



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **Cabinet**

**6<sup>th</sup> January 2021**

### **Report of the Head of Streetcare – Mike Roberts**

#### **Matter for Decision**

**Wards Affected: All Wards**

#### **Ash Tree Die-Back**

#### **Purpose of the Report:**

1. To update members following completion of a tree survey with respect to Chalara Ash Die-Back and to seek approval to implement measures to address the findings

#### **Executive Summary:**

2. Further to a report presented to the Streetscene and Engineering Cabinet Board last year, this report summarises the outcome of a tree survey for Chalara Ash Tree Die-Back on land adjacent to all classes of highway. The survey has identified Ash tree distribution, affected trees and degree of infection. 6162 ash trees were identified within which 3498 were found to have in excess of 50% canopy loss and require removal. Of the remaining 2664 Ash trees, it should be noted a number of these may subsequently exceed the 50% threshold in the coming years so follow up inspections and actions will be required.

3. A large number of the affected trees are on private land and at this stage officers estimate that the Council may only have a direct liability for around 10% of the trees, by virtue of either land ownership or location. This has influenced the proposed measures to manage the onset of Ash Dieback throughout the county borough.
4. Alongside felling work to be completed utilising some of the £75K per annum revenue funding allocated in this year's budget to address Chalara Ash Die-back, this report seeks approval to appoint an additional officer to carry out ongoing inspections, to include all formal and country parks, cemeteries, playgrounds and public open spaces, and to pursue all private land issues in liaison with estates and legal services to secure mitigation measures.

**Background:**

5. Ash Trees are the 3<sup>rd</sup> most common trees in the UK. Chalara Ash Dieback is a fungal disease affecting the trees throughout the UK. The position in Wales is that due to the wet and mild climate the disease has spread more rapidly. Under their duty of care, land owners including local authorities have a legal responsibility to ensure that the trees on their property are periodically inspected and any required safety works are undertaken. Regarding public highways the local authority has additional duties for the safety of all highway users which includes vehicles and pedestrians.
6. Further to a previous report presented to the Streetscene and Engineering Board in September of last year, a contractor was appointed to identify Ash tree distribution, affected trees and the degree of infection, on land adjacent to all classes of highway throughout the County Borough. The work involved the inspection of all Ash trees above 5m in height and within falling distance of the 855 kilometres of adopted highway.

7. The survey identified 6162 Ash trees within which 3498 were found have in excess of 50% canopy loss (Refer to Appendix A for survey results). Of the remaining 2664 Ash trees, it should be noted a number of these may subsequently exceed the 50% threshold in the coming years so follow up inspections and actions will be required.
8. The trees with over 50% canopy loss will require removal and have been categorised into three sizes: small, medium and large. The number of trees in the different categories are 2,115 small, 1,145 medium, and 238 large. As part of the survey, the trees to be removed have been marked with yellow spray paint on their main stems. Where access was restricted the paint was sprayed on to an adjacent structure such as a kerb stone, wall or other structure. If there was no suitable structure, trees were identified by tying a length of yellow ribbon on adjacent road side woody growth.
9. To comply with obligations on the Council, dead and dying Ash trees on local authority land will be removed as part of a continuing works programme utilising revenue monies which have been allocated in the budget following last year's report to members. However, the process to remove dead and dying trees on private land will involve the identification of the relevant land owners via the Estates Section and Land Registry for Wales, the serving of legal notices which will identify the trees which require removal, and any follow-up actions.
10. If the conditions of any legal notice are not fully complied with, the authority has the power to enter the land and undertake all necessary work. The land owner can then be pursued for all reasonable costs, and if the land owner does not have the finances to fund or repay the authority for the work a legal charge can be placed on the land involved. Prior to any future sale of the land this charge would then have to be settled. There is a higher level of Ash trees situated on private land than originally anticipated and completing the task required is going to require considerable staff resource and effort over several years. Consequently, the employment of an additional officer in

the Arboricultural Section is going to be needed to adequately resource the task.

