

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO:</p> <ol style="list-style-type: none"> 1. Chief Planning Officer, Cornwall Council 2. Parish Clerk, Mylor Parish Council 3. Sailors Creek CIC
1	<p>CORONER</p> <p>I am Andrew Cox, the Senior Coroner for the coroner area of Cornwall and the Isles of Scilly.</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 7/6/22, I concluded an inquest into the death of Paul John Welch aged 53 who died on 2/1/21.</p> <p>.</p> <p>The medical cause of death was recorded as:</p> <p>1a) Massive head injury</p> <p>I recorded a Conclusion of an Accidental Death.</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>While walking with his daughter along the foreshore at Sailors Creek, near Flushing in Cornwall on 2/1/21, Mr Welch was struck by an overhanging tree that fell out of an embankment. He suffered a serious head injury and died at the scene.</p> <p>The landowner had previously commissioned tree surveys to assess the risk caused by trees within striking distance of highways and footpaths in the area. Through oversight, the trees aligning Sailors Creek had been omitted from the surveys.</p> <p>Subsequent to the incident, the omitted trees were surveyed by [REDACTED] at Treewise at the request of Sailors Creek CIC. A number of recommendations were made to trim and thin various trees.</p> <p>The trees are subject to a Tree Preservation Order. An application has been made to Cornwall Council for authority to carry out the recommended works. The inquest was advised that Mylor Parish Council has objected to the works being done and no action has been taken.</p> <p>The inquest heard that two individuals, [REDACTED] and [REDACTED], remain in Sailors Creek without lawful permission to do so. From time to time, those individuals access the foreshore where the incident involving Mr Welch occurred. Other members of the public are able also to gain access to the foreshore. Unless and until the recommended works have been carried out, there is an obvious risk to the safety of these individuals and members of the public.</p>
5	<p><u>CORONER'S CONCERNS</u></p> <p>During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p>

	<p>The MATTERS OF CONCERN are as follows. –</p> <p>As set out above, the remedial works that it has been advised be carried out to the trees aligning Sailors Creek have not been undertaken notwithstanding the obvious risks to individuals present there, as evidenced by the tragic death of Mr Welch.</p>
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe you [AND/OR your organisation] have the power to take such action.</p> <p>Please re-consider the planning application in respect of the remedial works recommended on the trees aligning Sailors Creek.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 10/8/22. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise, you must explain why no action is proposed.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons: (1) [REDACTED] (2) [REDACTED] (3) [REDACTED]. I have also sent the report to [REDACTED] and [REDACTED] for their information.</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>
9	<p>[DATE] 15.06.22 [SIGNED BY CORONER]</p> 