Tree Report:

Weymede Gardens,
Byfleet,
Surrey,
KT14 7DH

K Martin Tree
Consultancy

Arboricultural ASSOCIATION
Professional Member

This report describes an inspection that has been carried out on trees listed within this report, with regards to the condition of the trees for the public safety under the duty of care, under the Occupiers Liability Act 1984.

Introduction

This report has been produced to give advice that was requested by Marion Wright; Gardening Co-ordinator, on behalf of the Weymede Residents Society.

This is due to the request of an arboricultural survey and concerns regarding the condition of trees within the boundary of Weymede Gardens, Byfleet, Surrey, KT14 7DH and if any work is recommended to be carried out in order to render the trees safe.

The enclosed tree safety report has been compiled by the author regarding two statutory laws: the duty of care under the Occupiers Liability Act 1954, and the Health and Safety at Work Act 1974.

The Owner is responsible to maintain the tree population as safe as reasonably practicable (ALARP). 'Reasonably practicable' is a narrower term than 'physically possible' … a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them. (Court of Appeal in its judgment in Edwards v. National Coal Board, [1949] 1 All ER 743).

Contents

1.0 Instructions

I am instructed by Marion Wright who is the Gardening Co-ordinator at Weymede regarding the health and safety of the trees at the address quoted above and with the recommendations necessary to render the trees in a safe condition.

I visited the site on the 06/05/2025 to carry out this instruction.

2.0 Data collection

To collect the data on the condition of the trees, I will be using the ISA Basic Tree Risk Assessment Form. I have gained competence in its use on completion of the TRAQ Qualification.

2.2 Limitation of this report and inspection

This inspection is a ground based visual assessment.
I used basic tools used in this assessment: a sounding mallet, probe, binoculars.

Trees are dynamic organisms, which are in a constant state of development and change. The comments and recommendations of this report will remain valid for a period of twelve months from its completion.

It is perfectly normal for trees to occasionally break without anyone or anything being to blame. The breakage is the natural price the tree must pay for achieving an energy-saving, lightweight structure.

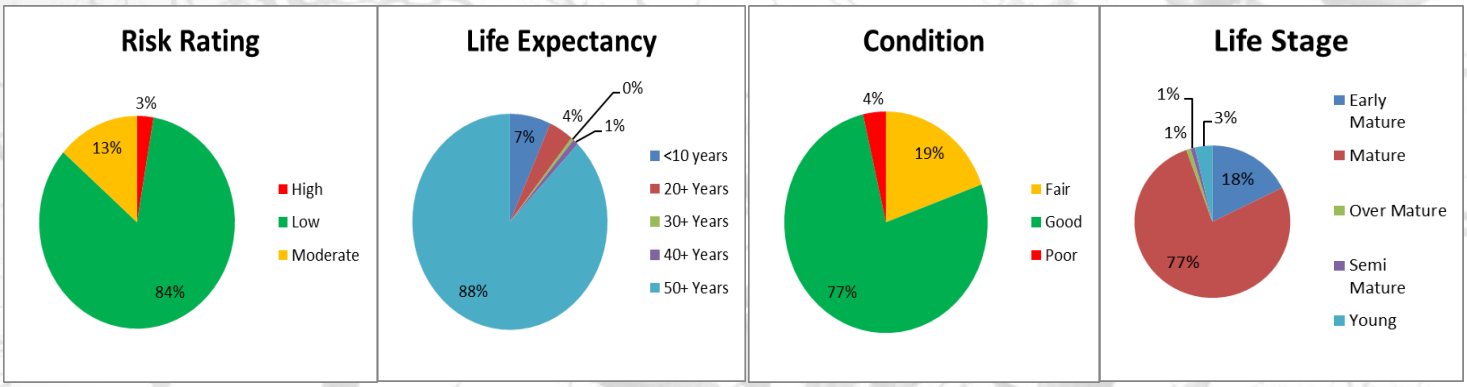
2.3 The weather conditions on the day of my site visit

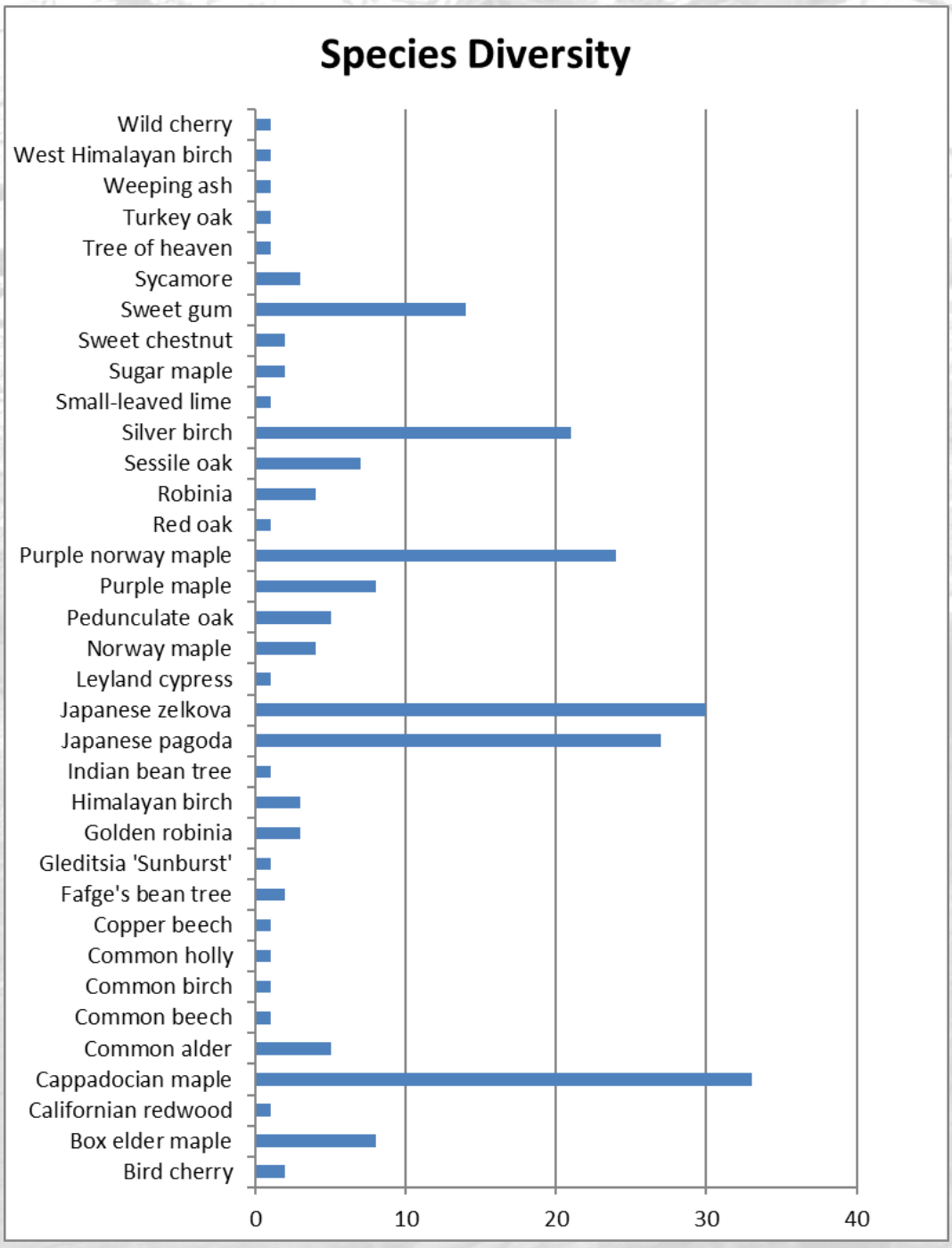
On the day of my site visit, the weather conditions were overcast and dull. The time of my visit was late morning.

