

Tree felling

Getting permission - updated 2023



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Introduction

To protect and sustain England's highly valued trees and woodlands, a felling licence from the Forestry Commission is normally required before growing trees can be felled.

The [Forestry Commission](#)¹ is the government department responsible for protecting, expanding and promoting sustainable management of woodland, and for increasing the value of trees and woodland to society and the environment. We (the Forestry Commission) are the regulator for tree felling, responsible for assessing applications and for issuing licences. We monitor compliance where replanting is a condition of a licence, and use enforcement action on individuals who allow the felling of trees when a licence was required.

This booklet tells you (the applicant) how to prepare and apply for permission to fell trees on your own land, or the land of someone you represent; and what we will do if trees are felled without a licence. This booklet is for guidance only and is not a legally binding interpretation of the legislation (principally the [Forestry Act 1967](#)).² If you are unsure whether you require a felling licence, speak to your local [Forestry Commission area office](#)³ for guidance before you start any tree felling. Further information is available on [GOV.UK](#).⁴

Applying for a felling licence three or more months prior to felling will help ensure your licence is in place before you want to commence felling.

1. What is a felling licence for?

Tree felling is a legally controlled activity. You will normally need permission from us to fell growing trees and we will normally provide this by issuing a felling licence. The licence will allow you to fell identified trees and woodland legally.

In certain circumstances you may still need other permissions from other organisations (see sections 3 and 4) before you can fell the trees. Sometimes this applies even if you do not need a felling licence.

Felling licences are normally issued for a five-year period. However, if associated with a Forestry Commission approved woodland management plan, a licence will normally authorise felling for a period of ten years.

You should carefully consider the tree felling you want to carry out. Think about how long it will take to do the work. You are also advised to get in touch with neighbours and make them aware of your tree felling plans.

1.1 Important background

There is a presumption against permanent loss of woodland cover, in particular ancient woodland. Most felling licences that we issue will contain conditions that require felled trees or areas of woodland to be replaced by replanting or allowed to regenerate. A typical exception to this is a thinning licence, where sufficient woodland cover is retained so as not to require restocking.

Once a felling licence has been issued it cannot be withdrawn. And once tree felling has started a felling licence cannot be amended.



Everyone involved in the felling of trees – whether it is an owner felling trees themselves or employing others to do the work such as an agent, timber merchant or contractor – must ensure that a felling licence or other permission has been issued before any felling is carried out, or that one of the exceptions (see section 2) specified under the Forestry Act, and elsewhere, applies.

All felling work must be carried out in accordance with the licence and any other permission issued, and must remain compliant with all other legislation and regulations affecting operations to fell trees. These requirements are reflected in the [UK Forestry Standard](#).⁵

Do not begin to fell trees until we have issued a felling licence to you and you have all other necessary permissions to fell trees in place.

Any felling carried out without a felling licence is an offence unless it is covered by an exception.

If there is no felling licence or other permission to fell trees in place, or if the wrong trees are felled and no felling exception can be proved, everyone involved can be prosecuted.

We will assess reports of unlicensed tree felling. This may result in enforcement action being taken to ensure tree or woodland cover is restored, and it may also involve seeking a prosecution of those involved (see section 7).

Please note:

- All web addresses can be found on page 24.

2. Exceptions from the need for a felling licence

Certain types of felling and tree works do not require a felling licence. The Forestry Act 1967, and other related regulations give details of these exceptions in full.

In certain circumstances you may still need other permissions from other organisations (see sections 3 and 4) before you begin felling trees.

If you intend to fell trees covered by one or more of the exceptions within the legislation, it is established in case law that it is your responsibility to prove that an exception applies. You should gather evidence that shows a felling licence was not required before you start any felling. The evidence to be gathered will be specific to each felling site and the exception claimed. It is prudent to retain evidence, so that you can demonstrate the exception to the Forestry Commission should you need to in the future.

We advise that you keep photographic records (with reference to scale) that show the tree setting and condition before and after felling.

Other forms of evidence to retain should include maps, site surveys or reports, inspection checklists and, importantly, a record that confirms when tree felling took place.

You may wish to contact your local Forestry Commission area office to ask their advice on whether a specific tree felling exception can be used. The commonly used exceptions are outlined in the rest of this section.

Refer to the [Forestry Act 1967](#)⁶ and the [Forestry \(Exceptions from Restriction of Felling\) Regulations 1979](#)⁷ for the complete list of exceptions.



2.1 Calendar quarter personal allowance

In any calendar quarter you may fell up to 5 cubic metres (m³) of growing trees on your property without a felling licence, as long as no more than 2m³ are sold.

Calendar quarters are defined as: 1 January to 31 March, 1 April to 30 June, 1 July to 30 September, and 1 October to 31 December.

By **property**, we interpret this to mean within the immediate property or holding; Other properties you may have and that are some distance away could be considered to be a separate property and so have their own 5m³ allowance. Your **local Forestry Commission Woodland Officer** will be able to confirm if more than one count of this exception may apply.

The volume of timber in a standing tree is assessed by measuring the amount of wood in the main tree stem(s) where this is greater than 8cm in diameter over bark. For large broadleaved trees, this includes major branches. Other methods are available for assessing felled trees. If you are to fell 5m³ of timber in successive calendar quarters you are strongly encouraged to retain evidence of what felling took place and when, in order to demonstrate that less than 5m³ was felled in each calendar quarter.

You may commit a separate offence under the **Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999** if you systematically clear an area of woodland over time without permission from the Forestry Commission under those regulations (see section 4.5).

2.2 Lopping and topping

An exception applies for tree works involving tree surgery by way of lopping or topping, for example, pollarding. Such works are used today to maintain a tree in good health and to extend its lifespan in highly modified environments, such as streetscapes. These works do not require a felling licence.

Please also see section 4: Other controls on tree felling.

2.3 Trees of small diameter

An exception applies to felling trees that, when measured at a height of 1.3 metres from the ground:

- have a diameter over bark of 8cm or less;
- if thinning, have a diameter over bark of 10cm or less; or
- if underwood or existing coppice (i.e. previously managed by cutting to promote multi-stemmed growth arising at or near ground level), individual stems have a diameter over bark of 15cm or less.

