

## TREE MANAGEMENT ON THE DOWNS

<b>Head of Service:</b>	Justin Turvey, Interim Head of Place Development
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote and Langley Vale Ward;
<b>Appendices (attached):</b>	1. Detailed location of proposed tree work on Epsom Downs 2. Assessment of trees requiring work to be undertaken

### Summary

This report is to advise the Committee of the current practice of tree safety management on Epsom Downs. It sets out the threats posed by Ash Dieback Disease and provides a preliminary assessment of the scale of the disease identified during arboricultural surveys, together with the costs for a programme of tree safety work centred around the initial control of this disease. The Committee is asked to recognise that Ash dieback works will need to be carried out, set aside funds for the works identified as high priority, and consider formation of a working panel to undertake the works and explore replanting options.

### Recommendation (s)

#### The Conservators are asked to:

- (1) Recognise that Ash Dieback works will need to be carried out on Epsom Downs as the disease progresses.
- (2) Confirm if they wish to instruct Officers to form a working panel with representatives from the Downs Keepers, Operational Services (Street Care Manager), Tree Officer and Countryside Officer to formulate a logistical plan to manage Ash Dieback on Epsom Downs, prioritising work that will need to be carried out this summer/autumn.
- (3) Set aside £17,000 to be taken from reserves in addition to existing tree maintenance budgets to fund these works.
- (4) Consider the funding of a future tree planting plan produced by the working panel to help restore the landscape and biodiversity, subject to receipt of grant aid.

# Epsom and Walton Downs Conservators

19 June 2023

**(5) Recognise that there will need to be additional programmes of Ash tree removal as the disease progresses and request a report be prepared for the November meeting to consider future funding and tree management.**

## 1 Reason for Recommendation

- 1.1 There is currently an annual tree safety maintenance budget of £7,300 for tree work on Epsom Downs.
- 1.2 There are an estimated 34 hectares of Ash dominated woodland on Epsom and Walton Downs (excluding The Warren woodland) with additional areas of Ash trees in hedgerows.
- 1.3 The Epsom and Walton Downs Regulation Act 1984 includes the requirement for the Conservators to have regard to the rules of good forestry. Ash dieback is causing significant tree mortality among Ash populations on the Downs and substantial additional funding is required to manage the tree resource safely. The funding required is for the felling of diseased Ash trees at risk of failure or breaking apart.

## 2 Background

### Tree Management on Epsom Downs

- 2.1 Woodland management on Epsom Downs has gradually progressed to more conservation-based objectives. This has led to an ecologically dynamic regime of minimum intervention. In January 2023, The Committee adopted a Habitat Management Plan 2023-2028 which provides an un-costed woodland management plan. The plan recognised the urgency of dealing with Ash dieback as a priority hence the need for redirection of funding priorities to these tree safety operations. This proposed tree safety management plan supports the principals outlined in the adopted Habitat Management Plan.
- 2.2 Historically the Council has organised a limited tree safety inspection and maintenance programme on Epsom and Walton Downs, proportionate to risk, undertaken by the Council's Tree Officer. The inspections cycles have a target of three-year frequencies and comprise walk-by inspection undertaken to trees in the following zones: adjacent to Langley Vale Road, principal footpaths; Warren Wood, by The Vale School and trees along housing boundaries. The inspections have been carried out by a qualified arboriculturalist. Tree Inspection undertaken by the Council excludes the entire area of Epsom Golf Course and trees around The Grandstand, stable yards and hub of the racing facilities. Tree service activity requests are also raised by the Downs Keepers from on-site tree defect observations and these are also actioned by the Council's Tree Officer on a priority basis from the available budget.

# Epsom and Walton Downs Conservators

19 June 2023

- 2.3 The last review of the Council's approach to tree risk management (from the tree risk policy originally adopted in 2014) was undertaken as part of the Tree Management Plan 2023.
- 2.4 Formally a limited tree maintenance budget of £7,300 per year has been allocated for essential tree safety work on Epsom and Walton Downs arising out of the tree safety surveys and prioritised service requests. It is clear this amount is far too low to cover the safety management of the disease pandemic of Ash Dieback. The last routine tree inspection undertaken by the Council's Tree Officer in August 2022 identified tree safety works (with varying degrees of urgency) to the value of £59,157; the vast majority of which related to trees with Ash Dieback. This sum does not cover Epsom & Ewell Borough Council staff time in association with the works, or any other costs e.g. replanting.

## Duty of care in relation to tree safety

- 2.5 There is a requirement under the Occupiers Liability Act 1984 to take reasonable care to "maintain its land in such a condition that it does not harm any person or damage any property." This requirement is reinforced in certain circumstances by the Health and Safety at Work Act 1974.
- 2.6 Trees are a potential liability and therefore it is important for a landowner to comply with their duty of care and not to put persons or property at unreasonable risk from tree hazards. Robust tree risk management systems and practice help to defend against potential civil claims of negligence.

