

WILTSHIRE COUNCIL

ASH DIE BACK INFORMATION AND GUIDANCE NOTE 2021

*ALL parish councils and landowners should be mindful of the impending spread of Ash Die Back (*Hymenoschyphus fraxineus* (formally *Chalara*)) throughout the county as well as the UK. At present, there is a significant risk to young saplings and early mature trees with some mature specimens showing a degree of resistance to the infection however, mature Ash trees can become infected by the disease, its speed of structural deterioration and the very likelihood of unexpected failure of individual trees within public areas, roadsides and private gardens increases liability for the legal tree owner.*

There is an abundance of information freely available on the Forestry Commission website, DEFRA, Woodland Trust and The Tree Council which ALL members and landowners should read. The information changes regularly as research is ongoing as some trees are found to show a degree of resistance.

Some useful links:

www.gov.uk/government/organisations/department-for-environment-food-rural-affairs

www.gov.uk/government/organisations/forestry-commission

www.woodlandtrust.org.uk

www.treecouncil.org.uk

With this disease and its spread throughout the UK, the landscape as we know it will change significantly for ever over the next few years and all councils and landowners should be prepared for an influx of enquiries from concerned members of the public and tree owners alike due to the amount of Ash trees that may need to be removed for safety reasons and which dominate every parish and town.

Any Ash trees within the central area of the county including Bradford-on-Avon, Trowbridge, Westbury, Warminster, Devizes, Pewsey, Marlborough and all parishes in between that are either within a conservation area or trees that are under Tree Preservation Order (TPO) that have been confirmed as infected with Ash Die Back, may NOT (subject to professional assessment) need a formal application (TPO) or Section 211 Notice (TCA) submitted to the council if the tree/s are too dangerous to retain in situ, but we would require a 5 Day Notice submitted via email. The 5 Day Notice must include photographs of the Ash trees current state, a plan indicating the trees location, confirmation from a qualified expert that the tree is diseased and full contact details so that a decision notice can be sent to the relevant tree owner/agent.

When a 5 Day Notice is registered, there is NO requirement to inform consultees such as Town or Parish Councils. As it is a notification to undertake works immediately, there is no reasonable time to inform Parish Councils for them to comment in the normal way.

Wiltshire Council and Highways are exempt from formal consent to remove trees unless the tree/s are under Tree Preservation Order protection as they are statutory undertakers as stated within the Town and Country Planning Act 1990 (as amended) and Town and Country Planning (Tree Preservation) (England) 2012 Regulations.

This is because of the potential speed of deterioration with this infection and its ability to make the trees brittle and liable to collapse at any point also it can make it difficult and extremely dangerous for any skilled operative to climb the infected tree. A full inspection of Ash trees suspected of infection should be undertaken in May/June for early signs of its presence and followed up with regular checks throughout the growing season, so a more informed management plan can be adopted, and the relevant works carried out to reduce the liability associated with the tree and the fungal infection.

ANY ASH TREES INFECTED WITH ASH DIE BACK SHOULD BE REMOVED BY A QUALIFIED, FULLY INSURED AND PROFESSIONAL ARBORICULTURALIST WHO IS FULLY TRAINED TO WORK WITH DEAD OR DYING TREES WITH MACHINERY APPROPRIATE FOR SAFE WORKING PRACTICES AND BEST INDUSTRY GUIDANCE. A FULL RISK ASSESSMENT SHOULD BE CARRIED OUT PRIOR TO ANY WORKS BEING UNDERTAKEN.

Every landowner has a duty of care to ensure their trees within their curtilage are in a safe and reasonable condition. Any Ash trees identified as being infected with Ash Die Back and are within falling distance of roads, buildings and open spaces must be assessed by a professional arboriculturalist and the appropriate recommendations followed to ensure public safety is the top priority. It is the legal responsibility of the landowner to meet all costs of tree removal if the trees are on private land.

All landowners must request a copy of the tree contractors Public Liability insurance before undertaking any works to dead or dying trees. The landowner must also insist that this insurance covers the contractor to work on dead trees, as the landowner becomes the employer and could be liable to additional costs for unexpected damage if the contractors insurance does not cover these works. Public Liability insurance must be at least £5m.

Any Ash trees growing on Wiltshire Council or Highways maintained land will be dealt with by the relevant authority as soon as reasonably practicable. Wiltshire Highways are currently undertaking a countywide survey to identify the trees that pose the most significant risk to the public and a management plan is being created to remove these identified risks. ALL enquires regarding council owned trees should be directed to the appropriate department.

Ash trees within a private garden that are close to or overhang a public highway must be discussed with Wiltshire Highways prior to any works taking place as road traffic management may be needed.

Wiltshire planning department does not have any control over council owned and maintained trees or Highway trees unless they are formally protected by a Tree Preservation Order.

Any Ash trees that are a sufficient distance from public rights of way, roads, parking areas and open spaces that would not affect public safety if they fell over, can be left to decay in situ, made safe or removed at a later date if deemed necessary.

All privately owned and maintained trees should be regularly inspected by a qualified arboriculturalist and in accordance with the terms and conditions of the legal tree owners home insurance policies.

These notes may change regularly in accordance with ongoing updates with national research and development and in line with available guidance.