

Tilhill Forestry

Tree Safety Inspection



Property: Cemetery and The Green

Location: Dalston

Prepared by: Dylan Cammack

On behalf of: Dalston Parish Council

Date: 22/01/2025

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1. SUMMARY

This survey has been carried out at the request of Dalston Parish Council to provide an assessment of tree condition. The aim of the survey was to identify any hazardous trees with a significant potential to fail, to specify works for the correction of any potentially hazardous defects or that may prolong the life of a tree and to provide an indication of the urgency with which these works should be carried out.

The survey covers the areas under the responsibility of Dalston Parish Council and encompasses all trees located within falling distance of public access areas within Dalston parish Church and The Green as agreed by email.

All areas have been identified as high risk and as such a target rating of 'Frequent use' has been applied to the trees.

The survey was conducted on Wednesday 22nd January 2025 in dry, cloudy conditions by Dylan Cammack and Alex Baines. Investigations were carried out by visual inspection from the ground, using binoculars for closer inspection of any canopy features. Lower stem condition was further assessed by use of a mallet and probe. No digging or drilling was carried out. Prioritised recommendations for tree work are provided to address current tree condition and growth circumstances in the light of assessed risk of structural failure and target value. No documented information has been provided regarding the history of rooting disturbance or severance or changes in local ground conditions (soil levels, drainage patterns etc.) or the location of underground services.

The assessment is of a preliminary nature and as such no internal trunk decay detection devices or other invasive tools to assess tree condition have been employed. Nor have there been any soil excavations, soil or rooting sampling undertaken. This assessment is time limited and recommendations relate to conditions at the time of inspection. Tree growth is continual, and the effects of any debilitating factors may be progressive. Due to these dynamics, periodic tree assessments are necessary.

2. MANAGEMENT SUMMARY

Overall, the trees within the Green and the cemetery are in good condition. There are some Ash trees present within the survey showing signs of Ash Dieback however they have not lost enough of the crown to recommend removal.

Photos of trees requiring work shown below.



Figure 1 shows a *Thuja plicata* with a crack in the stem. Due to the size of the crack, this tree will need to be removed. Tag number 84.



Figure 2 shows tag number 415. There is a large crack in the branch to the right of the tag. This will need removing.



Figure 3 shows decay in the base of the stem of tag number 414. This Poplar is one of three next to each other which requires felling. There are signs of canker throughout and much of the lower branches have died.



Figure 4 shows the three Poplar together which require removing. Tag number 414.

3. SURVEY LIMITATIONS

Caveats & Disclaimers

- a) This report is prepared solely and exclusively for the person to whom it is addressed and its contents must not be divulged to third parties without the written consent of Tilhill Forestry. Any third party referring to this report or relying on the information contained therein does so entirely at their own risk.
- b) The report relates only to those trees growing within the areas of survey, either as shown on the enclosed plan or as listed in the tree schedule. Trees outwith the survey area were not inspected.
- c) The findings and recommendations contained in this report are valid for a period of 6 months from the date of survey. Trees are living organisms subject to change - it is strongly recommended that they are regularly inspected for reasons of safety.
- d) The recommendations relate to the site as it exists at present, and to the current level and pattern of usage. The degree of risk and hazard may alter and the site may require re-inspection and appraisal.
- e) No guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic events can cause damage to (or make unsafe) apparently healthy trees.
- f) Trees were inspected from the ground.
- g) The investigation may have been carried out on days with limited visibility and the report refers only to the conditions prevailing on the days that the trees were surveyed.
- h) Numerous potential defects that may affect a tree's health and safe useful life may not be detectable dependent upon the timing of the survey. Surveys prior to leaf flush cannot judge either the extent or size of the foliage and the effect of either abiotic or biotic factors on such foliage. Additionally the decay mechanism that occurs in trees is often governed by wood decay fungi, these may only produce external fruiting bodies annually often from late summer through autumn and they themselves then decay during winter. Therefore during winter and spring surveys, external symptoms may not be visible of decay that is occurring within a tree.
- i) Trees were inspected externally: no instruments (such as ultrasound or resistographs) were used to examine the tree internally.
- j) No underground or root system inspections were carried out and Tilhill Forestry was not aware of any underground conditions of compaction or changes in ground levels or aeration or drainage which may affect the trees, nor of any services, installations or any other excavations which may previously have taken place and which may have caused damage to root systems.
- k) No investigation has been carried out to determine whether the land under report is or has been in the past contaminated or polluted by any substances or organisms however occurring. Our report and any recommendations is therefore on the basis that all the land and its environs are free from any such contamination or pollution and that no such polluting materials will be introduced onto the site or used during any construction works on the site.
- l) The survey is based on information and maps supplied by the client relating to site boundaries, hazards, utilities etc. No responsibility can be accepted relating to the accuracy of information received. No additional investigation was undertaken with regard to statutory designations, i.e. TPO, conservation areas, SSSIs, other than information and documents supplied by the client. Approval for felling or other work may require authorisation; such authorisation is not the responsibility of Tilhill Forestry and must be obtained by the client before felling or cutting commences.

