Scottish Forestry
Coilltearachd na h-Alba

The management of individual ash trees affected by ash dieback (*Hymenoscyphus fraxineus*) in Scotland

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

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Executive Summary

Ash trees across Scotland are showing clear signs of ash dieback *(Hymenoscyphus fraxineus)*, and it is expected that at least 50%-75% of the country's 11 million mature ash trees will die over the next two decades. However, trees with slight to moderate symptoms can survive for many years, underlining the need to monitor the health of ash trees and to focus action on those trees showing significant health issues in higher risk areas. Currently there is no known efficient prevention or curative treatment.

Land owners and managers need to identify their ash tree populations, assess their condition, monitor for any change over time, and take action, including recovery measures such as compensatory tree planting.

Land owners and managers have an overarching duty to comply with the law and should be acting now in their preparation to deal with the likely risks from ash dieback, particularly those associated with public safety. The initial focus should be on ash trees growing within 'high risk' locations, such as those adjacent to roads, service network infrastructure, buildings, and areas or routes frequently used by the public.

It is an offence to fell a tree unless it is exempt from legislation or the felling has been carried out in accordance with a felling permission.

The structural integrity of ash trees with significant dieback may be severely affected. Only suitably trained and experienced arborists and forestry workers should undertake work on such trees.

Contents

1. Purpose

This note provides advice for land owners and managers, including householders and practitioners, who have responsibility for the management of individual and small groups of ash trees – those trees in fields, hedgerows, verges and other open spaces such as church yards, gardens and parks that are likely to be or become infected by ash dieback. It can also be used for individual or groups of trees in woodland situations if they pose significant risks to public safety or property.

This note is supplementary to and does not replace any existing published guidance on tree felling, or on management of ash trees affected by dieback:

- Felling Permission - Application Guidance
- The management of woodlands affected by ash dieback in Scotland
- Ash dieback information on our website

This note supports consistent assessment and decision making by Scottish Forestry in the use of felling permissions and felling exemptions, and should also be used by other relevant authorities in Scotland who also have responsibility for controlling the management or felling of individual ash trees.

2. Background

First confirmed in Britain in 2012, ash dieback, previously known as 'Chalara', is a disease of ash trees caused by a fungus (*Hymenoscyphus fraxineus)*. Ash trees across Scotland are now showing clear signs of ash dieback, and it is expected that a high proportion of them will subsequently die from, or be significantly affected by, the disease in the next two decades. Currently there is no known efficient prevention or curative treatment.

Visible ash dieback symptoms do vary, but include leaf wilt, leaf loss and crown dieback, and in some instances visible bark lesions in branch or stem tissues which directly contribute to tree decline and death. Growing trees are known to be weakened to the point where they succumb to secondary pests or pathogens, e.g. *Armillaria* fungi (honey fungus), particularly where basal lesions are present.

Timescales on speed of decline vary; mortality has been observed in as little as two growing seasons. As an ash tree declines, and where affected by secondary pathogens, it appears to more rapidly lose timber strength and integrity and is prone to structural failure, making the management and felling of infected trees hazardous, and costly.

Some ash trees appear to be more able to tolerate infection. Therefore, the use of crown reduction or pollarding instead of felling, natural regeneration of felled trees, and propagation of tolerant trees may help build future resilience to this disease. Tree health scientists are studying the genetic factors which convey tolerance so that such trees can be used for breeding tolerant ash trees for future recovery actions.

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3. Current advice on surveying and monitoring ash

The evidence informing ash dieback policy and the resulting management advice is under regular review; this guidance will change periodically.

This advice has been developed through the expert knowledge of UK researchers and practitioners. It is informed by evidence and experience from continental Europe, where the disease has been established for over 25 years, and from the UK where, more recently, the disease has progressed rapidly in some locations.

It is also informed by safety guidance and advice published by the forestry sector through the UK Forest Industry Safety Accord (UKFISA).

This guidance should be read in conjunction with The management of woodlands affected by ash dieback in Scotland.

A Scottish Toolkit for Ash Dieback Action Plans, developed by The Tree Council on behalf of Scottish Forestry, is also available on The Tree Council website. The toolkit is designed to support local authorities, public bodies and other large-scale land owners and managers with developing action plans to prepare for and respond to the inevitable safety and environmental issues that affected trees will create. It contains recent case studies and resources created by a number of Scottish local authorities and other organisations, providing examples of the processes they have taken as they prepare to manage the impacts of ash dieback on their land.

