

# Felling Licence Regulations - FAQs

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## Felling Licence - FAQs

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### Trees in gardens

**Q.** I want to fell a tree in my garden, do I need a Felling Licence?

**A.** No, but you may need to contact your Local Authority to see if there is a Tree Preservation Order on the tree or whether you are in a Conservation Area.

### When do I need a licence?

**Q.** How many trees can I fell without a Felling Licence?

**A.** Up to 5 cubic metres in any calendar quarter (e.g., Jan to Mar, Apr to Jun, Jul to Sep and Oct to Dec), as long as no more than two cubic metres are sold. Five cubic metres is roughly equivalent to one large oak tree or 50 thin chestnut coppice trees.

**Q.** Does the 'five cubic metre rule' apply to the landowner or the tenant?

**A.** Forestry Act 1967 Section 9 (3), as amended by the Forestry (Modification of Felling Restrictions) Regulations 1985 - SI 1985 No 1958), provides that:

*'felling of trees of licensable size by **any person on land in his occupation or occupied by a tenant of his**, does not require a felling licence provided that the aggregate cubic content of the trees felled by that person does not exceed 5 cubic metres in any calendar quarter; and the cubic content sold does not exceed 2 cubic metres'.*

This is taken to mean that the allowance applies to the occupier of the land regardless of whether the occupier is the landowner or a tenant.

**Q.** Is a landowner with 4 tenants restricted to 5 cubic metres per calendar quarter across the whole of his land, or are the tenants entitled to 5 cubic metres per calendar quarter each?

**A.** The allowance applies to the occupier of the land. This means that the quarterly 5 cubic metre allowance applies to each tenant to use on the land that they lease.

**Q.** What is the position with a landowner who has several separate landholdings throughout Britain?

**A.** The allowance applies to the occupier of the land so:

- If the separate landholdings are tenanted then the allowance applies separately to each tenancy.
- If all the landholdings are simultaneously occupied by the landowner (which may be a business or a company) the 5 cubic metre allowance applies once across all the landholdings.

**Q.** Can I save up my quarterly allowances over say, a year, and then fell 20 cubic metres?

**A. No.** The allowance applies each calendar quarter and if it is not used it cannot be called forward to a future calendar quarter.

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### Tree Preservation Orders

**Q.** I have consent to fell a tree(s) protected under a Tree Preservation Order (TPO) do I still need a felling licence?

**A.** Yes as long as the trees are not exempt, e.g., more than 5 cubic metres will be felled or within a garden. You should check the [guidance](#) to see if an exemption applies or check with your local [Forestry Commission office](#).

**Q.** If I have got Full Planning Permission do I need a Felling Licence as well?

**A.** No, not to fell trees in the same area, i.e., 'footprint' of the development.

### How much does it cost?

**Q.** How much will it cost for me to get a Felling Licence?

**A.** There is no charge for a felling licence.

### How long does a felling licence last, can they be extended and how quickly can I get one?

**Q.** How long would a Felling Licence be valid for?

**A.** New felling licences are now usually five years but where you have an approved management plan can be for 10 years.

**Q.** I haven't finished the felling on the licence I was issued with and it expires shortly, can I extend it?

**A.** No, you will have to reapply for a new licence for the work you have not completed by the expiry period.

**Q.** How long does it take for a licence to be issued?

**A.** Between six weeks and three months. It may be possible for licences to thin to be issued faster than this but we cannot guarantee this.

### Railway operators

**Q.** Do the railway operators need a licence to carry out felling?

**A.** Not if the trees to be felled are interfering with operational work. However, a licence is required to fell trees on non-operational land e.g., derelict lines, sidings etc, and other land owned by them.

### Felling without a licence

**Q.** My neighbour is felling trees – has he got a Felling Licence or has the area got a Tree Preservation Order (TPO) on it?

**A.** First check the guidance. If it is a single tree or a few small trees it may not require permission. Then you can use the [Land Information Search](#) tool to check if a licence has

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been given. You can put in your postcode and the area around your house will be shown. If there is not a felling licence or grant scheme please telephone your local [Forestry Commission office](#) who will investigate further. To find out if there is a TPO you will need to contact your local authority.

### Felling & European Protected Species - General

**Q.** I wish to carry out some woodland management operations and am unsure whether I have any European Protected Species living in my woodland. What are European Protected Species? If they are present in my woodland how do I avoid harming them or their habitats?

