



# G&R Information Note 24

## Processing Felling Applications for Larch Species

### Purpose

The purpose of this information note (IN) is to provide Management Planners and prospective applicants with a clear understanding of how Forestry Commission Wales (FCW) Grants and Regulations (G&R) staff will be administering casework in relation to the felling or thinning of larch species during the Winter months.

### Background

The original background to *Phytophthora ramorum* in larch is provided in **G&R's Information Note 16** which was issued in **November 2010**. For further information please refer to the FCW internet website page <http://www.forestry.gov.uk/forestry/INFD-6YMLZF>.

Owners of larch woodlands may wish to continue applying for licences during the Winter months and prior to any infection having been identified in a stand. Once needle drop on larch has taken place in the autumn it is impossible with current procedures to confirm that a stand is not infected. If felled this gives rise to a risk that infected material could circumvent biosecurity measures, undermining the current controls.

**With immediate effect** having considered several options, FCW has decided from **1<sup>st</sup> October 2011** to adopt the following approach to dealing with felling licence applications (both thinning and clear felling), where larch species are a component, during the Winter months. This may require that the processing of applications be delayed until such time that we can establish whether the standing timber is infected or not. **This process will remain in place until 31<sup>st</sup> May 2012.**

### Processing felling licences which include larch species

We will accept and register all felling licence and grant applications at our **Clawdd Newydd** office involving the felling of larch species in Wales in the usual way.

In the case of stand alone **felling licences** we will acknowledge receipt of the application and send a standard letter to the applicant, requesting that they agree to an extension of the usual processing times for applications, until the **31<sup>st</sup> May 2012**. The letter will explain why the delay is necessary. The applicant will be asked to sign the attached pro-forma, agreeing to this extension.

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For felling approval through **Better Woodlands for Wales** (BWW) cases, FCW G&R staff will not approve cases where felling of larch is included for this Winter.

In the event that they agree to the extension of the felling licence process, the administration of the licence application will continue as normal. However the licence will not be issued. This is to allow the larch time to flush in **Spring 2012**, and for us to visit the site and establish whether the standing timber is infected or not.

If the stand of trees proves to be **uninfected** a licence will be issued as soon as possible. The resulting harvested produce can be sent to any licenced or unlicenced premises. In the event that the standing timber shows symptoms of **infection**, we will instead issue an Statutory Plant Health Notice (SPHN), requiring that the trees be felled and stating the timescale by which felling must be completed. This will also require that any resultant harvested produce may only be transported to licenced premises.

## Failing to agree an extension

In the event that an applicant refuses to agree to an extension to the **felling licence application** process time, there are **4 options** that they may wish to consider:

- **Option1:** They can withdraw the licence in its entirety, resubmitting at a later date, we will simply close the file.
- **Option2:** Where other species are included in the application, they can amend it, removing all larch, and we will continue to process as usual.
- **Option3:** They may elect to accept that the timber be treated as if it were infected. *In this instance we will revert to issuing a SPHN, requiring the felling to be completed within the required timescale, and limiting the sale of timber to a **licenced premises** only.*
- **Option4:** They may insist that we continue to process the application.

If the applicant insists that we continue to process the application, we will have **no option but to refuse** the application. The grounds for refusal will be on the basis that granting a licence would be contrary to the Commissioners' "general duty of promoting the interests of forestry, the development of afforestation and the production and supply of timber..."<sup>1</sup>.

This is because of the risk of introducing *Phytophthora ramorum* into new areas of woodland and the timber supply chain, in particular co-products such as bark. At the time of advising the applicant of our decision to refuse the licence we will also advise them of when we would be prepared to issue a licence, assuming that the application is in all other respects acceptable in **Spring 2012** provided that the standing trees prove to be disease free.

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<sup>1</sup> Forestry Act 1967 (as amended) Part I section 1(2).

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We will continue to process the application, unless the applicant decides to formally withdraw it. When we are satisfied that the standing trees are not infected we will contact the applicant, advising them that we are now willing to grant a licence.

There is a right to appeal to the relevant Welsh Government Minister against the refusal to issue a licence. However this can only be made 3 years after the applicant is advised of the initial refusal.

When refusing a licence the applicant has the right to seek compensation from us for the deterioration in quality of the timber<sup>2</sup>. They can ask for permission to fell a few trees in order to establish quality. The quantity felled will be expected to be less than 5 cubic metres and must not be sold.

However given that it is likely to be only a few months between the refusal stage and FCW being in a position to be able to issue a licence, it is extremely unlikely that the timber quality would display any deterioration. Infection of the foliage by *Phytophthora ramorum* would not be considered as affecting timber quality. Timber quality is not the same as timber value.

We will decide when to return to 'normal' administration of felling licences involving larch. This will be dependant on the timing of needle flush **next Spring**, but is expected to be no later than **1<sup>st</sup> June 2012**.

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<sup>2</sup> Forestry Act 1967 (as amended) Part II section11.