Thinning is defined within the Forestry Act 1967 as "felling carried out in order to improve the growth of other trees". The UK Forestry Standard's definition is "The removal of a proportion of trees in a forest after canopy closure, usually to promote growth and greater value in the remaining trees." The Forestry Commission interpret both phrases to mean the felling of no more than 30% of trees from any area, spread evenly among the retained trees.

2.4 Tree species and tree locations

There are exceptions that apply to:

- fruit trees, for example, orchard species like apple, pear or plum;
- trees standing or growing in an orchard, garden, churchyard or public open space; and
- trees growing in the inner London boroughs.

2.5 Dangerous and nuisance trees

An exception applies for the felling of a tree or trees necessary for the **prevention of danger or the prevention or abatement of a nuisance**.

The danger exception could be said to apply only where there is an immediate risk of serious harm and urgent work is needed to remove the risk.



The nuisance exception could be said to apply only where there is an actionable nuisance (i.e. actual damage or an immediate risk of actual damage being caused to someone else's property for which they could sue you for compensation), or nuisance by way of actual encroachment onto someone else's property.

If you use these exceptions you will be asked to provide evidence of how the tree(s) presented a danger to people, property, or infrastructure for example. Not all old or diseased trees are necessarily dangerous; you need to consider the risk they pose and demonstrate the exception is valid.

Please note, the assessment of the structural integrity of a tree is a specialist area and therefore, unless clear and obvious, you may need to obtain expert advice and an arboriculturist report to evidence that the danger was present. In the event of a prosecution for unlicensed felling, the legal burden of proving that an exception existed rests with you.

We strongly recommend that you obtain a felling licence, or that you seek professional advice before felling any trees, rather than proceeding with the felling and then seeking to rely upon this exception.

2.6 Tree health

An exception applies where the felling of trees is necessary to prevent the spread of a quarantine pest or disease in accordance with a Statutory Plant Health Notice (SPHN), as issued by the Forestry Commission under the **Plant Health (Forestry) Order 2005**.⁹ An SPHN is subject to its own enforcement rules if felling is not undertaken within the required timescales.

If you have not been issued with a SPHN, there is no general exception from the need for a felling licence for diseased trees and a felling licence will be required, unless another reason for exception applies, or a tree is specifically infected with dutch elm disease and greater than 50% of the crown of the tree is dead.

2.7 Development

An exception applies where the felling of trees is **immediately required** for the purpose of carrying out development that is authorised by the approval of full planning permission, or is allowed as permitted development (i.e. any permission that is granted, or deemed to be granted, under the Town and Country Planning Act 1990, including any planning conditions or s.106 agreements attached to a full planning consent). The approved planning permission will detail the extent of the approved development and may also define the trees that are allowed to be felled or those that must be retained.

The development exception can relate to individual or groups of trees or woodland, and for trees to be exempt from the need for a felling licence at least one of the following conditions must be met:

- **trees must be explicitly identified in the planning consent as being permitted for removal;**
- **the trees must stand within the footprint of the proposed development; or**
- **the removal of the trees must be necessary in order to carry out the proposed development (e.g. they block an access route to which there is no alternative, or lie in such close proximity to the proposed development that they prevent the carrying out of that development).**

The exception does not simply extend to all trees within the 'red line' boundary of the fully approved proposed development.

Full planning consent, or reserved matters approval for outline planning consent, obtained after unlicensed tree felling does not provide an exemption to the requirement for a felling licence.

Outline planning permission: This status is not sufficient to demonstrate that the felling of





trees is immediately required for the purposes of development. A felling licence will be required in these circumstances, unless another reason for exception applies (such as a relevant full planning permission).

Permitted development: Some development is permitted development (i.e. planning permission is not required) pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015. The felling of trees in accordance with permitted development, and which is immediately required for the purpose of carrying out the permitted development, is exempt from the need for a felling licence.

When considering tree felling related to development activity, we may ask you for evidence that it is permitted development, or that planning permission is deemed to be granted. You are advised to keep a copy of any certificate or correspondence with the local authority that demonstrates this.

2.8 Statutory Undertakings

Statutory Undertakers are empowered by a wide variety of Acts and regulations to construct and maintain infrastructure, such as those for utility supplies, pipelines, communications, canals, waterways and so on.

An exception applies to trees felled by Statutory Undertakers on land in their occupation and where trees are obstructing the construction of any works for which they are responsible, or where trees interfere with the maintenance or operations of any works for which they are responsible. However, the specific legislation will detail what duties the Statutory Undertaker has, and under what circumstances they can fell trees under those duties in order to benefit from this exception.

2.9 Other legislation that consents tree felling

Similar to Statutory Undertakings, an exception applies to any tree felling that is undertaken in

compliance with any obligation imposed by, or under, an Act of Parliament. For example, bodies such as Highways England, Network Rail and local highway authorities have statutory duties to maintain the safe operation of their infrastructure and they may fell growing trees without a felling licence.

Statutory Undertakers and authorities discharging duties imposed by, or under, Acts of Parliament are encouraged to keep records of what tree felling they undertake, when, and to identify the specific legislation or statutory provision under which the tree felling is enacted. Sharing this information with the Forestry Commission on request will be of benefit to all parties concerned.

2.10 Retrospectively applying an exception

Exceptions to the need for a felling licence cannot be applied retrospectively after the felling has taken place.

For example, the granting of planning permission subsequent to any felling taking place does not retrospectively undo an offence of felling without a licence where one was required.

2.11 Summary

We strongly recommend that you contact your Forestry Commission area office if you are uncertain about whether any of these exceptions apply.

We can provide advice that could minimise the risk of you felling trees without a felling licence, where one would have been necessary, and we will help you secure a felling licence if one is necessary.

There are a number of other controls on tree felling that you may need to take into account – a few examples are set out in the following sections.

3. Environmental legislation and protection

A felling licence permits you to fell growing trees legally. However, the felling of those trees may still need separate consents or permissions.

