

Operations Note 024

Date: 20 August 2019

Management of sites felled as a result of *Phytophthora ramorum*

1 Purpose, scope and application

This guidance is provided for owners and foresters managing and restocking sites felled due to *Phytophthora ramorum*. Such felling will usually be under a Statutory Plant Health Order.

The purpose of the guidance is:

- to help prevent spread of, or re-infection from the disease
- to give advice on the restocking of the woodland
- to state the legal position if considering change of land use after tree felling (see Annex 1)
- to help conserve the environmental value and heritage interest of woodland sites

This supplementary guidance sits within the overall framework of the UK Forestry Standard (UKFS) and associated UK Guidelines which still apply. Sites in England that are ancient or native woodland should also be managed in accordance with the [Ancient and Native Woodland Practice Guide](#) (ANWPG).

This supplementary guidance is designed to complement the ANWPG, and is focused on those operations where deviations may be appropriate. [Operations Note 24a](#) gives specific guidance on appropriate replacement species for larch plantations on ancient woodland sites.

Payments for restocking after a tree health issue are available under Countryside Stewardship. Where owners have taken these up, they will be obliged to comply with this guidance and, where relevant, with Operations Note 24a and the ANWPG.

This guidance will apply to Standalone felling licences and Plans of Operation applications as part of the approval of woodland management plans.

2 Legal obligations, permissions and information

- **Statutory Plant Health Orders:** Irrespective of this guidance, the conditions set in the Statutory Plant Health Notice must be fulfilled, unless modifications have been agreed in writing.
- **Obtaining other permission:** Owners and managers must be aware that whilst there is a legal obligation to fulfil a Statutory Plant Health Notice, this does not override other statutory protection. Managers must still fulfil other legal obligations, and must still seek the usual permissions from the relevant authority, and/or comply with any previously agreed management agreements. Some of the legal protection measures that might commonly be relevant are listed in [Box 1](#).
- **Reconciling conflicting needs:** If there appears to be a conflict, and both sets of obligations cannot readily be met, managers will need to contact the relevant authority. The Forestry Commission will assist in trying to negotiate an appropriate reconciliation.
- **Information signs:** Where there is public access to a site, a simple information notice is recommended, explaining the reason for the felling and the authority secured. This will help prevent alarm and reduce any local concerns.

Felling

- **Coupe size and shape:** The need to fell all infected larch (or other sporulating tree species) may mean coupes are larger than normally considered desirable. Conversely, there may be situations where to avoid a 'moth-eaten' appearance, it may be necessary to bring forward the felling of adjoining areas of other crops in order to create a well designed coupe. Such additional felling may also be desirable to ensure a wind firm edge is achieved. Where reasonable, such felling will be included within the issue of a Statutory Notice. Significant additional felling will not be covered by the Notice and will need separate permission or license from the Forestry Commission.
- **Other felling plans:** Other planned felling in the woodland may need to be deferred in order to reduce the rate of change in the woodland and to ensure a diverse age structure is maintained into the future (to avoid excessive open areas and a subsequent peak of one age class).
- **Retentions:** If possible, unaffected and resistant trees within the stand should be kept, particularly where these are native species. However, stems that are overly drawn up so that they would not remain standing should be cut.
- **Nesting season:** All reasonable steps should be taken to avoid disturbance of nesting birds (see [ANWPG](#), page 22, paragraph 16).

- **Ring barking:** Where it is not possible to avoid disturbing nesting birds, ring barking the trees is recommended to avoid felling during the nesting season. Felling and extraction can then follow later in the summer. This may be particularly useful for sites containing birds or animals protected under the Wildlife & Countryside Act or Habitats Directive (see [Box 1](#)).
- **Understorey:** If felling during the nesting season is unavoidable, cutting of the understorey prior to felling will significantly reduce the risk of disturbing nesting birds.
- **Extraction:** Avoiding extraction of timber during wet conditions will be even more important, partly because spores can be spread in mud and partly because soil compaction by machines can subsequently cause water logging.