Current advice recommends that land managers should be identifying their ash tree populations, assessing tree condition, monitoring for any change over time, and be planning mitigation for the expected loss of a large proportion of ash trees. Such works should look to minimise the loss of ash trees as a habitat used by other species and as an important tree in the landscape by, for example, undertaking compensatory tree planting with site-appropriate species in advance of the expected loss of ash trees.

Land managers need to prepare their resources to manage any identified risks resulting from changes in ash tree condition. This should include obtaining an approved felling permission for trees on their land so that they can legally fell if they need to.

The advice is provided in the knowledge that land managers have an overarching duty to comply with the law (e.g. the Occupiers' Liability (Scotland) Act 1960 and the Health and Safety at Work Act 1974) and should be acting now in their preparation to deal with the likely increased safety risks from ash dieback. In particular, their focus should be on ash trees growing within 'high risk' locations, such as those adjacent to highways, service network infrastructure, buildings, or in areas or routes frequently used by the public.

This note is supplementary to and does not replace any existing published guidance on tree felling, or on management of ash trees affected by dieback:

- Felling Permission - Application Guidance
- The management of woodlands affected by ash dieback in Scotland
- Ash dieback information on the Scottish Forestry website

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4. Advice on managing individual ash trees

There are a large number of ash trees across our landscapes, with a small but important proportion of them growing in high risk locations in terms of regular public use.

At the same time, there is a limited resource of suitably trained and skilled contractors with appropriate machinery and equipment to undertake the likely safety work, including pruning or safe felling, that ash dieback will create.

Therefore, to maximise the reduction in risk to the general public from structural failure of diseased ash trees, the management of diseased ash trees should prioritise those trees in high risk locations.

This work is likely to need to be spread over several years, highlighting the need for land managers to obtain long term approved felling permissions, but also giving them an opportunity to develop and deliver suitable mitigation for the loss of ash trees.

To help deliver high risk priorities in ash tree management, ash tree management in lower risk locations should be delivered as part of longer term tree management. Where felling would be the normal management activity, it is expected that this will be delivered through use of a felling permission.

Assessment and management of ash trees

Understanding what risks a land owner might face from ash dieback, particularly from ash trees with potential to affect 'high risk' locations, should be an immediate concern.

In assessing what risks may exist, useful and detailed advice can be found in the National Tree Safety Group – Common Sense Risk Management of Trees booklet - on identifying risk and making balanced decisions on what the options for required action are.

The following sections provides some basic steps that land managers should apply to help plan and make reasonable decisions when confronting the advance of ash dieback:

Identify

The first step as a land manager is to make yourself aware of where ash trees are growing on your property or on land for which you are responsible.

- Record the presence and locations of ash and other trees on a plan, map or GIS mapping system for future reference and for operational planning purposes.
- Use the presence of trees in relation to other features, such as highways, networks or spaces frequented by the public, and create (and document) your zones of risk. From here you can begin to focus on assessing the highest risk locations first.

Assess

When first identifying the location of individual ash trees on land for which you are responsible, you should also make an initial assessment of their tree health condition.

Once you have determined any 'high risk' locations, you will start to be able to determine where you need to focus most attention, potentially at the individual tree level, and to identify what sort of management responses you may need to consider.

Any assessment should look to identify ash trees that are:

- Located in areas with frequent or significant public use, such as adjacency to public roads, network infrastructure, buildings, access routes etc. Locations such as roads must be maintained as safe for public use. This may mean liaising with other authorities for temporary closure orders e.g. a road closure. Locations such as public open spaces can be managed by excluding the public until safety works are completed.
- Showing evidence of significant tree health risk factors, such as dead limbs, fruiting bodies (especially *Armillaria* fungi or *Inonotus hispidus* brackets), lesions etc.
- Showing high levels of current disease tolerance. This is important in helping to identify and maintain a diverse genetic ash tree resource for the future.
- Showing evidence of use by or as a host for important or protected species, e.g. bats. Ash trees are important for many protected species; you should start to plan and introduce mitigation for any species populations which would be affected by loss of an ash tree. This work can be supported by investigating local species records and seeking specialist advice and site surveys for protected species. This guidance document can help you.

Make and keep records of what trees you have, what you see when you assess them, and what risks you think are likely if the tree declines, e.g. will it fall across a busy road, or will it simply fall into an isolated field with little or no public use.

An example survey checklist is shown in Appendix 1 - Example tree inspection checklist.

Monitor

Ongoing monitoring of ash trees should focus on those trees in high or higher risk locations to ensure that any change in their condition is noted as early as possible.

Most importantly, keep written notes from the monitoring work; they will provide evidence of your awareness of the risks and your assessment of them, should a tree failure incident occur which affects someone else.

