

# Design and cost report relating to phase 1 Ash Dieback mitigation works.

Date: 11<sup>th</sup> October 2024

Report of: Natural Environment Manager

Report to: Chief Officer, Climate, Energy and Green Spaces

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

This report is for :

1. Chief Officer Financial Services to approve the injection of £1.33 million into Capital Scheme 33911\000\000 ASH DIE BACK (funded from General Contingencies).
2. Director Communities, Housing and Environments to approve the spend of £1.33 million on the implementation of essential health and safety work linked to managing initial identifiable risk associated with Ash Dieback in Leeds; including the removal of high-risk trees and the further investigation of risk linked to the highway network in Leeds. The funding will also allow the creation of an Ash Dieback Core Team to manage the Programme and associated contracts, plus the implementation of an Ash Dieback Communications Strategy.
3. Extensive survey work on the highway network has already been undertaken and a decision has been taken to continue this work during the autumn of 2024. Work on site is schedule to commence early in 2025.

## Recommendations

It is recommended that:

1. The Chief Officer, Financial Services approves the injection of £1.33m into Capital Scheme 33911\000\000 ASH DIE BACK (funded from General Contingencies).
2. The Director of Communities Director Communities, Housing and Environments to approve the spend of the £1.33m once it is injected into Capital Scheme 33911\000\000 ASH DIE BACK.

## What is this report about?

- 1 Ash dieback (*Hymenoscyphus fraxineus*) is a highly destructive, exotic fungal disease that presents a significant threat to native ash trees, ultimately, resulting in their decline and in most cases death. In turn this will lead to failure of branches and whole trees. As such it poses a significant risk to infrastructure and public safety, particularly in high usage areas (e.g. highway infrastructure).
- 2 Nationally, 4 stages of Ash Dieback infection have been identified, based on the percentage of live tree canopy:
  - Class 1 – 0-25% of the canopy dead.
  - Class 2 – 25-50% of the canopy dead
  - Class 3 – 50-75% of the canopy dead
  - Class 4 – 75-100% of the canopy dead

Class 3 and 4 pose highest risk and mitigation of the risk posed by these trees needs to be prioritised. Actual failure tends to be caused by secondary infection, such as 'Honey fungus' and boring insects such as the Ash Bark Beetle, which take advantage of the moribund ash trees.

- 3 It should be noted that the disease is progressive and, whilst a small percentage (approximately <3%) of trees will show a high degree of tolerance, the vast majority are expected to succumb and die. The need to monitor and mitigate accordingly over the next few years, is, therefore, extremely important.
- 4 Leeds City Council has a statutory duty to ensure that all trees under its control are maintained in such a way that they do not pose unreasonable risks to people or property. Ash trees affected by ash dieback can succumb extremely quickly and when vitality is reduced or lost, they are vulnerable to other secondary infections, which can further hasten their decline, resulting in tree failure. All of the Ash trees included in this contract have the potential to fall onto the highway, risking harm to people or property. The increase in the number and strength of autumn and winter storms exacerbates this risk.
- 5 To support with that statutory duty of care Leeds city council commission a survey of 520 Km of Leeds' A and B roads in summer 2023. This data was used by LCC to create an Ash Dieback Analysis Dashboard. The analysis of this data facilitated understanding of the prioritisation of risks of tree failure to highway users and allowed initial estimated costs of appropriate risk mitigation to be calculated. This survey identified the following data linked specifically to Ash trees;
  - i. 14,584 Ash trees identified in Mott MacDonald's 2023 survey as being within the Adopted Highway and under Council Control.
  - ii. Of those, 539 Ash trees identified as posing the highest risk to highway users because they are already considered class 4 trees and are capable of falling into either an A or B.
- 6 In order to comply with felling licence regulations and to ensure that we suffer no long-term reduction in tree canopy cover. Trees removed will be replanted at a 5:1 ratio (2,695 trees in total) and receive full establishment management to ensure independence in the landscape at year 5.
- 7 An injection provision of £1.33 million from General Contingencies was agreed by Strategic Investment Board (SIB) which will cover all cost associated with the initial phase of management including completion of the phase one survey process, removal of class 4 trees and costs associated with replacement planting and establishment. Furthermore, because the initial phase of works only covers 520 km of strategic highway (A and B Roads) there is a need survey the remainder (approximately 2,600 km in length), plus high usage areas in parks and green spaces