3.0 Description of the site

Weymede is a residential estate comprising of 141 houses, constructed in the mid-1960s. It is set within approximately 15 acres of landscaped gardens, originally designed with a strong emphasis on horticultural interest and seasonal diversity. The planting scheme features a wide variety of ornamental trees and shrubs some of which are considered unusual or rare in residential settings contributing to a distinctive and biodiverse landscape. This thoughtful integration of architecture and planting design reflects mid-20th-century ideals of garden suburb planning, creating a unique environment that remains of both aesthetic and ecological value today.

4.0 Dashboard





5.0 Tree survey

Ref.	Species	Measurements	Survey Notes	Condition	Risk Rating	Photo
G1	Silver birch x7 'Crimson king ' *(Betula pendula)*	Trees: 7 Life Stage: Early Mature Life Exp.: 50+ Years	Trees growing in green space Minor deadwood throughout canopy	Good	Low	No Photo
G10	Bird cherry *(Prunus padus)* Japanese zelkova *(Zelkova serrata)*	Life Stage: Early Mature Life Exp.: 40+ Years	Trees and shrubs forming a green screen from the main road	Fair	Low	No Photo
G11	Japanese zelkova x7 *(Zelkova serrata)*	Trees: 7 Life Stage: Mature Life Exp.: 50+ Years	All trees in good physiological condition	Good	Low	No Photo
G2	Himalayan birch x3 *(Betula utilis)*	Trees: 3 Life Stage: Early Mature Life Exp.: 50+ Years	Group of trees growing in a bed	Good	Low	No Photo
G3	Cappadocian maple x7 *(Acer cappadocicum)*	Trees: 7 Life Stage: Early Mature Life Exp.: 50+ Years	Trees have been crown raised for the residential properties to a height of 4m Minor deadwood throughout canopies. All trees are multiple stems with codominant attachments.	Good	Low	No Photo

G4	Cappadocian maple x7 *(Acer cappadocicum)*	Trees: 7 Life Stage: Early Mature Life Exp.: 50+ Years	Trees have been crown raised for the residential properties to a height of 4m Minor deadwood throughout canopies. All trees are multiple stems with codominant attachments.	Good	Low	No Photo
G5	Silver birch x4 *(Betula pendula)*	Trees: 4 Life Stage: Young Life Exp.: 50+ Years	Trees in green space	Good	Low	No Photo
G5	Cappadocian maple x7 *(Acer cappadocicum)*	Trees: 7 Life Stage: Early Mature Life Exp.: 50+ Years	Tree have been crown raised for the residential properties to a hight of 4m Minor deadwood throughout canopies. All trees are multiple stems with codominant attachments.	Good	Low	No Photo
G6	Silver birch x4 *(Betula pendula)*	Trees: 4 Life Stage: Young Life Exp.: 50+ Years	Tree in green space	Good	Low	No Photo
G7	Cappadocian maple x5 *(Acer cappadocicum)*	Trees: 5 Life Stage: Mature Life Exp.: 50+ Years	Line of trees forming a green screen All trees are multiple stemmed, deadwood throughout canopies, good canopy vigour	Good	Low	No Photo
G8	Cappadocian maple x5 *(Acer cappadocicum)*	Trees: 5 Life Stage: Mature Life Exp.: 50+ Years	Line of trees forming a green screen All trees are multiple stemmed deadwood trough out canopy, good canopy vigour Car parking under canopies	Good	Low	No Photo

G9	Purple norway maple x6 *(Acer platanoides 'Crimson King')*	Trees: 6 Life Stage: Mature Life Exp.: 50+ Years	Trees have been crown raised Overall the trees are in good physiological condition	Fair	Low	No Photo
T0651	Common birch *(Betula alba)*	Life Stage: Mature Life Exp.: 20+ Years	No visible observation of defect	Good	Low	No Photo
T0652	Norway maple *(Acer platanoides)*	Life Stage: Mature Life Exp.: 20+ Years	No visible observation of defect	Good	Low	No Photo
T0653	Norway maple *(Acer platanoides)*	Life Stage: Mature Life Exp.: 20+ Years	Significant lean over residential property garden	Good	Low	No Photo
T0654	Sweet chestnut *(Castanea sativa)*	Life Stage: Mature Life Exp.: 50+ Years	Minor deadwood throughout canopy Multiple stem from base	Good	Low	No Photo
T0655	Pedunculate oak *(Quercus robur)*	Life Stage: Mature Life Exp.: 50+ Years	Unbalanced canopy cause by being suppressed by neighbouring trees	Good	Low	No Photo
T0656	Pedunculate oak *(Quercus robur)*	Life Stage: Mature Life Exp.: 20+ Years	Unbalanced canopy cause by being suppressed by neighbouring trees	Good	Low	No Photo
T0657	Sessile oak *(Quercus petraea)*	Life Stage: Mature Life Exp.: 50+ Years	Canopy spreading over highway Minor deadwood throughout canopy	Good	Low	No Photo
T0658	Sessile oak *(Quercus petraea)*	Life Stage: Mature Life Exp.: 50+ Years	Canopy spreading over highway Minor deadwood throughout canopy Suppressed by neighbouring tree	Good	Low	No Photo
T0659	Small-leaved lime *(Tilia cordata)*	Life Stage: Mature Life Exp.: 50+ Years	Canopy spreading over residential property, ivy on stem . Large diameter deadwood throughout canopy	Good	Low	No Photo
T0660	Sycamore 'Crimson king ' *(Acer pseudoplatanus)*	Life Stage: Mature Life Exp.: 50+ Years	Tree growing close to boundary wall , Crown raised over highway	Good	Low	No Photo

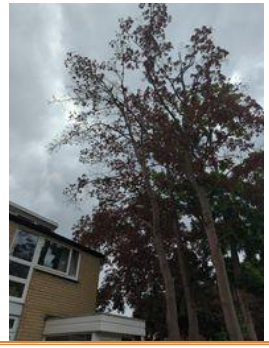
T0661	Sycamore 'Crimson king ' *(Acer pseudoplatanus)*	Life Stage: Mature Life Exp.: 50+ Years	Tree growing close to boundary wall , Crown raised over highway	Good	Low	No Photo
T0662	Golden robinia 'Crimson king ' *(Robinia pseudoacacia 'Frisia')*	Life Stage: Mature Life Exp.: 50+ Years	Large mature tree with canopy spreading over residential property. Large cavity forming at base of tree . Fungal fruit bodies on the east facing aspect of tree. Tree has been reduced significantly.	Poor	Moderate	
T0663	Robinia 'Crimson king ' *(Robinia sp.)*	Life Stage: Early Mature Life Exp.: 50+ Years	Tree growing in green space Minor deadwood throughout canopy	Good	Low	No Photo
T0664	Pedunculate oak 'Crimson king ' *(Quercus robur)*	Life Stage: Mature Life Exp.: 50+ Years	The tree leans towards the north Large diameter deadwood throughout canopy	Fair	Low	
T0665	Robinia 'Crimson king ' *(Robinia sp.)*	Life Stage: Early Mature Life Exp.: 50+ Years	Tree growing in green space Minor deadwood throughout canopy Included attachment at 1m	Good	Low	No Photo

