

21 March 2013

Agenda Item:

REPORT OF SERVICE DIRECTOR, HIGHWAYS
IMPLICATIONS OF THE ASH TREE DISEASE

Purpose of the Report

1. This report seeks to outline the ramifications of the disease affecting Ash trees known as Chalara Fraxinea but is pertinent in terms of any tree related disease outbreak.

Information and Advice

2. The Forestry Commission states that currently there are over 8 noteworthy pest and diseases within the UK that could have a significant effect on the County's tree stock. Due diligence by trained staff and speed of response is critical in terms of disease control, however, in the case of Chalara Fraxinea this phase has ended. The issues faced by all landowners is now one of managing a population of trees that are in ill and failing health that will worsen due to infection with Chalara Fraxinea .

3. It is vital ensure that timely and appropriate safety work and tree removal is carried out in a planned and measured way. The implications for Chalara Fraxinea should be considered as significant as they are the dominant hedgerow boundary tree throughout the County, having replaced Elm in this role, and multiples of self-set and planted Ash dominate hedgerows and rural verges.

4. The Forestry Commission has issued guidance with regard to the control of the spread of the disease and estimations made with regard to life expectancy should be viewed as guide lines as there are many variables that affect the speed of death of at tree at a local level. Realistically the County Council resources will be limited to responding to tree problems within its statutory responsibilities only. Advice and assistance to private tree owners will have to be left to government agencies such as the Forestry Commission unless they could be seen to affect the Public Highway.

5. It is likely that April / May 2013 will show the extent of the spread of the disease as trees will be observably dead or showing signs of die back.

Identification and management of trees bordering the highway (trees on private land)

6. The County Council will continue through its normal process for dealing with potentially hazardous trees affecting the public Highway to identify private trees affected by the disease.

The Authority usually requires landowners to make safe their trees through the use of Section 154 Highway Act 1980.

However if the disease spreads quickly and becomes widespread there is a risk that many people would find it easier and cheaper to fell infected / standing dead trees rather than attempt to promote their retention for as long as possible by carrying out the bare minimum of works truly required.

Other Options Considered

7. In these circumstances the Authority may decide that the logistics of serving multiple notices is practicably unachievable and takes the view that any tree within falling distance of the Highway that poses a significant threat should be made safe by the Authority which would also ensure that only truly necessary works are carried out.

The trees would then be recorded and monitored to ensure safety until the next phase of the tree mortality spiral takes effect and landowners notified accordingly.

Consideration may also be given to grant aiding replacement planting at as early a time as possible.

This alternative would give the Authority more long term control over the management of the trees by offering support guidance and advice, however this has potentially significant implications in terms of funding.

For trees on private land bordering public rights of way colleagues in the Rights of Way team would follow a similar approach, actively liaising with the nominated Tree Inspector for the area to ensure continuity of management.

Unfortunately the provision of additional funding from central government is not yet determined and it would be prudent to identify a reserve fund should the Authority need to implement these measures.

Identification and management (trees on county owned and maintained land)

8. Identification of dead and infected trees followed by detailing works instructions to carry out the bare minimum of work required to make safe for the public and in the case of other property buildings and site users. Clearly the process needs to identify the major risks associated with regard to dead/ hazardous trees.

9. Broadly this can be broken down into:

The Public Highway

Schools and Education Sites

Property sites / holdings with high public usage i.e. Libraries, social service centres, Country Parks and Green Estates

Property sites with low public usage i.e. disposal sites, farms and land holdings

Although tree survey data exists on highway land and to an extent the country parks and green estates no such survey exists on other property land. The Authority's normal liability issues notwithstanding this missing data clearly means that it is not possible to predict accurately the issues that disease control / felling of dead trees will cause and the resources that would be required to satisfactorily answer the matter. A starting point would be to ensure that corporately all trees on County Council owned and maintained land are surveyed to an appropriate level and maintenance works decided as necessary undertaken. The Health and Safety Executive guidance "Management of the Risk from Falling Trees" (SIM 01/2007/05) is quite clear on how to manage the risk from falling trees and as a minimum standard this should in any event be being followed.

10. Consideration would need to be given as to the replacement of trees that are lost for future generations. Replacement tree planting species type will need to be informed by the use of the Landscape Character Appraisal maps supplied by Landscape and Reclamation Team to ensure the appropriate reestablishment of the local landscape.

Environmental Implications

11. The removal of roadside hedgerow trees in particular is completely inappropriate in terms of the damage it would potentially cause to protected species such as bats and nesting birds and their associated habitat. It is essential that due consideration is given to this matter when detailing remedial works up to and including felling on safety grounds. Decayed trees provide valuable ecological resources and due diligence is essential to ensure that only those trees absolutely requiring removal are targeted. It would be unfortunate to think that the loss of the Ash tree is compounded further by the damage to the greater environment by being too acute in terms of tree removal.

Landscape Implications

12. The appearance of the landscape is likely to be significantly affected through the impact of this disease. Ash is a dominant species in at least one of the 3 landscape elements in all of the County's character areas. The following table summarises the County Landscape Character Areas and identifies the elements in which ash is one of the dominant species.

Character Area	Woodlands	Hedgerow Trees	Wet areas/ stream sides
Notts Derbys Coalfield	yes	yes	
East Notts Sandlands		yes	
Idle Lowlands County Areas		yes	
Leicestershire and Nottinghamshire Wolds County Landscape	yes	yes	yes
Magnesian Limestone	yes	yes	yes
Mid Nottinghamshire Farmlands	yes	yes	
Sherwood		yes	yes
South Nottinghamshire Farmlands	yes	yes	
Trent Valley	yes	yes	yes
Trent Washlands	yes	yes	yes
Vale of Belvoir	yes	yes	yes

13. The implications for landscape character are that there will be a significant loss of one of the key components of woodland, hedgerow and stream side tree cover. The appearance of the remaining landscape will also change as other tree species become more dominant.

14. In terms of Highway trees an estimation based on the percentage of total tree stock being Ash equates to approximately 30000 trees, ranging from small recently planted and early mature trees totalling perhaps 70% of this number through to what most people would recognise as a tree number approximately 8000 trees. These figures are reflective of trees in the Highway. No other survey data on other County council owned or maintained land is available to assist in cost estimation.

15. Additional ecological consultancy support may be required when features associated with protected species are identified on trees to be worked upon or felled due to the need for specialist surveys and licences and the necessity to ensure legal compliance.

Information for the Public

16. Trading standards officers will be briefed on the opportunity that this disease outbreak offers unscrupulous contactors, and information packs will be prepared to assist concerned residents for the spring summer of 2013.

Conclusion

17. The Chalara Fraxinea outbreak and potential implications may require increased County Council resources to ensure that its effects can be managed in a measured and holistic manner.

18. Risk management assessments are required to manage the safety of road users and also staff users and visitors to county council sites, schools and parks from the risk posed by failing limbs and falling trees.

19. This report is applicable to other possible statutorily notifiable disease outbreaks but in the case of Chalara the government is not proposing quarantine zones and mandatory sanitation felling. Potentially other outbreaks may require this sort of response and it is proposed to develop a framework plan in place that could be adapted to deal with any disease outbreak in a timely and effective manner.

20. It is unlikely that the implications of this disease can be effectively managed without the measures set out in this report.

Statutory and Policy Implications

21. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

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Constitutional Comments [SHB 13/3/13]

24. Committee has the authority to approve the Recommendation.

Financial Comments

25. To Follow.

Electoral Division(s) and Member(s) Affected

ALL