- surveys for Phase 2 are currently taking place. It is envisaged that Phase 2 surveys will identify a significantly higher number of Class 3 and 4 diseased ash trees than identified in Phase 1.
- 8 It should be noted that ash trees of all classes of infection will need to be monitored going forwards as the disease develops, leading to increased tree decline and development of risk and associated requirement for mitigation. Therefore, the intention is to reach a point where all high-risk ash trees are plotted survey and regularly monitored for decline. Therefore, the initial the Capital funding also covers the extra staffing costs needed to set up a specialist in-house Core Project Team to manage the contracts, develop the programme and deliver an effective Communications Action Plan.
- 9 The timeline for delivery of essential health and safety work is set out below. The focus of the Phase 1 ‘Pilot Project’ is as follows:
- i. Undertake Ground-Truthing surveys of 14,584 ash trees identified the survey of the A and B Roads – to take place in November and early December 2024 ahead of any tree removal. To include legally required surveys for Potential Roost Features (Bats); technical advice about the length of the highway to be sectioned for Traffic Management TM, plus type of TM required for each section.
  - ii. Fell and remove the identified high-risk trees. No tree climbing due to risk of failure. All trees under a diameter of 45 cm (measured at 1.3 m above ground level) to be removed mechanically. To take place in December 2024 to end of March 2025.
  - iii. Undertake re-planting (5:1 replace ratio) to comply with Felling Licence requirements November 2025 to end of February 2026.
  - iv. Undertake Establishment management of newly planted trees over a 5-year period to ensure independence in the landscape – beginning in April 2025 and ending in summer 2030.
  - v. Continued surveying of highways and greenspaces undertaken progressively and with prioritisation based on those areas that pose the greatest potential risk.
- 10 Climate Energy and Green Space service is leading on the delivery of the Council’s ash dieback programme and is seeking to identify key partner organisation to undertake all aspects of the associated work which will be contract managed by the greenspaces service. Procurement decisions relating to this work are likely to include a direct award given the risk exposure and the associated need to progress quickly and will be subject to separate and specific reports in isolation to this one.
- 11 The primary reason for using specialist contractors relates to the impact of rapid deterioration of many diseased ash trees which leads to them becoming structurally unsafe, which poses a danger to arborists who may climb the trees to dismantle them in the traditional way. Our estimate (based on sampling) is that 90% of our roadside ash trees are less than 45 cm dbh (measured at 1.3 m above ground level – referred to as ‘diameter at breast height’ or dbh). All trees greater than 45 cm dbh will be removed manually but using a Mobile Elevating Work Platform (MEWP) to gain access to the tree without the need to climb. We estimate that 10% of our roadside ash fall into this category. Furthermore, should the award be delayed, there is a risk that the council would miss the window for mitigating the identified Class 4 trees that require action now and this will pose a health and safety risk to members of the public, property and highways.

### **What impact will this proposal have?**

- 12 Leeds City Council is taking a proactive approach to managing the risk associated with Ash die back. Undertaking the survey work and identifying trees requiring removal that could fall into the highway network will reduce the risk of injury, damage and accidents.

- 13 The appointment, will relieve internal resource pressures and enable the service to deliver this phase of the ash dieback programme, plus learn and improve the approach in advance of opening up larger contracts to the open market.
- 14 The continuation of the highway surveys will allow the Core Project Team to analyse the data and make preparations for the development additional phases of work and as a consequence identify additional capital requirement needs and that best practice changes are made to enhance experience and implement identified required changes for future Ash Dieback Mitigation contracts.

