

# EDT Committee

Item No.

<b>Report title:</b>	<b>Ash Die Back (Chalara) – Management of NCC estate</b>
<b>Date of meeting:</b>	<b>9 September 2016</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe, Executive Director Community and Environmental Services</b>
<b>Strategic impact</b> Ash dieback disease (referred to as Chalara in this report) can be compared to Dutch Elm disease which killed 30 million largely non-woodland trees in hedges and fields across Britain. The impact of Chalara in Norfolk should be considered significant, as ash is the second commonest hedgerow boundary tree throughout the County. It is vital to ensure that timely and appropriate inspections and safety work are carried out in a planned and measured way. It is not possible to effectively manage the implications of this disease without the measures set out in this report, which are limited specifically to Norfolk County Council's own responsibilities and exposure to risk.	

## Executive summary

This paper highlights the risks of ash dieback disease to Norfolk's public safety, economy and environment, and the potential resource implications for the council. Appendix A describes the disease, its spread, risks and the impact of Chalara in Norfolk to date.

The County needs to be prepared and adequately resourced both to respond to the immediate effects of the disease and to minimise the long term adverse impacts. The indication from government is that there will be no financial help available to deal with the problem.

NCC owns and is responsible for trees on its extensive estate including highways land, schools, adult social care homes, county farms, corporate property sites, libraries and fire stations. NCC as a landowner has a duty of care under the Occupiers Liability Act 1984 to ensure that its trees do not pose a danger to people or property. It also has a duty under the Highways Act 1980 Section 41 to maintain the public highway and Section 154 to require owners of private trees to deal with those trees that overhang or are a danger to roads or footpaths. As a result of Chalara, ash trees on NCC sites will need to be inspected more frequently than at present, and made safe as necessary.

NCC needs to fully establish the extent of the problem and produce a Chalara Strategy incorporating an action plan to determine the most cost effective and efficient ways to manage the disease over the next 20 years. To this end a 3 year project has been set up, with funding from highways as detailed in Sections 1.4 to 1.6. In addition, a report will be taken to the Policy and Resources Committee in October / November 2016 to highlight the issue for trees on other NCC properties.

Councillor Martin Wilby attended a Ministerial visit in July with Lord Gardiner, the Defra Minister with responsibility for Tree Health and Plant Biosecurity and Professor Nicola Spence, Defra's Chief Plant Health Officer, to gain an understanding of the issues and challenges presented by this disease and provide feedback to Defra.

The Senior Arboricultural and Woodland Officer represents NCC at a national level at the Ash Dieback Safety Interventions Meetings organised by Defra.

Officers will report back to EDT Committee annually, or more frequently if required to keep Members appraised of progress.

## **Recommendations:**

### **Members are asked to**

- 1. Review and note the contents of this report**
- 2. Consider the suggested approach to work in collaboration with the Policy and Resources Committee to deal with the council-wide responsibilities for public safety and property.**
- 3. Request financial support from Defra**
- 4. Instruct officers to engage with landowners where their trees would affect NCC (e.g. Trees next to roads) to reduce the resource implications for NCC and streamlining the procedure to charge landowners if we have to undertake work on their behalf**

## **1. Proposal**

- 1.0. Currently NCC has no accurate records mapping where ash trees occur and no reliable information on age and condition of the trees.
- 1.1. NCC has a duty of care to ensure that its trees do not pose an unreasonable risk to people or property and therefore there will be additional work and the expense that NCC and landowners and managers will incur as a result of ash dieback is likely to be considerable. Unlike oaks, dead ashes and those that are dying back rapidly become unstable, readily shedding limbs and falling, so posing a substantial and often unpredictable threat to human safety and property.
- 1.2. Initially we need to identify and assess the condition of ash trees growing in our highest risk areas which are school grounds and along highway corridors; this will need to include all classes of roads and Public Rights of Way. We estimated that for public highways this task would take at least three growing seasons to conclude.
- 1.3. There are 5,965 miles of public highway in Norfolk and 420 schools (but currently 120 of these are academies who are directly responsible for their grounds and do not receive free advice from the tree officers at NCC). As a guide, Suffolk County Council have stated that it will take two people working together, on average one day to survey both sides of a road for a distance of 15 miles. A more accurate assessment for Norfolk's highways, using the survey methodology that has been adopted this summer, will be forthcoming as the data is analysed this winter.
- 1.4. To address the public highways issue, in February 2016 highways allocated £110,000 funding for a 3 year period that will deliver the following activities for the Chalara project:-
  - a) Desk top surveys to gather all useful existing information and identify gaps to determine survey routes and priorities
    - i) *The Woodland Trust has supplied us with data from the National Tree Map to complement in-house datasets.*
  - b) Populate the existing NCC tree database with location maps and records of ash trees on highways land
  - c) The Tree Council recommends use of the free open source software iTree. We will look to include this tool, if feasible, as part of a holistic management plan for NCC's trees.
  - d) Checking and verifying the condition of trees on the ground and assessing risks
  - e) Organising the production of advisory material to raise awareness and mobilise the public to involve them in identifying ash trees

