species hedging Cut back around 3 years ago to stop encroachment into the plots and maximise lights	Consider pruning back the overhang to allow prevent encroachment and to increase light to the plots at that end (not required for any safety reason. Recommendation made to	12 months

			Some overhang has regrown, especially in the north-east corner	prevent encroachment and improve light only)	
T1	Ash	Mature	Twin Stemmed Compression fork at main union No signs of ash dieback disease symptoms Stem covered in ivy	Monitor Ring band ivy	3 years 6 months
T2	Norway Spruce	Mature	Ivy covering stem	Ring band ivy	6 months
T3	Norway Spruce	Mature	Ivy covering stem	Ring band ivy	6 months
T4	Hazel	Semi Mature	Two stools of hazel	-	-
T5	Sycamore	Young	-	-	-

Annex B – Tree Location Diagram

