

Regulatory position statement 071

Disposal of trees and plants infected with specified plant diseases

If you comply with the requirements below, we will allow the disposal of infected trees and plants without an environmental permit.

This document provides information on the regulations that apply to the disposal of infected plants. It also details our position on enforcing those regulations. Any exemptions for disposal (where appropriate) may be registered online via the following link [Environment Agency - Waste exemption notification only](#) or by telephoning our National Customer Contact Centre on 08708 506 506.

Background

Phytophthora ramorum and Phytophthora kernoviae are serious fungus-like pathogens causing damage to a wide range of trees and plants in Europe and the USA. In the UK it has been found on ornamental plants, in managed gardens, forests, semi-natural woodland areas and on heathland. The south and west of England and Wales are currently the worst affected areas. Japanese larch, an important commercial timber species, is being heavily affected in the south-west and south Wales.

Chalara dieback of ash is a disease of ash trees (Fraxinus species) caused by an asexual fungal organism called Chalara fraxinea (C. fraxinea) and its sexual stage, Hymenoscyphus pseudoalbidus (H. pseudoalbidus). The disease causes leaf loss and crown dieback in affected trees, and it can lead to tree death.

The C. fraxinea fungus has caused widespread damage to ash tree populations in continental Europe since it was first reported as an unknown new disease in Poland in 1992. It is especially destructive of common ash (Fraxinus excelsior), including its 'Pendula' ornamental variety. Fraxinus angustifolia is also susceptible. Chalara dieback of ash is particularly destructive of young ash plants, killing them within one growing season of symptoms becoming visible. Older trees can survive initial attacks, but tend to succumb eventually after several seasons of infection.

Who has responsibility for controlling the spread of these fungi?

Food and Environment Research Agency (Fera) is responsible for the policy and legislative controls around plant disease and pests. The Forestry Commission has responsibility for policy and legislative controls relating to forest trees and timber.

What happens when plants or trees are infected with these fungi?

Fera or the Forestry Commission will issue a Statutory Notice¹ detailing the actions to be taken to eradicate and contain these fungi which may include:

- removal and destruction of plants and trees
- removal and destruction of plant debris and surrounding leaf litter
- eradication of surrounding plants and trees to provide containment
- removal and deep burial of soil associated with the diseased plants

The infected vegetation and trees are waste and will need to be disposed of in accordance with the Notice and the Environmental Permitting (England & Wales) Regulations 2010.

Disposal of plant tissue waste and wood by burning where it is felled

The Plant Health Notice may require you to dispose of plants, trees and plant tissue by burning them. You will need to register a waste exemption with us before you start.

Waste exemption [D7 – Burning waste in the open](#) allows you to burn up to 10 tonnes of untreated wood wastes in any 24 hour period where they were produced.

Disposal of plant tissue waste where it is felled

The Plant Health Notice may require you to dispose of the trees by felling but not removing them from site. You will need to register a waste exemption with us before you start.

Waste exemption [D4 – Deposit of plant tissue under a Plant Health Notice](#) allows you to deposit wood waste in piles of up to 250 tonnes where it was felled if a Plant Health Notice requires this.

This exemption can only be registered for agricultural waste. There may be instances where a Plant Health Notice has been issued on premises that are not agricultural (e.g. forests, parks, gardens etc). In these cases, we will not require an environmental permit provided the deposits are made in accordance with the limits of this exemption as long as you meet the relevant objectives of the Waste Framework Directive detailed below.

Disposal of soil and plant tissue by deep burial

Plant Health Notices may require the removal and deep burial of plants, plant tissue and soil from sites infected with fungus. Deep burial of these wastes can only take place in a suitable landfill site which has an environmental permit authorising the disposal of that type of waste.

If you are passing the plant tissue/soil waste to a waste contractor or a landfill site you have a [duty of care](#) for the waste and must ensure that:

1. Under either the Plant Health (England) Order 2005 (as amended) or the Plant Health (Forestry) Order 2005 (as amended).