Some species of plants and animals have declined to such an extent that they, and the habitats they rely on, have legal protection. It is important that you balance managing woodland and producing timber with **protecting important wildlife and woodland habitat**.¹⁰

3.1 Protecting wildlife and habitats

The **Wildlife and Countryside Act 1981**¹¹ protects rare or endangered plants, wild birds and other animals, with differing levels of protection according to their needs. The Act makes it an offence intentionally to:

- **kill, injure, or take any protected species;**
- **take, damage or destroy any nest or place of shelter or protection, in use or being built;**
- **take or destroy an egg of any wild bird or to intentionally disturb animals using resting places; and**
- **pick, uproot or destroy protected plants.**

The **Conservation of Habitats and Species Regulations 2017**¹² also protects a range of plants and animals – referred to as '**European Protected Species**' (EPS)¹³ – and their habitats. Several EPS are found in trees and woodland, and these regulations have implications on how woodlands are managed and how tree management operations are carried out.

In collaboration with Natural England, we have published **good practice guidance**¹⁴ and an **EPS checklist**¹⁵ to help you plan sustainable woodland management. A majority of felling operations should be able to proceed even in the presence of EPS, provided that good practice guidance is followed. But where tree felling is unable to comply with good practice, an **EPS wildlife licence**¹⁶ must be obtained from Natural England.

Contact your Forestry Commission area office if you think you need an EPS wildlife licence.

3.1.1 Preventing damage to habitats and species

Wildlife law can be complex and, although it is not always illegal to fell during the bird nesting season or when protected species are present, precautions must be taken by law. Before starting any tree felling, you must carefully assess the risks from the work proposed and how felling work will impact on resident wildlife populations and associated habitats.

You must make sure that the work is planned to ensure protected species are not intentionally harmed or killed; that their nests or dwellings are not damaged or destroyed; and that the habitat is safeguarded from permanent and lasting damage. Particular attention is needed in respect of birds and bats that may be nesting or roosting in the trees you intend to fell, as well as mammals such as dormice, otters and badgers, which will actively use the woodland for foraging and raising young at certain times of the year, and may hibernate at other times.

You should make and keep records of any surveys undertaken, any reports you commission, and the decisions you make on how and when tree and woodland management is undertaken. An **Operational Site Assessment**¹⁷ (OSA) is a useful way of recording the planning of forestry works. You may need to seek further professional or specialist advice to achieve this.

Natural England is the body responsible for administering this wildlife legislation. However, you should contact **your local Forestry Commission Woodland Officer**¹⁸ regarding any proposed felling works in the first instance.

3.1.2 If protected species have been disturbed

If you use the Good Practice guidance and other literature available online, you should be able to protect wildlife populations. However, if you identify protected species when carrying out forestry operations – for example, a population of bats being directly affected by your tree felling activity – you must stop work immediately.

Contact **Natural England**¹⁹ (0300 060 3900) and explain what has happened. They will tell you what to do next with regards to safeguarding the immediate population affected by your operation.

There are other bodies that are able to help in such situations, such as the **Bat Conservation Trust**.²⁰

3.2 Protecting landscapes and public access

In areas with protected landscape or that have open access land you should make sure you understand the local policies related to woodland cover and woodland access. The views of those who manage those landscapes should be sought and their advice used to influence your tree felling proposals.

National Parks and Areas of Outstanding Natural Beauty

Where wider landscapes have been identified as having a special character, for example National Parks (NP), Areas of Outstanding Natural Beauty (AONB) and Heritage Coasts, we will inform the responsible bodies on significant felling proposals within those areas.

Open access land

Where public access to the wider landscape is guaranteed through open access land, you may need to notify the **Local Access Forum**²¹ (LAF) of your felling proposals. The full list of LAFs and their contact details can be found on .GOV.UK.

You may also need to contact **Natural England's Open Access Contact Centre**²² (OACC) to seek a permission to close open access land during tree felling. You can find out more on **open access land and the coastal margin: how to restrict public access**²³ page on .GOV.UK.

Commons

There is historic legal protection for common land to remain not enclosed, not built upon and free from fences and other works that impinge on access to the land. It is important that you understand the legal position and requirements surrounding commons before attempting to **carry out any works on common land**.

There has been a legal requirement to obtain Secretary of State consent for carrying out works that would prevent or impede access on common land since 1925 (Law of Property Act s.194). This has since been strengthened by the Commons Act 2006.

The earlier Act applied only to land subject to 'rights of common' on 1 January 1926, but s.38 of the 2006 Act applies to:

- all land registered as common land; or
- land not registered as common, but where the land is regulated by an Act made under the Commons Act 1876, or is subject to a scheme under the Metropolitan Commons Act 1866 or the Commons Act 1899.

Works on commons owned by the National Trust are covered by separate legislation – The National Trust Act 1971.

Both Acts require that consent is obtained for any restricted works that will prevent or impede access. Such works will include fencing, creating ditches, forestry works, new solid surfaced roads, paths and car parks.

Restocking required under a felling licence requires consent from the Planning Inspectorate on behalf of the Secretary of State, as the resulting woodland would be seen as reducing public access, even where there was already woodland on the common prior to felling.



3.3 Protecting designated areas and sites

Certain areas of land are designated or protected due to their natural or cultural importance, and some sites are designated because of specific features unique to that location.

Examples of designated areas include Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and World Heritage Sites (WHS). Examples of designated sites are Sites of Special Scientific Interest (SSSI) or Scheduled Monuments (SM). You may need additional permissions or consents to undertake any proposed tree felling work in these areas:

- If the proposed tree felling will take place within, or in some way impact on a SAC, SPA or Ramsar site, then a further assessment by us is needed before your licence can be issued. As part of your application, you should tell us if you wish to carry out any work that may affect a protected site's features and how you propose to mitigate any impact, so we can assess any likely effects.
- Some protected sites, such as SSSI or SM, may need a separate consent from the relevant authority for the protected site. For example, Natural England is the relevant authority for creating and maintaining SSSIs. If you are proposing tree felling within or adjacent to a SSSI then you should also complete a **Supplementary Notice of Operations**²⁴ (SNO) alongside your felling licence application. We can help you secure that consent while processing a felling licence application.

The SNO gathers information on how you will protect the SSSI interest while undertaking the tree felling. This helps Natural England to decide whether or not it needs to give its SSSI consent to the tree felling work and associated activity. You should submit both forms to us.