Assumptions and Legal Limitations

- a) Any legal description provided to the inspector/surveyor is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
- b) It is assumed that any property is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations or statutes.
- c) Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.
- d) The inspector/surveyor shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
- e) Loss or alteration of any part of this report invalidates the entire report.
- f) Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the inspector/surveyor.
- g) Neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the inspector/surveyor — particularly as to value conclusions, identity of the inspector/surveyor, or any reference to any professional society or institute or to any initialled designation conferred upon the inspector/surveyor as stated in his qualification.

4. HAZARD EVALUATION

Hazard Evaluation & Assessment

Identification and correction of structural defects may prevent damage to property or injury to people i.e. targets, the elimination of tree defects may also prolong the life of the tree.

Hazard assessment includes three components; the potential for the tree to fail; the environment that may contribute to failure, and the potential target. Each factor has an impact on the hazard rating of the tree.

Guidance Regarding Scoring

Failure Potential

- 1 = **Low** potential of failure – Defects are minor
- 2 = **Medium** potential of failure – Defects are present and obvious
- 3 = **High** potential of failure - Numerous and/or significant defects present
- 4 = **Severe** potential of failure – Severe defects e.g. heartrot decay brackets

Size of Part

- 1 = Most likely failure **less than 6 inches** in diameter at its largest point
- 2 = Most likely failure **6-18 inches** in diameter at its largest point
- 3 = Most likely failure **18-30 inches** in diameter at its largest point
- 4 = Most likely failure **greater than 30 inches** in diameter at its largest point

Target Rating

- 1 = **Occasional** use – e.g. jogging/cycle trails
- 2 = **Intermittent** use –B Roads
- 3 = **Frequent** use – A Roads
- 4 = **Constant** use – Motorways

Hazard Rating

This is simply the addition of the above scoring e.g. a maximum hazard rating of 12, and falls into the below categories:

- 3-5 = **Low Hazard Rating** – unlikely any remedial works will be required
- 6-8 = **Medium Hazard Rating** – Minor remedial works may be required
- 9-12 = **High Hazard Rating** – Major remedial works, felling or removal of target may be required

5. SCOPE OF INSPECTION

- Site Name Name of Estate and/or Site
- Date Date the individual tree was inspected
- Surveyor Name of the surveyor who carried out the survey on the individual tree
- Tree Reference The reference number given to the tree which relates to the tree tag positioned on the tree, and corresponds with the enclosed schedule detail.
- Species The botanical and common name of the individual tree.
- Age Class Age category of tree based on experience:
 - Young** – within first third of expected lifespan
 - Middle Mature** – within second third of expected lifespan
 - Mature** – within final third of expected lifespan
 - Over Mature** – with decline
- Height Estimated height range from ground level to the top of the canopy
- Crown Spread Estimated spread of the crown at its widest point
- Summary Condition Current general health and form of the tree:
 - Poor**

Poor health and vigour with significant defects requiring major works, felling or close monitoring to ensure safety.

Moderate

Reasonable health, vigour and form. Some minor defects may be present including deadwood, damaged limbs and small areas of decay, but defects can be remediated.

Good

Good health, vigour and form and free from significant defects

Dead

The tree is dead

- Structural Condition Biological and potential structural failure items within the tree
- Significance The significance of the defect. If significant then remedial action is required
- Hazard Rating (see previous additional notes)
- Recommendations Prescriptions based upon the tree condition and hazard rating
- Remedial Work Time Estimated time that the remedial works will take based on man hours
- Urgency Prioritisation of works and recommended timescale to undertake remedial actions
- Inspection Frequency How often the tree/s should be inspected.