Advice can be sought from suitably qualified and experienced tree consultants. Both the Arboricultural Association Scotland and the Institute of Chartered Foresters maintain directories of registered practitioners and consultants – see 'Sources of further advice' below.

Regular survey work (ideally late July to early August) will help to identify:

- the current condition of the ash tree population
- the rate of condition change, including the cumulative rate of change locally across a number of ash trees
- the location of specific trees with features of importance e.g. where there are associated species, such as bats, which may be affected when management on ash trees is undertaken

Photographic records should be kept to record change in individual tree condition. However, premature conclusions regarding levels of disease tolerance (good or poor) should be avoided as the health of individual trees can vary from year to year and changes resulting from ash dieback are not yet fully understood or realised.

Lower risk trees can be managed as part of a normal longer term approach to tree management. Lower risk trees may also contribute towards longer term habitat mitigation, if you have important or protected

species populations to consider, as you may be able to retain them longer and keep them as important tree features in the landscape.

Mitigate

Where diseased ash trees are known to contribute to specific eco-system services, for example as resting, breeding or foraging sites for important species, then mitigation should be planned to secure these features in the long term. This is to ensure compliance with wildlife legislation such as the Wildlife and Countryside Act (1981) and the Habitats and Species Directive which was implemented by the Conservation (Natural Habitats, &c) Amendment (Scotland) Regulations 2012. Badgers and their setts are protected under the Protection of Badgers Act 1992 as amended by the Wildlife and Natural Environment (Scotland) Act 2011.

- Habitat mitigation, to offset any impact or loss as a result of felling trees, could include managing nearby trees or woodland to improve their condition and create good quality habitat for important species.
- Landscape impact resulting from loss of significant numbers of trees can be mitigated by advance planting of new trees and woodland using locally appropriate species.

Manage

We believe that through the assessment and survey process you will be able to identify those ash trees with high or higher risk factors and will be able to evidence what work is required on them and when.

Notwithstanding assessing any health and safety risks associated with working off the ground in potentially weakened ash trees, tree works could include:

- Removal of, or making safe, deadwood
- crown reduction or pollarding / re-pollarding, or
- the felling of significantly affected trees (for high profile trees, management should focus on removing the dangerous part/parts of the tree, with removal of the tree being a last resort).

Tree pruning or felling works should only be undertaken by suitably qualified and experienced arborists or forestry workers.

5. Preparing for action

Where a felling permission would normally be required to fell growing trees, Scottish Forestry recommends that you apply for and obtain one at your earliest convenience. A permission will last for a maximum of 5 years from date of approval; 10 years if associated with an approved Long-term Forest Plan.

A felling permission application should consider all the trees on your property (including those on e.g. roadsides, hedgerows, in fields, along access routes) and not just those in woodland. If you do not have a felling permission in place, and need one, an application can take up to 12 weeks to process.

In certain circumstances, where there are signs of advanced ash dieback (but the trees are not immediately dangerous – see exemptions below), and there are no significant sensitivities, Scottish Forestry may agree a ‘fast track’ approach to expedite the issuing of a felling permission (by removing the need for the application to go onto the public register or out to consultation).

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Whether a fast track application may be considered will depend on two factors; the risk in relation to the ability of trees with dieback to harm people, and the level of decline of the tree canopy itself. Appendix 2 'Felling Permissions – outline decision matrix' identifies when a fast track application may be considered.

Having a felling permission in place will help you to:

- Legally manage your tree resources more strategically, and allow you to react to emerging issues more quickly, or to leave trees standing if appropriate to do so.
- Avoid you having to rely on gathering evidence in order to use an exemption to fell a tree, on a tree by tree basis; there is less risk of challenge by authorities.
- Plan for the economic costs and administrative time associated with, for example, obtaining road closure and service shut-down orders and implementing them.
- Collaborate effectively with neighbours and local authorities in co-ordinating contractor resources, to minimise the impact of tree felling activities on land managers and on local communities.

Important: Everyone involved in the felling of trees, whether doing the work directly or by engaging others e.g. an agent or contractor, must ensure that a felling permission has been issued or that one of the exemptions applies before any felling is carried out. Any felling carried out without either a felling permission or an exemption is a criminal offence.

Alongside a felling permission, you may still need to obtain other permission or consent, for example, for work affecting protected species, or to work on protected sites. Equally, be aware that even when a felling permission is not required, other legislation such as that relating to Tree Preservation Orders (see page 12) may apply.

Not all dead or dying trees are dangerous or pose a threat and, as a habitat, they can be very important for supporting biodiverse ecosystems. Tree owners, their agents and authorities have a duty to consider biodiversity; dead branches and declining trees can provide valuable habitat for other flora and fauna, some of which is protected under other legislation (see 'Other legislation and tree protection' below).