T0666	Pedunculate oak 'Crimson king ' *(Quercus robur)*	Life Stage: Early Mature Life Exp.: 50+ Years	Tree growing in green space Minor deadwood throughout canopy Canopy spreading over residential property Tree growing close to residential property fence	Good	Low	No Photo
T0667	Silver birch 'Crimson king ' *(Betula pendula)*	Life Stage: Early Mature Life Exp.: 40+ Years	Minor leave of trunk which is self-corrected Codomaint attachment at 3m	Good	Low	No Photo
T0668	Californian redwood *(Sequoia sempervirens)*	Life Stage: Mature Life Exp.: 50+ Years	Large mature tree growing as a road side tree. Overall visual condition is good	Good	Low	No Photo
T0669	Common holly *(Ilex aquifolium)*	Life Stage: Mature Life Exp.: 50+ Years	Tree in significant decline with thinning of the canopy ,with twig dieback.	Fair	Low	
T0670	Copper beech *(Fagus sylvatica purpurea)*	Life Stage: Over Mature Life Exp.: <10 years	Large tree growing in green space Canopy spreading over residential property. Canopy is sparse due to severe decline- very little functioning leaf area. Large areas of dead bark on major scaffolds Tips of branches are now in decline	Poor	High	

T0671	Robinia *(Robinia sp.)*	Life Stage: Mature Life Exp.: 50+ Years	Unbalanced canopy with a overextended branch over the highway	Good	Low	No Photo
T0672	Weeping ash *(Fraxinus excelsior 'Pendula')*	Life Stage: Semi Mature Life Exp.: 50+ Years	Tree in decline with symptoms akin to Ash die back	Poor	Low	
T0673	Fafge's bean tree *(Catalpa fargesii)*	Life Stage: Mature Life Exp.: 50+ Years	Large tree in front garden of residential property Minor deadwood throughout	Good	Low	No Photo
T0674	Fafge's bean tree *(Catalpa fargesii)*	Life Stage: Mature Life Exp.: 50+ Years	Large tree in front garden of residential property Minor deadwood throughout	Good	Low	No Photo
T0675	Turkey oak *(Quercus cerris)*	Life Stage: Mature Life Exp.: 50+ Years	Tree in green space Codominant attachments at 1m Minor deadwood throughout canopy	Good	Low	No Photo
T0676	Sessile oak *(Quercus petraea)*	Life Stage: Mature Life Exp.: 50+ Years	Tree in green space, unbalanced canopy due to neighboring trees. Tree morphology indicates a loss of the main leader at a point in time.	Good	Low	No Photo
T0677	Sessile oak *(Quercus petraea)*	Life Stage: Mature Life Exp.: 50+ Years	Tree in green space, unbalanced canopy due to neighboring trees.	Good	Low	No Photo
T0678	Sessile oak *(Quercus petraea)*	Life Stage: Mature Life Exp.: 50+ Years	Tree in green space, unbalanced canopy due to neighboring trees. Minor deadwood throughout canopy	Good	Low	No Photo

T0679	Sessile oak *(Quercus petraea)*	Life Stage: Mature Life Exp.: 50+ Years	Tree in green space, unbalanced canopy due to neighboring trees. Minor deadwood throughout canopy	Good	Low	No Photo
T0680	Sessile oak *(Quercus petraea)*	Life Stage: Mature Life Exp.: 50+ Years	Tree in green space, unbalanced canopy due to neighboring trees. Minor deadwood throughout canopy	Good	Low	No Photo
T0681	Box elder maple *(Acer negundo)*	Life Stage: Mature Life Exp.: 50+ Years	Tree growing in the front garden of a residential property Codominant attachments at 1m Suppressed by neighbouring trees	Good	Low	No Photo
T0682	Silver birch *(Betula pendula)*	Life Stage: Semi Mature Life Exp.: 50+ Years	Tree growing as part of a border . In good overall vigour	Good	Low	No Photo
T0683	Tree of heaven *(Ailanthus altissima)*	Life Stage: Mature Life Exp.: 50+ Years	Large tree in front garden of residential property Minor deadwood throughout	Good	Low	No Photo
T0684	Wild cherry *(Prunus avium)*	Life Stage: Mature Life Exp.: 50+ Years	Minor deadwood throughout Lean towards east	Good	Low	No Photo
T0685	Common beech *(Fagus sylvatica)*	Life Stage: Mature Life Exp.: 50+ Years	Multiple attachments at 3 m. Overall canopy has good vigour with minor deadwood throughout.	Good	Low	No Photo
T0686	Sweet chestnut *(Castanea sativa)*	Life Stage: Mature Life Exp.: 50+ Years	Overall canopy has good vigour with minor deadwood throughout.	Good	Low	No Photo
T0687	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Canopy spreading over residential property	Good	Low	No Photo
T0688	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Canopy spreading over residential property	Good	Low	No Photo

T0689	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Canopy spreading over car parking	Good	Low	No Photo
T0690	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Canopy spreading over car parking	Good	Low	No Photo
T0691	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Canopy spreading over car parking	Good	Low	No Photo
T0692	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Canopy spreading over car parking Unbalanced canopy caused by being suppressed by neighbouring trees	Good	Low	No Photo
T0693	Golden robinia *(Robinia pseudoacacia 'Frisia')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Canopy spreading over residential property Included attachment at 4m Minor deadwood throughout canopy	Good	Low	No Photo

T0694	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Tree in severe decline with significant canopy thinning.	Poor	Low	
T0695	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Tree in severe decline with significant canopy thinning- 90 percent canopy death.	Poor	Low	
T0696	Norway maple *(Acer platanoides)*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Deadwood throughout canopy Tree in severe decline with significant canopy thinning.	Poor	Low	
T0697	Norway maple *(Acer platanoides)*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Tree in server decline with significant canopy thinning.	Poor	Low	No Photo

T0698	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Overall good physical condition	Fair	Low	No Photo
T0699	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Overall good physical condition	Fair	Low	No Photo
T0700	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Overall good physical condition	Fair	Low	No Photo
T0701	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Overall good physical condition	Fair	Low	No Photo
T0702	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Overall good physical condition Tree is unbalanced , with the neighboring tree being removed Large are of missing bark at 3m east facing	Fair	Low	No Photo
T0703	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Canopy is thinning with twig die back Tree is unbalanced , with the neighboring tree being removed Large are of missing bark at 3m east facing	Fair	Low	No Photo

