

DATA LABEL: PUBLIC



ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

ASH DIEBACK DISEASE – ACTION PLAN

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

To update the Environment Policy Development and Scrutiny Panel on the Ash Dieback Disease Action Plan.

B. RECOMMENDATION

It is recommended that the Panel:

Notes the update on the outline Ash Dieback Action Plan

Note there is a requirement for works to be carried out beyond 2022/23 however funding has not been secured.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; providing equality of opportunities; making best use of our resources.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The Council is required to demonstrate Best Value through a structured framework for the management of its assets.</p> <p>Ash Dieback Disease has been recorded on the council's risk register</p>
III Implications for Scheme of Delegations to Officers	Not applicable
IV Impact on performance and performance Indicators	None at present, new performance indicators to be added to track the performance procedure.
V Relevance to Single Outcome Agreement	<p>We live in resilient, cohesive and safe communities.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>

VI Resources - (Financial, Staffing and Property)	<p>It is estimated that up to £12 million may be required over the next 20 years and beyond to remove most of the affected trees within council ownership, with £5 million required within the next 5 years.</p> <p>£265,000 of additional funding was allocated to Nets, Land and Countryside to create a small Ash Dieback Disease Team to develop an Ash Dieback Action Plan and to undertake some initial work on the ground in the 2021-22 financial year.</p> <p>£500,000 of additional funding was allocated for additional Ash Dieback work in the Asset Management Strategy and General Services Capital Programme 2022/23 to 2027/28 that was approved by council on 15 February 2022.</p>
VII Consideration at PDSP	None
VIII Other consultations	Scottish Ash Dieback Disease working group led by Scottish Forestry and assisted by the Tree Council. COSLA, APSE, West Lothian Council Roads and Transportation, Planning Services, Property Services, Financial Management Unit, Corporate Communications and Legal Services.

D. TERMS OF REPORT

D.1 Background

Ash Dieback Disease is a serious disease of one of our native trees – Ash (*Fraxinus excelsior*) and also more ornamental varieties. It is expected to cause the death of a very high proportion of this species in the UK over the next decade or so.

Landowners have a legal responsibility to act and are being advised that their focus must be on managing the safety and decline of ash trees, and imitating the recovery process through replanting with alternative tree species.

Officers reported the likely implications for the council to the Environment PDSP on the 11 November 2021. These included, the environmental impact, considerable public safety risks and significant unfunded financial costs to the council. The report also highlighted the requirement for an Ash Dieback Action Plan.

D.2 Update on Ash Dieback Disease Action Plan

Progress on Ash Dieback Action Plan 2021-22

A brief tabulated action plan was prepared in Summer 2021 and an updated version of this is given in Appendix I.

First Phase of Work

The work over the first season is being used as a pilot exercise to gain experience of undertaking tree safety work on a more extensive scale, than the usual mainly reactive work on individual trees.

There are a number of large ash trees with advanced symptoms of Ash Dieback, which are within falling distance of the canal feeder and the National Cycle Route 75 at Almondell. Access is restricted and arrangements are underway to fell these difficult trees.

Communication

A communication strategy is being drawn up. Keeping the public informed is key to the successful delivery of the project. A small demonstration event is being organised for representatives during the initial contract work.

Roadside Ash Trees

An initial contract has been awarded, and started on the 3rd of March 2022, for the removal of multiple ash trees from along several roadside sections in one operation, together with some removal of Ash Dieback affected trees in open-space areas which have been zoned as having high public use.

Trees on Private Land Adjacent to Public Roads

As Roads Authority, the council will be required to request the owners of trees with significant Ash Dieback symptoms to make these safe by felling or reducing the crown of the tree.

Other Associated Work

As part of its ongoing Tree and Woodland Management work, the council is creating an inventory of its individual trees and woodland areas on public open-space. Work is currently underway in Livingston on both a survey of individual trees and being recorded on TreePlotter. This work will significantly contribute to progressing Ash Dieback.

D.4 Costs and funding

The current estimated costs, based on current survey information, for managing Ash Dieback are:

2021/22 - £265,000
2022/23 to 2025/26 - £4.7 million
2026/27 to 2041/42 - £7 million

To date, whilst discussions are taking place with the Scottish Government in relation to the funding of Ash Dieback, it has not yet provided Local Authorities with any additional funding for the management of Ash Dieback. The council has raised, and will continue to raise, the future funding pressures with Scottish Forestry and with COSLA with a view to them seeking funding from the Scottish Government.

The council has reprioritised scarce resources to provide some funding to implement the early stages of the Ash Dieback Action Plan.

