

South Ayrshire Council

**Report by Assistant Director - Housing and Operations
to Cabinet
of 16 January 2024**

Subject: Ash Dieback

1. Purpose

- 1.1 The purpose of this report is to provide an annual report relating to the implementation of the Ash Dieback Plan, [Appendix 1](#), and seek Cabinet approval for year 2 funding of the Council's Ash Dieback Plan.

2. Recommendation

2.1 It is recommended that the Cabinet:

- 2.1.1 approves the carry forward of £231,077 Ash Dieback allocated funds in the Neighbourhood Services budget to financial year 2024/25 for year 2 of the programme;**
- 2.1.2 approves funding of £50,000 from the Councils uncommitted reserves to supplement the funding carried forward for year 2 of the programme;**
- 2.1.3 approves funding of £149,000 from the Councils uncommitted reserves for the hire of specialist equipment; and**
- 2.1.4 approves funding of £81,882 from the Councils uncommitted reserves for financial year 2024/25 to enable Ayrshire Roads Alliance to undertake a second year of managing trees that pose a risk to South Ayrshire Council roads.**

3. Background

- 3.1 Ash Dieback first came to notice in Europe some 30 years ago and has devastated the European Ash. It was first recorded in the UK in 2012 and spread prolifically throughout England. The disease is now established in Scotland and has been identified in South Ayrshire
- 3.2 A report was brought to Cabinet by the Assistant Director Housing and Operations on 14 March 2023. The report outlined the issue of Ash Dieback within South Ayrshire, and the need for the Council to manage the risk. Cabinet approved the South Ayrshire Council Ash Dieback Plan and allocated Neighbourhood Services and Ayrshire Roads Alliance £543,191 to fund the first years' work programme.

- 3.3 It was also agreed that Members would lobby CoSLA to fund the full project through Scottish Government and if Scottish Government do not agree to fund the remaining work for years 2 to 7 that a report would be brought to cabinet to seek instruction from Cabinet.
- 3.4 The original survey of South Ayrshire Council public open space in 2022 included schools and cemeteries however golf courses were excluded at that time. The initial survey identified a total of 6898 trees which were broken down into 4 categories as per the Ash Dieback plan.
- 3.5 The survey of South Ayrshire Council golf courses is now complete and has identified 378 Ash trees, taking the total number of Ash trees identified in public open space to 7321. A categorisation of the trees in golf courses is shown below:

Category 1	50	100%-76% remaining canopy
Category 2	112	75%-51% remaining canopy
Category 3	124	50%-26% remaining canopy
Category 4	92	25%-0% remaining canopy

- 3.6 Since 01 April 2023 we have felled and removed 504 trees taking the total number of Ash trees removed to date to 824 which is 11.26% as follows:

Category	2022	2023	Total	Description
Category 1	79	70	149	100%-76% remaining canopy
Category 2	83	108	191	75%-51% remaining canopy
Category 3	70	212	282	50%-26% remaining canopy
Category 4	38	164	202	25%-0% remaining canopy

- 3.7 The teams have been focussing on trees that are classified as Category 3 and 4 but if they are in an area and, there are neighbouring Ash trees that are category 1 and 2 they remove these trees at the same time, to remove the need of a return visit, saving time and resources.
- 3.8 All works to trees within Schools and Cemeteries are now complete and works have commenced in the north of the authority working South with the majority of category 3 and 4 trees being removed from Symington, Dundonald, Monkton, Troon, Prestwick and Mossblown. The remaining category 3 and 4 trees in these locations require road closures or the hire of specialist equipment.
- 3.9 Neighbourhood Services anticipate a total spend of £278,776 in financial year 2023/24 with Ayrshire Roads Alliance anticipating a spend of £33,338.
- 3.10 The issue if Ash Dieback was raised at CoSLA and was discussed at the Environment and Economy Board. Local Authorities noted that dealing with Ash Dieback is a financial issue which affects some Councils much more than others due to the geographical disparities in terms of the numbers of affected trees.

3.11 The matter has been raised with Scottish Government through CoSLA, however, to date there has been no notification of any planned funding from the Scottish Government to Local Authorities.

4. Proposals

4.1 There are still 1,110 category 4 and 1358 category 3 trees identified which pose a health and safety risk. Neighbourhood Services require to resurvey the asset during 2024 to see if any of the previous category 1 and 2 trees have progressed to category 3 or 4 which poses a greater Health and Safety risk.

4.2 As the science of this disease develops, we gain more and more information on how to manage the disease. One of the new recommendations is, where possible, not to fell the tree but to pollard the tree, removing branches back to healthy timber, this allows us to monitor the tree to see if it is one of the 10% that are thought to have an immunity. It also reduces the time on each tree.