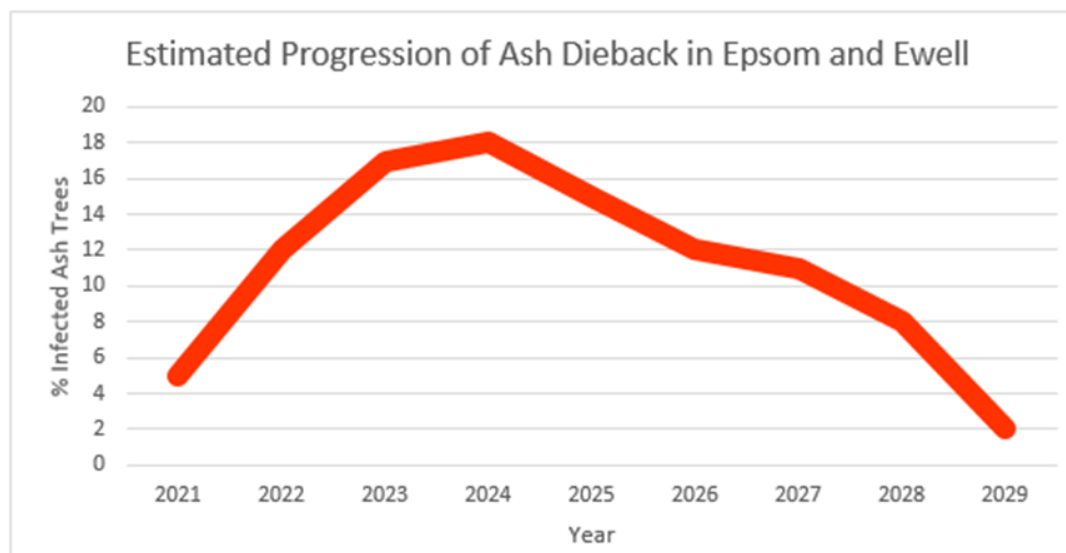
## Ash Dieback Disease

- 2.7 Ash Dieback (*Hymenoscyphus fraxineus*) is the most significant tree disease to affect the UK since Dutch Elm Disease and has the potential to infect more than two billion UK Ash trees (from saplings to mature trees) and lead to the death of approximately 75-90% of them. The disease is spread by fungal spores and was first discovered in Poland in 1992 where more than 90% of Ash trees have died. The disease spread across Europe and was first recorded in the UK in 2012. The first confirmed infection of Ash Dieback in Epsom & Ewell was in 2014 in the southern end of the Borough.
- 2.8 The most immediate threat from the disease is the increased risk to public safety because of mature Ash trees dying and subsequently falling or shedding large limbs.
- 2.9 In addition to the loss of biodiversity the disease will have negative impacts on the quality and appearance of the landscape. If the ecosystem services and other benefits currently provided by Ash trees and Ash woodlands are not to be permanently lost it will be necessary to manage restocking by natural regeneration and replanting to plan for recovery.

# Epsom and Walton Downs Conservators

## 19 June 2023

- 2.10 The estimated surge of Ash Dieback mortality and advanced dieback is shown below. This is likely to be a true reflective time scale for the progression of the disease on Epsom and Walton Downs compared to the northern half of the Borough where infection is 1-2 years behind.



### Ash tree populations in the Borough and on The Downs

- 2.11 The exact number of Ash trees in Epsom & Ewell is unknown; however in total (excluding saplings) there are estimated to be 200,000 trees including 60,000 trees on Borough Council maintained land. It is reasonable to assume there are at least 20,000 Ash trees in the Borough (excluding saplings). There are estimated to be over 6,000 Ash trees on Borough Council maintained land and 1,033 Ash trees on Epsom and Walton Downs (excluding saplings and early pole stage trees).
- 2.12 Woodland on Epsom Downs suffered heavily in the 1987 storms. Although there is a mix of age class among the Ash population on The Downs, the majority of the wooded compartments contain late pole stage Ash that seeded after the 1987 storms. However, larger notable Ash are found on the north side of Epsom Downs around the area of The Warren, blocks of large Ash are also found in the woodlands south west of the racecourse and south of the gallops. The woodlands on The Downs are Ash dominated. Ash growing on the thin chalk soils typical of The Downs have a higher mortality rate and are the first to display symptoms of terminal decline from the disease. The adverse landscape impact will therefore be greater on The Downs. There is also a safety need for early intervention in this area as it is likely to suffer the highest concentration of large dead Ash trees first.