6. TREE SCHEDULE

TREE TAG No.	W3W Ref.	SPECIES	AGE CLASS	DBH (mm)	HEIGHT (m)	CROWN SPREAD (m)	SUMMARY CONDITION	PART MOST LIKELY TO FAIL	OBS 1	OBS 2	FAILURE POTENTIAL	SIZE	TARGET RATING	HAZARD RATING	TARGET	REC 1	URGENCY
84	Means.bolt.filled	Thuja plicata (Western Red Cedar)	Mature	800	20-25	6	Moderate	Stem	Decay in stem	Crack in stem	2 - Possible	4 - >450mm	2 - Occasional - static	10	Path	Fell	6 months
414	Moss.lots.trails	Populus spp (Poplar)	Mid Mature	400	20-25	12	Poor	Buttress	Basal decay	Canker	3 - Likely	3 - 200-450mm	3 - Frequent	9	Path	Fell	6 months
415	Parade.tells.agree	Tilia cordata (Small Leaved Lime)	Mid Mature	300	10-15	10	Good	Scaffold limb	Crack in limb		3 - Likely	3 - 200-450mm	1 - Occasional - moving	10	Path	Remove damaged limb	6 months

APPENDIX 2:-LEGISLATION

Health and Safety at Work etc. Act (1974)

Chapter 37: Section 2

'It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health safety and welfare at work of all his employees.'

'...the matters to which that duty extends include in particular...

...so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks.'

Management of Health and Safety at Work Regulations (1999)

Regulation 3: Risk Assessment

'Every employer shall make a suitable and sufficient assessment of:

- a) *The risks to the health and safety of his employees to which they are exposed whilst they are at work; and*
- b) *The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.'*

Occupiers' Liability Act (1957)

Chapter 31: Section 2: Extent of occupier's ordinary duty

An occupier of premises owes the same duty, the common duty of care, to all his visitors....

The common duty of care is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there.'

Occupiers' Liability Act (1984)

Chapter 3: Section 1

'An occupier of premises owes a duty to another (not being his visitor) in respect of any such risk... if

- a) He is aware of the danger or has reasonable grounds to believe that it exists;
- b) He knows or has reasonable grounds to believe that the other is in the vicinity of the danger concerned or that he may come into the vicinity of the danger (in either case, whether the other has lawful authority for being in that vicinity or not); and
- c) The risk is one against which, in all the circumstances of the case, he may reasonably be expected to offer the other some protection.'

Highways Act (1980)

Part V: Improvement of Highways

Section 96(6)

'No tree, shrub... allowed to remain in such a situation as to hinder the reasonable use of the highway by any person entitled to use it, or so as to be a nuisance or injurious to the owner or occupier of premises adjacent to the highway.'

Part IX: Lawful and Unlawful Interference with Highways and Streets

Section 154(1)

'Where a hedge, tree or shrub overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians, or obstructs or interferes with the view of drivers or vehicles or the light from a public lamp, a competent authority may, by notice either to the owner of the hedge, tree or shrub or to the occupier of the land on which it is growing, require him within 14 days from the date of service of the notice so to lop or cut it as to remove the cause of the danger, obstruction or interference.'

For the purposes of this section the following are competent authorities...

...in relation to a road or footpath that is not a highway, the local authority in whose area the road or footpath is situated.'

Section 154(2)

'Where it appears to a competent authority for any highway, or for any other road or footpath to which the public has access

- a) That any hedge, tree or shrub is dead, diseased, damaged or insecurely rooted, and
- b) That by reason of its condition it, or part of it, is likely to cause danger by falling on the highway, road or footpath, the authority may, by notice either to the owner of the hedge, tree or shrub or to the occupier of the land on which it is situated, require him within 14 days from the date of service of the notice so to cut or fell it as to remove the likelihood of danger.'

Permissive Paths

A permissive path is not a public right of way but a footpath or bridleway used by the public with permission of the landowner. It should have a notice displayed making it clear that the owner does not wish to dedicate the path as a public right of way and be closed at least once each year.

These can also be unofficial diversions from public rights of way.

A permissive path not being a public right of way is not in general subject to the law relating to signposting, maintenance and obstruction, The HO 1980 states "that any road or footpath to which the public has access" however the landowner may have a *common duty of care*, liability can be reduced by using a suitably worded notice "persons using this path do so entirely at their own risk".

'*presumed dedicated*' after 20 years the owner can register with the highways authority. Also the user of the route may by now have ancient rights to its use.

A permissive path can be closed at any time and does not have the status of a public right of way.

Maintenance may be the responsibility of the highways authority?

Aspects of Law Influencing Tree Inspections

COMMON LAW

This is based on actual case law i.e. decisions made by judges over a number of years. Judges trying a similar case will usually abide by the decision or outcomes of the earlier case. New common law is constantly being made.

