Sunset for ash trees?

Advice for Clients

Version 1, August 2019
Prepared by Lockhart Garratt Ltd

LOCKHART GARRATT

Contents

What is ash dieback? 04

Will all ash trees die? 05

What is the impact of ash dieback? 06

Am I responsible for my ash trees? 07

So how do I manage my ash trees? 07

Further information 07

‘RACER’ delivery process for clients 08

- Resource 08
- Approach 09
- Compliance 10
- Execution 11
- Replant 11

Contact Information 12

What is ash dieback?

Chalara ash dieback, now commonly referred to as ash dieback, is a serious disease that is killing ash across the UK. It arrived from Europe in 2012 although is thought to have been present in the UK from around 2004.

Ash dieback primarily affects the common ash tree (*Fraxinus excelsior*) and is caused by the vascular wilt fungus *Hymenoscyphus fraxineus* (initially known by the name *Chalara fraxinea*).

As with another devastating vascular wilt disease, Dutch Elm Disease (DED) (*Ophiostoma novo-ulmi*), it blocks the water transport systems in trees causing leaf loss, lesions in the wood and on the bark and ultimately the dieback of the crown of the tree.

However there is a difference in the way the diseases are spread. DED is carried by the Elm Bark Beetle (*Scolytus sp.*) vector whereas ash dieback is spread through the air by the distribution of fungal spores from the central leaf stalks on the fallen leaves from the previous year.

WILL ALL ASH TREES DIE?

We don't know, but experience from mainland Europe where the disease has been present since 1992 suggests that the majority of ash trees will decline or die over the next 10-15 years, giving a limited time window for action.

Currently the fungus affects most of the UK as shown on the Forest Research Distribution map*. The map shows the spread of the fungus and those areas identified in 2012 that still have ash trees present. Anecdotally, there is a strong argument that the younger trees seem more susceptible, with the older and larger trees lasting longer but this does not mean they are resistant. It simply means the death of the tree will take longer with increased stem diameter.

Many of the trees that fall or shed limbs appear to have a secondary pathogen, such as Shaggy bracket (*Inonotus hispidus)*, Honey fungus (*Armillaria sp.*) or giant ash bracket (*Perenniaporia fraxinea*) present. These are not new pathogens, but they are taking advantage of trees stressed by ash dieback. Once stressed, trees are increasingly susceptible to additional pathogens and with reduced resistance they tend to succumb more quickly.

* Further information can be found at www.lockhart-garratt.co.uk/ashdieback

What is the impact of ash dieback?

The ash tree is the third most common broadleaf tree in the UK. Its vigorous nature has contributed to its success and undoubtedly some ash have established themselves in less than ideal locations, but they are species commonly recognised and integral to the landscape.

Within the countryside they make a significant contribution, in particular as a roadside tree. They are the dominant population in some areas of the UK so total loss will have a great impact, both visually and ecologically.

In the urban environment there is arguably better husbandry in terms of collecting leaves from streets and gardens, as well as collecting grass from mowing.

It is unclear whether the rate of disease spread will materially be reduced through such management techniques, but breaking the lifecycle and host resource of the fungus will bring about a reduction in the spread of the disease. However, being windborne these methods of management require a widespread and coordinated approach to enhance the prospect of success.

As a staple forestry species, ash is a valuable hardwood that grows well on a range of soil types. Its timber has a wide variety of uses as a product.

Ecologically, ash trees support 955* species of flora or fauna, of which 45 are found exclusively on ash, therefore these species are extremely vulnerable to the loss of their host. Ash trees are currently integral to green corridors used by a variety of wildlife wherever they are situated.

AM I RESPONSIBLE FOR MY ASH TREES?

YES!

Any person or organisation that occupies land or property has a common duty of care under the Occupier's Liability Act 1957, to take all reasonably practicable precautions to ensure the safety of those on their land. Breaches of this duty could lead to a civil suit for damages. Tenancy agreements vary so it is important to identify the duty holder(s) of tenanted land.

There are also statutory duties under the Health and Safety at Work etc. Act 1974 and related Regulations to do all that is reasonably practicable to ensure that people are not exposed to risks to their health and safety.

SO HOW DO I MANAGE MY ASH TREES?

The Lockhart Garratt Ltd process for managing ash trees is set out within RACER (Resource, Approach, Compliance, Execution and Replant). This system comprises a logical sequence of understanding your tree stock, determining the objective(s) for your trees and onward management, coordinating operations with legislation, undertaking arboricultural and or forestry works and, planning replacement planting.

FURTHER INFORMATION

There is a plethora of emerging information on ash dieback as new research, guidance and experience is published. Our staff are involved with the key organisations and bodies through committees and memberships so are aware of the latest advice.

We maintain a concise and up to date list of the pertinent publications on our website and will publish alerts when new information is released.