Felling Permission Application

You can apply for a Felling Permission by using the forms on the Scottish Forestry website, where you will also find guidance on felling permissions.

You will need to complete the form and create a map showing your trees and woodland. If you do not have your own mapping facilities you can use myForest to create your application. Once your application is complete you can post or email it to your local Conservancy.

6. Restocking after tree felling

Felling permissions will, in most cases, have conditions applied to them to require restocking (replanting or regeneration) of the locations where the trees have been felled.

In some circumstances, Scottish Forestry may agree to the replanting of an equivalent number of trees in an alternative location, but to do so the applicant must demonstrate the benefits of an alternative position for the trees or woodland in the landscape.

Current advice is to restock from a variety of alternative, site-suitable tree species that are appropriate to the sensitivity of the local landscape (including future safety issues) and which will help replace the variety of ecosystem services that ash had previously provided.

Alternatively, promoting natural regeneration from local ash (in the right place), and allowing genetic diversity, could be important because tolerance to ash dieback appears highly heritable. Therefore, some management and promotion of natural regeneration may be advisable.

Further guidance on species selection options for replacing ash dieback affected trees is provided in greater detail in The management of woodlands affected by ash dieback in Scotland.

Restocking after assessment and management of ash trees

Under the Nature Conservation (Scotland) Act 2004, all public bodies in Scotland are required to further the conservation of biodiversity when carrying out their responsibilities. This biodiversity duty is about taking care of nature all around us, not just in specific protected sites.

We expect public bodies to replace (for the time being with alternative species) ash trees felled as a result of ash dieback when undertaking works that are otherwise exempted from the need for a felling permission.

More generally though, where a felling exemption may be used, there is no legal requirement to replant. However, there is a great desire to maintain a tree-lined or wooded character to many of our landscapes, and so we would encourage restocking to help restore hedgerow and roadside trees. You can seek advice from your local Scottish Forestry woodland officer.

7. Felling legislation

The Forestry and Land Management (Scotland) Act 2018 (the 'Act') (Section 23) states that it is an offence to fell a tree unless it is exempt or the felling has been carried out in accordance with a felling permission. The Forestry (Exemptions)(Scotland) Regulations 2019 (the 'Regulations') outline the specific exemptions where a permission is not required, for example, trees growing in a garden (Scottish Forestry can advise on what meets the 'garden' exemption), churchyard, burial ground, orchard or public open space.

After due consideration, Scottish Forestry may grant a felling permission to legally permit the cutting down (felling) of growing trees or an area of woodland.

Scottish Forestry expects that most ash tree felling in response to ash dieback, including the felling of multiple individual ash trees, will need to be permitted through use of an approved felling permission. A felling permission application will therefore need to cover all non-woodland trees on a property, not just those in woodland.

For applicants, this means having to identify the location of individual and small groups of ash trees and corroborating those locations with site visits when compiling an application map.

Felling permissions

A felling permission will normally last for 5 years maximum. However, if you produce a UK Forestry Standard compliant Long-term Forest Plan and Scottish Forestry review and approve it, then we can issue a felling permission for any proposed felling for 10 years. Alternatively a Management Plan can be produced which will permit only thinning for 10 years.

Permission to fell individual trees, groups of trees or wooded areas will usually be conditional; this means there is an expectation that restocking, by either regeneration or replanting, will take place to maintain tree cover in the local landscape.

Failure to comply with felling conditions is a criminal offence under the Act.

More information on felling permissions can be found on the Scottish Forestry website.

Felling permission exemptions

A range of felling exemptions are described in the Regulations. Details of all of the exemptions are available in our guidance. These exemptions generally apply to the size of a tree (diameter not exceeding 10 centimetres) or the volume of timber (does not exceed 5 cubic metres in any calendar quarter[1]), trees in particular locations (such as churchyards, gardens and public open spaces), and for immediately dangerous trees (See 'Immediately dangerous tree exemption' below).

Other exemptions apply to public bodies or statutory undertakers, where they have a duty to maintain a service or network e.g. railways.

If any of these exemptions can be readily identified, then they can be used. There is no requirement to consult Scottish Forestry before carrying out such tree works (although restrictions may apply such as Tree Preservation Orders served by the local authority) and there is no requirement to replant a tree which is felled under an exemption.

However, Scottish Forestry may investigate incidents of tree felling where a felling permission has not been issued, and will take enforcement action where there is no obvious exemption that applies. Therefore, anyone proposing to use an exemption should secure appropriate evidence to demonstrate that an exemption did apply.