Cases of Importance:

"CAMINER & ANOTHER V NORTHERN & LONDON INVESTMENT TRUST LTD. 1949"

"If a tree or part of a tree falls onto adjoining land or onto the highway and consequently causes damage or injury to property or to an individual, the owner of the tree will be liable only if it can be established that he has been negligent."

"KENT V MARQUIS OF BRISTOL 1940"

"If it can be shown that the owner of a tree knew or ought to have known that the tree was dangerous and that he took no steps to deal with it, he will be guilty of negligence and therefore liable for any damage or injury which may result."

Note: negligence may be described as omitting to do what a prudent or reasonable person would do, or doing what a prudent or reasonable person would not do,

WILLIAMS V DEVON COUNTY COUNCIL 1966

This refers to the removal of a tree which had fallen onto the highway.

"If it can be shown that an owner took reasonable care to see that the tree did not cause an obstruction, the cost of removing it cannot be recovered from him. In this case, it was shown that the tree was sound and had been regularly inspected, and that this constituted reasonable care."

BROWN V HARRISON 1947

"As the plaintive was passing along a road, a horse chestnut, which was standing some 18ft from the highway, fell on him. It was an old tree, the top branches of which were dead, and although there was a high wind blowing at the time it could not be considered exceptional. The defendants were held to be liable as the condition of the tree was such that it was evident that it was dangerous."

CUNLIFFE V BANKS 1945

"An elm about 50 years old, which was subsequently found to be suffering from honey fungus, fell across a public road. The plaintiff's husband, riding a motor cycle, collided with the tree and later died of his injuries. It was shown that the defendant had taken all reasonable steps to discover what the condition of the tree was and that it could not have been known that it was likely to fall."

A person is not liable for nuisance constituted by the condition of his property unless he causes it, or by neglect of some duty allows it to occur, or, if it should arise without his own act or default, he fails to remedy it within a reasonable time after he had become, or ought to have become aware of it.

"KENT V MARQUIS OF BRISTOL"

An elm blew down during a strong wind and fell on a passing milk van, killing the driver, on inspection a hole was found in the tree 4in x 8in and 12in to 15in deep it was held that the tree had been inspected the hole would have been seen and it would have indicated the probable existence of decay. Apparently the tree was not inspected and no action had been taken to deal with the matter. The plaintiff was awarded substantial damages.

STATUTE LAW

SECTION 154

Where it appears to any competent authority for any highway or for any other road or footpath to which the public has access that any tree, shrub or hedge is dead, diseased, damaged or insecurely rooted and that by reason of its condition it, or part of it, is likely to cause danger by falling on the Highway, road, or footpath, the authority may by notice require the owner to cut or fell the tree within 14 days

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Where a council considers that a tree on private land is in imminent danger of causing damage it may take steps to make the tree safe at the expense of the owner or occupier.

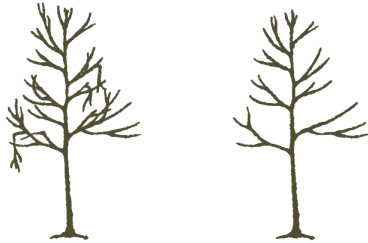
OCCUPIERS LIABILITY ACT 1967

A landowner has a duty to visitors to take such care as is reasonable to see that the visitor is reasonably safe in using the premises for the purpose for which they were invited or permitted to be there.

APPENDIX 3: PRUNING PRACTICE

a) Formative Pruning

Involves the removal of weak and damaged stems to ensure strong branch structure and defined stem (is appropriate).

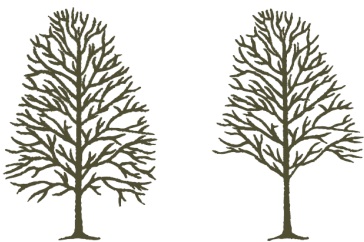


Before

After

b) Crown Lifting

Involves the removal of lower branches to a given height above ground level.