**A.** European Protected Species (EPS) are species of plants and animals (other than birds) which are protected under European and UK law. In English woodlands the European Protected Species you are most likely to encounter are bats (all species), hazel dormouse and great crested newt and otter, although sand lizard and smooth snake may be present in heathland areas in the south of England. Other EPS are unlikely to be found in woodlands. Advice on carrying out forestry operations when one or more species of EPS is present can be found at <http://www.forestry.gov.uk/england-protectedspecies>.

### Felling & European Protected Species - Bats

**Q.** I need to carry out some tree felling in my plantation. How do I avoid adversely affecting bats that may live there and thereby avoid the need for a obtaining a mitigation licence under the Conservation of Habitats and Species Regulations (2010)?

**A.** Bats are widespread in England and it is likely that one or more species use your woodland for feeding and commuting between roost sites. Some may roost in trees with holes, cracks and crevices, loose bark or other damage features. Known roost sites are protected by UK law. Most forestry management operations, including tree felling, can be carried out without a licence from Natural England provided that good practice for [all 17 species of bat](#) is followed. To ensure that your proposed operations keep within the law, you must comply with this guidance. If you are unsure, contact your local [Forestry Commission Office](#).

### Felling & European Protected Species – Great Crested Newts

**Q.** I wish to carry out some tree felling around a pond in my woodland. It is possible that great crested newts breed in the pond. How do I avoid adversely affecting any newts present and thereby avoid the need for obtaining a mitigation licence under the Conservation of Habitats and Species Regulations (2010)?

**A.** Great crested newts are widespread in England. If they are likely to breed in the pond in your wood, they will also be using the woodland floor for at least 100m from the pond, possibly further. Using any machinery within 100m of the pond could therefore unlawfully kill newts and destroy their resting places. Felling trees could, however, allow more light to reach the pond and be beneficial to the great crested newts. Provided you carry out the operations in accordance with the good practice guidance for [great crested newts](#) it is unlikely that you will need a licence from Natural England. If you are unsure, contact your local [Forestry Commission Office](#).

### Felling & European Protected Species – Hazel dormouse

**Q.** As part of a rotational management scheme I wish to coppice a 12 year old coupe within my woodland in late autumn. I am concerned that dormice might have colonised the wood. How do I avoid adversely affecting any dormice present and thereby avoid the need for obtaining a mitigation licence under the Conservation of Habitats and Species Regulations (2010)?

**A.** Dormice leave few signs of their presence and it is unusual to find a summer or hibernation nest. Rotationally coppiced woodland provides excellent habitat for them. Woodlands that have not been managed have reduced light penetration which reduces the understorey in which they nest and forage. Provided you carry out the operations in accordance with the good practice guidance for [dormice](#) it is unlikely that you will need a licence from Natural England. If you are unsure, contact your local [Forestry Commission Office](#).

### Felling & European Protected Species – Otters

**Q.** I have a brook running along the edge of my plantation woodland and wish to undertake some scrub clearance on the bank next to the wood. Otters may use this stretch of stream. How do I avoid adversely affecting any otters using the stream and bank and thereby avoid the need for obtaining a mitigation licence under the Conservation of Habitats and Species Regulations (2010)?

**A.** The otter is well distributed throughout England so it is possible that animals will use the brook next to your plantation. With any woodland management within 50m of a watercourse you will need to establish if there are any holts or likely resting places. You should carry out any management to ensure a continuity of habitat for the otters and comply with the good practice guidance for [otters](#) to avoid the need to apply for a licence from Natural England. If you are unsure, contact your local [Forestry Commission Office](#).

### Felling & European Protected Species – Smooth snake and Sand lizard

**Q.** My woodland is adjacent to sandy heathland SSSI in Dorset which has both smooth snakes and sand lizards. I would like to carry out some ride clearance. How do I avoid adversely affecting any smooth snakes or sand lizards thereby avoiding the need for obtaining a mitigation licence under the Conservation of Habitats and Species Regulations (2010)?

**A.** Both sand lizard and smooth snake will use woodland habitats, in particular woodland edges, ride edges and grassy glades. Any forestry operations along rides will need to be approached with caution. You should consult the good practice guidance for [sand lizard and smooth snake](#) and contact both the [Natural England](#) and [Forestry Commission](#) local offices for further advice.

### Felling & Red squirrels

**Q.** I wish to undertake some felling but I suspect that there are red squirrels present in my area.

**A.** Felling (and in particular clear felling) during the breeding season of red squirrels significantly increases the risk of committing offences under the Wildlife and Countryside

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Act 1981. A licence may be required from Natural England. Our guidance for [Forest Operations and Red Squirrels in Scottish forests](#) contains useful best practice advice, though please note the legal statutes differ.

Forestry Commission England

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