### Ash Dieback Approach

# Epsom and Walton Downs Conservators

19 June 2023

- 2.13 The Council recognises that it is a considerable financial challenge to deliver a robust plan to manage the effects of Ash Dieback on The Downs and across the borough. It has therefore been agreed to take a risk-based approach to managing unsafe Ash trees through the Arboricultural Services Contract (where cost efficient) and in line with the risk management policy adopted by the Council set out above and focussing on those trees that may cause harm to the public.
- 2.14 The approach suggested mirrors the Council's approach to Ash dieback across the Borough, where the Council's Tree Management Plan recognises the financial challenges that the disease causes and takes a risk-based approach to managing unsafe Ash trees through the tree management contract, focussing on those trees that may cause harm to the public.
- 2.15 Following the agreed risk-based approach the Council's Tree Officer undertook a tree inspection survey in the risk zones on Epsom Downs. The survey extended the detection of observable defects in trees to include risk assessment of declining Ash trees.

## Tree works undertaken 2022/23

- 2.16 From the Tree Officer's survey in August 2022, £59,157 of tree works were identified on The Downs. These works included approximately 200 diseased Ash trees identified as being high, medium or low risk that will require felling. The cost is a direct calculation from the schedule of rates generated from the competitively tendered arboricultural services contract based on size category of trees and the tree work operation. Following negotiation with the contractor to leave timber on site and by undertaking an element of high priority tree works at a reduced rate this figure was reduced to £54,555. The following table sets out the high-risk zone/high priority tree works already undertaken during 2022/23:

Item	Tree work actuals 2022/23	Cost
1	Derby Access Pruning	£247
2	High Priority Tornado Storm Damage	£252
3	High Priority Footpath Tree Work (adjacent to Langley Vale Road and closest racecourse)	£3,500 (part of reduced quote)
	<b>Total</b>	<b>£3,999</b>
4	Epsom Downs Warren Wood (adjacent to Vale School) – EEBC land	£2,848

# Epsom and Walton Downs Conservators

## 19 June 2023

- 2.17 Residual works remain of an additional £1,980 for item 3 and £535 for item 4. Ecology advice was to delay works on these trees due to possible nesting activity.

Future Ash Dieback Works The following tree works have been identified as the balance of outstanding essential tree work items from the August 2022 survey

Item	Future Ash Dieback Works	Cost
1	Epsom Downs Warren Wood and Housing Boundary (including item 4 above residual work)	£5,710
2	Epsom Downs footpath tree work	£40,517
3	Epsom Downs footpath residual tree work (item 3 above)	£1,980
4	Ancillary tree works	£1,500
	<b>Total</b>	<b>£49,707</b>

- 2.18 Completing all of the above tree works would not be affordable within Conservator's existing annual budget and working balance reserve. As such, the report requests that £17,000 is set aside (to be taken from reserves) in addition to existing tree maintenance budgets to fund the works to the trees which have been identified as a high priority.
- 2.19 The detailed location of the tree work items 1-3 above are shown in appendix 1 (with red indicating high priority) along with a summary of the inspection of each tree/group of trees and identification of them as high, medium or low priority in appendix 2.
- 2.20 It should be noted that further tree surveys are required to assess for Ash dieback (at two-year intervals). There is no provision for this level of enhanced future surveys, and it is anticipated that after the tree work above there may be some further Ash dieback works as trees continue to die over time.

### Logistical constraints

- 2.21 The half day restriction on tree work operations to prevent disruption to racehorse training restricts the ability to obtain competitive quotations for forestry-based operations as contractors are less inclined to bid for half day working. The Council's arboricultural service contractors only favour undertaking the works if local tree works can be matched for the morning and facilities are provided on site for secure plant storage.

# Epsom and Walton Downs Conservators

19 June 2023

- 2.22 A felling licence is required from the Forestry Commission to agree the programme of works unless the Forestry Commission agrees that the trees are exempt (i.e. because they are dangerous).
- 2.23 Tree works need to comply with the agreed habitat management plan in respect of protection of important habitats and protected species. Warren Wood is an ancient woodland. There should be provision for ecology advice (including European protective species surveys) and monitoring. Tree work operations must not damage special chalk grassland habitats.
- 2.24 No finance is currently being proposed for site enrichment planting following felling. Gapping up tree planting could be a stipulation of a felling licence. Preparation of a tree planting plan prepared by a working panel is suggested.
- 2.25 Tree surgery rates are not likely to be as competitive as a hybrid between tree surgery and forestry contractor's rates. Ash trees infected with Ash dieback become embrittled and become more hazardous to remove the longer they are left requiring specialist plant such tracked grapple saws and mobile elevated work platforms, meaning that removal becomes more expensive.
- 2.26 Underground service checks are required in advance of forestry/tree surgery works.
- 2.27 Procurement services are required to enable commissioning of services over certain financial thresholds. Procurement assistance may be necessary to tender off contract tree works.
- 2.28 Informal principal footpaths may need to be blocked to deter public access as a more cost-effective solution to felling diseased pole stage Ash trees. The working panel should explore this possibility.
- 2.29 It is advisable to engage communication services over tree felling and replanting activity.