- Historic England is the relevant authority for scheduling and maintaining SMs in order to conserve features of cultural heritage. If you are proposing work to any trees on an SM, you may need to obtain **Scheduled Monument Consent**²⁵ from Historic England, independently from your felling licence application, before you start work.

You will need to provide Historic England with detailed information on how you will protect the SM interest while undertaking the tree felling. This will help Historic England decide whether or not to give SM consent for the felling work.

If you do not tell us about a protected site and this is not picked up through processing your application, then your felling licence may not support other permissions or consents you may need. Subsequent work, if undertaken, may result in an offence being committed.

3.4 Hedgerows Regulations

Hedgerows in England are protected under the Hedgerows Regulations 1997, and you may need permission to **undertake protection and management work**.²⁶ If you intend to remove a hedgerow completely, then you may be required, under the **Hedgerows Regulations 1997**,²⁷ to consult the local planning authority (LPA) before you do so.

If you intend to fell a tree within a hedgerow then you should first check the felling exceptions in section 2 of this document. If your proposed work is not covered by one of these exceptions then you will need a felling licence to carry out this aspect of your work.

Some tree felling and tree works on hedgerow trees are restricted at certain times of the year under land management rules. Failure to comply with these regulations can result in the Rural Payments Agency being notified (see section 6.9).



4. Other controls on tree felling

4.1 Tree Preservation Orders and conservation areas

Tree Preservation Orders (TPO) and conservation areas²⁹ are made by the local planning authority (LPA), usually a local council, under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.³⁰ They protect specific trees and areas of woodland with high amenity value. You should contact your LPA to find out if these designations apply to the trees you want to fell and discuss if there are any issues in felling them.

4.1.1 Trees protected by a Tree Preservation Order

- If you wish to fell a tree or trees that are protected by a TPO, and an exception from the need for a felling licence does apply – for example, because you are carrying out works on a garden tree – then you will not need a felling licence from us.
However, you are still likely to need to apply for permission from the LPA to fell protected trees.
- If no exception can be claimed then you will need to apply for a felling licence. In your application you must tell us which TPO protects the trees, and which of the trees to be felled are protected. We will decide whether to issue a felling licence. You will not need a separate permission from the LPA for the TPO, as we will consult with the LPA on your behalf before making our decision.
- Alternatively, the Forestry Commission can refer the full felling licence application to the LPA for them to solely determine if the tree or trees can be felled under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Please note that the Forestry Act 1967 (s.15) prevents local authorities from considering applications to fell trees protected by a TPO when the felling activity will normally require a felling licence.

4.1.2 Failure to agree felling proposals on protected trees

If you apply to us to fell trees that are covered by a TPO, the LPA has the opportunity to object to the proposals in the felling licence application. If an objection is made and is not withdrawn, this prevents us from issuing the felling licence. If the LPA sustains its objection, then the felling application may be referred to the Secretary of State for determination.

4.1.3 A TPO is applied after a felling licence application is made

If a TPO is placed on trees after a felling licence application has been submitted to us, but before we have given our decision, we need to take that new order into account while your application is being assessed. You should tell us immediately if you know a TPO has been applied (see section 4.1.5).

Where a TPO is made on trees after a felling licence is issued, you should contact us immediately as you will need a new felling licence that takes account of the TPO. You may commit an offence if you fell a tree without a valid felling licence in place.

4.1.4 Conservation areas

If you are not applying for a felling licence, you are required to notify the LPA (6 weeks in advance but not more than 2 years in advance) of any works on trees (e.g. felling, topping, lopping, or uprooting work) within a Conservation Area that you plan to undertake, in accordance with section 211 of the Town and Country Planning Act 1990.

If you are applying for a felling licence, the Forestry Commission will notify the LPA of the application and seek its views in respect of 'the amenity of the district'. You are not then required to notify the LPA directly as the above duty to notify them is removed by regulation 15 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Should the LPA protect the tree with a TPO within the Conservation Area after being notified of upcoming works, this could result in a new felling licence being required - see 4.1.3.

4.1.5 Failure to disclose a TPO or conservation area

Failure to disclose the presence of a TPO or conservation area in your felling licence application will mean that your application is inaccurate, contrary to the declaration on the application form.

If we issue a felling licence for trees covered by a TPO or within a conservation area, and you did not declare their existence at the point of application, then you may commit an offence, such as fraud, if you fell a tree without an accurate felling licence in place.

Your felling licence application may be published on the **Public Register of new planting and felling**.³¹ The LPA may check the details of applications being published on the Public

Register and let us know that a TPO is in place and may object to the proposed works.

4.2 UK Forestry Standard

The **UK Forestry Standard**³² (UKFS) sets out the UK government's approach to sustainable forestry and woodland management, including standards and requirements as a basis for regulation, monitoring and reporting requirements.

We assess all forestry proposals, including applications for felling licences, against the UKFS before giving approval. We will only approve your felling proposals and issue a felling licence if we are satisfied that they meet the UKFS relevant to the individual licence area.

4.3 Woodland management plans

For larger woodland holdings, long term woodland management planning and subsequent activity is a key component in maintaining the productivity and condition of your woodland, and we actively encourage the production of a UKFS compliant **woodland management plan**.³³

A Woodland Management Plan may contain tree felling and restocking proposals. Following our assessment and 'approval in principle' of a woodland management plan, we can then process a felling licence for the associated tree felling.

This felling licence is linked to the woodland management plan and is valid for 10 years of tree felling work.



4.4 Tree health and the movement of timber

Regulations exist to prevent the spread of pests and pathogens of trees.

In certain **pest or pathogen**³⁴ outbreaks, you may require specific permission to move infected material, such as timber. For example, where a **Statutory Plant Health Notice (SPHN)** has been issued due to the presence of *Phytophthora ramorum*, a pathogen that affects larch and other woody species, you will need a movement licence³⁵ to move your timber.

We ask you to be aware of the risks posed by pests and pathogens and to help **prevent the introduction of pests and diseases**³⁶ by being vigilant in checking the condition of your trees and woodland, and to take responsible measures, such as biosecurity, in combating threats to tree health.

