



English Woodland Grant Scheme

Operations Note 23

Date: 7th October 2011

Processing of Felling Applications Involving Larch Species

Purpose This Operations Note explains the process for handling applications which include the felling or thinning of larch species during the winter months, and also new planting or restocking schemes where larch may form an element.

The guidance on processing applications for Felling Licences is applicable to [Zone 1](#). We are processing felling licence applications as normal in [Zones 2 and 3](#). Zone 1 has recently been extended following the identification of some new outbreaks of the disease during 2011. The boundary for zone 1 in Scotland is currently being reviewed.

Planting and replanting proposals are relevant to the **whole of England**.

Background *Phytophthora ramorum* (*P. ramorum*) is a fungus-like pathogen of plants that is causing extensive damage and mortality to trees and other plants in parts of the United Kingdom. It has also been found in a number of European countries (but mostly on plants and shrubs, especially rhododendron, viburnum and camellia) and has caused significant damage and mortality to many trees and other plants in parts of the USA.

However, few trees in the UK were affected until 2009, when *P. ramorum* was found infecting and killing large numbers of Japanese larch trees in South West England. Then in 2010 it was found on Japanese larches in Wales, Northern Ireland and the Republic of Ireland.

This sudden change in the pathogen's behaviour was the first time in the world that *P. ramorum* had infected and sporulated (reproduced) on large numbers of a commercially important conifer tree species.

The Forestry Commission has continued with its programme of felling trees in infected stands on its own estate in the South West of England and Wales. For privately owned land in England we have continued with our surveillance programme during 2011. This highlighted a gradual spread of the disease adjacent

to previously known sites, but also identified an individual site in the Peak District and a small cluster of sites in the Lake District. Most were associated with previously known infected rhododendron sites.

A support package has been put together with colleagues from Defra and Fera. This includes the licensing of sawmills who will accept timber from infected stands, allowing the owner to recover some income return on their costs. This has been done on the basis of scientific advice establishing that there is minimal risk of disease spread from transporting and processing logs from infected trees – as long as bio security measures have been followed. A principle of this approach is that co-products (bark in particular) from infected material must be processed in such a way that it would prevent infection from entering into the horticultural trade, through the use of bark based composts.

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

Following on from our change in procedures during the winter of 2010, we have decided to implement the same approach to dealing with felling licence applications (both thinning and clear felling) where larch species are a component during the coming 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. Due to the early onset of senescence this year (some 3 weeks early), this approach will commence from 1st October 2011. The revised procedures will remain in place until 31 May 2012.

**Processing
felling licences
that include
larch**

We will accept and process felling licence and grant applications involving the felling of larch species in [Zones 2 and 3](#) as normal. In [Zone 1](#) we will accept and register all felling licence and grant applications involving the felling of larch species as usual but the following process will then apply.

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 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.

For felling approval through **EWGS** applicants will be notified that the processing will be delayed with an explanation as to why the delay is necessary.

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 or undertake an aerial survey in order to 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 licensed or unlicensed premises. In the event that the standing timber shows symptoms of infection, we will instead issue a Statutory Plant Health Notice, 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 licensed 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 four options that they may wish to consider.

- They can withdraw the licence in its entirety, resubmitting at a later date. We will simply close the file.
- Where other species are included in the application, they can amend it, removing all larch, and we will continue to process it as usual.
- They may elect to accept that the timber be treated as if it were infected. In this instance we will revert to issuing a Statutory Plant Health Notice, requiring that felling is completed within a required timescale and limiting the sale of timber to **licensed premises** only. The case will need to be referred to the National Office Plant Health Team.
- 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 Commissioner's general duty of promoting the interests of forestry, the development of afforestation and the production and supply of timber. This is because of the risk of introducing *Phytophthora* 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 acceptable in all other respects (spring 2012) and provided that the standing trees prove to be disease free.

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 and

advise them that we are now willing to grant a licence.

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

For **EWGS applications**, if the applicant does not wish to delay the processing time, they have the option of either:

- Withdrawing the application and resubmitting at a later date;
- amending the application, removing any larch from the proposals;
- or electing to accept that the timber is treated as if it were infected. In this instance, felling approval will be removed from the application and we will issue a Statutory Plant Health Notice instead.