Evidence of an exemption: To support an exemption (prior to felling) consider using:

- Fixed point photography, at both a close-up and a landscape scale. Images should clearly demonstrate the reason for felling the tree. Show the scale or size of the tree using a rule, tape measure or, in distance shots, a person or a vehicle.
- Documentary evidence that some other permission or exclusion from the need for a felling permission exists, e.g. land registry records or other map evidence showing the site is a garden, public open space or churchyard, or that an alternative permission has been granted or a Notice has been served requiring you to take action.

If challenged, the burden of proof that an exemption applies rests with the land owner/manager.

[1] This exemption does not apply in native broadleaved woodland between 0.1 and 0.5 hectares inclusive.

Alternatively, contact Scottish Forestry in advance of any tree felling and seek our agreement that the proposed works do, or do not, require a felling permission.

Dangerous ash trees

It is important to note that the poor condition of an ash tree canopy might not be a result of ash dieback. Other problems such as drought stress, water-logging, root damage, or other pests and diseases can cause ash trees to become stressed and to decline.

However, where it is determined that ash dieback is the cause of decline, the structural integrity and inherent strength of an ash tree may be severely affected by the disease and by associated secondary pests or pathogens; these may create high risk felling conditions for any operators working on or adjacent to that tree.

Only suitably trained and experienced arborists and forestry workers should undertake work on ash trees showing significant ash dieback symptoms.

Immediately dangerous tree exemption

One of the exemptions within the Regulations is for immediately dangerous trees. This has changed from previous legislation and **does not** apply to trees that require felling for the prevention of future danger or the prevention or abatement of a nuisance; **these trees now require a felling permission**.

Section 4(d) of the **Regulations** states that a felling permission shall not be required for **the felling of a tree where necessary for the prevention of immediate danger to persons or to property**.

This exemption applies where trees present an immediate danger and a direct risk to people or to infrastructure and utilities. Property may include buildings, access tracks, or where trees have compromised functioning boundaries such as fences or dykes.

For a tree to be regarded as immediately dangerous it must be demonstrably hazardous and pose a significant risk to people or property that cannot reasonably be mitigated by other means such as diversions or fencing. Indicators of a hazardous tree may include features such as: a very heavy lean; evidence of recent shedding of significant branches; obvious signs of root rocking; presence of bracket fungi associated with wood decay; hollow stems; obvious major stem splits etc. The more indicators are present the greater the indication that a tree is hazardous, and the closer such trees are to risks such as roads, paths, or property the more likely the tree is to be dangerous. For an immediately dangerous tree it will be necessary to take action with corresponding urgency.

Trees that are simply 'perceived' to be dangerous are not exempt. You should obtain evidence of the exemption (e.g. photograph) prior to felling. Remember that, if challenged, the burden of proof that an exemption applied rests with the landowner/manager.

We recognise:

- The timescale to receive an approved felling permission may take longer than is required to respond to an identified danger. If the danger is considered immediate then the tree can be felled but an approved felling permission will be the normal means for permitting tree felling.

- The difficulty in assessing the inherent timber strength of an ash tree affected by ash dieback (and by secondary pests or pathogens). We advise a precautionary view is taken as to potential health and safety implications for tree and forestry contractors managing or felling infected ash trees as the risks are not yet fully understood.
- That in high risk locations (beside highways, network infrastructure and public spaces), the risk of failure of part of, or the entire, ash tree as a result of ash dieback will have a more immediate, direct and potentially significant impact on people and property.

8. Other legislation and tree protection

Felling Permission only grants permission for a tree to be felled.

A permission does not control, for example, timber extraction, stacking or storage, timber biosecurity or timber movement etc. There are a wide range of other rules and regulations which may also apply to proposals to fell ash trees, and sometimes additional consents, permissions and licences are required from other bodies.

Failure to comply with or obtain the necessary permissions could be an offense under the relevant legislation.

The principle tree and land protections are detailed below, but the list is not exhaustive.

UK Forestry Standard

The UK Forestry Standard (UKFS) sets out the UK government's approach to sustainable forest and woodland management across the UK.

The UKFS defines the management requirements, and provides guidelines and the basis for regulation and monitoring of trees and woodland. The UKFS helps ensure that rules on e.g. sustainable forest management, climate change, biodiversity and the protection of water and soil resources are applied diligently.

Scottish Forestry is responsible for implementing the UKFS in Scotland. We will assess forestry proposals, including tree felling, against the Standard before giving approval, and will carry out checks to ensure the Standard is being complied with.