However, it cannot fund the entire action plan without significant changes to future service provision.

The council has provided funding as outlined below:

2021-22 – £265,000 has been allocated.

2022-23 – £500,000 has been allocated.

The funding gap is significant:

2022/23 - £500,000

2022/23 to 2025/26 - £4.7 million

2026/27 to 2041/42 - £7 million

E CONCLUSION

Significant steps have been made in preparing work for contract for the period funding has been secured for date. This work started in early March 2022 and will progress subject to legal and other permissions being in place.

No additional funding has been provided beyond 2022/23 however efforts will be ongoing to secure these through Capital budget process and from Scottish Government.

G BACKGROUND REFERENCES

Report to Environment PDSP 11 November 2021

Ash Dieback Action Plan Toolkit [Ash Dieback Toolkit for Scotland - The Tree Council](#)

Draft Outline Ash Dieback Action Plan – Appendix I

Contact Person: Andy Johnston, NETs, Land and Countryside Manager

Email: andy.johnston@westlothian.gov.uk Tel: 01506 284623

Jim Jack, Head of Operational Services

Date: 29th March 2022

Appendix I

Initial Ash Dieback Disease Action Plan with Estimated Costs Updated February 2022

Item	Action	Timescale	Resource	Update Feb 2022
	Attendance at on-line presentations co-ordinated by Scottish Forestry and Tree Council for CEOs and Officers	April June 2021		Head of Operational Services attended. Subsequently formed and chaired a short-term working group
	Summer 2021 Survey			
	Procurement of 2year contract for easy to use tree inventory software and set up, to assist with ADD survey and other individual tree management work. (NB this could also assist with Natural Capital assessments as part of the Climate Emergency and Sustainability Plan)	By early June Completed	2021-22 - £10k Capital 2022-26 - £7k/annum	TreePlotter tree management acquired and customised for WLC use, including a section for recording relevant information for tree affected by ADD.
	“Boots on” inspections of and specification of remedial work for trees with >50% canopy loss, as recorded 2021 plus any other priority areas with large diseased ash trees (from local knowledge and reports). Healthier trees will also be more accurately recorded.	July– Aug 2021 Completed	2 Tree Inspectors, assisted by 2 Tree & Woodland Operatives x 4 weeks each (20%) 1 Roads Inspector and Operative Latter not available	Approximately 60% of the road network managed by WLC inspected and results extrapolated to compile more accurate estimates of number, size and condition of ash trees on WLC land, roadside verges, private land adjacent to the road with trees within falling distance of the road. In addition, a sample of open-space areas were also surveyed. Extrapolation here is more difficult, as there is no readily accessible record of the total amount of public open-space and other land owned by the council. Preliminary results of these surveys were used to inform report to PDSP in November. The surveys were undertaken by the 2 Tree Inspectors assisted by members of the Tree & Woodland operational team. NB this has meant that they have fallen behind on the constant stream of requests for service and it is hoped that some of the ADD funding can backfill their work in this area by funding external contractors.
	Roads Team to trial their drive by camera and artificial intelligence system, currently used for other roads defects	July-Aug 2021		Roads confirmed that they can ID ash trees affected by ADD but not how many if in a group. They did not have the capacity to assist with the above survey
	Roads Team drive-by survey of another 30% WLC road network for quick quantification of ash trees and disease	July–Aug 2021	1 Roads Inspector and Operative Not available	This would have enabled nearly all the road network to be covered so that future work could be accurately prioritised

