Tree Felling: Getting Permission
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This diagram shows the main sections of this booklet and can be used to help you find the section you are after.
Introduction

Natural Resources Wales is the Welsh Government sponsored body responsible for licensing tree felling in Wales. We protect the trees, woodlands and forests of Wales by controlling tree felling, and we encourage good forestry practice by setting standards, giving advice and providing information.

Tree felling is controlled because of the value society puts on trees and tree cover. We issue felling licences where required so that the felling is legal, is carried out to the standards set in the UK Forestry Standard, and is in line with the Welsh Government policies promoting the sustainable management of natural resources and the well-being of the people of Wales.

This booklet will tell you what you need to know about getting permission to fell any trees for yourself or for someone else. It is for guidance only. If you are unsure as to whether you require a licence then please check our website naturalresources.wales or for further guidance before you start felling you can email us on fellinglicence@naturalresourceswales.gov.uk or contact our Customer Care Centre on 0300 065 3000.

You are likely to need to get permission from us if you wish to fell growing trees (‘growing’ is the term used in the Forestry Act 1967). We will normally provide you with this through a felling licence, but in certain circumstances you may also need further permissions, including permissions from local authorities and other statutory bodies, details of which are provided in this booklet (see sections 3 & 4). This sometimes applies even if you do not need a felling licence.

Everyone involved in the felling of trees, whether doing the work yourself or engaging others – for example if you are the owner, agent, timber merchant or contractor – you must ensure that a felling licence or other felling permission has been issued before any felling is carried out, or that one of the exemptions apply. They must also ensure that the work is carried out in accordance with the terms of any other NRW permission, or that of a local authority or other statutory body.

If there is no licence or other felling permission in place, or if the wrong trees are felled, and it turns out that a licence or other permission was necessary, then anyone involved can be prosecuted. Do not begin felling until we have issued a licence or other required permission.

Any felling carried out without a licence or other felling permission is an offence, unless it is covered by an exemption.
2. Exemptions from the need for a felling licence

In any calendar quarter you may fell up to 5 cubic metres without a licence as long as no more than 2 cubic metres 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. You should retain evidence if you fell more than 5 cubic metres over successive calendar quarters. You may find the timber volume calculator on forestry.gov.uk useful if you are unsure how to measure 5 cubic metres.

You may commit a separate offence under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 if you clear an area of woodland over time without permission. Woodlands are normally expected to be restocked after clearfelling (see section 3d).

Certain types of felling do not need permission from NRW. The Forestry Act 1967, and related regulations (see list on page 13), give these exceptions in full.

The main categories of exemption are listed below:

a. Lopping and topping, such as pollarding, pruning, crown lifting and crown reduction, but see also section 4 Other Controls on the Felling of Trees

b. Felling fruit trees, or trees growing in a garden, orchard, churchyard, or public open space such as land laid out as a public garden

c. Felling trees which, when measured at a height of 1.3 metres from the ground:
   i. have a diameter 8 centimetres or less
   ii. if thinnings, have a diameter of 10 centimetres or less
   iii. if existing coppice (i.e. previously managed by cutting to promote multi-stemmed growth arising at or near ground level) or underwood, have a diameter of 15 centimetres or less

d. Felling trees immediately required for the purpose of carrying out development authorised by planning permission

e. Work carried out by certain providers of gas, electricity and water services and which is essential for the provision of these services
f. Felling necessary for the prevention of danger or the prevention or abatement of a nuisance. *This exemption will only apply if there is a real rather than a perceived danger, or a nuisance as recognised in law.* You may be required to provide evidence that the trees presented a danger, for example through an accredited arboriculturalist’s report or photographic evidence. A diseased tree is not necessarily dangerous (see section 4e). We strongly recommend that you contact us if you are considering felling a tree or trees you consider to be dangerous. We may be able to give you advice that would minimise the danger without any felling. You may be prosecuted for illegal felling if it is shown that the tree or trees did not present a real or immediate danger or they did not present a nuisance as recognised in law.

g. Felling necessary to prevent the spread of a quarantine pest or pathogen when done in accordance with a Statutory Plant Health Notice (SPHN) served by NRW.

h. The felling is done in compliance with any obligation imposed by or under an Act of Parliament, such as a notice served by a highway authority.

*Contact NRW if you are not certain whether these exemptions apply.*

### 3. Environmental legislation and considerations

#### a. Protecting wildlife

Some species of plants and animals have declined throughout Europe to such an extent that they now have special protection in law. The Wildlife and Countryside Act 1981 lists protected species of plants and animals, with differing levels of protection according to their needs; the Conservation of Habitats and Species Regulations 2010 list protected species of plants and animals (referred to as 'European protected species'); and Section 7 of the Environment (Wales) Act 2016 lists priority species and habitats that are most threatened and requiring of conservation action under the UK Biodiversity Action Plan.