11. Based on the level of risk, a number of Ash trees have already been removed but the number of removals is expected to increase significantly over the coming years. This work will continue going forward, with work adjacent to Classified A roads as the first priority.
12. It is noted that Ash Trees outside of the adopted highway, such as country parks, ornamental parks, playgrounds, allotments, public open spaces, cemeteries, canals, woodlands and schools were not part of this survey, which remain to be assessed.
13. Officers are currently sourcing various grants to assist with the replanting of felled trees. It should be noted that replanting may not necessarily be carried out in the same location as those felled.
14. The felled trees where feasible are left on site to naturally decompose. However in most cases alongside the highway and in formal parks this is not feasible. In these circumstances where the work is carried out in-house what can be shredded is taken for storage and reused in our parks and cemeteries and what cannot be shredded is taken to our transfer station in Briton Ferry and sent for composting. Where the work is outsourced it is for the contractor to dispose of the felled trees, this is generally sent to biomass for large scale schemes or for local reuse.
14. Officers are currently working on a communications plan to raise awareness of Ash die-back which is likely to include dedicated pages on the councils web site and the use of social media.

### **Financial Impacts:**

15. There is £75,000 per annum allocated in the budget to address Ash die-back. It is proposed that £45,000 is utilised to employ and equip a Grade 7 Tree Surveyor from this allocation, the post will be subject to job evaluation but officers have based the grade on similar posts within the directorate. The remaining £30,000 will be for ongoing annual tree felling and for replanting on Council land where grants are not available.

### **Integrated Impact Assessment:**

16. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.
17. The first stage assessment has indicated that a more in-depth assessment is not required. A summary is included below.

Initial screening indicates that the inspection and removal of dangerous trees would not impact upon any of the protected characteristics under the Equality Act 2010 or on people's ability to use the Welsh language.

### **Valleys Communities Impacts:**

18. Works carried out as a result of the survey, by officers and private landowners, will have a positive impact of the health, safety and wellbeing of communities.

### **Workforce Impacts:**

19. There will be a significant requirement for staff resource going forward to deal with Chalara Ash Dieback, particularly with respect to pursuing private land owners to take action, which the proposed additional officer will address.

### **Legal Impacts:**

20. The authority has a legal duty to ensure that trees on council owned land are in a safe condition. It also has duties in relation to the safety of adopted highways.

### **Risk Management Impacts:**

21. If no action is taken the process of dealing with any dangerous trees will be reactive, which will result in higher costs along with an increased risk of personal injury, property damage and insurance claims. Furthermore, if organisations such as local authorities wait until trees start to fail due to Ash Dieback they may well become overwhelmed with tree removal work. In addition to direct impacts, the falling trees as a result of the disease may have a secondary impact and present a risk to other services requiring the free movement of people and vehicles, or overhead cables, or open channels of the management of storm water etc.

### **Consultation:**

22. There is no requirement for external consultation on this item.

### **Recommendations:**

23. It is recommended that members:
  - Note the findings of the tree survey;
  - Endorse the felling of unsafe trees by the Council due to Chalara Ash Die-Back tree disease where required on Council land, or as otherwise as falls within the Council's remit as Highway Authority.
  - Endorse the appointment of a Tree Surveyor and that Officers process the necessary establishment changes; and,

- Officers pursue private landowners to take mitigation action with respect to Ash Dieback on their land, further to their duty of care, including enforcement action where required.
- Officers continue to seek grants to assist with the replanting of felled trees in appropriate locations.

### **Reasons for Proposed Decision:**

24. To manage the onset of Chalara Ash Dieback tree disease throughout the county borough and that the authority meets its legal obligations.

### **Implementation of Decision:**

25. The decision is proposed for implementation after the three day call in period

### **Appendices:**

26. Appendix A - Ash Dieback Survey 2020

### **List of Background Papers:**

27. Ash Die-Back – Report to Streetscene and Engineering Cabinet Board, September 2019

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Ash Tree Highway Survey

**Appendix A**