	ADD surveys in Livingston to inform overall Livingston Long-term Forest and Tree Management Plan. TIs individual trees. Consultants – woods adjacent to high use areas	Aug – Oct 2021 Underway – revised completion dates In trees April 2022 and woods Sept 2022	2 Tree inspectors Arb / Forestry consultant £15k Capital %age of cost of the ind tree survey to be set against the ADD project	<p>Livingston Individual Tree Inventory and Condition Survey A contract has been let and contractors appointed to survey all the individual trees on WLC open-space in Livingston, including ash trees. This is currently underway and is due to be completed in April. (The presence of ADD can usually be determined by experienced tree surveyors even in winter when the trees have dropped their leaves.)</p> <p>Livingston Woods Long-term Forest Plan A contract has also been let for the preparation of a Long-term Forest Plan for the 250ha woodland owned by the council across Livingston. This includes the Tree Safety survey of all trees to the rear of houses and other high use areas. The appointed contractors are having some difficulty with the complexity of the numerous woods and tree belts throughout Livingston and this is likely to cause a delay in the completion of this work.</p>
	Recruit Ash Dieback Project Officer and Technical Assistant to be managed by P&W and Roads Maintenance	By January 2022 (Start process Sept 2021)	2 salaries and o'heads Jan-Mar 2022 £20k (Revenue 2021-21)	<p>Funding secured.</p> <p>The position of Tree & Woodland Officer with specific responsibility for the delivery of the Ash Dieback Plan is currently being advertised.</p> <p>Recruitment across the UK for all levels and types of arboriculture / forestry posts is currently proving difficult with an estimated 70% shortfall in candidates entering the industry compared with those retiring or leaving for other reasons. Forest & Land Scotland and the Forestry Commission in England, along with many of the private companies, are running technical and graduate level apprenticeship schemes to help meet this shortfall. West Lothian Council are looking to establish 2 arboricultural apprentice posts as part of the new apprenticeship programme.</p>
	Implement first tranche of work on WLC land including: School grounds Play areas Around public buildings Small start on roadsides	Underway	Arboricultural / forestry contractors 2021-22 - £50k Capital	<p>Funding secured.</p> <p>1 roadside and 1 open-space project drawn up and contracts awarded via a mini-competition on the Arboricultural Services framework contract Current hold-ups due to legal, access and protected species issues</p>
	Private Land adjacent to Roads As Roads Authority, the council will need to request the owners of trees with significant ADD symptoms to make these safe by felling or reducing the crown of the tree	Ongoing		The intention is to identify a section of road with trees requiring attention and to request that the owner/s take appropriate action. Where this coincides with work on council owned trees there may be the option of the council co-ordinating the work. Should the tree owner/s not agree to undertake the remedial work a 28day notice would need to be served.

				It is apparent that a few landowners have already felled or reduced the crowns of several diseased ash trees by some of the roads.
--	--	--	--	--

Item	Action	Timescale	Resource	Update Feb 2022
	Reports and Logistics			
	Update report to EMT and prepare initial Draft Ash Dieback Action Plan for West Lothian Council	July 2021 Completed		Report to EMT
	Draft Ash Dieback Action Plan and report to council	Sept 2021 Revised target date May 2022	Tree & Woodland Officer, NETs, Land & Countryside Service Manager, Head of Operational Services	Delay in production of Public facing ADD Action Plan, as ADD Project Officer not yet recruited. Outline plan to be drafted ready for consultation and then publication May 2022, in advance of trees showing noticeable decline being more visible to the public from June.
	On-line / in person workshop to agree protocols, required staff involvement and resources from various departments	Sept 2021 Complete	P&W, Roads, Property Services, Legal, Planning, Housing, Education	Head of Operational Services chaired a short-term working group with representation from:- Legal Services Property Services Procurement Finance Roads Managers and officers from Open-space & Countryside Communications
	Keep up to date with best practise for dealing with Ash dieback			Officers continue to communicate with other local authorities in Scotland and other organisations. Attendance at demonstration of tree felling machinery suitable for working along road sides. Scottish Forestry continues to assist in facilitating communication and also funding the Tree Council to assist Scottish local authorities to roll out of their ADD Action Plans. The Scottish Tree Officers Group (STOG) and the SCOTS, the Scottish Chief Officers Transport Services are looking at ways they can better support each other and make best use of resources.
	Report to PDSP	Sept 2021 Complete	ADD Working Group	Report presented at Nov 2021 Environment PDSP
	Update report to PDSP	March 2022		