The UKFS also plays an important role in defining requirements for independent certification in the UK.

Tree Preservation Orders, Conservation Areas and Planning Permissions

Local authorities have an interest in trees and woodland which they have protected under The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas)(Scotland) Regulations 2010.

The Scottish Government's policy on Tree Preservation Orders (TPOs) and Conservation Areas is available via the Scottish Planning Circular 1 2011: Tree Preservation Orders: https://www.gov.scot/publications/scottish-planning-series-planning-circular-1-2011-tree-preservation-orders/.

Where a felling permission would normally be required to fell trees, and there is a Tree Preservation Order (TPO) already in place, consent to fell the trees can be through a felling permission or can be granted by the local authority. When you apply for a felling permission you must declare the presence of the TPO, or a Conservation Area.

- Once an application is received, Scottish Forestry will consult with the planning authority on the proposals and seek agreement on issuing the felling permission and on applying any replanting conditions. Once a felling permission is issued, you may still have to give notice to the local authority before undertaking the felling work on the TPO.
- Felling proposals should be in the spirit of maintaining the TPO; a felling permission will not be issued if the local authority sustains an objection to the felling proposed.

Where an exemption for the need for a felling permission has effect, for example a small tree (a tree with a diameter of ten centimetres or less at a height of 1.3 metres from the ground) you will still need permission directly from the local authority to undertake work on a tree that is subject to a TPO or is in a Conservation Area. In some instances, when you apply for a felling permission, Scottish Forestry may refer the application to the local authority for issuing approval as it may be more appropriate for them to do so.

Where a felling permission would normally be required to fell trees and the proposals for tree felling are within a Conservation Area, Scottish Forestry will consult with the planning authority before making our decision whether to issue a felling permission.

Note: Whether or not you need a felling permission, you have to notify the planning authority that you intend to work on or fell trees in a Conservation Area at least 6 weeks before any work takes place (but not more than 2 years in advance). This gives the local authority the opportunity to put a TPO on the tree(s) affected by the felling proposal, should they wish to do so.

Note: Under the Town and Country Planning (Scotland) Act 1997 (as amended) trees may also be protected through a Condition associated with a Planning Permission. In such cases, consent from the local authority for any tree work will usually be required.

Note: Edinburgh Council, for example, has produced simple guidance on 'protected trees', including TPOs, Conservation Areas and those subject to Planning Permission conditions: https://www.edinburgh.gov.uk/downloads/file/25028/guidance-on-protected-trees

Protected landscapes

Where landscapes have been designated as having a special character e.g. National Parks (NPs) or National Scenic Areas, tree felling can have an increased sensitivity in the landscape.

Scottish Forestry will consult on felling proposals with the relevant bodies.

Protected sites

Where specific sites are protected for e.g. their biodiversity, geological or cultural value, tree felling can have an increased sensitivity or disturbance factor.

Scottish Forestry will consult on felling proposals with the relevant authorities.

Consents to operate

Some designated sites e.g. Sites of Special Scientific Interest (SSSI), Scheduled Monuments (SM), or National Nature Reserves (NNR), are likely to need additional consent from the relevant authority in order for work on the protected site to be allowed to take place. These consents will dictate how and when the activity will take place, and how the site will be protected from permanent damage.

Ash on Sites of Special Scientific Interest

NatureScot has worked jointly with Scottish Forestry to develop The management of woodlands affected by ash dieback in Scotland. This guidance includes advice on ash management on SSSI woodlands affected by ash dieback. SSSIs are an important biological resource, and so management in these woodlands will have greater limitations imposed on what scale of works can be carried out over time.

Habitats Regulations

Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and RAMSAR sites are site based designations which in some cases spread to a landscape scale. These designations also carry increased levels of protection in relation to specific habitats, with woodland potentially being a habitat focus.

It is important that you understand the feature interests of these designations – they are all different, and the levels of intervention that NatureScot, the relevant authority, may be prepared to accept.

Note: The citations for these protection areas were not written with major issues such as ash dieback in mind. You may feel constrained by what is initially permitted. However, NatureScot and Scottish Forestry will discuss the best options for safeguarding these protected areas with you, while enabling you to address ash dieback.

Protected species

You must comply with regulations protecting wildlife species and habitats when you are managing trees and woodland, and planning felling operations. These include the European protected species (EPS) listed in the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.

It is an offence to:

- deliberately capture, injure, kill or cause significant disturbance to a protected species
- deliberately destroy the eggs of a protected species
- damage or destroy protected species' breeding sites or resting places (such as a bat roost in a tree or a dormouse nest on the woodland floor)

You must carry out planned operations carefully, making the necessary pre-checks, and if protected species are present NatureScot should be contacted to obtain a Protected Species licence (fast-track procedures are in place for dealing with those cases where public safety is at risk).