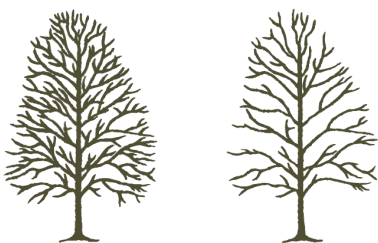


Before

After

c) Crown Thinning

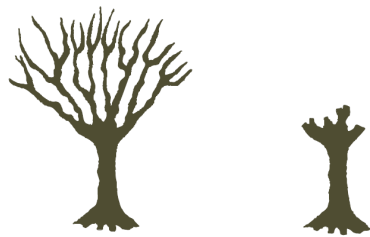
Involves the removal of a proportion of secondary and small live tissue to allow a balanced branch structure



Before

After

d) Pollarding



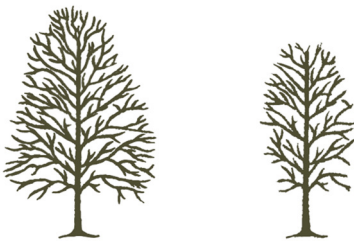
Before

After

Traditional form of tree management removal of entire tree crown to leave main stem and short lengths of branches – can be adapted.

e) Crown Reducing and/or Reshaping

Involves the reduction in height or spread of the tree's canopy whilst preserving the natural shape of the tree (see pollarding).

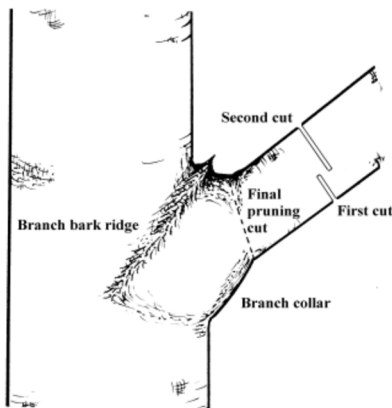


Before

After

f) Natural Target Pruning

To ensure most optimum healing and repair. Cuts made to live tissue, matching collar and branch bark ridge. Do not leave stubs. Phase the process on large branches (see diagram).



APPENDIX 6: REFERENCES

- British Standards Institute "Recommendations for Tree Work" BS 3998 (1989) BSI
- Diseases of Forest and Ornamental Trees (1982) Phillips DH & Burdekin DA Macmillan Press
- Principles of Tree Hazard Assessment and Management, No.7 Research for Amenity Trees, David Lonsdale, Forestry Commission, HMSO
- The Body Language Of Trees A Handbook For Failure Analysis, No.4 Research for Amenity Trees, Claus Mattheck & Helge Breloer, Forestry Commission, HMSO
- Diagnosis of ill-health in Trees, No.2 Research for Amenity Trees, RG Strouts and TG Winter Forestry Commission, HMSO
- Diseases of Trees and Shrubs (1987) Sinclair WA Cornell University Press
- Mushrooms and other Fungi of Great Britain (1981) R Phillips Pan
- Tree Disease Concepts (1991) Manion PD Prentice
- "Trees Roots and Buildings" (1989) Cutler and Richardson 2nd Edition
- HMSO Research for Practical Arboriculture Bulletin 97
- British Standards Institute "Trees in Relation to Construction" BS 5837 (2005) BSI
- Matheny and Clark Trees and Development: a Technical Guide to preserving trees during land development (1998) ISA International Society of Arboriculture
- The National Joint Utility Group (NJUG) Guidelines to the Planning, Installation and Maintenance of Utility Services in Proximity to Trees No. 10 (1995)
- The Arboriculturalists Companion: a guide to the care of trees ND James (1990) Blackwell
- Modern Arboriculture: a systems approach to the care of trees AL Shigo (1991) Shigo & Assoc.
- The Pruning of Trees Shrubs and Conifers Brown EG (1995) Faber and Faber
- A Definition Of The Best Pruning Position (1983) D Lonsdale Arboricultural Advisory & Information Service
- Arboricultural Association Publication Tree Surveys: Guide to Good Practice (2005) N Fay, D Dowson, R Helliwell
- A Field Guide to the Trees of Britain and Northern Europe (2005) Owen Johnson, Collins
- Tree Preservation Orders, A Guide to the Law and Good Practice, DETRa (2000)
- Arboricultural Association Publication Trees and the Law, JGS Harris, (1989)
- DOE Circular 90/73: Inspection, Maintenance and Planting of Roadside Trees on Roads
- Forestry Commission Practice Guide Hazards from Trees, A General Guide, D Lonsdale
- Circular 52/75 – Inspection of Highway Trees (1975) Department of the Environment
- Fungal Strategies of Wood Decay in Trees (2000) F Schwarze, J Engels, C Mattheck
- Pembrokeshire Coast National Park Authority Publication – Tree Pruning Advice on proper tree care
- DETR Publication (1999) – Protected Trees - A guide to tree Preservation Procedures

APPENDIX 6: SITE PLANS