T0704	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Overall good physical condition	Fair	Low	No Photo
T0705	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Overall good physical condition	Fair	Low	No Photo
T0706	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Overall good physical condition	Fair	Low	No Photo
T0707	Purple norway maple *(Acer platanoides 'Crimson King')*	Life Stage: Mature Life Exp.: 50+ Years	Tree has been crown raised Overall good physical condition	Fair	Low	No Photo
T0708	Common alder *(Alnus glutinosa)*	Life Stage: Mature Life Exp.: 50+ Years	Tree is growing and in competition with neighbouring tree Overall good physical condition	Fair	Low	No Photo
T0709	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature boundary tree. Overall good physical condition	Good	Low	No Photo
T0710	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature boundary tree. Overall good physical condition Large diameter dead branch	Good	Low	No Photo
T0711	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature boundary tree. Overall good physical condition	Good	Low	No Photo
T0712	Common alder *(Alnus glutinosa)*	Life Stage: Mature Life Exp.: 50+ Years	Tree in competition with neighbouring trees . Large diameter deadwood throughout canopy Poor stem taper and suppressed tree	Fair	Low	No Photo

T0713	Common alder *(Alnus glutinosa)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Abnormal stem taper	Fair	Low	No Photo
T0714	Common alder *(Alnus glutinosa)*	Life Stage: Mature Life Exp.: 50+ Years	Multi stem tree from base Minor deadwood throughout canopy	Fair	Low	No Photo
T0715	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Growing as part of a group of trees Surface roots causing footpath to be distorted	Good	Low	No Photo
T0716	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Growing as part of a group of trees Surface roots causing footpath to be distorted	Good	Low	No Photo
T0717	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Growing as part of a group of trees Surface roots causing footpath to be distorted	Good	Low	No Photo
T0718	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Growing as part of a group of trees Surface roots causing footpath to be distorted Significant lean west due to being suppressed by neighbouring trees	Good	Low	No Photo
T0719	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Growing as part of a group of trees Surface roots causing footpath to be distorted Significant lean north due to being suppressed by neighbouring trees	Good	Low	No Photo

T0720	Pedunculate oak *(Quercus robur)*	Life Stage: Over Mature Life Exp.: 50+ Years	This tree is in management program, with the over tree been reduced significantly to approximately 7m The trunk is hollow Minor deadwood throughout canopy	Fair	Low	No Photo
T0721	Common alder *(Alnus glutinosa)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Unbalanced canopy cause by being suppressed by neighbouring trees	Fair	Low	No Photo
T0722	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature boundary tree. Overall good physical condition	Good	Low	No Photo
T0723	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature boundary tree. Overall good physical condition	Good	Low	No Photo
T0724	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction	Good	Low	No Photo
T0725	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction	Good	Low	No Photo
T0726	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction	Good	Low	No Photo
T0727	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction This tree has a abnormal stem taper	Good	Low	No Photo
T0728	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction	Good	Low	No Photo
T0729	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction	Good	Low	No Photo

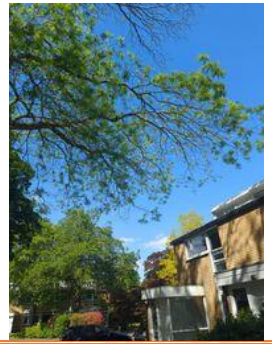
T0730	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction	Good	Low	No Photo
T0731	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction	Good	Low	No Photo
T0732	Sugar maple *(Acer saccharum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction Tree growing against boundary fence of a residential property	Good	Low	No Photo
T0733	Sugar maple *(Acer saccharum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree which has been managed by crown reduction Tree growing against boundary fence of a residential property	Good	Low	No Photo
T0734	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	A real good physiological condition. Tree growing against boundary wall of a garage Roots are causing foot path to be distorted	Good	Low	No Photo
T0735	Indian bean tree *(Catalpa bignonioides)*	Life Stage: Mature Life Exp.: 50+ Years	Minor deadwood throughout canopy	Good	Low	No Photo
T0736	Silver birch *(Betula pendula)*	Life Stage: Mature Life Exp.: 50+ Years	Tree growing in green space with minor deadwood throughout canopy	Good	Low	No Photo
T0737	Silver birch *(Betula pendula)*	Life Stage: Mature Life Exp.: 50+ Years	Tree growing in green space with minor deadwood throughout canopy	Good	Low	No Photo
T0738	Silver birch *(Betula pendula)*	Stems: 2 Life Stage: Mature Life Exp.: 50+ Years	Tree growing in front garden of a residential property with minor deadwood throughout canopy	Good	Low	No Photo

T0739	Japanese pagoda *(Styphnolobium japonicum)*	Stems: 2 Life Stage: Mature Life Exp.: 50+ Years	Group of trees growing on the boundary consisting of nine trees Last diameter deadwood throughout all trees.	Good	Moderate	No Photo
T0740	Golden robinia *(Robinia pseudoacacia 'Frisia')*	Stems: 2 Life Stage: Mature Life Exp.: 50+ Years	Boundary tree with canopy spreading over public highway Deadwood throughout the canopy	Fair	Low	No Photo
T0741	Bird cherry *(Prunus padus)*	Life Stage: Mature Life Exp.: 50+ Years	Minor deadwood throughout canopy	Poor	Low	No Photo
T0742	Box elder maple *(Acer negundo)*	Life Stage: Mature Life Exp.: 50+ Years	Small tree growing against boundary wall of a residential property Minor deadwood throughout Canopy starting to thin, indicating stress	Good	Low	No Photo
T0743	Box elder maple *(Acer negundo)*	Life Stage: Mature Life Exp.: 50+ Years	Small tree growing against garage wall Minor deadwood throughout Canopy starting to thin, indicating stress	Good	Low	No Photo
T0744	Box elder maple *(Acer negundo)*	Life Stage: Mature Life Exp.: 50+ Years	Small tree growing against garage wall Minor deadwood throughout Canopy starting to thin, indicating stress	Good	Low	No Photo
T0745	Cappadocian maple *(Acer cappadocicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature growing within a bed, small diameter deadwood throughout canopy	Good	Low	No Photo
T0746	Cappadocian maple	Life Stage: Mature Life Exp.: 50+ Years	Mature growing within a bed, small diameter deadwood throughout canopy	Good	Low	No Photo

	(Acer cappadocicum)					
T0747	Gleditsia 'Sunburst' *(Gleditsia triacanthos 'Sunburst')*	Life Stage: Mature Life Exp.: 50+ Years	Tree growing in a front garden of a residential property Minor deadwood throughout canopy	Good	Low	No Photo
T0748	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Growing as part of a group of trees Surface roots causing footpath to be distorted suppressed by neighbouring trees	Good	Low	No Photo
T0749	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Growing as part of a group of trees Surface roots causing footpath to be distorted suppressed by neighbouring trees	Good	Low	No Photo
T0750	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Growing as part of a group of trees Surface roots causing footpath to be distorted suppressed by neighbouring trees	Good	Low	No Photo
T0751	Robinia *(Robinia sp.)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physical condition Growing on the front garden of a residential property Minor deadwood throughout canopy	Good	Low	No Photo