- f) Representing this Council at Defra and Local Task Group Meetings
- g) Organising for the safe removal of dangerous trees
- h) Producing a prioritised and costed 20 year Action Plan for Norfolk

1.5. And will cover the cost of:

- i. An initial one-off cost of £20,000 to help to cover emergency tree felling work highlighted in the ground-truthing exercise
- ii. Resource to employ a year in industry student annually for 3 years to carry out the GIS information management, assist in ground-truthing, collation and dissemination of information, and coordinating contact and advice for landowners (£15,000 p.a.)
- iii. Resource to employ an additional arboricultural specialist for 3 months annually for 3 years to assist the Arboricultural and Woodland Officers to carry out the additional proactive and professional tree inspections on NCC property (£10,000 p.a.)
- iv. Resource to cover training days, software, ICT equipment, legal charges and promotional material (£5,000 p.a.)

1.6 The preliminary data from this year's surveys is given in Appendix D for information. The map of Norfolk is divided into the four current highways inspection areas. For each area, the length of road inspected, the number of ash trees present and their average tree height are given with pie charts illustrating the percentage dieback found in the surveyed trees. Over the coming months the results of all of the surveys will be analysed in more detail to inform future work plans and the survey programme for 2017.

1.7 Based on the results and evaluation of the work this season, we will need to identify a further £50,000 in 2017/18 to deal with additional emergency works on the public highway, identified as a result of the ground-truthing inspections. A more accurate assessment of 2018/19 costs will be forthcoming by September 2017 and the 20 year Chalara Strategy will define ongoing costs beyond 2019.

1.8. We have set up a Norfolk officer working group led by the Environment Team to take forward the initial project work. This officer group includes representatives from Highways, Trails, Children's Services, County Farms, Corporate Property, Risk and Insurance, Emergency Planning, NPS, corporate communications and Business Support. District and Borough Council colleagues and organisations such as the John Innes Centre and the Forestry Commission will be kept updated of actions arising from the meetings as required.

1.9 The Senior Arboricultural and Woodland officer will work with a representative from Corporate Property to take a report to the October meeting of the Policy and Resources committee to address how to deal with Chalara on other NCC property. We need to work collaboratively across committees to address the impacts of Chalara across all NCC property.

1.10. We will engage with private landowners and will work with Suffolk and Essex County Councils to develop better working relationships with them via organisations such as the Country Landowners Association (CLA), the National Farmers Union (NFU), Defra and the Tree Council. We will work on a cross county approach to provide training to disseminate information on best practice for managing Chalara on trees close to public land and to provide support and advice.

1.11. A copy of this committee report will be forwarded to all departments with responsibility for land through the Chalara Working Group. It will also be

forwarded to academies so that they are aware. Advice and training will be offered to all NCC departments and academies as well as to private landowners (as per Section 1.7 above).

## 2. Evidence

- 2.1. Mature ash trees infected with Chalara typically decline and die within 5-10 years. We already have dead mature ash trees in Norfolk.
- 2.2. NCC's current tree inspection regime is dictated by the Tree Safety Management Policy (referred to as the Tree Policy, see Appendix B) which sets out a procedure to ensure that NCC fulfils its duty of care with regard to tree safety. Due to the high number of trees owned by NCC across Norfolk and only two specialist arboricultural and woodland officers employed, the system of inspection was set up so that officers at specific localities would be trained to a basic level to inspect trees on their sites or patch and identify obvious defects that may cause them to be a danger (See Section 2.4 and 2.5 of the Policy). These 'Level 1 Tree Inspectors' comprise staff such as highway inspectors and technicians, teachers, grounds staff and designated officers. When the Level 1 Inspectors identify a tree of concern, they are able to request a professional tree inspection from the Arboricultural and Woodland Officers. (Section 5 of the Policy).
- 2.3. The inspection regime in the Policy was set up for existing staffing levels at NCC and was not designed to cope with a major disease outbreak such as Chalara where large numbers of mature trees will be declining and dying simultaneously and can only be inspected for the disease whilst the trees are in leaf. **The Tree Policy's inspection regime will therefore only be fit for purpose for the inspection of ash trees where there are low numbers of trees on a site** such as a small village school or a library.
- 2.4. To assist level 1 inspectors to inspect ash trees for signs of Chalara, an addendum to the policy has been produced and placed on the Tree Information page on iNET – see Appendix C
- 2.5. On 24 June a Ministerial Visit took place in Suffolk with Lord Gardiner (the Defra Minister with responsibility for Tree Health and Plant Biosecurity) and Professor Nicola Spence, Defra's Chief Plant Health Officer. This meeting had the purpose of informing and receiving feedback from Officers and Members of the councils of the 3 counties most affected by ash dieback – Norfolk, Suffolk and Kent, with additional input from The Woodland Trust, Fera, CLA (Country Land and Business Association), Forestry Commission and Network Rail. Councillor Martin Wilby (Chair of EDT Committee) attended with the Senior Arboricultural and Woodland Officer. Some of the key points that Defra and the Tree Council took away from the meeting are that large landowners such as local authorities will be looking to Defra for financial support for tree surgery and felling work, changes in regulatory requirements such as Felling licences, as well as the local action plans and guidance already being produced. Also for grants to help with replanting from organisations such as the Defra, Woodland Trust and the Tree Council.
- 2.6. The Senior Arboricultural and Woodland Officer attends the national Ash Dieback Safety Intervention Meetings organised by Defra. In July a presentation to update the group on Norfolk's Chalara Project was given. Details of our methodology and early survey results were well received and the Tree Council

are keen to share our methodology with other authorities in the Country.