If an applicant fails to agree to amend an application we will have no option but to refuse to process it any further. There is no right of appeal.

In Wales the only option for felling larch is through a stand alone licence as there is currently no available grant scheme in place until Glastir comes live in (expected in 2013).

When refusing a licence the applicant has the right to seek compensation from us for the deterioration in **quality** of the **timber**. 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 FC 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* 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 including larch. This will be dependant on the timing of needle flush next Spring, but is expected to be no later than 1 June 2012.

Dealing with intimate mixtures

Where a licence application involves two or more species that are growing in separate compartments (areas), but includes larch, an applicant will have two options. They can either:

- Remove the larch from the application and we will continue to process the licence for the remaining species;
- or,**
- Accept that the larch element be treated as infected. In this instance we will issue the licence for the other species, but we will issue a Statutory Plant Health Notice for the larch.

If on the other hand the larch occurs in either an intimate mixture, or as discrete blocks within another species matrix (where the groups of larch are planted less than 100 metres apart) the applicant will be expected to either:

- Withdraw the application and resubmit at a later date;
- Agree to an extension to the processing times as described above;

Accept that **all the mixed crops where larch is an element** are treated as if they were infected. In this instance, we will issue a Statutory Plant Health Notice to cover all species in mixture with the larch.

Enhanced replanting rates

To support owners who have been affected by Phytophthora infection and who have been issued with Statutory Plant Health Notice, we have increased the Woodland Regeneration Grants available, by adding a supplement of £1500 per hectare. We have also taken the opportunity to simplify the overall grant rates in order to deliver revised policy and provide more flexibility to owners.

These interim rates will be reviewed again following the report of the Bishop of Liverpool’s [Independent Panel on Forestry](#).

New Grant Rates

Restock species	Ancient woodland site	Non-ancient woodland site	Supplement for Phytophthora infected sites
Native woodland	1750	1000	1500
Non-native woodland	0	500	

For further information on these rates go to ([here](#)).

For further information on the management of restocking sites (ground preparation, species choice etc.) see [Operations Note 24](#)

Planting and replanting of larch

Great Britain has been divided up into three “risk zones” which are based on a combination of climatic zones and current larch distribution. The extent of these zones is constantly reviewed in order to take account of any new outbreaks of the disease. The latest change to the boundaries in England took effect in August 2011. The policy for each risk zone will be as follows:

Zone 1

New schemes

With immediate effect we will not approve or fund any larch species as part of any restocking or planting proposal, due to the high risk of re-infection / infection occurring in the future and acting as a reservoir for further spread of the disease.

Existing schemes

We will actively encourage owners or their agents to change

species from larch to a suitable alternative for all replanting and new planting schemes. In order to allow managers and nurseries to adjust to this change, we will continue to fund larch planting up to and including the 2012/13 planting season. Beyond 2012/13, we will no longer fund any larch planting. Any cases where planting may have already been identified beyond this season should be amended to a suitable alternative. In all cases (up to the 2012/13 season) where the owner decides to continue with planting of larch, they will not be permitted to invoke the *force majeure* condition in the event of Phytophthora infection, and we will reclaim grant where appropriate.

Zone 2

New schemes

We will actively encourage owners or their agent to change species from larch to a suitable alternative for all replanting and new planting schemes. However if they insist, we will continue to fund larch planting for the current (2011/12) season **only**. We will review this position prior to the 2012/13 season and base any future decision on the situation relating to any further spread of Phytophthora. Where an owner decides to continue with planting of larch, they will not be permitted to invoke the *force majeure* condition in the event of Phytophthora infection, and we will reclaim grant where appropriate.

Existing schemes

We will continue to fund any larch planting where this has been identified. In the event of future amendments we will manage these in line with the guidance available at that time. If owners wish to amend any proposals to **new planting only** beyond the 2011/12 season, we will refuse to do so at this time and until the situation is reviewed prior to the 2012/13 season.

Zone 3

All schemes

Continue as "business as usual".

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Please note: The boundaries on the zone map will be reviewed from time to time, which may result in some woodland areas moving from a lower to a higher risk zone. An overview of the latest version of the map is available below. Alternatively click [here](#) for a pdf. version that will allow you to zoom in.