4.3 It is proposed Cabinet approves the Neighbourhood Services underspend on Ash Dieback of £231,077 is carried forward into financial year 2024/25 and that Cabinet approves a draw from the Council's uncommitted reserves of £50,000. Based on year 1 figures this would provide the funding to undertake a second year of routinely managing Ash Dieback to continue that work on affected trees in Council ownership.

4.4 In addition to the funding for the programme identified at 4.3, there are four major locations in Ayr that require bespoke attention utilising specialised equipment in 2024/25;

- Woodland to the rear of Burnbank Road, Ayr;
- The Old Alloway Railway line;
- Doonfoot / Monument Road; and
- Potentially overhang from private trees into Queen Margaret Academy.

4.5 These areas have notable footfall with significant Health and Safety implications. Given their locations they require to be programmed separately using specialised equipment at a cost of £149,000 which would also require a draw on the Council's uncommitted reserves.

4.6 It is also proposed to that Cabinet approves funding from the Council's uncommitted reserves for the continuation of the Ayrshire Roads Alliance works on managing affected trees that pose a risk to our road network as shown at 6.2.

5. Legal and Procurement Implications

5.1 If South Ayrshire Council were found not to have fulfilled its duty of care under the Occupiers' Liability (Scotland) Act 1960, the local authority could be held liable for injury or damage caused as a result. A failure to mitigate the risks posed by Ash Dieback could also result in criminal prosecution caused by a failure to adhere to obligations imposed by Health and Safety Legislation.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 Neighbourhood Services require the projected £231,077 underspend for 2023/24 carried forward to financial year 2024/25.
- 6.2 The continuation of the Ash Dieback plan will require a draw from the Councils uncommitted reserves as outlined below:

Year 2 Routine Programme	£50,000
Year 2 Specialised Equipment Funding	£149,000
Ayrshire Roads Alliance	£81,882
Total	£280,882

7. Human Resources Implications

- 7.1 There will be a requirement to contract in an arboricultural team to assist in the delivery of the Ash Dieback Plan.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There is a risk that the Council will not be able to fund the required action and recovery plan over the next 5 years without financial support from the Scottish Government.

8.2 *Risk Implications of Rejecting the Recommendations*

- 8.2.1 There is a risk that in rejecting this proposal the Council will fail to deal with a known health and safety risk within its assets that could have serious or fatal consequences breaching its duty of care. If South Ayrshire Council were found not to have fulfilled its duty of care under the Occupiers' Liability (Scotland) Act 1960, the local authority could be held liable for injury or damage caused as a result. A failure to mitigate the risks posed by Ash Dieback could also result in criminal prosecution caused by a failure to adhere to obligations imposed by Health and Safety Legislation
- 8.2.2 There is a risk that the Council would fail to manage one of the actions identified on the Council Risk Register.

9. Equalities

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping Process. There are no significant positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is shown in [Appendix 2](#).

10. Sustainable Development Implications

- 10.1 **Considering Strategic Environmental Assessment (SEA)** Given the urgency of situation from a Health and Safety perspective an SEA will be developed to mitigate the loss of the trees and the associated biodiversity and environmental loss.

11. Options Appraisal

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to Priorities 1 and 3 of the Council Plan: Spaces and Places/ Play, Sport and Recreation (Outcome 2); and Civic and Community Pride/ Pride in South Ayrshire (Outcome 1).

13. Results of Consultation

- 13.1 Consultation has taken place with Councillor Martin Kilbride, Portfolio Holder for Buildings, Housing and Environment, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Assistant Director - Housing and Operations will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Undertake implementation of Ash Dieback Plan and report progress annually	January 2025	Service Lead – Neighbourhood Services/ Head of Ayrshire Roads Alliance

Background Papers Report to Cabinet of 14 March 2023 – [Ash Dieback](#)

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Date: 9 January 2024

Ash Dieback Update Report

- 1.1 Following approval of the Ash Dieback Plan at Cabinet on 14 March 2023, Neighbourhood Services tendered for the hire of a forestry team, to focus on the felling and removal of Ash trees.
- 1.2 This was successfully awarded in June 2023 to a local Prestwick company, West Coast Tree Surgeons. The service also undertook the long-term hire of an arial working platform and an additional 4x4 to tow equipment and allow for further survey work to be undertaken.
- 1.3 The survey of South Ayrshire Council golf courses has been completed identifying, 378 Ash trees, broken into the following categories.

Category 1	50	100%-76% remaining canopy
Category 2	112	75%-51% remaining canopy
Category 3	124	50%-26% remaining canopy
Category 4	92	25%-0% remaining canopy

This takes the total identified trees in public open space to 7321.