You can report signs of key tree pests and pathogens using **Tree Alert**.³⁷

4.5 Land use change – Deforestation, EIA, and Open Habitats

The Forestry Commission is the relevant authority for the EIA Regulations related to forestry projects in England, including any deforestation proposals. (**Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999**.³⁸)

If you intend to fell trees and convert the land to another land use, we will need to assess these proposals under the EIA Regulations. Failure to seek our 'stage 2' Consent where it is required may result in enforcement action being taken against you.

You can find more information on forestry EIAs on gov.uk.

4.5.1 Proposed conversion to priority habitat

If you are converting woodland into a priority open habitat, your proposal will be assessed under the government's Open Habitats Policy. You may need to complete an EIA deforestation enquiry form, and submit it with your felling licence application.

4.5.2 Proposed conversion to agriculture

We will not normally agree to woodland clearance for conversion to agricultural use. If this is what you want to do, we may ask the Department for Environment, Food and Rural Affairs (Defra) to assess the contribution that the conversion of the land to agriculture would make to the economic viability of your agricultural holding before making our decision. It is likely that if we do agree to the conversion to agriculture, you will be required to create an equivalent area of replacement woodland. Without this, your proposal is likely to be refused.

You may need to complete an EIA deforestation enquiry form and submit it with your felling licence application.

5. Applying for a licence

5.1 Who can apply?

You can apply for a felling licence if you own the land on which the trees are growing; if you are a lessee or tenant and your interest entitles you to fell the trees; or you can demonstrate you have a legal right to fell the trees (once the appropriate permissions are obtained).

An agent, acting for the owner or lessee, can also apply to fell the trees, but the licence will be issued in the name of the owner or the lessee of the land. An agent must demonstrate that they have sufficient interest in the land and that they are authorised to represent the owner or lessee. You can do this by using our **agent authority form**.³⁹

We will accept applications from, and issue licences to, a business or organisation. Such applications must include details of a named individual who has authority to sign the application and any restocking conditions. This person will be an employee of the business or organisation, or an agent with sufficient authority. The business or organisation must have the same interest in the land as mentioned above.

Developers are advised to carefully consider the implications of applying for a licence. Felling trees under the authority of a conditional felling licence will engage a condition to restock the land with trees. This restocking condition may be incompatible with, and therefore block, your intended development. Applying for planning permission, explicitly referencing the trees to be felled, will often be a more appropriate avenue for those intending to develop a site.

5.2 How to apply for a licence

You can apply online for a felling licence using our **Felling Licence Online service**.⁴⁰ This is supported by **online user guidance**⁴¹ and is free of charge.

If you cannot apply online and require a paper felling licence application form, then **please contact us**.⁴² We can provide this by email or send one to you by post.

Do not apply online if you submit a paper application form.

5.3 Environmental map browsers

Felling Licence Online contains a constraint checking tool (a Land Information Search (LIS)) that allows you to check your felling proposal against environmental datasets, before you submit it to us. This gives you a chance to modify your felling proposals to take account for any features or designations you identify in the search.

Separately, the Forestry Commission **map browser**⁴³ also contains a Land Information Search (LIS) tool that allows you to search environmental datasets that might affect your land. LIS allows you to make a copy of the search results, including details of other approved felling licences in your area.

DEFRA's map browser, called **MAGIC**,⁴⁴ contains a broader range of environmental data and can provide further information on designations and issues that might affect your woodland or woodland management proposals. It also allows you to make a copy of the search results.

Some local authorities have created map browsers where you can identify conservation areas and Tree Preservation Orders. Check with your local authority to see if they provide this information online, or through their library service.

The Forestry Commission is the Relevant Authority for the **Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (EIA Regs)**⁴⁵ for forestry projects in England, including any deforestation proposals.

If you intend to fell trees and convert the land to another land use, we will need to assess these proposals under the EIA Regulations (see section 4.5). Failure to seek our consent where it is required may result in enforcement action being taken against you.

When we receive your felling licence application, we will acknowledge receipt within three working days. We may need to look at the felling proposals on the site and will usually contact you within three weeks to arrange a site visit.

6. Considering a felling licence application

6.1 Application documentation

Alongside the information on the felling licence application, the Forestry Commission will also need to check other relevant and supporting information including a corresponding felling plan or map, detail on impacts on protected sites, the effects on priority habitats or protected species, or where land use change, such as deforestation, is proposed.

You need to make sure other relevant supporting documents are completed correctly, in full, and are submitted with the felling licence application.

6.2 Legal decision timescale

We will review and issue, or refuse (see section 6.11) a felling licence application within three months of receiving an application to fell growing trees. If an application is incomplete, or incorrectly mapped, we will return it to you for completion and the three-month timescale will be reset upon resubmission.

If further information is required or requested by us, or a stakeholder's response to our consultation is slow, then the application may be delayed and we may need to ask if you agree to an extension. This is normally a further three months.

6.2.1 Felling licence Citizen's Charter

Alongside the legal timescale (see section 6.2), we aim to process most felling licence applications (from receipt of a complete application to an approved licence) within the Citizen's Charter target of 77 days.

6.3 Consultation

We may consult (seek advice) with other organisations to make sure that we take into account any environmental or land use issues affecting your proposals, or which your proposals may themselves impact on, and any statutory designations where permission from other bodies or relevant authorities may also be required.

6.4 Public Register

Unless your felling application is for thinning only, the felling information from your application will be published on the [Public Register for new planting and felling](#).⁴⁶

This is to give the public the opportunity to comment on the proposals. The public may request more information on felling proposals that are shown on the Public Register and can submit comments on how the proposals may affect them, but only during the period in which it is published.

Comments made on applications via the Public Register will be considered against UK Forestry Standard criteria to see if they are of material impact or interest for the felling proposals.

When a felling licence is approved and issued, we will publish the details of the approved felling licence on the Public Register, for public record, and a permanent record will be published as part of a felling licence spatial data layer via our [online map browser](#).⁴⁷

You can view the [Public Register](#)⁴⁸ online.

6.5 Restocking conditions after felling

The government has a general policy against deforestation – the permanent removal of trees or woodland - without replanting or regeneration. This policy is principally to ensure that tree and woodland cover and timber supply are safeguarded for future generations.