T0752	Red oak *(Quercus rubra)*	Life Stage: Mature Life Exp.: 50+ Years	Tree growing in green space with the canopy spreading over residential property Deadwood throughout canopy Canopy thinning also- indicates tree is stressed	Fair	Moderate	No Photo
T0753	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Overall good physiological condition The tree has been managed by crown reduction due to a history of branch failure.	Good	Low	No Photo
T0754	Purple maple *(Acer palmatum 'Atropurpureum')*	Life Stage: Mature Life Exp.: 50+ Years	good physiological condition. Tree growing within bed	Good	Low	No Photo
T0754	Leyland cypress *(X Cuprocyparis leylandii)*	Life Stage: Early Mature Life Exp.: 30+ Years	Hedge used as a green screen	Fair	Low	No Photo
T0755	Purple maple *(Acer palmatum 'Atropurpureum')*	Life Stage: Mature Life Exp.: 50+ Years	Canopy starting to thin with minor deadwood throughout the canopy. Tree growing within bed	Good	Low	No Photo
T0756	Purple maple *(Acer palmatum 'Atropurpureum')*	Life Stage: Mature Life Exp.: 50+ Years	good physiological condition. Tree has been crown raised from street lamp Tree growing in the front garden of a residential property	Good	Low	No Photo
T0757	West Himalayan birch *(Betula utilis 'Jacquemontii')*	Life Stage: Early Mature Life Exp.: 50+ Years	good physiological condition. Tree growing in green space	Good	Low	No Photo
T0758	Silver birch *(Betula pendula)*	Life Stage: Mature Life Exp.: 50+ Years	good physiological condition. Tree growing within green space	Good	Low	No Photo

T0759	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Tree has been managed by crown reduction	Good	Low	No Photo
T0760	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Tree has been managed by crown reduction	Good	Low	No Photo
T0761	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Tree has been managed by crown reduction	Good	Low	No Photo
T0762	Sweet gum *(Liquidambar styraciflua)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Tree has been managed by crown reduction	Good	Low	No Photo
T0763	Box elder maple *(Acer negundo)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Main canopy structure formed from codominant attachment.	Good	Low	No Photo
T0764	Box elder maple *(Acer negundo)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Main canopy structure formed from 3 stems from the base	Good	Low	No Photo
T0765	Box elder maple *(Acer negundo)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Main canopy structure formed from codominant attachment at 50cm	Good	Low	No Photo

T0766	Sycamore 'Variegata' *(Acer pseudoplatanus)*	Life Stage: Mature Life Exp.: 50+ Years	Cavity at base of tree with wound wood to the margins of opening. Minor deadwood throughout canopy	Good	Low	
T0767	Box elder maple *(Acer negundo)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Main canopy structure formed from codominant attachment at 2m	Good	Low	No Photo
T0768	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Abnormal stem taper Suppressed by neighbouring trees causing unbalanced canopy Overextended branch over a residential property	Good	Moderate	
T0769	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Abnormal stem taper Minor deadwood throughout canopy	Good	Moderate	No Photo

T0770	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Canopy structure formed from codominant attachments at 4m Overextended branch over residential property	Good	Moderate	
T0771	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Suppressed by neighbouring trees	Good	Moderate	No Photo
T0772	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Suppressed by neighbouring trees Large dead branch	Good	Moderate	No Photo
T0773	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Suppressed by neighbouring trees main canopy structure formed from codominant	Good	Moderate	No Photo
T0774	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Suppressed by neighbouring trees main canopy structure formed from codominant	Good	Moderate	No Photo
T0775	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Suppressed by neighbouring trees main canopy structure formed from codominant Overextended branch over residential property	Good	Moderate	No Photo

T0776	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Suppressed by neighbouring trees main canopy structure formed from codominant	Good	Moderate	No Photo
T0777	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Suppressed by neighbouring trees main canopy structure formed from codominant	Good	Moderate	No Photo
T0778	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Suppressed by neighbouring trees main canopy structure formed from codominant	Good	Moderate	No Photo
T0779	Japanese zelkova *(Zelkova serrata)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Suppressed by neighbouring trees main canopy structure formed from codominant Ivy on stem	Good	Moderate	No Photo
T0780	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Growing within canopy of neighbouring tree	Good	Moderate	No Photo
T0781	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Ivy on stem	Good	Moderate	No Photo
T0782	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition.	Good	Moderate	No Photo

T0783	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	One stem is missing, dead bark	Fair	Moderate	
T0784	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Tree height to stem ratio is small due to competition for light	Good	Moderate	No Photo
T0785	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Tree height to stem diameter is small due to competition for light	Good	Moderate	No Photo
T0786	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Significant lean over car park and road Suppressed by neighbouring trees Ivy on stem	Good	Moderate	No Photo
T0787	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Mature tree in good physiological condition. Overextended branch over residential property	Good	Moderate	No Photo
T0788	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: 50+ Years	Significant lean over car park and ride Ivy on stem	Good	Moderate	No Photo
T0789	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Early Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed.	Fair	Moderate	No Photo
T0790	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed	Fair	Low	No Photo

			Minor deadwood throughout canopy			
T0791	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed Minor deadwood throughout canopy Tree growing through the canopy of neighboring tree	Fair	Low	No Photo
T0792	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed Minor deadwood throughout canopy Overextended branch over road	Fair	Low	
T0793	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed Large diameter deadwood throughout canopy	Fair	Low	No Photo
T0794	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed Large diameter deadwood throughout canopy	Fair	High	No Photo
T0795	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed Large diameter deadwood throughout canopy	Fair	High	No Photo

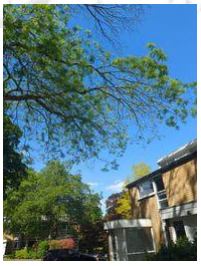
T0796	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed Overextended branch over road	Fair	Moderate	No Photo
T0797	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Small trunk diameter to height ratio due to competition for light	Fair	Low	No Photo
T0798	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed Large diameter deadwood throughout canopy	Fair	High	No Photo
T0799	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed	Fair	Low	No Photo
T0800	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed	Fair	Low	No Photo
T0801	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed Large diameter deadwood throughout canopy	Fair	High	No Photo
T0802	Japanese pagoda *(Styphnolobium japonicum)*	Life Stage: Mature Life Exp.: <10 years	Abnormal stem taper caused by being suppressed Large diameter deadwood throughout canopy	Fair	High	No Photo
T0803	Purple maple *(Acer palmatum 'Atropurpureum')*	Life Stage: Mature Life Exp.: 20+ Years	Canopy thinning and deadwood throughout canopy	Good	Moderate	No Photo
T0804	Purple maple *(Acer palmatum 'Atropurpureum')*	Life Stage: Mature Life Exp.: 20+ Years	Canopy thinning, tree growing in the front garden of a residential property	Good	Low	No Photo

T0805	Purple maple *(Acer palmatum 'Atropurpureum')*	Life Stage: Mature Life Exp.: 20+ Years	Canopy thinning and deadwood throughout canopy	Good	Moderate	No Photo
T0806	Purple maple *(Acer palmatum 'Atropurpureum')*	Life Stage: Mature Life Exp.: 20+ Years	Canopy thinning and deadwood throughout canopy	Good	Moderate	No Photo
T0807	Purple maple *(Acer palmatum 'Atropurpureum')*	Life Stage: Mature Life Exp.: 20+ Years	Canopy thinning and deadwood throughout canopy	Good	Moderate	No Photo