### 3. Financial Implications

- 3.1. Until we fully establish the extent of the problem within Norfolk through the Chalara project work over the next 3 years we are unable to fully quantify the financial impacts for Norfolk County Council. Work already undertaken elsewhere, in Counties such as Kent and Suffolk, suggest costs in the order of £7m to £16 million to fell infected non woodland ash trees.

The responsibilities for dealing with effected trees will rest in a number of different areas

Area	Who's responsibility	Comments
Highways, libraries, museums, fire stations.	NCC CES – EDT/Communities committees	
General NCC land (Including County Farms, Corporate property)	NCC - P&R committee	Paper being taken to P & R committee October 2016
Schools	NCC - Children's services	Parts of Voluntary Controlled and Voluntary Aided schools are not owned by NCC
Academies and Foundation Schools	Not NCC	Responsible for their own grounds
Private land	Land owners	We would need to streamline the procedure currently used by highways to charge land owners if NCC have to undertake work (See 4.2 and 4.4 below)

- 3.2. The additional £50,000 identified in Section 1.7 will need to be considered as part of the budget forward planning process for 2017/18.
- 3.3. The project will enable us to formulate the most cost effective approach for managing the disease and dealing with the parties responsible.
- 3.4. In the current market it is unlikely that significant revenue will be made from the sale of wood or wood products from diseased trees. Ash is only commercially viable if removed from a woodland with a harvester as part of woodland thinning operations. As soon as roadside costs are factored in (traffic management and arborists) there will be a net cost. Chalara is therefore not a commercial opportunity for a landowner but a liability.
- 3.5. In addition to the cost of felling ash trees or making them safe, there will be costs associated with replacing the trees we have lost. (See Section 4.4 below). Nationally, the Tree Council and the Woodland Trust are looking at ways to address how this may be funded.

## **4. Issues, risks and innovation**

- 4.1. It is only possible to assess trees adequately for Chalara when they are in full leaf. This restricts the proactive inspection period to the months of June to September.
- 4.2. NCC as the Highway Authority, has a system in place in accordance with Section 154 of the Highways Act 1980 to notify landowners where trees are posing an imminent risk to highway users and to carry out the work and recharge the costs if the landowner fails to act within the designated time period. Due to the potential high numbers of notifications required to deal with trees with Chalara, the procedure will be revisited to ensure it is fit for purpose.
- 4.3. However it is important to recognise that in the order of 80% of highway trees are privately owned and this disease poses a significant problem not just for this Council but for land owners and managers as well. To ensure we approach the problem constructively it is important to work closely with these land owners and managers right from the outset to reduce the number of notifications issued under the Highways Act 1980. The best way to tackle this problem is to work cooperatively together at the outset (see section 1.7 above).
- 4.4. As well as the health and safety risks outlined above, Chalara will impact our landscape connectivity and biodiversity, and also reduce the ecosystem services provided by trees such as improving air quality and flood amelioration. NCC officers will be seeking new and innovative ways of addressing funding for replanting to continue to work towards greater connectivity within the landscape. Planting will, in accordance with the Tree Safety Management Policy, and will continue to look towards planting a wider suitable variety of species and provenances to create a more resilient tree population both to future pests and diseases and the changing climate. We will work closely with the Tree Council, Woodland Trust and other NGOs for guidance on funding streams for planting
- 4.5. We already have established links with the John Innes Centre who keep us up to date with their latest genetic research that they strongly believe will soon enable rapid identification of resistant or tolerant trees. We will support their work and provide data on trees that appear tolerant. They hope that it will be possible to produce a genetically diverse population of ash that are tolerant to Chalara. We also continue to work closely with the Forestry Commission who are using two 10 hectare plots of NCC land (Farmland at Burlingham and Strumpshaw Landfill) which we offered to them for their Chalara ash dieback resistance screening trials in 2013. We will publicise the results of the research when it is produced.

## **5. Background**

- 5.1. Please see Appendix A for the background to the disease and an explanation of dieback assessment that is used.

Please see Tree Safety Management Policy (referred to as the Appendix B Tree Policy) and Addendum 1 to the Policy (Appendix C).

Please see Appendix D for Preliminary Survey Data.

## **Officer Contact**

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

**Officer name :** John Jones

**Tel No. :** 01603 222774

**Email address :** [john.jones@norfolk.gov.uk](mailto:john.jones@norfolk.gov.uk)



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.