Restocking conditions will, therefore, normally be included on felling licences we approve, other than those for areas to be thinned (felling licences to thin woodland are granted unconditionally).

6.5.1 Felling conditions

Felling conditions are applied to ensure:

- **that replanting or regeneration of the felled area is undertaken in an identified location; and**

- **that the trees are maintained for a period not less than 10 years.**

Where you propose to fell parts of woodland, rather than just thin the woodland, you are required to provide restocking proposals as part of your application. We may want to discuss these proposals with you as the application is being processed.

You will be sent a copy of the final proposed restocking conditions prior to the approval of the licence. You must raise any concerns over the proposed conditions within 14 days to give us time to agree an alternative prescription before the felling licence is approved and issued.

While the felling licence gives permission for trees to be felled at any time during the period of the licence, we would expect replanting, or agreed works to encourage natural regeneration, to be completed before the date set out in the conditions of the licence.

To ensure successful establishment of the replacement trees, the conditions of a licence typically require the replacement trees to be actively maintained for 10 years.

Failing to comply with the conditions of your felling licence may result in the service of an Enforcement Notice.

6.6 Overriding felling licence conditions

If felling under the authority of a conditional licence has already taken place then those conditions cannot be subsequently overridden.

For example, the granting of planning permission will not override active conditions.

Where felling has not yet taken place, and both a conditional felling licence and an alternative permission to fell the trees is in place we will take any subsequent felling to have been authorised by the newest of the permissions granted.

For example, where a relevant planning permission or Statutory Plant Health Notice is

granted after a conditional licence (but prior to felling), we will not consider the conditions of the licence to have been engaged if the felling then takes place.

The caselaw of *Arnold White Estates Ltd v The Forestry Commission* [2022] EWCA Civ 1304 confirms that planning permission will not override active conditions of a felling licence, or subsequent Enforcement Notice.

6.7 How long will your felling licence last?

A felling licence will usually contain permissions to fell trees for five years. However, a felling licence associated with a Forestry Commission approved woodland management plan is valid for 10 years. The restocking and maintenance conditions of the licence can last for much longer than this.

We will consider a licence inaccurate if you did not declare, at point of application, any material facts, such as the existence of a TPO, which would have resulted in a different licence being issued.

In such circumstances you may commit an offence, such as fraud, if you subsequently fell trees covered by the licence obtained with inaccurate information.

6.7.1 Variations to an approved felling licence

Once a felling licence is approved by us it cannot be amended or withdrawn.

6.7.2 Failure to comply with the conditions of a felling licence

Once trees covered by the felling licence are felled, the associated restocking conditions must be implemented, and replacement trees maintained to achieve full regeneration of felled areas. We will carry out annual inspections to check that the felling works are compliant with the licence issued, and that restocking conditions are being met.

Failure to comply with the felling licence, by correctly felling the trees permitted to be felled and then failing to comply with the restocking conditions, may lead to enforcement action being taken through an Enforcement Notice.

It is an offence under the Forestry Act not to comply with an Enforcement Notice. Where we find evidence of breaches, we may take enforcement action (see section 7.1.1).

6.8 Renewal of a licence

If you are unlikely to complete all your felling before your licence expires, then you must apply for, and be issued with, a new licence before you can fell the rest of the trees. We recommend you allow at least three months for the new licence to be issued.

6.9 Selling land with a felling licence

The permission to fell trees remains in effect for the duration of the licence regardless of whether the land ownership or stewardship changes.

A felling licence is issued to the person who applies for it and they are subsequently able to carry out permitted tree felling or they can authorise other parties to carry out the tree felling.

However, we expect that only the person issued with the licence may authorise trees to be felled under that licence, and so if there is a change in ownership then we should be informed so that we can amend our records accordingly.

Any conditions that apply to the land after a felling licence has been enacted remain in force even after the land is sold.

If you sell land with an enacted felling licence, you should make the purchaser aware of the felling licence and its conditions. You should also inform us when the sale completes, quoting the felling licence reference.

The new landowner takes over responsibility for continuing to maintain restocking conditions. If they do not, they may be served with an

Enforcement Notice to compel them to meet the conditions of the licence.

If a new landowner wants to undertake different tree felling operations, they will need to apply for a new felling licence.

6.10 Felling within grant schemes or agreements

If you propose to carry out felling or thinning as part of a grant scheme, for example, an agri-environment grant, then you must ensure that a felling licence is in place or that the proposed felling has an exception (see section 2).

A felling licence will not normally be issued as part of a grant agreement, and the grant agreement itself does not provide an exemption to the requirement for a felling licence.

It is your responsibility to apply for a felling licence and, once issued, to comply with the restocking conditions of the licence, where they apply.