5.1 Work plan and Recommendations

Ref.	Species	Recommendation	Work Timescale	Photo
T0662	Golden robinia 'Crimson king ' *(Robinia pseudoacacia 'Frisia')*	To carry out a detailed decay assessment	06-May-2025 (Urgent)	
T0659	Small-leaved lime *(Tilia cordata)*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0670	Copper beech *(Fagus sylvatica purpurea)*	Remove tree	06-May-2026 (1 Year)	
T0684	Wild cherry *(Prunus avium)*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0694	Purple norway maple *(Acer platanoides 'Crimson King')*	Remove tree	06-May-2026 (1 Year)	
T0695	Purple norway maple *(Acer platanoides 'Crimson King')*	Remove tree	06-May-2026 (1 Year)	
T0696	Norway maple *(Acer platanoides)*	Remove deadwood	06-May-2026 (1 Year)	
T0739	Japanese pagoda *(Styphnolobium japonicum)*	Remove deadwood	06-May-2026 (1 Year)	No Photo

T0740	Golden robinia *(Robinia pseudoacacia 'Frisia')*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0752	Red oak *(Quercus rubra)*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0793	Japanese pagoda *(Styphnolobium japonicum)*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0657	Sessile oak *(Quercus petraea)*	Remove deadwood	06-May-2027 (2 Years)	No Photo
T0658	Sessile oak *(Quercus petraea)*	Remove deadwood	06-May-2027 (2 Years)	No Photo
T0664	Pedunculate oak 'Crimson king ' *(Quercus robur)*	Remove deadwood and reduce the canopy by 2 m	06-May-2027 (2 Years)	
T0665	Robinia 'Crimson king ' *(Robinia sp.)*	Remove deadwood	06-May-2027 (2 Years)	No Photo
T0669	Common holly *(Ilex aquifolium)*	Monitor tree	06-May-2027 (2 Years)	
T0741	Bird cherry *(Prunus padus)*	Remove deadwood	06-May-2027 (2 Years)	No Photo
T0654	Sweet chestnut *(Castanea sativa)*	Remove deadwood	06-May-2028 (3 Years)	No Photo
T0672	Weeping ash *(Fraxinus excelsior 'Pendula')*	Remove tree	06-May-2027 (2 Years)	
T0687	Purple norway maple *(Acer platanoides 'Crimson King')*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0688	Purple norway maple *(Acer platanoides 'Crimson King')*	Remove deadwood	06-May-2026 (1 Year)	No Photo

T0689	Purple norway maple *(Acer platanoides 'Crimson King')*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0690	Purple norway maple *(Acer platanoides 'Crimson King')*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0710	Japanese zelkova *(Zelkova serrata)*	Remove dead branch	06-May-2026 (1 Year)	No Photo
T0712	Common alder *(Alnus glutinosa)*	Remove tree	06-May-2026 (1 Year)	No Photo
T0768	Japanese pagoda *(Styphnolobium japonicum)*	Reduce overextended branch by 3m	06-May-2026 (1 Year)	
T0770	Japanese pagoda *(Styphnolobium japonicum)*	Reduce overextended branch by 3m	06-May-2026 (1 Year)	
T0772	Japanese zelkova *(Zelkova serrata)*	Remove deadwood branch	06-May-2026 (1 Year)	No Photo
T0779	Japanese zelkova *(Zelkova serrata)*	Sever ivy	06-May-2026 (1 Year)	No Photo
T0781	Japanese pagoda *(Styphnolobium japonicum)*	Sever ivy	06-May-2026 (1 Year)	No Photo
T0786	Japanese pagoda *(Styphnolobium japonicum)*	Sever ivy	06-May-2026 (1 Year)	No Photo
T0787	Japanese pagoda *(Styphnolobium japonicum)*	Reduce overextended branch by 4m	06-May-2026 (1 Year)	No Photo
T0788	Japanese pagoda *(Styphnolobium japonicum)*	Sever ivy	06-May-2026 (1 Year)	No Photo
T0791	Japanese pagoda *(Styphnolobium japonicum)*	Remove tree	06-May-2026 (1 Year)	No Photo
T0794	Japanese pagoda *(Styphnolobium japonicum)*	Remove deadwood	06-May-2026 (1 Year)	No Photo

T0795	Japanese pagoda *(Styphnolobium japonicum)*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0796	Japanese pagoda *(Styphnolobium japonicum)*	Reduce overextended branch by 5m	06-May-2026 (1 Year)	No Photo
T0798	Japanese pagoda *(Styphnolobium japonicum)*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0801	Japanese pagoda *(Styphnolobium japonicum)*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0802	Japanese pagoda *(Styphnolobium japonicum)*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0803	Purple maple *(Acer palmatum 'Atropurpureum')*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0805	Purple maple *(Acer palmatum 'Atropurpureum')*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0806	Purple maple *(Acer palmatum 'Atropurpureum')*	Remove deadwood	06-May-2026 (1 Year)	No Photo
T0807	Purple maple *(Acer palmatum 'Atropurpureum')*	Remove deadwood	06-May-2026 (1 Year)	No Photo

6.0 Town and Country planning, England (Tree preservation Regulations 2012).

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. This prevents you as a tree owner to

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

any tree protected by a TPO on your property without written consent from the local planning authorities. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.

7.0 Trees in a conservation area.

Paragraph: 116 Reference ID: 36-116-20140306

Trees in a conservation area that are not protected by an TPO are protected by the provisions in section 211 of the Town and Country planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice' six weeks before carrying out any arboricultural works, unless an exception applies. The work may go ahead before the end of the six-week period if the local planning authority gives consent. This gives the local authority a notice period to consider whether to make an order on the tree.

8.0 Exceptions relating to section 211 notices

Paragraph: 131 Reference ID: 36-131-20140306

A section 211 notice is not required to be submitted to the local planning authority for –

- The cutting down, topping or lopping or uprooting of a tree whose diameter does not exceed 75mm; or
- The cutting down or uprooting of a tree, whose diameter does not exceed 100mm for the sole purpose of improving the growth of other trees. (e.g., for example, in forestry thinning)

In either case, the diameter of the tree is not to be measured over the bark of the tree at 1.5 meter above ground level. These exemptions do not apply in circumstances where a tree has more than one stem at the point above 1.5 meters above the natural ground level.

8.1.1 Is a section 211 notice required for work to dead or dangerous trees in conservation areas?

Unless there is an immediate risk of serious harm, anyone proposing to carry outwork on a tree in a conservation area on the grounds that it is dead must give the local planning authority five days' notice before carrying out the proposed work. Where such a tree requires urgent work to remove an

immediate risk of serious harm, written notice is required as soon as practicable after the work becomes necessary.

8.1.2 As a tree owner your responsibilities:

As an Owner of protected trees, you must not carry out, or cause or permit the carrying out of, any of the prohibited activities without the written consent of the local authority. As with owners of unprotected trees, they are responsible for maintaining their trees, with no statutory rules setting out how often or to what standard. The local planning authority cannot require maintenance work to be done to a tree just because it is protected. However, the authority can encourage good tree management, particularly when determining applications for consent under a Tree Preservation Order. This will help to maintain and enhance the amenity provided by protected trees.