Wildlife and Forest Operations Guidance

Wildlife and forest operations summarises current wildlife species protection law in Scotland, focusing on implications for forestry operations, and gives general guidance on best practice to minimise adverse effects on protected species.

Detailed guidance for certain species or groups can be found in a series of separate notes provided on the Scottish Forestry website.

These notes set out the main species protection requirements facing woodland managers and general good practice principles to minimise disturbance and damage. They do not cover protected habitats. It is the responsibility of the land owner to ensure they are compliant with all appropriate legislation.

9. Sources of further advice

Scottish Forestry recommends that you attend a local tree health training or arboricultural course to help you to be able to identify disease and dieback symptoms and signs of structural problems, and to consider issues such as biosecurity.

Scottish Forestry Conservancy Offices	https://forestry.gov.scot/about/local-offices
Tree felling in Scotland – Getting Permission	https://forestry.gov.scot/publications/645-tree-felling-in-scotland-getting-permission/download
Felling Permission – Application Guidance	https://forestry.gov.scot/publications/678-felling-permission-application-guidance/download
UK Forestry Standard	https://forestry.gov.scot/publications/105-the-uk-forestry-standard/download
The management of woodlands affected by ash dieback (*Hymenoscyphus fraxineus*) in Scotland	https://forestry.gov.scot/publications/1011-the-management-of-woodlands-affected-by-ash-dieback-hymenoscyphus-fraxineus-in-scotland/viewdocument
National Tree Safety Group – Common sense risk management of trees	http://ntsgroup.org.uk/wp-content/uploads/2016/06/FCMS024.pdf
The Tree Council - Ash Dieback: An Action Plan Toolkit for Scotland	https://treecouncil.org.uk/science-and-research/ash-dieback/ash-dieback-toolkit-for-scotland/
NatureScot	https://www.nature.scot/
Historic Environment Scotland	https://www.historicenvironment.scot/

European Protected Species	https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations/european
Bat Conservation Trust	https://www.bats.org.uk/the-trust/contact-us
Arboricultural Association (Scotland)	https://www.trees.org.uk/Branches/Scotland
Institute of Chartered Foresters	https://www.charteredforesters.org/

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Appendix 1 – Example tree inspection checklists

The following forms, or similar, can be used to help with record keeping and recording your decision making process on when to undertake work on specific trees or small groups of trees.

Tree or tree group inspection form

Property Name		Date inspected	
Area reference		Inspected by:	

Tree ID	Grid Ref	Species	Comments / Recommendations	Urgency rating	Date work completed
T1	NO123456	Ash	>25% crown dieback visible, no obvious lesions. Review tree in 3 months	3	
T2	NO123456	Ash	50% crown dieback and significant limb over highway. Tree needs to be felled due to uncertainty of the timber strength in the limb and stem. A road closure is required	1	

Urgency Levels:
1 = Immediate work required
2 = Work within three months required (Apply for a felling permission)
3 = Integrate into future work programmes (Apply for a felling permission)

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Annual Inspection Record Sheet

			Date When Inspected				
Tree ID	**Grid Ref**	**Species**	**2019**	**2020**	**2021**	**2022**	**2023**
T1	NO123456	Ash	02/07/2019 Comments:				
T2	NO123456	Ash	02/07/2019 Comments				