	<p>From Summer survey work select an initial, small tranches of work on which to undertake trial / demonstration of co-ordinated implementation on a stretch of road including WLC land and private land:</p> <ul style="list-style-type: none"> a) Issuing 28day notices b) Fast track application for Felling permissions from Scottish Forestry c) Joint contract for felling using specialist equipment d) Replanting with other suitable species and locations <p>Possibility of this being done as a demo for STOG and SCOTS (Scottish LA groups for Tree Officers and Roads Officers) plus others such as NFUS.</p>	Aug 2021 - March 2022	<p>T&W Team, Roads, Legal, Property, Tech Support, Scottish Forestry, Contractor/s, Procurement,</p> <p>Up to £50,000</p>	<p>Analysis of survey results complete and first tranche of work identified. Funding secured.</p> <p>Using the data on the trees surveyed over Summer 2021-22, a number of sections of road were identified where there are a large number of trees suffering from ADD on land owned by the council. Due to the short timescale, those where traffic management arrangements were simplest were selected for work this season. Most of the trees within the selected areas are of medium stature and of medium overall risk.</p> <p>The long-term aim is that the roads network will be triaged with, where possible, those trees posing the greatest risk, i.e. large trees, showing symptoms of significant disease lining the busiest stretches of road, will be felled or pruned first.</p> <p>An initial contract has been awarded for the removal of multiple ash trees from along several roadside sections in one operation, together with some removal of ADD affected trees in open-space areas which have been zoned as having high public use.</p> <p>A determination as to whether or not Felling Permission is required is still to be made and a protocol for surveying for wildlife, in particular bats, is being worked on. It is hoped that these will be able to be sorted in time for the work to be completed this season.</p> <p>As was expected, there are numerous and sometimes complex factors to be considered as part of planning each individual felling/pruning project. By working through this initial raft of sites staff are working out procedures and testing new working methods.</p>
	Apply for overarching Felling Permissions from Scottish Forestry for first tranche of work above, demo and other sites	Autumn 2021	T&W Team	Draft felling application submitted and discussions with SF regarding whether to be covered as an exemption under the Roads (Scotland) Act requires legal advice
	Form West Lothian Ash Dieback Resilience Group to assist with communication and ownership ID (may become a sub-group of a re-established Tree & Woodland local Biodiversity Action Plan group)	Autumn 2021	WLC, Scottish Forestry, NatureScot, local NFUS, L&E Scotland, WTS, GAT, interested individuals	Awaiting appointment of new team

	Communications Plan	Spring 2022	T&W Officer, Media	<p>Development of a wider, local communications campaign will be launched once the full Ash Dieback Action Plan has been prepared. This will be used to alert the owners of ash trees which may be suffering from ADD of their responsibilities and what the recommended and proportionate action is to dealing with them. This will include public safety issues but also the need to employ skilled contractors, using the correct equipment. It will also emphasise the importance of leaving trees to die and decay naturally in suitable locations, where there is little risk to the public or other infrastructure.</p> <p>A start has been made on drafting a more descriptive, public-facing version of the Ash Dieback Action Plan for West Lothian, based on the toolkit produced by the Tree Council on behalf of Scottish Forestry and for which West Lothian Council contributed one of the case studies.</p>
	Prepare tender contract for arboricultural / forestry contractors with specialist machinery, able to take down ash trees suffering from ADD. Include sum for bat and other inspections.	Autumn 2021 Completed	Tree & Woodland, Roads, Procurement, Technical support	First contract let
	<p>Legal Matters</p> <p>Road Verges</p> <p>Tree Preservation Orders (TPOs)</p>			<p>Scottish Forestry, on behalf of the ADD Risk Group, along with a number of councils and organisations representing landowners, have taken legal advice regarding the responsibility of trees within roadside verges where the solum is owned by the adjacent landowner. To date no common interpretation of the Roads (Scotland) Act 1984 has been agreed, with different councils taking different stances. Attempts are to be made through COSLA to seek an agreed position by all Scottish Local Authorities. APSE have also offered to assist.</p> <p>If the trees within roadside verges maintained by the council are considered to be the responsibility of the council, as Roads Authority, rather than the adjacent private or other landowner this would lead to significant additional costs.</p> <p>Development Planning are beginning to receive enquiries regarding ash trees with symptoms of ADD which are the subject of TPOs.</p> <p>The detailed interpretation of when duties under the Roads (Scotland) Act mean that work is exempt from Felling Permission from Scottish Forestry is being worked out.</p>

	<p>Felling Permission Exemptions</p> <p>Bats and other Protected Species</p>			<p>The new Ecology Team members are assisting with working out the practicalities of providing support for the numerous trees where there are likely to be issues with bats and other protected species wildlife.</p>
	<p>Update initial ADD Action Plan to improve quality of estimates and report to EMT. Long-term plan to include re-planting with other suitable species.</p>	<p>December-March 2021 Completed</p>	<p>Current estimates of additional future funding required:</p> <p>2022-27 - £5m+</p> <p>2027-2040 - £7m+</p>	<p>Updated estimates included in the report to PDSP Nov 2022. Comparisons have been made with other local authorities in Scotland who have also progressed their ADD Action Plans and are of the same order of magnitude</p>
	<p>Creation of Tree Inventory</p>			<p>Work is currently underway in Livingston on both a survey of individual trees, recording these on the new TreePlotter system and a long-term forest plan for the Livingston Woods. This is being prepared in line with Scottish Forestry guidance, with the inventory being compiled on a GIS database. This work will contribute to the ADD project.</p>