Appendix 1

The following information is taken from the National Tree Safety Group (NTSG) Common Sense risk management of trees (ISBN 978-0-85538-840-9) Published by The Forestry Commission December 2011.

Tree owners have a legal duty of care

The law in respect of an owner's liabilities for injury to others caused
By the fall of a tree or branch in England, Scotland, Wales, and Northern Ireland. There are slight differences in terms of how the law in each country deals with trees and liabilities with respect to safety and the duty of care arising from tree-related incidents. Generally, due to a lack of case law in Scotland and Northern Ireland, much of the case law cited is English.

The role of this guidance

This document, supported by a wide range of stakeholders involved in the ownership and management of trees, seeks to provide guidance for the inspection and maintenance of trees that is reasonable and proportionate to the low risk posed by trees, to the benefits of trees, and to the health and safety obligations of those who are responsible for trees. This document may be presented to a court for consideration as supporting documentation in any case involving death or personal injury caused by a falling tree or branch. Reported judgments already demonstrate that courts will consider publications of this nature when addressing the duty of care. It must, however, be appreciated that the guidance in this document will not in itself determine a court's judgment in an individual case. First, all cases are sensitive to their own facts. Second, a court will always reserve to itself the decision as to whether a tree owner has acted as "a reasonable and prudent landowner". This guidance can, however, inform the court in the making of that decision.

The legal framework:

Under both the civil law and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch. The civil law gives rise to duties and potential liabilities to pay damages in the event of a breach of those duties. The criminal law gives rise to the risk of prosecution in the event of an infringement of the criminal law.

The civil law

The owner of the land on which a tree stands, together with any party who has control over the tree's management, owes a duty of care at common law to all people who might be injured by the tree. The duty of care is to take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property. If a person is injured by a falling/fallen tree or branch, potential causes of action arise against the tree owner in negligence for a breach of the duty of care, in the tort of nuisance and, where the injured person was on the land of the tree owner at the time of the injury, under the occupiers' Liability acts of 1957 or 1984 (oLa 1957, oLa 1984), (for Scotland see the occupiers' Liability (Scotland) act 1960, for Northern Ireland see the occupiers' Liability act (Northern Ireland) 1957 and Occupiers' Liability (Northern Ireland) order 1987).
Some regulations under the health and safety at Work etc act 1974 may also give rise to liability under the civil law as well as under the criminal law (for which see page

36). However, a discussion of the applicable regulations is beyond the purview of this guidance.

The duty holder

This is the person who has control of the tree's management whether as owner, letter, licensee, or occupier of the land on which the tree stands. The relevant highway authority is responsible for trees on land forming part of the highway.

The person to whom the duty is owed

This is any person who can be reasonably foreseen as coming within the tree's vicinity and being injured by a fall of the tree or a branch from the tree. Those using highways, footways, public footpaths, bridleways, railways, and canals are likely to come within striking distance of trees on adjacent land. In public spaces, and semi-public spaces such as churchyards and school grounds, those working in or visiting them can be expected to come within the vicinity of trees. On private land, visitors and employees can also be expected to come within the reach of trees. Trespassers may also, in certain circumstances, be expected to come within the vicinity of trees on private land.

The duty owed

This can be stated in general terms as being a duty to take reasonable care for the safety of those who may come within the vicinity of a tree. The courts have endeavoured to provide a definition of what amounts to reasonable care in the context of tree safety and have stated that the standard of care is that of "the reasonable and prudent landowner"[2]. The tree owner is not, however, expected to guarantee that the tree is safe. The owner has to take only reasonable care such as could be expected of the reasonable and prudent landowner.

The duty owed under the tort of nuisance is owed by a tree owner to the occupier of neighbouring land. The duty, however, is no different to the general duty owed under the tort of negligence.

A highway authority has a potential liability for fallen trees and branches for which it is responsible by virtue of section 41(1) of the Highways act 1980, which gives rise to a duty "to maintain the highway". It is open to question whether the duty extends to the maintenance of highway trees[3]. However, assuming the duty does so extend, the highway authority may, by section 58, defend itself by proving "that the authority had taken such care as in all the circumstances was reasonably required to secure that part of the highway to which the action relates was not dangerous for traffic". The duty under section 41(1) is, therefore, little different to that which arises under the common law in negligence. Similarly, the duty to maintain trees planted under section 96 of the Highways act 1980 requires the highway authority to take only "reasonable" care. A highway authority also has the power under section 154(2) of the Highways act 1980 (see also s.91 roads (Scotland) act 1984) to require trees growing on land adjacent to the highway that are dead, diseased, damaged, or insecurely rooted, to be removed by those responsible for the trees and, in default of removal, to act itself to have the trees removed. A failure to utilise the power in any particular case is unlikely to give rise to liability in the light of *Stovin v Wise*[4]. similarly, it will not assist a person responsible for a tree growing adjacent to a highway to blame the highway authority for failing to require him to remove a tree that is found to have been dangerous.

It is the duty holder's fundamental responsibility, in taking reasonable care as a reasonable and prudent landowner, to consider the risks posed by their trees. The level of knowledge and the standard of inspection that must be applied to the

inspection of trees are of critical importance. It is at this point that the balance Between the risk posed by trees in general terms, the amenity value of trees and the cost of different types of inspection and remedial measures becomes relevant.
the standard of inspection.
The courts have not defined the standard of inspection more precisely than the standard of "the reasonable and prudent landowner". It has been recognised that this test sounds simpler than it really is: "it postulates some degree of knowledge on the part of landowners which must necessarily fall short of the knowledge possessed by scientific arboriculturists, but which must surely be greater than the knowledge possessed by the ordinary urban observer of trees or even of the countryman not practically concerned with their care"[5].
In individual cases, the courts have sought to apply this general standard to the facts of each case[6]. However, there is no clear and unambiguous indication from the courts in regard to the extent of the knowledge about trees a landowner is expected to bring to tree inspection in terms of type and regularity of inspection. Generally, the courts appear to indicate that the standard of inspection is proportional to the size of and resources available (in terms of expertise) to the landowner [7,8,9,10&11]. It is of note that the Hse states in the Hse sector information minute *Management of the risk from falling trees* (Hse 2007), that: "for trees in a frequently visited zone, a system for periodic, proactive checks is appropriate. This should involve a quick visual check for obvious signs that a tree is likely to be unstable and be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboricultural specialist. Informing staff who work in parks or highways as to what to look for would normally suffice".
In general terms, a landowner must identify those trees which might, if they fell, pose a risk to people or property. He should then inspect such trees and identify any obvious defects in the trees. If the landowner does not have sufficient knowledge of trees to enable him to identify such obvious defects, he should engage someone who has. Having identified a defect, the landowner (if sufficiently knowledgeable), or someone with appropriate knowledge and expertise, should assess the risk posed by the defect and take appropriate action, which might mean further monitoring of the defect, pruning of the tree or felling (see chapter 4). a number of commonly encountered obvious defects are illustrated in figure 3 in chapter 4 general features to look out for when assessing a tree.