Treatment of brash

- **Scarification:** This is not generally recommended on ancient woodland sites, but if done should be as light as possible and not done during the bird nesting season.
- **Brash:** The brash should generally be treated as per the practice guide (see [ANWPG](#), page 24, paragraph 28), cut up and spread across the site or concentrated in areas with least flora. Cutting the brash through so that it lies closer to the ground will help it break down during any fallow period. Whole tree harvesting is the ideal (whether as brash or as chips), but chipping and distributing the chip material across the site is not recommended as it usually smothers the ground flora.
- **Burning:** This is not specifically required for plant health purposes, and represents a loss of an important deadwood habitat. However, it may be the only practicable method of establishing a clear site, which may be essential where subsequent control of susceptible regrowth and regeneration is needed. If burning is done, some brash piles should still be retained as habitat. On ancient woodland sites, avoid burning brash and harvesting residues unless it can be demonstrated that it is a management necessity, and the necessary approvals have been obtained.

Fallow period

- **Control of sporulating hosts:** An additional period of 3 years may be specified in the Statutory Plant Health Notice, beyond the felling date, when further regrowth of host plants must be controlled to prevent further sporulation. Species that potentially act as a sporulating host must be cut or killed during this period. This will include larch, rhododendron and possibly other species.
- **Restocking site:** From both silvicultural and ecological points of view, it is desirable to keep the fallow period to a minimum and to restock the site as soon as possible. To achieve this, the site should be actively managed during the fallow period to avoid it becoming an impenetrable mix of brash and rank vegetation.

- **Controlling regrowth:** A clearing saw or spot applications of herbicide are the preferred method for controlling regrowth or colonisation by larch and rhododendron. Mechanical swiping should only be used where the vast majority of the regrowth has to be removed. Boom or overall applications of herbicide should not be used on ancient or native woodland sites.
- **Other regrowth:** Other species can be allowed to regenerate, even if these are eventually reduced in number or replaced once the site can be restocked. This can help to keep the site manageable (since 'nature abhors a vacuum'), and will also help protect soils and give better continuity of woodland conditions.
- **Deer control:** Control of deer, or even deer fencing, may still be necessary during the fallow period.

Restocking

- **Restocking plans:** Any initial plans should be reconsidered as the end of any fallow period approaches. The vegetation, regrowth and tree regeneration that has developed should be carefully assessed. Changes to the plans for species and site treatment may be required and will need to be agreed with the Forestry Commission.
- **Restoration:** Restoring planted ancient woodland sites (PAWS) to native species is still the preferred option. Even if restoration is not being considered, the [UK Forestry Standard \(UKFS\)](#) provides clear guidance that ancient woodland remnants are to be protected. This means we cannot accept the restocking of dense shade casting tree species such as spruce (*Picea* spp.), hemlock (*Tsuga* spp.) and fir (*Abies* spp.) over remnant ancient woodland ground flora and native understorey where there has been a deciduous conifer crop (larch) previously. See [Operations Note 24a](#) for further guidance.
- **Mixtures:** Whatever the species used, mixed stands are recommended in order to reduce future vulnerability and increase future resilience. Similarly, mixtures of species provenances may also help increase resilience. Avoiding any one species occupying more than two thirds of the canopy is a useful rule of thumb.

Restocking with conifers on conifer PAW sites: If it can be demonstrated that there will be no detrimental impacts to surviving Ancient Semi-Natural Woodland (ASNW) features, a small component (<20% of total area to be planted, excluding open ground) of conifers (noting the following paragraph on species choice) may, at the discretion of the Forestry Commission, be included in the restocking mixture.

These should be planted as a fail-safe mixture (a predominantly broadleaved stand will be produced in the event of no further management). A fail-safe mixture can be achieved by planting conifers in small individual groups of 3 to 15 trees scattered throughout a predominantly broadleaved matrix. Line mixtures (alternate single species rows of conifer and native broadleaves) are not considered to constitute a fail-safe mixture and will not be acceptable.

Where there are no obvious features of ecological interest, you may select tree species that meet the general principles of UKFS (they are appropriate to site, etc). This could include replacing conifer with conifer on PAWS (where the felling permission is not supported with grant and there are no obvious surviving ASNW features). However, where publically funded incentives are being offered, the expectation will be for a gradual restoration. See [Operations Note 24a](#) for further guidance.