- 1.4 To date between Neighbourhood Services Forestry Team and West Coast Tree Surgeons we have felled and removed 504 trees since 1st April 2023 making the total number of Ash trees removed to be 824 which is 11.26%. Of those felled the breakdown is as follows:-

Category	2022	2023	Total	Description
Category 1	79	70	149	100%-76% remaining canopy
Category 2	83	108	191	75%-51% remaining canopy
Category 3	70	212	282	50%-26% remaining canopy
Category 4	38	164	202	25%-0% remaining canopy

- 1.5 The teams have been focussing on trees that are classified as Category 3 and 4 however if they are in an area and, there are neighbouring Ash trees that are category 1& 2, they remove these trees at the same time. This negates the need of a return visit saving time and resources.
- 1.6 All works to trees within Schools and Cemeteries have been completed and the teams have started in the north of the Authority and are working South. The majority of category 3&4 trees have been removed from Symington, Dundonald, Monkton, Troon, Prestwick, Mossblown. The remaining category 3&4's in these locations require road closures or the hire of specialist equipment and we are working to bed these issues out.

- 1.7 The majority of the timber is removed from site but in appropriate places we do leave manageable lengths of timber that the community can use. Any chipped timber is either sold for biomass or used by Neighbourhood Services for path surfaces or in our Green Waste Recycling where we make compost products that are used by Grounds, Bereavement and Golf.
- 1.8 The anticipated spend by 31st March by Neighbourhood Services in the delivery of the Ash Dieback Plan is £278,776. As we required to undertake a tender process, we had no spend for the first 3 months of the financial year 2023/24. To negate that issue going forward we are developing an arboricultural procurement framework for both the hiring of manpower and specialised equipment.
- 1.9 Ayrshire Roads Alliance have raised orders for a total of £33,338 of which £11,253 has been paid but they fully expect the remaining sum to be paid by 31st March. Detail of these works can be found below.
- Removal of tree from verge B744 Braeside Annbank
 - Removal of tree from verge B744 Tarholm Bridge
 - Removal of tree from verge A719 Culzean Kennels
 - Removal of tree from verge B742 Glendell Cottage Annbank
 - Removal of trees from verge B743 Ayr Mauchline at Failford Water & Wester Smithston
 - Removal of trees from verge A714 & B734 junction near Asslefoot
 - Removal of trees from verge A70 Coylton to Coalhall
 - Removal of tree from verge B7023 Rowanston, Crosshill
- 1.10 Ayrshire Roads Alliance and South Ayrshire Council have a joint project in managing the Ash trees along Longhill Avenue, Ayr. This work which is planned for early 2024 and will see the removal of 49 trees. The works will require significant traffic management. It will be the first road in South Ayrshire where we will have used the Merlo Roto with Grapple Saw. For more information, please use this link [Merlo Roto with Grapple Saw – Tivoli Group Limited \(tivoliservices.com\)](https://www.tivoliservices.com)
- 1.11 Early in 2023 the Scottish Tree Officers Group developed a Working group for Ash Dieback. Initially it was to ascertain where the different Authorities were in the process of managing Ash Dieback and for those Authorities that were further ahead to provide information and assistance to those that were at the very beginning of the journey to managing this disease. Later the group started to look at ways in which we could inform Scottish Government that funding for Authorities to implement their Ash Dieback plan was a significant issue, especially in the current financial climate that Authorities in Scotland find themselves in. The Group were lucky enough to have Jon Stokes of the Tree Council be a regular attendee. He was one of the people that developed the Ash Dieback Guidance for Scottish Government and still has links with Government. In addition, South Ayrshire Council along with 3 other Authorities provided a presentation to the Ash Dieback Group (Scotland) which include representatives from Scottish Government, SCOTS Roads Group, Scottish Forestry, Scottish Woodlands, NatureScot and Forest & Land Scotland. The presentations were to give an overview where different Authorities were and the difficulties and challenges facing them, the most important one being a lack of funding.

- 1.12 In the approved paper of March 2023 it was proposed that the Councils representatives at CoSLA lobby in conjunction with other local authorities, to seek funding from the Scottish Government to tackle the national issue of Ash Dieback across Scotland. The issue was discussed at the Environment & Economy Board, Councils noted that it is a financial issue, which affects some Councils much more than others due to the geographical disparities in terms of the numbers of affected trees. The matter has been raised with Scottish Government, however, to date there has been no notification of any planned funding by Scottish Government to Local Authorities.

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Ash Dieback
Lead Officer (Name/Position/Email)	Fiona Ross, Service Lead – Neighbourhood Services – fiona.ross@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys)	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-
Thematic Groups: Health, Human Rights & Children’s Rights	-	-

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent’s education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	YES NO
Rationale for decision: There are no equality issues relating to the Ash Dieback Plan	
Signed : Fiona Ross Date: 12 December 2023	Service Lead