The Occupiers' liability act 1957

The occupiers' Liability act 1957 provides for the liability of an occupier of land when an accident occurs on the land to a person who is a "visitor" to the land (for Scotland see the occupiers' Liability (Scotland) act 1960, for Northern Ireland see the occupiers' Liability act (Northern Ireland) 1957). The occupier owes a duty to the visitor 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/she is invited or permitted by the occupier to be there"[12]. The duty of care under the act is effectively the same as that at common law in respect of the torts of negligence or nuisance.
A person visiting land by virtue of the national Parks and access to the countryside act 1949, the countryside and rights of Way act 2000 (croWa) or the marine and coastal access act 2009 is not classed as a "visitor" within the meaning of oLa 1957[13]. The person cannot, therefore, bring a claim under the oLa 1957.

However, he/she may still potentially bring a claim in negligence or, if appropriate, under oLa 1984.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[17]. However, in general, a landowner should not rely upon warning signs

alone to protect against a danger. A business occupier cannot by reference to any contract term, or to a notice, exclude or restrict his liability for death or personal injury resulting from negligence
or a breach of duty under oLa 1957[18], save where the access to the land is given for educational or recreational

purposes (unconnected with the purpose of the business

The criminal law

the health and safety at Work etc act 1974 places a duty on employers to ensure, so far as is reasonably practicable, that in the course of conducting their undertaking, employees and members of the public are not put at risk (sections 2(1) and 3(1) respectively, see also section 3(2) in respect of self-employed persons). The acts of felling or lopping a tree clearly fall within the scope of this duty. It is also likely that the growing and management of trees on land falls within the scope of the duty if such operations fall within the employer's undertaking. The duty is subject to the words "so far as is reasonably practicable". This proviso

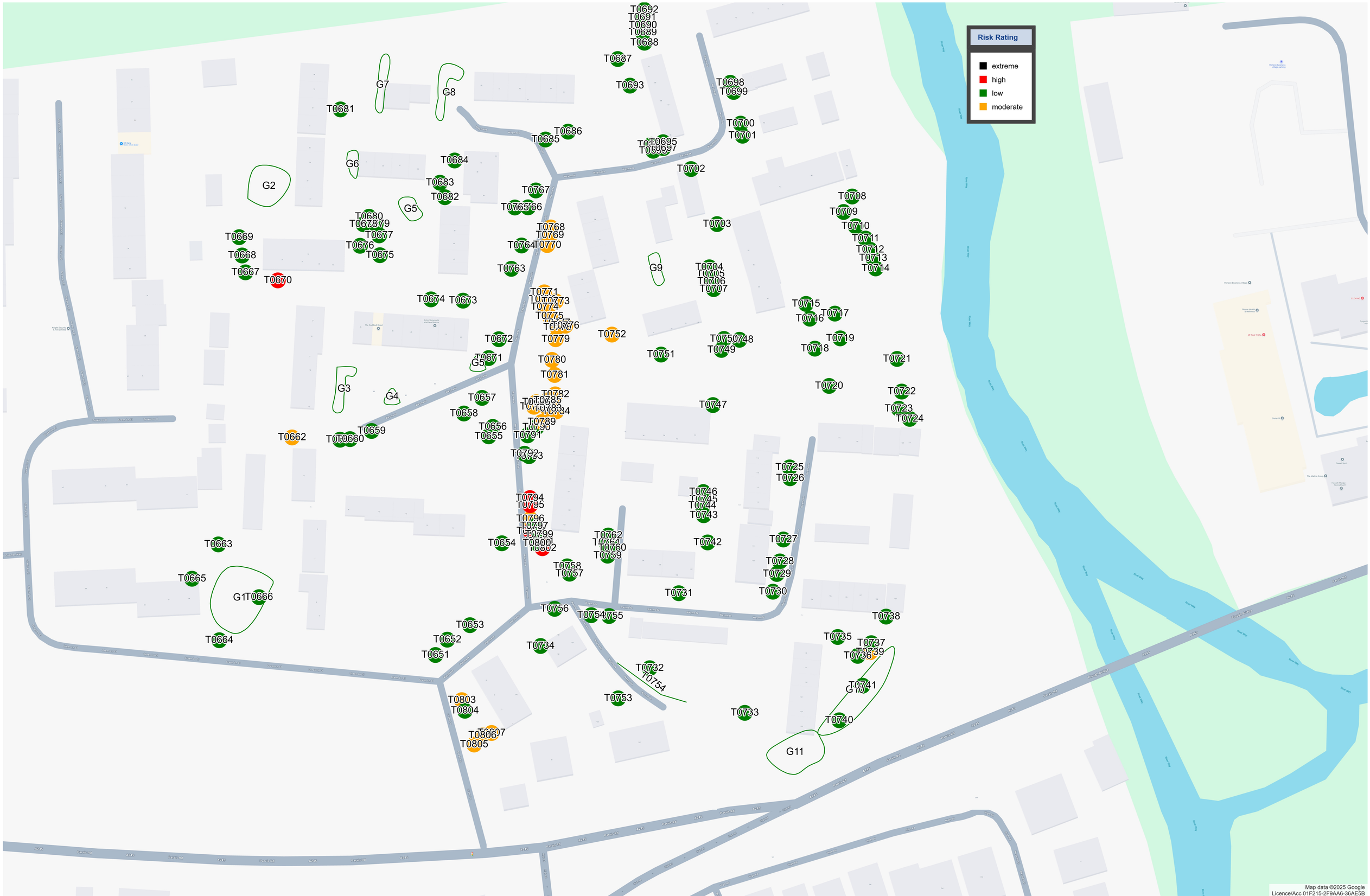
Requires an employer to address the practical and proportionate precautions which can be taken to reduce a risk. The courts have generally been unwilling to take in Account environmental or aesthetic values when considering whether a step is reasonably practicable, confining the consideration to whether a precautionary step can "practically" be undertaken[20]. Nevertheless, in *HSE v North Yorkshire County Council* (20.5.10) Willkie J., when directing the jury as to the meaning Of "reasonably practicable", identified as a material consideration "the benefits of conducting the activity" .He said (NTSG emphasis):the management of Health and safety at Work regulations 1999 require employers, and self-employed persons, by regulation 3 to "make a suitable and sufficient assessment of 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". This requires an employer, and a self-employed person, to undertake a risk assessment of the tree stock on the land which forms part of the undertaking. breach of the duty under the act, or the regulations derived from the act, can give rise to a criminal prosecution against the employer. Enforcement of the act is vested in the Hse and, in some instances, local authorities. The Hse has provided guidance for its inspectors and local authority enforcement officers in connection with the inspection of trees in the sector information minute *Management of the risk from falling trees* (Hse 2007)[21].the responsibilities under criminal law primarily arise in respect of employers, self-employed persons and those who control a business undertaking. However, responsibilities under criminal law can also, in exceptional circumstances, arise in respect of manslaughter by corporate undertakings or individuals, leading to a police investigation and possible prosecution (see the Work-related Death Protocol 2003). There has been no prosecution for manslaughter in respect of falling trees.

I hope the information I have provided helps you to make an informed decision on the future management of the site.

Kind regards,

Mr Kevin Martin *MArborA*

Arboricultural ASSOCIATION Professional Member



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