* Further information can be found at www.lockhart-garratt.co.uk/ashdieback

‘RACER’

Advice delivery process for clients

Below is the Lockhart Garratt Ltd overview of the process for the management of ash dieback. It is not guidance to cover every eventuality or update relating to the disease. Experienced practitioners are delivering this, working across disciplines where appropriate. Our practitioners are abreast of current industry thinking through a variety of external contacts, alongside internal communications within our specialist teams.

RESOURCE

Current guidance requires the ash resource to be identified and understood:

- Non-woodland ash - recorded individually or in groups depending on location. Drive by, drone or pedestrian/detailed survey depending on location. Categorise via Lockhart Garratt ‘3M’ method (Mild, Moderate or Moribund) or whatever is adopted nationally. The Health and Safety (H&S) survey methodology will pick up higher risk trees, while wider tree stock can be recorded by drone.
- Commercial woodlands - recorded as compartments, or sub compartments as appropriate together with the quality of the timber resource. Categorise using the categories set out in Annex 1 of the Forestry Commission’s Operations Note 46. Roadside trees and those near property are dealt with on a H&S basis. Drone and pedestrian surveys as appropriate for onward management advice.
- Amenity woodlands - Lockhart Garratt recognises that not all woodlands are managed commercially for a variety of reasons, but there is an increased duty of care where public access is available. These are very individual, and it is anticipated they are managed similar to non-woodland trees. Roadside trees and those near property dealt with on a H&S basis. Drone and pedestrian surveys as appropriate for onward management advice.

APPROACH

The occupier's objectives in relation to their tree stock will inform the approach, with the extent of public access highlighting tree owner's and/or manager's liability. Only a pro-active approach is defendable:

- Non-woodland ash - includes the many roadside trees and those within residential properties so will have the greatest interaction with property owners and the public alike. Where targets such as property and people are not within falling distance, limited management is advocated by Forest Research to provide the opportunity for resistant trees to be identified.
- Commercial woodlands - are an asset where a return is expected from the timber grown. Lockhart Garratt's and the current Forestry Commission England's advice seeks to maximise the return on ash plantations, or components thereof, whilst the timber still has a value.
- Amenity woodlands - All woodland benefits from proactive management. However, ash trees can potentially remain standing where they pose no threat to people or property and monitored for regeneration, resilience or retained as deadwood habitat. Where ash are serving a function such as screening or cover then replacement planting needs to be a consideration.

COMPLIANCE

There is legislation around trees that needs to be understood before any tree management can be undertaken:

- **Felling licences** - required for felling unless exemptions apply:
  - Location – such as domestic gardens, open space, church yards etc;
  - The type of tree work – pruning does not require a licence;
  - The volume and diameter of the tree – less than 5m³ per calendar quarter or less than 80mm for individual trees, 100mm for thinnings or 150mm for coppice diameter at breast height (1.3m); and
  - Other permissions already in place – such as extant full planning consent.
- **Tree Preservation Orders** - express consent required from the local planning authority. Following the submission of application, it should be determined within eight weeks. A condition to plant a replacement tree may be imposed. Dead and dangerous trees are exempt from the application process, however, there is a requirement to provide five days' notice to the planning authority and there is a duty to replace the tree(s).
- **Conservation Areas** - six weeks' written notice must be given to the local planning authority of the intended works. Unlike TPOs a condition to plant a replacement tree cannot be imposed. As with TPOs, dead and dangerous trees are exempt from the application process, but there is a requirement to provide five days' notice to the planning authority and there is a duty to replace the tree(s).
- **Plannning Consent and Conditions** - can override all of the above when full planning consent is granted, but planning conditions can protect additional trees from pruning and removal, so requiring express consent.
- **European Protected Species** - species such as bats and birds may utilise ash trees as nests and roosts and as such are protected under the Habitats and Birds Directives.

The above legislation does overlap, so the interrelationship of this needs to be recognised, understood and navigated competently in order to avoid investigation or enforcement action.

EXECUTION

Once the strategy has evolved based on the resource and objectives, it needs to be delivered. This will vary depending on the site.

The arboricultural and forestry sectors have established working protocols that will provide a starting point for the execution of any works. Emerging advice from industry bodies on how best to work safely on declining or dead ash trees will further inform the process in order to develop a safe system of work.

Every situation will vary, but it is anticipated that some trees less affected by ash dieback will be removed prematurely where it is logical and justifiable to do so. For example, a landowner or tree manager responsible for a line of declining roadside trees should consider the practicality of removing all the trees, including less affected specimens, where road or lane closures are required that would incur significant disruption to normal traffic flows. This would be justifiable due to the cost and wider community inconvenience of multiple closures over time.

Felling operations are becoming increasingly mechanised either with harvesters and tree shears for forestry or MEWPs (cherry-pickers) for arboricultural contractors. Mechanisation is advocated as best practice to enable a safe system of work for operatives. Deviation from the latest industry or specialist advice will require site specific justification through risk assessment.