**How does this proposal impact the three pillars of the Best City Ambition?**

- Health and Wellbeing       Inclusive Growth       Zero Carbon

- 15 This scheme will support the Council’s ambition to health and wellbeing by ensuring that any trees that pose a danger to citizens of Leeds are removed before they become a safety risk.
- 16 Each tree that is felled will be replaced by 5 new trees (NB this is a condition of the required Felling Licence Agreement). This will support zero carbon by ensuring continued absorption of CO2. The contractor will also be required to carry out their works in a way that has the least impact on the environment and where possible reduced their emissions from carrying out or excessive travelling for the survey works.

**What consultation and engagement has taken place?**

Wards affected: ALL		
Have ward members been consulted?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

- 17 During the contract and works period communication and consultation will take place with members of the public and other council departments to ensure all are aware of the works taking place and the reasons behind the removal of certain trees. Full public Comms will be in place.
- 18 A dedicated Ash Dieback Project Board and an Ash Dieback Core Project team is being formed to manage the whole process.

**What are the resource implications?**

- 19 The initial project costs including staffing are included in the injection and authority to spend sought from this report.

**What are the key risks and how are they being managed?**

- 20 The successful delivery of the project will ensure that the safety of the public, property and highways is maintained.
- 21 The risk of procurement challenge is being mitigated by publishing a Voluntary Transparency Notice (VTN).
- 22 Further survey work proposed within this report will lead to the identification of additional diseased trees which means risk is being continually monitored and managed thus reducing the risk that a tree may fail and cause damage/injury to people, property or highways assets.

## **What are the legal implications?**

- 23 A Felling Licence Agreement (FLA) must be received from the Forestry Commission (FC) before we can authorise the removal of large numbers of ash trees. Where we can evidence that trees pose an imminent risk of failure, such trees would be exempt from the requirement of a FLA. Potentially exempted trees will all be Class 4 trees.
- 24 The FLA will include all of the ash trees currently mapped within the Adopted Highway for A and B roads (14,584 trees) and this will provide legal authority to remove all of these trees should the need arise. This legal authority will last for 5 years. Over that 5 year period more trees will deteriorate and pose increased risk and require removal.
- 25 It is a legal requirement to replace a tree that is removed under the terms of the FLA.

## **Options, timescales and measuring success.**

### **What other options were considered?**

- 26 Ash Dieback is a progressive disease and is currently infecting ash trees all over the UK. We must assume that all of the City's ash trees have been exposed to the disease and that their condition will deteriorate and become an increasing risk to people and property. As such there is no real alternative to removing the trees when the disease is extremely advanced – there is no cure for ash dieback.

### **How will success be measured?**

- 27 Success will be measured by all identified Class 4 trees being felled and subsequently replanted. Should there be any remaining budget then identified Class 3 trees will also form part of the programme.
- 28 The contractors will be measured by the quality and consistency of the works.

### **What is the timetable and who will be responsible for implementation?**

- 29 The two elements of the contract will include ground truthing surveys, bat roosting surveys, technical advice about the length of the highway to be sectioned, the felling and the re-planting of the trees across the city.
- 1) November 2024 – early January 2024 – ground truthing and bat roosting surveys of all Class 3 and 4 trees together with adjacent Class 1 and 2 trees.
  - 2) Mid-December 2024 – March 2025 – felling and removing identified trees.
  - 3) November 2025 – March 2026 – re-planting of trees.
  - 4) 5 years establishment management of newly planted trees to ensure independence in the landscape – April 2025 to summer 2030.
  - 5) June 2025 ground truthing surveys of the remaining Class 1 and 2 trees.
- 30 Climate Energy and Green Space Ash Dieback Programme Core Team will manage the will contract and be responsible for its implementation.

## **Appendices**

- Equality, Diversity, Cohesion, and Integration Screening document

## **Background Papers**