You need to take reasonable steps to check for the presence of protected species and to assess whether these may be affected by your proposed operations. 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 resident mammals such as dormice and badgers. Wildlife law can be complex, and although it is not always illegal to fell when these animals are present or during the nesting season the law does require that precautions be taken. You may need to seek further professional advice and we may require you to include a method statement with your felling proposals. In certain cases a separate species licence may also be required.
Certain areas of land and seas are ‘designated’, which means they have special status as protected areas due to their natural and cultural importance. Examples of designated sites include Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. If your proposed forestry operations will take place in a woodland located within a designated site, or may have an impact on a SAC, SPA or Ramsar site even though the woodland itself is outside the site, then a further assessment will be required which we will discuss with you.

If you wish to carry out any work that may affect an SSSI then you should tell us about this in your application so any likely effects can be assessed. We will consult internally as part of the application process and liaise with you as required. If you do not tell us about the SSSI and this is not picked up in your application then your felling licence will not cover this aspect of your work and you may commit an offence.

Further information about designated sites in Wales is available from naturalresources.wales/guidance-and-advice If you think that your proposed operations may affect a designated site but you are not sure then please get in touch with us to discuss further.

c. Additional conditions

The Environment (Wales) Act 2016 gives us the power to enter into land management agreements with a person who has an interest in the land. These agreements can be used to apply contractual conditions to any approved felling alongside the standard felling licence conditions (to restock the area with trees and to maintain these for 10 years). Additional conditions are most likely to be considered where there is a need to protect an interest feature specified in a Special Area of Conservation, a Special Protection Area or a Ramsar site, but they can also be used to set agreed nature conservation, landscape or environmental conditions to help implement the biodiversity duty required by the Act.

d. Restocking after felling

The Welsh Government’s strategy for woodlands and trees, Woodlands for Wales, contains a presumption against the removal of woodland and the loss of forest cover in Wales. We therefore normally attach conditions to all licences to clearfell in order to secure restocking and you should explain how you intend to restock any areas you clearfell. We will assess your restocking proposals against the UK Forestry Standard and discuss these with you before your licence is issued. If you propose to clearfell the area and not restock then we will consider this aspect of your application under the Environmental Impact Assessment (Forestry) Regulations 1999.
We will assess whether your application is likely to have a significant effect on the environment under the Environmental Impact Assessment (Forestry) Regulations 1999. If so then we may require you to provide further information on your proposals up front to enable these to be considered.

Further information is available from naturalresources.wales/permits-and-permissions/tree-felling-and-other-regulations

The Welsh Government’s strategy for woodlands and trees, *Woodlands for Wales*, contains a presumption against the removal of woodland, and we will not normally agree to woodland clearance for agricultural use or for development. If you wish to clear land for agriculture then we may ask the Welsh Government department responsible for agriculture to assess the contribution the extra land would make to the economy of your agricultural holding before making our decision. We will liaise with the local planning authority over all cases of proposed development.

Other controls on the felling of trees

There are a number of other controls on tree felling that you may need to take into account. When you apply for a felling licence you must also ensure you take account of all other legislation. We draw your attention to the following examples which deal mainly with the need to get permission to fell trees:

**a. Tree Preservation Orders and Conservation Areas**

Tree preservation orders (TPOs) and conservation areas are designated by the local planning authority (LPA), usually a local council, to protect specific trees and woodland from deliberate damage and destruction. If you wish to fell a tree or trees that are covered by a TPO or are in a conservation area and a felling exemption from section 2 does not apply then you will need a felling licence from NRW.

If an exemption does apply, for example because you are carrying out works on a garden tree, then you will not need a felling licence from NRW. You may however still need permission to fell your tree or trees from the LPA as the Town and Country Planning Act 1990 contains a different list of exemptions. If your tree or trees are in a conservation area then you will need to give 6 weeks’ notice to the LPA in advance of carrying out any felling, topping, lopping or uprooting work. You should check directly with your LPA over this.
If you are applying for a felling licence from NRW where the tree or trees are covered by a TPO or are in a conservation area then we will consult directly with the LPA over your application. If you omit to tell us that there is a TPO present, and this fact is not picked up either by ourselves through our constraints checking process or by the LPA through any consultation they may make of our public register, then any felling licence we issue will not cover the felling of the trees covered by the TPO and you may commit an offence by felling them.