Where declining ash trees are inaccessible for removal with machines (for example rear gardens) and traditional felling or dismantling operations are necessary, trees may need to be removed at an earlier stage of decline for the safety of operatives.

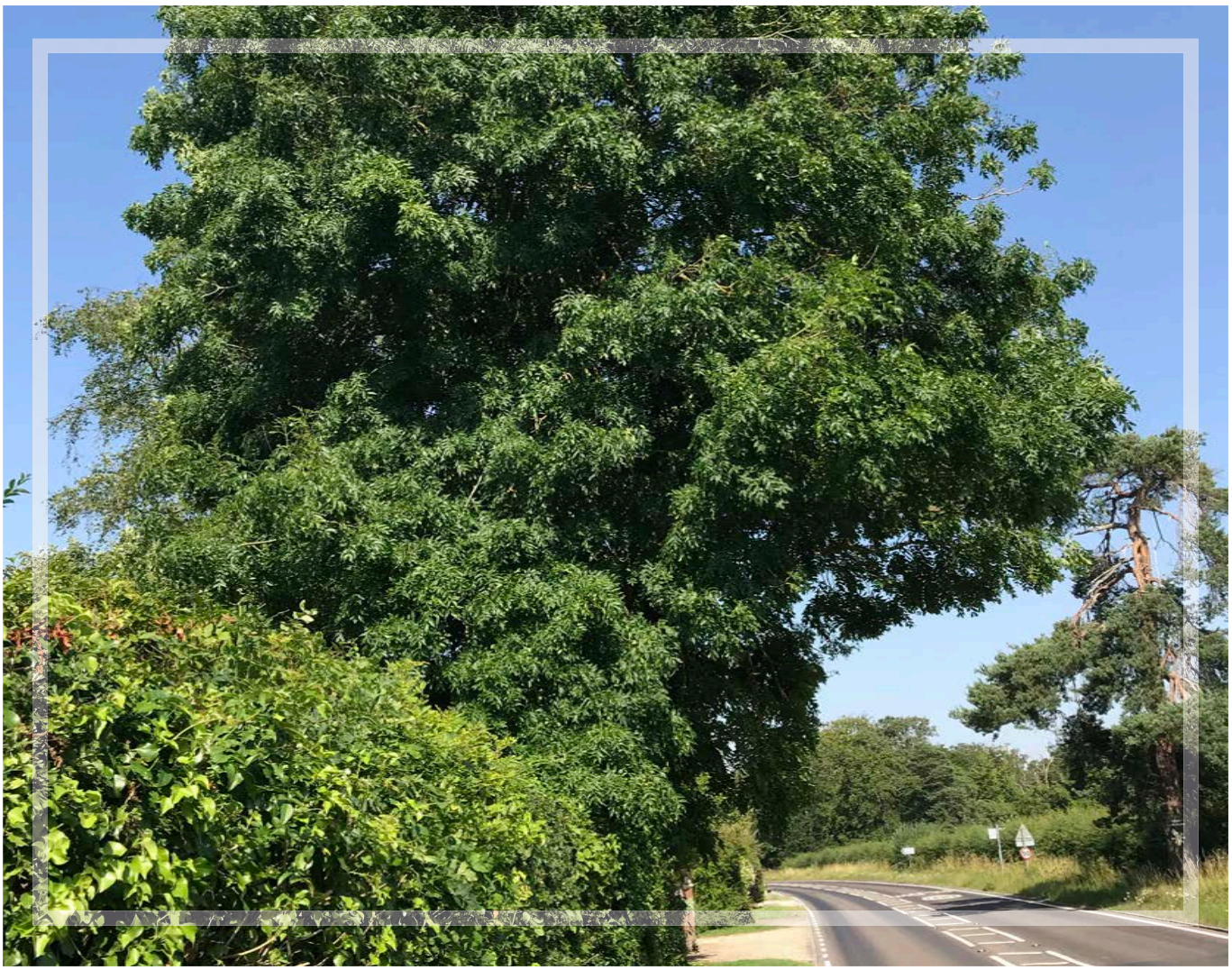
Prior to undertaking works, operatives will need to check for the presence of bird nests and bat roosts. If a nest or roost is identified then the advice of an ecologist will be required and actioned thereafter.

REPLANT

Losing ash trees will have a dramatic impact on the landscape so replacement planting with appropriate species is required to sustain the presence of trees within the landscape.

Where trees are covered by legislation that imposes a duty for replacement planting, discussions will be required with the relevant authority.

Species choice will vary between forestry and arboriculture depending on site objectives, and proposed species may include: alder, aspen, rowan, hornbeam, lime, sycamore, walnut and wild service.



Get in touch

LOCKHART GARRATT

General Tree Management Enquiries

nick.bolton@lgluk.com

andy.poynter@lgluk.com

01608 656167

Woodland Management Enquiries

justin.mumford@lgluk.com

cheryl.lundberg@lgluk.com

01536 408840

www.lockhart-garratt.co.uk