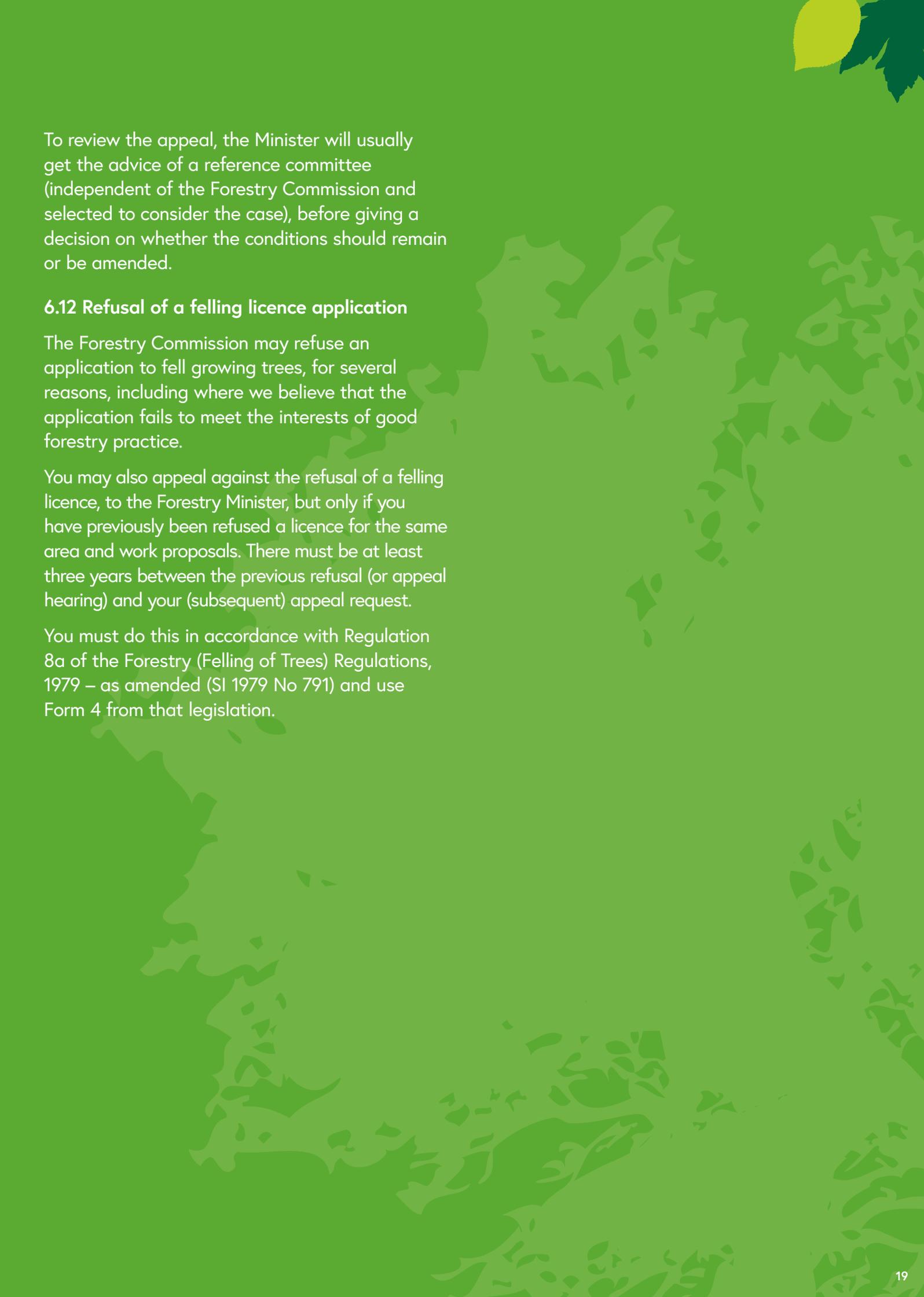
6.11 How to appeal felling conditions

If an approved felling licence has conditions applied to it and you are not happy with them, you are able to appeal. You must submit your appeal within three months of the date of the licence being received by you.

You should initially contact your local Woodland Officer or Forestry Commission area office to discuss your concerns.

However, if you are still unhappy with the conditions applied, you can then appeal to the Forestry Minister. You must do this in accordance with the detailed information provided on your felling licence, which quotes Regulation 8c of the Forestry (Felling of Trees) Regulations, 1979 – as amended (SI 1979 No 791), and uses Form 6 from that legislation.

If you do not follow these instructions and you do not submit your appeal within the three-month time limit, then your appeal will not be accepted.



To review the appeal, the Minister will usually get the advice of a reference committee (independent of the Forestry Commission and selected to consider the case), before giving a decision on whether the conditions should remain or be amended.

6.12 Refusal of a felling licence application

The Forestry Commission may refuse an application to fell growing trees, for several reasons, including where we believe that the application fails to meet the interests of good forestry practice.

You may also appeal against the refusal of a felling licence, to the Forestry Minister, but only if you have previously been refused a licence for the same area and work proposals. There must be at least three years between the previous refusal (or appeal hearing) and your (subsequent) appeal request.

You must do this in accordance with Regulation 8a of the Forestry (Felling of Trees) Regulations, 1979 – as amended (SI 1979 No 791) and use Form 4 from that legislation.

7 Penalties for felling without a licence

7.1 Forestry Act 1967

If we believe that tree felling has occurred without a licence, where we would have expected one to have been needed, we will assess the felled site.

An assessment will include carrying out timber measurement, for which we have powers to enter land to undertake, and other background checks such as to confirm land ownership.

7.1.1 Felling licensable trees without a licence

It is an offence to fell licensable trees without having obtained a licence or other valid permission.

- This can mean, on conviction, a fine which is currently unlimited in value. This can apply to each person involved in the felling of trees, for example the owner, agent, timber merchant or contractor.
- Where we are satisfied that the owner, lessee or tenant of the land has committed an offence, we also have the power to serve a Restocking Notice. This compels the replanting of the land with trees to reinstate woodland cover (see section 7.1.3).
- Illegal felling is a breach of land management rules. If a Restocking or Enforcement Notice is served, the Rural Payments Agency will be notified of the agricultural holding or farming business affected by the notice.

7.1.2 Selling unlicensed timber felled without a licence

It is an offence to sell unlicensed timber without having obtained a licence or other valid permission.

- **Under the Forestry Act 1967, you are only permitted to sell up to 2m³ of your 5m³ personal allowance in each calendar quarter.**
- Attempting to market illegally felled timber is an offence under the **Timber and Timber Products (Placing on the Market) Regulations 2013**. These are administered and enforced by the Department for Business, Energy and Industrial Strategy (BEIS).

7.1.3 Restocking and Enforcement Notices

Restocking and Enforcement Notices typically require replacement trees to be planted or regenerated and then maintained to an acceptable standard for up to 10 years to reinstate woodland cover.

Failure to comply with a Restocking Notice may result in the service of an Enforcement Notice.

Failure to comply with an Enforcement Notice may result in a criminal investigation and constitute an offence under section 24(4) of the Forestry Act 1967, involving a summary conviction and unlimited fine.

Following conviction of a section 24 offence the court may serve a Restocking Order, requiring the replanting of trees. Failure to comply with a Restocking Order may be held to be a contempt of court and result in a further fine and / or a custodial sentence.

Restocking and Enforcement Notices served from the 1 January 2023 will be registered as a local land charge, and therefore alert prospective buyers of the land to their presence.



Should the land be sold during the lifetime of a Restocking or Enforcement Notice we may serve a new Enforcement Notice on the new owner of the land.

Obtaining full planning consent for an area subject to the conditions of a felling licence or Enforcement Notice will not be considered by us to be a reasonable excuse for non-compliance with the licence or Notice.