Further information on TPOs and trees in conservation areas is available from [gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas](https://gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas) or by contacting us directly. Our application form will tell you the information you need to provide us with, including the mapping standards we require to show the location of the trees you wish to fell.

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<tr>
<th>b. Hedgerows Regulations</th>
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<td>If you intend to fell trees within a hedgerow then you should first check the felling exemptions in section 2. If your work is not covered by one of these exemptions then you will need a felling licence from NRW to carry out this aspect of your work. If you intend to remove your hedgerow then you are required under the Hedgerows Regulations 1997 to consult the local planning authority (LPA) before you do so. Note that certain operations on hedgerows can result in a breach of cross compliance and can result in a financial penalty being imposed on your direct payments. You should discuss this with your Glastir woodland advisor if you have one, and liaise directly with the LPA as required.</td>
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<tr>
<td><strong>Further information on the Hedgerows Regulations is available from <a href="https://legislation.gov.uk">legislation.gov.uk</a></strong></td>
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<th>c. Scheduled Ancient Monuments</th>
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<td>If you wish to carry out any work that may affect a Scheduled Ancient Monument then you should tell us about this in your application. You should also tell us if you have already been in touch with Cadw, Welsh Government’s historic environment service. Consent from Cadw may be required before felling is carried out.</td>
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<td><strong>Further information, including contact details, is available from <a href="https://cadw.gov.wales">cadw.gov.wales</a></strong></td>
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<th>d. Plant health considerations with the movement of timber</th>
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<td>Regulations exist to prevent the spread of pests and pathogens of trees. Control measures are in place to restrict the movement of timber and the importation and exportation of wood products and the bark of certain species unless accompanied by a plant passport. The Forestry Commission is responsible for controlling imports from countries outside the European Union and the movement of material from Great Britain into the European Union, including the issue of plant passports and the registration of forestry traders.</td>
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In certain pest or pathogen outbreak situations you may require further permission to move infected material, 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 of plant. If you have been served with an *SPHN for P. ramorum* then you will need a movement licence in addition to your felling licence or *SPHN* in order to move your timber.

Movement licences can be obtained from the Forestry Commission Plant Health Service (0300 067 5000; forestry.gov.uk/planthealth).

We ask you to be aware of the risks posed by pests and pathogens, to be vigilant in checking the condition of your trees and woodland, and to take responsible measures in combating threats to tree health. You can report signs of key tree pests and pathogens using the online reporting form Tree Alert: treerealert.forestry.gov.uk Alternatively you can report any suspected outbreaks to NRW.

Further information on tree pests and pathogens and biosecurity can be found from naturalresources.wales/guidance-and-advice

**Chalara** dieback of ash, which is caused by the pathogen *Hymenoscyphus fraxineus*, is a serious disease of ash which frequently kills young ash trees and can seriously weaken older ash trees over a number of years. Advance stages of infection in the latter will likely lead to a decrease in the amount of foliage within the crown and an increase in a type of regrowth known as epicormics. The timber will become stained and the risk increases of attack by secondary pathogens such as honey fungus (species of the *Armillaria* genus), which can kill the trees.

If your trees become infected by *H. fraxineus* then you will need to consider public safety and monitor your trees, particularly in areas with high levels of public access. NRW issues felling licences to fell *growing trees*, and there is no exemption under the Forestry Act 1967 to fell *diseased trees*. Please note the steps in section 2f on page 5 that you need to consider if you intend to fell under the exemption for dangerous trees.
Applying for a felling licence

**a. 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 and your lease entitles you to fell the trees; or you can demonstrate you have a legal right to fell the trees. An agent acting for the owner or lessee may apply to fell the trees but the licence will be issued in the name of the owner or the lessee of the land.

**b. How to apply**

You can get an application form from [naturalresources.wales/permits-and-permissions/tree-felling-and-other-regulations](http://naturalresources.wales/permits-and-permissions/tree-felling-and-other-regulations) or by contacting us directly. Our application form will tell you the information you need to provide us with, including the mapping standards we require to show the location of the trees you wish to fell.

**We will aim to issue your felling licence within 3 months of receipt of a correctly-completed application. If not correctly made, or if further requested information is not provided, then your application may be delayed and we may need to ask if you agree to an extension.**

**c. Felling as part of a Welsh Government Glastir scheme**

If you propose to carry out felling or thinning as part of your Glastir scheme application then you should discuss this with your Glastir advisor if you have one, but please be aware that it is your responsibility to apply for a felling licence if you require one. This can be done as described above, and we will liaise with the Welsh Government over your felling licence application. Once you have felled your trees you are required to comply with any restocking conditions of the licence.

**d. Considering an application**

When we receive your felling licence application we will acknowledge receipt within 3 working days. We may need to inspect your trees and will usually contact you within three weeks to arrange a site visit if required.

