EXPLANATORY MEMORANDUM TO THE

THE PLANT HEALTH *(PHYTOPHTHORA KERNOVII* MANAGEMENT ZONE) (ENGLAND) ORDER 2004

2004 No. 3367

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Order establishes an emergency "management zone" near Redruth in Cornwall and contains measures to prevent the spread of *Phytophthora kernovii* from this area. In particular there is a prohibition on movement of susceptible material out of the zone without prior consent, and authority for inspectors to temporarily prohibit access onto footpaths while eradication work is completed.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The Order has been laid without observation of the 21-day rule as this is an emergency measure against a new organism which has the potential to spread rapidly into uninfected areas during the next few weeks. *Phytophthora kernovii* has been found on rhododendron and some trees in woodland, private gardens and hedgerows in an area near Redruth. The order will help prevent the further spread of *P. kernovii* from this small area by preventing the movement of susceptible plants and closing footpaths next to infected plants. Measures are also being taken under existing Plant Health legislation to destroy infected material. Meetings were held with interested organisations, householders, local authorities etc in the affected area on 9 November to discuss the likely consequences of a management zone. Since that date further survey work has been carried out, refinements to the boundaries of the zone have been made and the Order has been drafted.

4. Legislative Background

4.1 The Plant Health (Great Britain) Order 1993 as amended and the Plant Health (Forestry) (Great Britain) Order 1993 give powers to destroy infected material but further emergency powers are needed to prevent the spread of this new disease.

5. Extent

5.1 This instrument applies to England only, to the designated area near Redruth in Cornwall.

6. European Convention on Human Rights

Not applicable

7. Policy background

7.1 In the course of surveys for *P. ramorum* another species of *Phytophthora* was found in Cornwall causing similar die-back to rhododendrons and lethal stem cankers on beech trees. This new species is not known from any other country. There is evidence that it may kill rhododendron more rapidly under UK conditions than *P. ramorum*.

7.2 *P. kernovii* can move rapidly through infected rhododendrons and it is suspected that spores may be carried locally by rain splash, wind-driven rain, irrigation or groundwater. Long distance spread may be by movement of contaminated plant material, growing media, and in soil carried on vehicles, machinery, footwear or animals. Spores of *P. kernovii* have been detected on footwear of people working in affected woodlands, before it was disinfected.

7.3 *P. kernovii* has been found on around thirty beech trees in the affected area of Cornwall and has recently been confirmed on two English oaks.

7.4 *P. kernovii* is of great concern because a major epidemic in our native trees could affect the horticultural industry, the commercial forestry industry and our landscape and biodiversity and have knock on consequences for other parts of the local economy such as tourism.

7.5 There has been insufficient time to hold a formal consultation but meetings of interested organisations, householders and local authorities were held on 9 November to discuss the implications of a "management zone". Those present were broadly supportive of the measures to be taken although concerns were raised over the closure of footpaths. Detailed discussions have since taken place with the relevant county councillors and local authority officials. District and parish councils are also being kept informed of developments.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument due to the urgency of the emergency measures. However, as noted above, meetings have been held with interested organisations, householders and local authorities in the area.

9. Contact

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