## Funding and Grant Assistance

- 2.30 Central Government grant funding is available to assist with the control of Ash Dieback under the Tree Health Pilot Scheme 2023. This is a scheme that supplements the Countryside Stewardship Woodland Tree Health Grants for Restocking. The Councils Countryside Team have experience of Countryside Stewardship Grant applications process.
- 2.31 It must be noted, however, that grants do not cover the cost of felling Ash trees with Ash Dieback. The grant only covers:
- Road closures and traffic management – 60% of the cost.
  - Facilitation – up to £24 per hour.

# Epsom and Walton Downs Conservators

## 19 June 2023

- Protected Species Surveys – 80% of the cost.
- Restocking – up to £6,000 per hectare for ancient woodland, £4,720 per hectare for other woodlands, up to £270.44 per tree or £2.29 per whip outside of woodland.
- Maintenance - £350 per hectare in woodland, up to £189 per large tree or £0.14 per whip outside of woodland.

### 3 Risk Assessment

#### Legal or other duties

##### 3.1 Equality Impact Assessment

3.1.1 None arising from this report

##### 3.2 Crime & Disorder

3.2.1 None arising from this report

##### 3.3 Safeguarding

3.3.1 None arising from this report

##### 3.4 Dependencies

3.4.1 None arising from this report

##### 3.5 Other

###### 3.5.1 Health and Safety

- dead and declining large trees will pose a risk to nearby residents, property, and people using the site for recreation or Horse training
- Ash, especially when dead and declining, can be extremely brittle and unstable, elevating the risk for the safety of contractors.

###### 3.5.2 Economic

- increased short-term expenditure to manage the risk
- removing trees individually, as and when they become dangerous, will become more expensive as time progresses, and is more expensive overall than a managed plan of works.

###### 3.5.3 Reputational



# Epsom and Walton Downs Conservators

19 June 2023

- public anxiety over the loss of trees and changes to the landscape, risk of harm, inconvenience of closed access, potential temporary loss of electricity (for trees close to power lines)
- we are the authority administering tree protection legislation, and will decide applications to remove our own protected trees

## 3.5.4 Environmental

- impacts on recreation and amenity through loss and change of landscapes, ecosystems, biodiversity.

## 4 Financial Implications

4.1 The Council currently has an annual budget for tree work on Epsom Downs of £7,300. Allocating a further one-off sum of £17,000 from the working balance reserve will provide a total 2023/24 tree management budget of £24,300, and will reduce the working reserve balance from £41,142 to £24,142.

4.2 **Section 151 Officer's comments:** Allocating a one-off sum of £17,000 from the working balance reserve will significantly reduce funds available to manage other risks and unforeseen events.

At its Autumn meeting, Conservators will be presented with a longer-term, phased programme for tackling Ash Dieback, which will need to identify funding, alongside a plan for how the working balance reserve can be replenished to strengthen financial resilience.

## 5 Legal Implications

5.1 This proposal enables compliance with obligations required by the Occupiers Liability Act 1984 and by the Health and Safety at Work Act 1974

5.2 **Legal Officer's comments:** The primary duty under the Epsom and Walton Downs 1984 Act (the Act) is to preserve the natural beauty of the Downs. S10 of the Act lays down the duties and the powers of the Conservators and states "... to preserve the Downs so far as possible in their natural state of beauty and to have regard to the rules of good forestry .....(a) do any work necessary for preserving, restoring, planting and maintaining the turf, trees, shrubs plants and grass...". It is therefore considered to be a duty under the Act for the identified tree works to be carried out.

## 6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

6.1.1 Green & Vibrant, Safe and Well and supports delivery of the Annual Plan.

# Epsom and Walton Downs Conservators

## 19 June 2023

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan and is not funded.

6.3 **Climate & Environmental Impact of recommendations:**

6.3.1 The plan supports objectives in the Biodiversity Action Plan and Climate Change Action Plan, maintaining and enhancing biodiversity and contributing to increased carbon sequestration and meeting the Council climate change targets. Well managed Ecosystems are key to ensuring climate stability.

6.4 **Sustainability Policy & Community Safety Implications:**

6.4.1 The safety management of trees provides community safety.

6.5 **Partnerships:**

6.5.1 the successful delivery of these tree management proposal relies on sustaining relationships with a number of stakeholders such as the Borough Council, Jockey Club, Training Grounds Management Board, the public and volunteers

## 7 Background papers

7.1 The documents referred to in compiling this report are as follows:

### **Previous reports:**

- Epsom and Walton Downs Habitat Management Plan, 2023-2028 (January 2023)

### **Other papers:**

- DERFA: Grants for ash with ash dieback, February 2023
- Epsom & Ewell Tree Management Plan 2023