

Policy and Resources Committee

Item No 11.....

Report title:	Ash Dieback (Chalara) – Management of the NCC Estate
Date of meeting:	31st October 2016
Responsible Chief Officer:	Simon George - Executive Director of Finance. Tom McCabe - Executive Director Community and Environmental Services
Strategic impact Ash dieback disease (referred to as Chalara) 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 most common 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.	

Executive summary

This paper uses the report put forward to EDT in September to highlight the risks of ash dieback disease to Norfolk's public safety, economy and environment, and the potential resource implications for the Council (NCC).

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 and a pan Council approach needs to be taken. 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, 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.

Recommendations:

- 1. Approve the suggested approach to deal with the council-wide responsibilities for public safety and property.**
- 2. Instruct officers to engage with landowners and tenants where their trees would affect NCC Estate 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

To undertake this work will require the recruitment of an Arboricultural and Woodland Officer on a fixed term contract for 2 years.

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 set 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 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) 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.

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

Area	Responsibility	Comments
Highways, Libraries, museums, fire stations.	NCC CES – EDT/Communities committees	
General NCC land (Including County Farms, Corporate property)	NCC – P & R Committee	Corporate Property Team to co-operate with service users, tenants and other occupiers to ascertain the extent of the spread of Chalara.
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)

3.3 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. 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 other land owners 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.
- 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 be 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 Non-Governmental Organisations for guidance on funding streams for planting. The County Farms Team will have to work with the stakeholders and interested groups within the countryside: - National Farmers Union, Country Landowners Association, and the Tenant Farmers Association.
- 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

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).

Officer Contact

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

If you have any questions about matters contained in this paper please get in touch with:

Officer Name: Richard Porter

Tel No: 01603 222335

Email address: richard.porter@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.