

[REDACTED]
[REDACTED]
[REDACTED]
Subject: Death of Paul John Welch - Regulation 28 Report & Letter (ref: 3949493)

Information Classification: CONFIDENTIAL

Dear Mr Cox,

AJC/LLS 3949493 Regulation 28 Prevention of Future Deaths letter

I am writing to respond to the above letter dated 15th June 2022.

The Council received an application from Sailors Creek CIC for works to various trees subject to Tree Preservation Order at Sailors Creek, Trevissome, Flushing on 14th January 2022. The application reference is PA22/00364. Such applications are required to provide sufficient detail for the Local Planning Authority to be clear on the extent of the works and the justification therein. In this instance, the supporting information provided with the application was not sufficiently detailed for the Local Planning Authority to determine the application. This was raised with the applicant on 9th March 2022 and further justification was requested to support the application. The Council's Tree Officer sought to meet with the applicant's arboriculturist at that time but there was a reluctance to do so and on 23rd March 2022 the applicant asked for the application to be put on hold for the time being.

Following receipt of your letter the Council discussed the matter with [REDACTED] as landowner and suggested once again that a meeting on site with the relevant parties would help to bring this matter to a conclusion. A meeting was subsequently arranged for 1st August with representatives from Sailors Creek CIC, Trefusis Estate, Mylor Parish Council, Tree Wise arboricultural consultants, Cornwall Council planning and tree officers.

The Council wrote to all attendees prior to the meeting and suggested the following approach for the meeting:

- 1. I would recommend an agreement be reached for a systematic approach to inspection of the trees and the risk they pose. The trees should be considered by the appointed specialist in line with industry recognised tree inspection procedures (E.g. VTA) and where appropriate/necessary, a recognised tree risk management framework (QTRA, VALID, etc.) It is imperative that the surveyed evidence and risk assessment provides clear and convincing justification for any tree management proposals, proportionally to the magnitude of proposed works.*
- 2. This review of the tree asset will enable a revised set of tree work specifications to be drawn up by the applicants appointed arborist/arboriculturist.*
- 3. This assessment/report must be in line with industry best practices and specify works that represent a proportional and well evidenced response to the condition of the trees and the assessed risk they pose, while considering their amenity value and long-term contribution to the local landscape.*
- 4. These proposals, including any replanting measures, once finalised to the satisfaction of the applicant (SC CIC) and their appointed arboriculturist/arborist, should be submitted to Cornwall Council planning service, care of the Case Officer.*
- 5. In the interest of timeliness, I would recommend these proposals be accepted by the LPA as an amendment to the original specification that was submitted in support of PA22/00364; this case remains undetermined.*
- 6. A "fast-track" consultation with the Parish Council and Forestry Officer should be undertaken (if possible and in compliance with planning legislation)*
- 7. Any approval/refusal, including conditions applied to any consented works should be issued promptly once a determination has been made.*
- 8. Subject to the reasonable collaboration of all parties, I would expect the above process to facilitate as swift a conclusion to the matter as possible enabling consented works to be commissioned and undertaken without unreasonable delay.*

Any agreed actionable matters should be assigned to the appropriate party and a recommended timeline recorded. A collaborative and successful meeting took place as planned and the agreed actions are set out below, along with an updated timetable in red.

1. Following confirmation of the TPO area, an exception notice is only required for the felling of the Ash tree T807. SCCIC to progress this without further delay. **An exception notice was submitted on Monday 8th August reference PA22/01398/PREAPP. Given that all parties present accepted that this tree is dead, a positive decision on this application will be issued today which will enable the felling to proceed.**
2. TreeWise to submit final specification in line with the requirements of their client (Sailors Creek CIC) and, where acceptable, in line with the advice and guidance provided by CC Forestry Officer. Treewise to confirm timeframe for this. **An updated specification was received from Treewise on Monday 8th August.**
3. [REDACTED] have scheduled a meeting to specifically provide their consultation on this application in a timely fashion. [REDACTED] to confirm date. **We are currently awaiting a confirmed date from [REDACTED]**
4. Upon receipt of final specification, Cornwall Council to expedite internal consultation process without delay, with consent to be issued upon completion of this process. [REDACTED] to confirm timeframe for this. **Consultation requests have been sent to [REDACTED] and to the Tree Officer on Tuesday 9th August 2022. Assuming both parties will respond positively and swiftly, a decision on the application should be made well before the end of this month.**

I trust that this demonstrates that the Council has taken positive steps to progress this matter whilst complying with our duty to ensure that works to trees covered by a Tree Preservation Order are justified to the necessary standards.

Please do not hesitate to contact me if you require any further information.

Kind Regards,

[REDACTED] **Service Director for Planning & Housing (Chief Planning Officer) | Cornwall Council**

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Dear Chief Planning Officer, Cornwall Council

Re: Paul John Welch, deceased - DOB: 24/04/1967
Our case reference: 3949493

Please find attached a letter from Mr Andrew Cox and Regulation 28 report for your attention.

Kind regards,

[REDACTED]