- The person you pass the waste to is authorised to take it. If they are a waste contractor ask them to produce evidence that they are authorised to carry waste or contact us on 03708 506 506 to check.
- If you take the waste to the landfill yourself, check that it is permitted to take your waste.
- A [transfer note](#) is completed. You must keep copies of this transfer note for a minimum of two years.

Where landfill facilities are not available, an alternative disposal option would be disposal at a permitted waste incinerator.

Round wood processing facilities

Round wood from trees felled to comply with a Plant Health Notice can be taken to mills and wood processing facilities provided they have the necessary movement and processing licences from the Forestry Commission.

They require all the plant tissue debris created by the transport, handling, storage and processing of the timber to be disposed of by burning as soon as practicable. There are three possible waste exemptions which allow burning of vegetation wastes and which must be registered where applicable before you start:

- [U4 – Burning waste as a fuel in a small appliance](#) which allows you to burn up to 50kg per hour of untreated wood wastes and plant tissue waste. You could register this exemption if you have a stove or a boiler in which you burn wood to provide heat or energy.
- [D7 – Burning waste in the open](#) which allows you to burn in the open up to 10 tonnes of untreated wood wastes in any 24 hour period where they are produced.
- [D6 – Burning waste in an incinerator](#) allows you to burn untreated wood wastes where they are produced in a purpose built incinerator that has a capacity of less than 50kg per hour.

In carrying out any of these exempt activities you must comply with the relevant objectives of the Waste Framework Directive detailed below.

Plant debris cleared from vehicles transporting round wood to mills and processing plants

The plant debris cleared from vehicles transporting the round wood to a timber mill or processing plant has not been produced at that site, so can not be disposed of under either the D6 or D7 exemption.

However we recognise, for biosecurity reasons, that the potentially infected plant debris material from vehicles transporting the round wood from control sites is best collected and disposed of by burning it at the processing plant or mill. And so we will not require an environmental permit to burn this plant debris provided :

- You comply with the Forestry Commission's requirements.

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
0845 988 1188

www.environment-agency.gov.uk

- The burning is within the limits and controls of either the D6 or D7 exemption.
- You meet the relevant objectives of the Waste Framework Directive;
 - '... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of special interest.'

Plant debris cannot be collected from other places and brought to the mill / plant for burning.

Enforcement

In not pursuing an application for a permit, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of our approach to enforcement, please see our [Enforcement and Sanctions](#) statement.

This statement is based on our understanding of the relevant legislation. It applies to England only. You can get advice on the approach being taken in Wales from Natural Resources Wales.

This regulatory position will be reviewed by July 2017.

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Further advice

Food and Environment Research Agency (Fera)

These are notifiable pathogens. If you suspect it is present on your premises you should immediately contact your local [Fera Plant Health Inspector](#). Alternatively you can call 01904 465625 or email: planthealth.info@fera.gsi.gov.uk

Forestry Commission

If you suspect any of these fungi are present on trees you should contact the Forestry Commission Plant Health Service, Edinburgh on 0131 314 6414 or at www.forestry.gov.uk

For more information *Chalara fraxinea* (C. fraxinea) and its sexual stage, *Hymenoscyphus pseudoalbidus* (H. Pseudoalbidus) may be found at: [Forestry Commission - Pests and Diseases - Chalara dieback of ash - Questions and Answers](#)

Environment Agency

You can register exemptions with us [electronically](#) or by contacting us on 08708 506 506 and we will send you an application form. You must register exemptions before you begin burning or depositing the vegetation. Further advice on dealing with waste can be found on our website.

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Biosecurity information

Further advice on biosecurity measures to take in areas and premises which have been confirmed as having *Phytophthora ramorum* is present can be found at the following links:

[Forestry Commission advice for forestry owners and operators](#)

[Moving wood operational precautions](#)

[Fera advice and guidance](#)

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