7.2 Environmental Impact Assessment (Forestry) Regulations 1999

There is a distinction between 'felling' and 'deforestation'.

Felling is normally a licenced activity that does not result in the permanent loss of tree or woodland cover. This is principally governed by the Forestry Act 1967 and the felling licence regime. Trees and woodland are normally expected to be restocked (replanted or naturally regenerated) after felling operations.

Deforestation is governed by forestry policies protecting net woodland cover, and typically involves the permanent loss of woodland cover. The significance of environmental harm that may result from deforestation is regulated under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations (1999).

- **You may commit an offence under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations (1999)⁴⁹ if you clear an area of woodland over time, through continued and lawful use of an exception to the need for a felling licence, but without the permission to permanently deforest that area of land.**
- We will use these regulations to enforce woodland restoration where our assessment into removal of trees and or woodland determines it is inappropriate for deforestation to occur.



8 Law

The main laws and regulations governing the control of tree felling are listed below. You can get copies of each of these online at www.legislation.gov.uk⁵⁰

The Forestry Act 1967.

The Forestry (Felling of Trees) Regulations 1979 (SI 1979 No 791).

The Forestry (Exceptions from Restriction of Felling) Regulations 1979 (SI 1979 No 792).

The Wildlife and Countryside Act 1981.

The Town and Country Planning Act 1990.

The Protection of Badgers Act 1992.

The Hedgerows Regulations 1997 (SI 1997 No 1160).

Town and Country Planning (Tree Preservation) (England) Regulations 2012 (SI 2012 No 605).

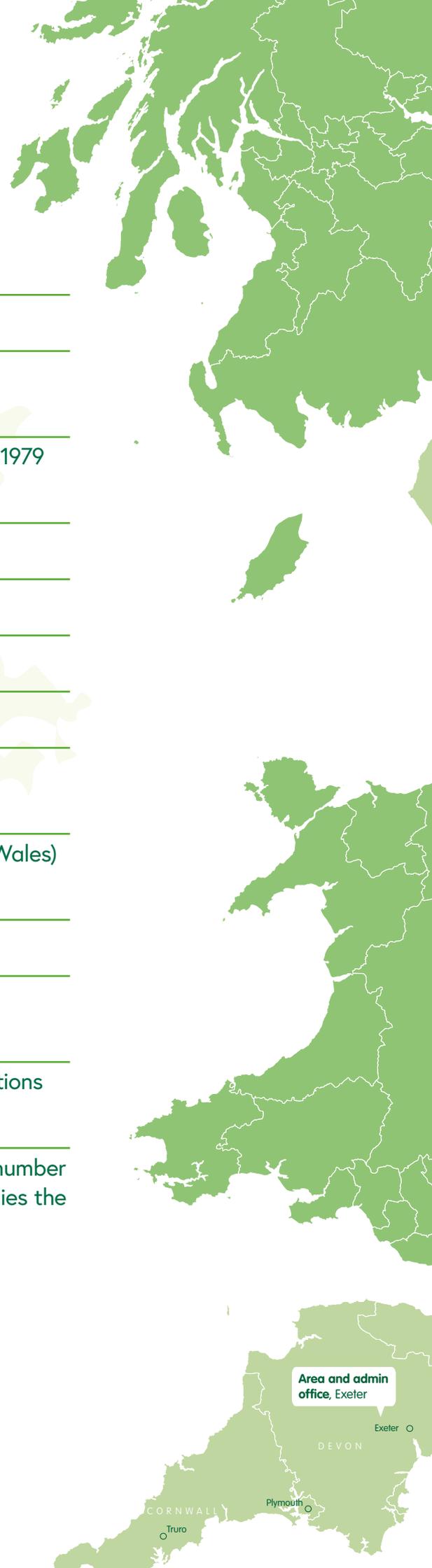
The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (SI 1999 No 2228).

The Plant Health (Forestry) Order 2005 (SI 2005 No 2517).

The Conservation of Habitats and Species Regulations 2017 (SI 2017 No 1012).

The Timber and Timber Products (Placing on the Market) Regulations 2013 (SI 2013 No 233).

Please note that this list is not exhaustive and that there are a number of other laws that give local authorities and other statutory bodies the right to control or initiate the felling of trees.



Area and admin
office, Exeter

Exeter

DEVON

Plymouth

CORNWALL

Truro



Area offices

You can contact your local Woodland Officer via the area offices below:

Yorkshire and North East

Foss House, Kings Pool
1-2 Peasholme Green
York, YO1 7PX

Telephone: 0300 067 4900
yne@forestrycommission.gov.uk

North West and West Midlands

Ghyll Mount, Gillan Way
Penrith 40 Business Park
Penrith
Cumbria, CA11 9BP

Telephone: 0300 067 4190
nwwm@forestrycommission.gov.uk

East and East Midlands

Santon Downham
Brandon
Suffolk, IP27 0TJ

Telephone: 0300 067 4574
eandem@forestrycommission.gov.uk

South East and London

Bucks Horn Oak
Farnham
Surrey, GU10 4LS

Telephone: 0300 067 4420
southeast.fce@forestrycommission.gov.uk

South West

Bullers Hill
Kennford
Exeter, EX6 7XR

Telephone: 0300 067 4960
southwest.fce@forestrycommission.gov.uk

National Office

Forestry Commission
620 Bristol Business Park
Bristol, BS16 1EJ

fellinglicenceonline@forestrycommission.gov.uk

Admin offices

You can contact your local admin office:

Admin Hub, Exeter

Bullers Hill
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Exeter, EX6 7XR

Telephone: 0300 067 4960
adminhub.bullershill@forestrycommission.gov.uk

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More information

To help protect England's trees and woodland, a felling licence from the Forestry Commission is required to fell most trees. It's an offence to fell trees without a licence if an exemption does not apply.

For more information about tree felling, please visit:

www.gov.uk/guidance/tree-felling-overview

To apply online for a licence to fell growing trees, use the Forestry Commission Felling Licence Online service:

www.gov.uk/guidance/apply-online-for-a-felling-licence

 Follow us on Twitter @ForestryComm for news and updates.