- **Rapid restocking:** Once the restocking process can proceed, a more 'interventionist' approach than usual should be adopted. Greater use of planting and less reliance on natural regeneration is recommended in order to avoid extending the open phase any longer than is necessary.
- **Open space:** It may still be appropriate to keep some parts of the site free from restocking as 'designed' open space for landscape reasons, as open non-woodland habitat, or to protect historic features.

Species choice

- **Latest guidance:** Our knowledge and experience of this disease (Phytophthora ramorum) is growing all the time. The latest advice on restocking species should be sought, particularly as this depends on the level of inoculums on the site and in surrounding areas (see [Managing sites felled to control P.ramorum](#)).
- **Species to remove and control:** The Statutory plant Health Notice will specify the species which act as sporulating hosts and that must be felled and prevented from re-growing on the site for a period of 3 years.

Rhododendron and Japanese larch are by far the most vulnerable and should not be planted. European and hybrid larch are currently under investigation but at present it is recommended they are not planted.

- **Species to use with caution:** The following common tree species can potentially become infected but if spore levels are low then there is a good chance they won't be seriously affected. Where such species are used, it is recommended they are in mixture with other more fully resistant species:
 - **Native or near native:** beech, ash, sweet chestnut and holm oak, white willow
 - **Non-native:** Douglas fir, western hemlock
- **Other species:** All other common tree and shrub species currently appear to be fairly resistant and can be used, but this situation may change.

Box 1: Statutory protection measures that may apply to sites affected by Phytophthora.

'Designated sites':

Permission will be required from Natural England for sites of special scientific interests (SSSIs), agreement with English Heritage for woods containing Scheduled Monuments and sites within Registered Parks and Gardens, and permission from Local Planning Authority for trees or woodland covered by a Tree Preservation Order.

European protected species:

The following species are given strict protection under the Habitats Regulations: bats, dormice, great crested newts, otters, sand lizard, and smooth snake. [Forestry Commission/Natural England good practice](#) guidance on 'European Protected Species' should be followed, or a licence sought from Natural England.

Protected animals:

Animals listed in Schedule 5 of the Wildlife and Countryside Act (WC&A) must not be disturbed and places they use for 'shelter' must not be damaged. This includes most amphibians and reptiles, red squirrels and over 30 species of rarer butterfly and moth. Similar protection exists for badgers and their setts.

Protected birds:

Rare birds listed under Schedule 1 of the W&C Act are given special protection (for example, goshawks, red kite, hobby, crossbills, crested tits and black redstart). They must not be disturbed once they have started nesting, and if there is a risk then advice should be sought from Natural England.

Planning notification or permission:

If any 'construction, excavation or building' is involved (for example, building tracks, roads, loading areas and culverts) then the planning authority must be notified under Permitted Development Rights, and in some cases planning permission may be needed.

Environmental Impact Assessment:

Consent may be required if considering a change of land use following felling, see [Annex 1](#).

Sources of further advice

[Contact your local Forestry Commission office](#)

[Apply for a felling licence](#)

[Phytophthora ramorum manual – Introduction page](#)

[UK Forestry Standard \(UKFS\)](#)

[The Forestry Commission GOV.UK website](#)

Versions

Version 1.0 issued 13 May 2011

Version 2.0 issued 16 August 2011

Version 3.0 issued 20 August 2019

Annex 1: Change of land use

Statutory Plant Health Notices do not place a legal obligation to replant trees. However, this does not mean that there is an automatic right to change land use.

Environmental Impact Assessment (EIA) Regulations

Deforestation, for the purposes of conversion to another type of land use, is subject to the EIA regulations. We will regard any attempt to actively change land-use following felling as a potentially relevant project under these regulations. This would include for example introduction of grazing that prevents the natural regeneration of trees, or de-stumping (the removal of all tree stumps) and conversion to agricultural land.

To confirm whether consent is required for these activities, you should complete and return to us a determination enquiry form. Further information and a determination form is available at [Environmental Impact Assessments for woodland: overview](#).

Cross-compliance

Good Agricultural and Environmental Condition (GAEC) 5 requires you to comply with the EIA Regulations. If you start a project without our consent, or do not comply with an enforcement notice then you will be regarded as in breach of cross-compliance.

Non-compliance may result in a whole farm inspection or a penalty being applied to any EU payments you receive. Further information is at [cross compliance 2019](#).