

Business Clinic

Whether it's a legal, tax, insurance, management or land issue, *Farmers Weekly's* experts can help

# Grants to help manage ash dieback and replanting

**Q** I own a mixed farm which has a few small areas of woodland affected by ash dieback. Are there any grants available to support the felling of affected trees, and what (if anything) should I be planting to replace them?

**Marc Liebrecht**  
Arboriculturist and forestry manager  
**Carter Jonas**

**A** Thank you for your question. Sadly, you will not be alone in this as it's estimated that more than 80% of ash trees in the UK will be affected, with only a small number of resistant or isolated trees likely to survive it. The first bit of positive news is that there is grant funding available. Through the Forestry

Commission, applicable where 50% or more ash trees in any given area are infected, there is funding for felling, with additional support available for replanting and protecting – to include fencing up to £3,500.

The Forestry Commission is primarily looking to facilitate and promote the restoration and maintenance of ancient woodlands, so the maximum level of funding available depends on the nature of the woodland and the species chosen for replanting.

At the lower end, £2,250/ha is available for replanting non-native species on a non-designated site. There are further levels in between these two.

There isn't a one-size-fits-all solution to dealing with ash dieback on your farm or estate. I recommend putting together a plan which includes different solutions for different areas, to incorporate outgoings, potential income, safety and biodiversity matters.

The most pressing areas to deal with are along roads, footpaths, third-party boundaries and near properties. Infected ash trees are much more likely to fall, so minimising health and safety risk around people and property is paramount, and you need to ensure these are felled as soon as possible.

At the other end of the scale, where ash is in woodland with no public access, or isolated trees in fields (with the latter being less likely to become infected due to the way spores travel), you have more choice and more time.

Having weighed up the risks – ideally following a visit from an arboriculturist or forester – you may decide that it's appropriate to leave nature to take its course. Aside from the cost savings, there are also biodiversity benefits to doing so – the fallen trees will create a habitat for wildlife, and good fertile soil for new trees to naturally take their place. You would also avoid the loss of habitat and carbon sequestration that felling causes.

**Brittle timber raises risk**

Wherever the ash is located, however, where felling is the right solution, you need to make sure you use an experienced and knowledgeable contractor and get expert advice on the extent of the disease. One of the effects of ash dieback is making the timber extremely brittle, adding further danger to the felling.

If the trees are located in an accessible area, another consideration is timber value. If the potential income is a factor, then you may wish to harvest sooner rather than later as the timber is likely to have more value before the infection increases and it becomes brittle.

The roadside value for firewood grade timber (wood that is felled but not seasoned or split) can be around £35-£45/t.

You can then follow this with replanting. You've asked what you should be planting to replaced felled ash and, again, the answer varies depending on the nature of the site. If you're looking at ancient woodland, then you should be looking at native broad-leaf species. Aspen, sycamore and elm would all be suitable, but it's important that there is a mix, to ensure resilience in the future.

Outside of ancient woodland, these three are still suitable, but you can also introduce non-native broad-leaves and even conifers. Again, it is crucial that there is a good mix, and you need to make sure you're choosing species which suit the land type, site conditions and rainfall level.



Minimising risk to people and property should be the priority in dealing with ash dieback

ANDREW LINSKOTT/ADOBE STOCK



In addition to the Covid-related pressure on countryside footpaths, housebuilding has increased footpath use significantly in some areas

JOHN DAVID/ADOBE STOCK

## Increased public footpath use is damaging our business

**Q** My brother and I own a farm adjacent to a river and a country park. One field has a public footpath running through it and in recent years we have seen a huge increase in the numbers of the dog-walking public. The increased use has caused erosion damage. Signage is ignored or vandalised and personal intervention is met with aggression. Part of this area is a site of special scientific interest, which has been adversely impacted as a result of public actions. The police have been called on many occasions but are unable to do anything as they say it is a civil matter and needs to be on CCTV. We couldn't agree more that the public should go out and enjoy the countryside, but not at the expense of someone else's livelihood. What can we do?

**Richie Rees**  
Chartered legal executive (agriculture)  
**Thrings**

**A** These issues have been common in recent months, largely due to the increased use of public footpaths during the Covid-19 lockdowns.

You accept that a public footpath runs through your land. There is an established legal phrase: "Once a highway, always a highway". This means that where a public footpath exists, it must always be available for use by the public. Providing the public are using the footpath properly, you cannot interfere.

Any abuse of the footpath, however, includ-

ing straying off the official route or causing damage to your land, may allow you to pursue legal action relating to your private rights as the ultimate landowner.

As a landowner, you could apply to the court for an injunction against members of the public for trespassing. The injunction would prohibit individuals from straying beyond the footpath or using the land in any way that causes you loss and damage. In practice, it is difficult to obtain an injunction against unknown members of the public. It is also an expensive option that would still need to be enforced against anybody who goes on to breach the injunction.

**Legal options**

Looking at the options, you could apply to your local authority for the closure, or "extinguishment", of the footpath. In short, this will only be achieved if it is clear that the public have no use for the route any longer. It appears the footpath does have a genuine use, given its popularity and the nearby country park, so I do not see this option succeeding.

Instead, an application to "divert" the foot-

path might be preferable. This will typically retain the start and end points, but change the route of the footpath. The local authority will balance your interests as the landowner with the convenience of the public, who are being asked to use the new, diverted route. Alternatively, the erosion might give the local authority reason to improve the quality of the existing footpath so it can withstand proper use by the public. In the majority of circumstances, public rights of way are maintainable at public expense.

One solution may be to create a physical boundary along each side of the footpath. A fence or hedge could prevent any straying from the footpath, whether accidental or intentional. However, these changes must not interfere with the public right of way, to include its width and aspects such as the view from the footpath.

It may be advisable to engage the local authority informally and explore improvements in the quality and security of the existing footpath. Potential new routes could also be proposed, to see if a diversion application is likely to succeed before you take any formal steps down that path.

**DO YOU HAVE A QUESTION FOR THE PANEL?**

Outline the issue and *Farmers Weekly* will put your question to a member of the panel.

Send your enquiry to Business Clinic, *Farmers Weekly*, Quadrant House, The Quadrant, Sutton, Surrey SM2 5AS, and include a telephone number. You can also email [fw-businessclinic@markallengroup.com](mailto:fw-businessclinic@markallengroup.com)

Our expert partners

