

## **Chalara fraxinea – Ash Dieback Advice Note**

### **Ash Trees and Planning**

Planning & Community Services



## 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:

[Planning applications](#)

[Planning conditions](#)

[Tree Preservation Order applications](#)

[Conservation Area tree notifications](#)

[5-day notices for dead and dangerous trees](#)


[Making new Tree Preservation Orders](#)

## ~ 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 cases 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. Visit <https://www.forestresearch.gov.uk/tools-and-resources/pest-and-disease-resources/chalara-ash-dieback-hymenoscyphus-fraxineus/> for further information on how to identify Ash Dieback.

Our understanding of the spread and likely severity of the disease is 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). Purbeck District 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 Purbeck District Council provides a measured and proportionate response to the existing situation. 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 ~

### Planning Applications

Under section 4.5 of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, priority is given to the retention of trees on development sites.

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

### Planning Conditions

Landscaping conditions often require the planting of trees. 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 have not been implemented that include Ash cannot be completed 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. Furthermore, Most planting conditions relating to landscaping require replacement planting if the trees originally planted die or fail to grow. If an ash tree planted prior to the ban fails an alternative replacement species will be required.

Providing that the overall aim of the scheme remains substantially unchanged, it may be appropriate to use another species or increase proportion of other species. In these situations, applicants or their agents are advised to contact Planning and Community Services at Purbeck District Council either by e mail to [planning@purbeck-dc.gov.uk](mailto:planning@purbeck-dc.gov.uk) or in writing, quoting the planning application number and seeking approval of the proposed changes.


## 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 have 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 also be judged on their merits, with consideration of the likely outcome of infection and the benefits of disease control being considered.

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

## What does a Plant Health Notice involve

Owners of any recently planted ash plants which are found to be infected, or infected ash plants in nurseries or garden centres, can be served with statutory Plant Health Notices by the Forestry Commission. This requires them to destroy the plants, either by burning or deep burial on site, or to take steps to contain the disease on site.

All ash plants in a new-planting site will initially be contained on the planting site, using biosecurity measures to prevent the disease spreading. The Forestry Commission may require that all ash plants on the site are destroyed to prevent the disease spreading, regardless of whether they express symptoms of the disease. This is because experience with other plant diseases shows that we must presume that plants showing no symptoms of disease but which are in close proximity to plants showing symptoms are almost certainly infected.

In an established woodland or similar site, the Plant Health Notice will require movement restrictions and biosecurity measures to prevent the disease being spread from the site while the Forestry Commission considers the disease control strategy.

## Conservation Area Notifications (Section 211 Notices)

Section 211 of the Town and Country Planning Act 1990 requires that before lopping, topping, felling or

wilfully damaging trees in a conservation area, 42 days notice must be given in writing to the local planning authority (LPA), in this case Purbeck District Council's Planning and Community Services Section. This applies to trees that have a stem diameter greater than 75mm when measured at a height of 1.5m above ground level.

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 also be judged on their merits with the likely outcome of infection and the benefits of disease control being considered.

## 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.

In these circumstances, Purbeck District Council must be informed in writing of plans to work on the trees, unless the situation is so dangerous that the work has to be done immediately. 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 Notice 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 Notice in place, felling of established infected trees will not be an exception by virtue of infection alone.

## New Tree Preservation Orders

Purbeck District Council makes TPOs 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. However, a confirmed case of *C. fraxinea* is likely to be a significant factor weighing against making a TPO. Each will be judged on its merits and be influenced by current national guidance.

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

### ~ Summary ~

At this early stage in the outbreak of the disease, Purbeck District Council's position is to maintain a cautious status quo. The Council's position and advice may well change subject to central government guidance and further developments in the progression of the disease.

This advice note will therefore be subject to change at short notice and unless absolutely necessary readers are advised to refer directly to the Council's website <http://www.dorsetforyou.com/treesandhedgerows/purbeck>.



Designed by Graphics Section, Communications Unit,  
Chief Executives Department, Purbeck District Council