Unless your application is for thinning only, or is mainly larch, then information from your application will be put on our public register. The details stay on the register for 4 weeks to give people the opportunity to comment on the proposals. We cannot issue a licence until this time has elapsed.

We may also consult internally and with other organisations to make sure we take into account any environmental or land use issues affecting your proposals. You can see a copy of our public register on [naturalresources.wales/permits-and-permissions/tree-felling-and-other-regulations](http://naturalresources.wales/permits-and-permissions/tree-felling-and-other-regulations)
If your felling licence application is refused twice for the same area and same work proposals (and at least 3 years have passed between our first and subsequent refusal), or if you do not agree with the restocking conditions on your felling licence, then you can make a request to the Welsh ministers for our decision to be reviewed. The minister may ask for an independent reference committee to provide advice before deciding whether to uphold or amend our decision.

A felling licence will usually be valid for 2 years for clearfelling licences or 5 years for thinning licences, but this may vary from case to case depending on the circumstances. If you are unlikely to complete all of your felling before your licence expires then you should take steps to renew this in sufficient time. When completing a felling licence application you can indicate how long you would like to carry out your felling. If you need a longer period to fell your trees, perhaps because of the size of your woodlands and the scale of your intended operations, then you may wish to consider applying for a long-term forest management plan, which will provide permission for up to 10 years. Please get in touch with us if you are considering this option.

If you sell land covered by a felling licence then please remember to tell us, and who the new owner is. You should also tell the new owner about the licence and any conditions that apply, whether you have carried out the felling or not. If you sell the land after felling but before restocking occurs then you should inform the prospective purchaser of this obligation. We will still require restocking to be carried out after felling, including any restocking that was agreed through a felling permission provided through a grant scheme.

The Welsh Government is sometimes able to offer grants for expanding, regenerating and managing forests and woodlands in Wales through its Glastir scheme and may be able to provide help with the restocking required as part of your felling licence.

Further information is available from the Welsh Government: [govwales](http://gov.wales).
Penalties for felling 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 of up to £2,500 or twice the value of the trees, whichever is the higher. This applies to everyone involved in the felling of trees, for example the owner, agent, timber merchant or contractor.

If we are satisfied that the owner or lessee has committed an offence then we have the power to serve a restocking notice for the land concerned to be replanted with trees. We also have the power to prosecute the offender. Illegal felling is a breach of cross compliance and can result in a financial penalty being imposed on your direct payments. Attempting to market illegally felled timber is an offence under the Timber and Timber Products (Placing on the Market) Regulations 2013.

Restocking notices require the replacement trees to be maintained to an acceptable standard for up to 10 years. If you do not comply with the conditions of a felling licence or a restocking notice then we have the power to issue an enforcement notice requiring you to take action to meet the conditions. It is an offence not to obey an enforcement notice and can result in an unlimited fine.
Law

The main laws governing our wider control of tree felling are listed below. Copies are available from legislation.gov.uk

- The Forestry Act 1967 as amended
- The Forestry (Felling of Trees) Regulations 1979 (SI 1979 No 791) as amended
- The Forestry (Exceptions from Restriction of Felling) Regulations 1979 (SI 1979 No 792) as amended
- The Wildlife and Countryside Act 1981 as amended
- The Town and Country Planning Act 1990 as amended
- The Protection of Badgers Act 1992 as amended
- The Hedgerows Regulations 1997 (SI 1997 No 1160) as amended
- The Town and Country Planning (Trees) Regulations 1999 (SI 1999 No 1892) as amended
- The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (SI 1999 No 2228) as amended
- The Plant Health (Forestry) (Phytophthora ramorum) (Great Britain) Order 2004 (SI 2004 No 3213) as amended
- The Plant Health (Forestry) Order 2005 (SI 2005 No 2517) as amended
- The Conservation of Habitats and Species Regulations 2010 (SI 2010 No 490) as amended
- The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SI 2004 No 1656) as amended
- The Timber and Timber Products (Placing on the Market) Regulations 2013 (SI 2013 No 233)
- The Environment (Wales) Act 2016

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

Copies of the documents referred to in this booklet can be obtained as follows:

- UK Forestry Standard [ISBN Number: 978 0 85538 830 0]; available online at forestry.gov.uk/ukfs
- Woodlands for Wales [ISBN Number: 978 0 7504 5034 8]; available online at gov.wales

Natural Resources Wales’ purpose is to pursue sustainable management of natural resources in all of its work. This means looking after air, land, water, wildlife, plants and soil to improve Wales’ well-being, and provide a better future for everyone.