Appendix 2 – Felling Permissions – outline decision matrix

		Ash Canopy Decline Class			
		Class 1 (100%- 76% canopy)	**Class 2 (75%- 51% canopy)**	**Class 3 (50%- 26% canopy)**	**Class 4 (25%- 0% canopy)**
Risk Usage Zone	**Usage Zone 1*** **Trees within falling distance of a high volume public road, rail network, where people are regularly close to ash trees and close proximity to property. Higher risk where trees are >10 years old. High levels of public use.**	Presumption that normal Felling Permission applications are required. Exemptions may apply. The preference will usually be to retain trees in this class.	Presumption that normal Felling Permission applications are required. Exemptions may apply.	Trees should be monitored closely and early Felling Permission applications are strongly advised. If a tree presents an immediate danger to persons or property it can be felled under existing Felling Permission exemptions (including the removal of tree limbs).Other exemptions may also apply. Where there are no significant sensitivities, Felling Permission applications may be considered for fast-tracking.	Trees should be monitored closely and early Felling Permission applications are strongly advised. If a tree presents an immediate danger to persons or property it can be felled under existing Felling Permission exemptions (including the removal of tree limbs).Other exemptions may also apply. Where there are no significant sensitivities, Felling Permission applications may be considered for fast-tracking. Standing, completely dead trees can be felled under existing Felling Permission exemptions.
	Usage Zone 2* **Areas which have trees within falling distance of lightly used public roads. Regularly used tracks, Rights of Way, car parks and footpaths would also fall into this zone, waymarked trails, plus informal trails depending on footfall. Medium level of public use.**	Presumption that normal Felling Permission applications are required. Exemptions may apply. The preference will usually be to retain trees in this class.	Presumption that normal Felling Permission applications are required. Exemptions may apply.	Trees should be monitored closely and early Felling Permission applications are strongly advised. If a tree presents an immediate danger to persons or property it can be felled under existing Felling Permission exemptions (including the removal of tree limbs).Other exemptions may also apply. Where there are no significant sensitivities, Felling Permission applications may be considered for fast-tracking.	Trees should be monitored closely and early Felling Permission applications are strongly advised. If a tree presents an immediate danger to persons or property it can be felled under existing Felling Permission exemptions (including the removal of tree limbs).Other exemptions may also apply. Where there are no significant sensitivities, Felling Permission applications may be considered for fast-tracking.
	Usage Zone 3* **Areas away from known access routes. Low level of public use.**	Presumption that normal Felling Permission applications are required. Exemptions may apply. The preference will usually be to retain trees in this class.	Presumption that normal Felling Permission applications are required. Exemptions may apply. The preference will usually be to retain trees in this class.	Presumption that normal Felling Permission applications are required. Exemptions may apply.	Presumption that normal Felling Permission applications are required. Exemptions may apply.

*refers to the Forestry and Land Scotland Operational Guidance Booklet No1 'Tree Safety Management' (2015) which is an internal policy document made available to others for guidance purposes

Important Footnotes;

1. Where a tree is hazardous because of decay or structural weakness and shows external signs of this, the occupier of the land on which it stands is normally responsible for any personal injury or other damage it causes by breaking or falling. This liability arises from the common duty of care that the occupier owes to those people who enter their land or are near it (Occupiers' Liability (Scotland) Act 1960). Owners/managers will therefore need to assess hazards (e.g. tree class) and risks (e.g. usage zones), take a view on the level of danger posed and prioritise their actions accordingly.

2. Land owners are strongly advised to photograph trees during inspection, to record their location and any other relevant information e.g. the presence of basal lesions, and/or honey fungus (refer to 'Assessment and Management of ash trees' section of the document on page 5) in particular whenever the felling exemption of 'immediate danger' is being used.

3. The appropriate management of trees posing a current or future danger should include consideration of other options such as crown reduction, pollarding or retention of the lower stem for deadwood habitat.

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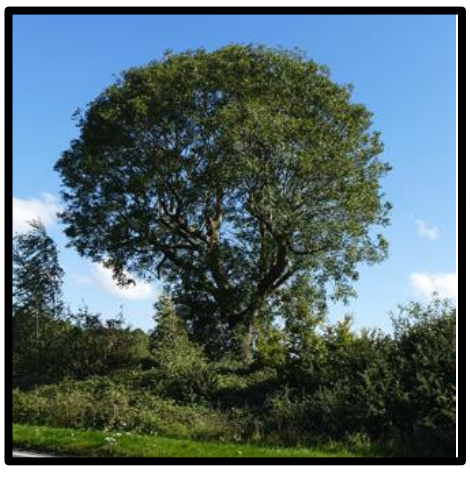
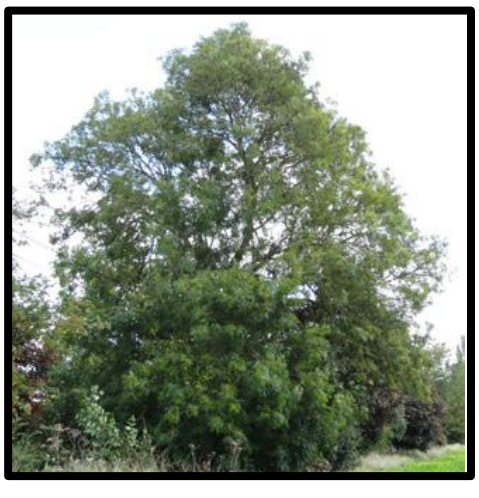
Ash Canopy Decline Class visual guide



Class 1

(100%- 76% canopy)

100 -95% would rate as exceptionally healthy



Class 2

(75%- 51% canopy)

Class 3

(50%- 26% canopy)

Class 4

(25%- 0% canopy)