



Chalara fraxinea – Ash Dieback

Advice Note 1 Ash Trees and Planning

Date 13/11/12

Environment, Planning and Economy

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Introduction

This advice note is intended to guide planners, agents, applicants, contractors and the public about the implications of Ash Dieback on Planning issues, including:

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Ash Dieback

Ash Dieback is a serious disease of ash trees caused by the fungus called *Chalara fraxinea* (*C. fraxinea*). The disease causes leaf loss and crown dieback in affected trees, and it can lead to tree death. Initial findings in the UK were associated with the nursery trade and recently planted sites however in October 2012, FERA (The Food and Environment Research Agency) scientists confirmed a small number of cases in East Anglia in ash trees which do not appear to have any association with recently supplied nursery stock. *C. fraxinea* is being treated as a quarantine pest under national emergency measures, and it is important that suspected cases of the disease are reported.

Our understanding of the spread and likely severity of the disease are evolving quickly and the direction that disease control will take will be guided by central government in the form of FERA and Forestry Commission (FC). Cornwall Council will play an important role locally in disseminating information and where necessary, implementing disease control measures.

At this early stage of the disease outbreak it is important that Cornwall Council provide a measured and proportionate response to the existing situation. Whilst the experience in Denmark is a salutatory one, government experts are still at the stage of understanding the situation in the UK and what, if any disease control or eradication measures would be appropriate.

Ash Dieback – Planning

1 Planning Applications

Trees on development sites are prioritised for retention in accordance with section 4.5 of BS5837 Trees in relation to design, demolition and construction– Recommendations.

At this time and until further notice it is not considered appropriate to down grade a tree e.g. move from B to C or U category, because of the potential risk of infection by *C. Fraxinea*. It may be appropriate, depending upon the circumstances, to down grade a tree that has been demonstrated to be infected by the disease.

2 Planning Conditions

Landscaping conditions frequently require the planting of trees as a form of mitigation. Ash, as a locally abundant and characteristic species is frequently specified for planting schemes. Under a Plant Health Order that came into force in October 2012 the movement of Ash planting stock has been banned.

Whilst susceptibility varies, all Ash species are vulnerable to infection. The native *Fraxinus excelsior* is particularly susceptible.

Until further notice none of the Ash species should be specified for planting in any scheme that is submitted to the Council. No scheme which proposes the planting of Ash will be approved.

Existing approved landscaping schemes that include Ash cannot be fully implemented because of the ban on Ash nursery stock. It is not practical to provide a recommended substitute species for all schemes because each site and its conditions will vary. It may be appropriate to merely increase the proportions of other species in the scheme.

Providing that the overall strategy and impact of the scheme remains substantially similar, an amendment which proposes a change of species from Ash to another (or increase proportions of other species) may be considered de minimus (of minimum importance). In this situation, applicants or their agents are advised to contact the Planning Department in writing, outlining the proposed changes and seeking agreement that the scheme may proceed.

If the Planning Department considers that the changes are significant, an application will need to be made seeking consent to modify or vary the approved scheme. An early approach to Planning is recommended.

3 Tree Preservation Order (TPO) Applications

Until the scope, likely severity and implications of the disease are known it is considered unnecessary to fell healthy trees. One potential outcome of the government's considerations may be that diseased mature trees will not be required to be felled under future plant health orders.

Therefore until further notice applications for consent to fell unaffected trees will be judged on their merits, as normal, and the potential for infection by *C. fraxinea* will not be a significant consideration.

Applications for consent to fell trees which are confirmed to be infected by *C. fraxinea* will be judged on their merits with consideration of the likely outcome of infection and the benefits of disease control.

Felling infected trees under Statutory Plant Health Orders will be an exception (see below).

4 Conservation Area Notifications (section 211 Notices)

Section 211 of the Town and Country Planning Act 1990 requires that before pruning, damaging or felling trees in a designated conservation area 42 days notice must be given in writing to the local planning authority (LPA), in this case Cornwall Council's Planning Department. This applies to trees that have a stem diameter greater than of 75 mm when measured at a height of 1.5 metres.

The purpose of this requirement is for the LPA to determine whether the works would be sufficiently harmful to public amenity and/or the character of the Conservation Area to warrant making a TPO.

As with TPO applications, until further notice notifications for consent to fell unaffected trees will be judged on their merits and the potential for infection by *C. fraxinea* will not be a significant consideration.

Applications for the felling of trees which are confirmed to be infected by *C. fraxinea* will be judged on their merits with consideration of the likely outcome of infection and the benefits of disease control.

5 5 Day Notices for Dead and Dangerous Trees

There are certain exceptions to the normal requirement to make a written application (TPO) or notification (Conservation Area) before work is undertaken to protected trees. Commonly these relate to the removal of dead trees and branches or the removal of trees and branches that pose a significant and imminent risk.

It is conventional, and the advice of Cornwall Council that the Planning Department is informed in writing of plans to work on trees under these exceptions unless the situation is so dangerous that it would be unacceptable to do so. Notification should be made as soon as the problem becomes apparent and a minimum of 5 working days before the works take place, advising what works are proposed.

The Council will respond in writing confirming whether the works may proceed under the exception.

If felling is required under a Plant Health Order and evidence is made available, this will be an exception to the normal requirement to make an application.

Depending upon circumstances the grubbing out of recently planted Ash that is evidently infected by *C. fraxinea* may be considered an exception. However, until further notice, if there is no Plant Health Order in effect, felling of established infected tree will not be an exception by virtue of infection alone.

6 New Tree Preservation Orders

Cornwall Council makes TPOs as and when necessary, when valuable trees are perceived to be at risk.

Until further notice the potential risk of infection by *C. fraxinea* will not be considered a significant justification for not making a TPO.

A confirmed case of *C. fraxinea* is likely to be a significant factor weighing against making a TPO. Each case would be judged on its merits and be influenced by current national guidance.

A tree with a Plant Health Order against it would not be made the subject of a TPO.

Summary

At this early stage in the outbreak of the disease Cornwall Council's position is to maintain a cautious status quo. As and when central government advice becomes clear, the Council's position and advice may well change.

This and other advice notes will therefore be subject to change at short notice and unless absolutely necessary readers are advised to refer directly to the Council's website. Downloaded information may quickly become outdated.

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