

Operations Note 023

20 October 2017

# 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 where larch may form an element.

Applications for felling licences in [zone 1](#) will be subject to restricted processing, whereas felling licence applications in [zones 2 and 3](#) will continue to be processed as normal. There have been no major changes to the disease's distribution and the map showing the zones will not change this winter (see Appendix 1).

Owners of larch woodlands may wish to continue applying for felling licences during the winter months and prior to any infection being identified in a stand. Once larch have dropped their needles in the autumn it is not possible to confirm that a stand is not infected. If felled, this gives rise to a risk that infected material could circumvent biosecurity measures and undermine the current controls.

To address this we took the decision in winter 2010 that felling licence applications (both thinning and clear felling) where larch species are a component would not be processed 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 approach will commence from 1<sup>st</sup> October each year and the revised procedures will remain in place until 31<sup>st</sup> May the following year.

We have decided that **the principal of not approving felling licences between 1<sup>st</sup> October and 31<sup>st</sup> May will be embedded into the regulatory decision making and will continue for the foreseeable future.**

## Background

*Phytophthora ramorum* (*P. ramorum*) is a fungus-like pathogen of plants that causes 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 in the UK infection was low, 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

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Ireland and the Republic of Ireland.

This sudden change in the pathogen's behavior 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 (FC) has continued with its programme of felling trees in infected stands on its own estate throughout the UK. For privately owned land in England we have continued with our surveillance programme with findings of new infections found close to previously known sites. As a result the boundary between Risk Zones 1 and 2 has not been adjusted.

The strategy to control the spread of this disease includes; the licensing of sawmills to process 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 biosecurity 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 bark based composts.

### Processing felling licences applications that include larch

We will accept and process felling licence applications involving the felling of larch species in risk zones 2 and 3 as normal. In zone 1 we will accept and register all felling applications involving the felling of larch species as usual but the following process will then apply to applications received after 1<sup>st</sup> October of each year.

We will acknowledge receipt of any applications for permission to fell larch (through either a grant or felling licence application) and process them as normal. However, the licence will not be issued until after the following 31<sup>st</sup> May. This is to allow the larch time to flush in Spring and for us to visit the site or undertake an aerial survey in order to establish whether the standing timber is infected or not.

When we acknowledge receipt of an application we will send a standard letter to the applicant, requesting that they agree to an extension of the usual processing times for applications, until the following 31<sup>st</sup> May. The letter will explain why the delay is necessary. The applicant will be asked to sign and return letter, agreeing to this extension.

If the stand of trees proves to be uninfected a licence will be issued as soon as possible. The harvested produce can then 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 (SPHN), requiring that the trees be felled and stating the timescale by which felling must be completed. The area of felling required and the length of time available to comply with the Notice will be discussed and agreed between the applicant and the FC Woodland Officer. The SPHN will also require that any resultant harvested produce may only be transported under a movement licence and processed at licensed premises.

### Failing to agree an extension to your application

In the event that an applicant refuses to agree to an extension to their felling licence application processing time, they have three options to consider:

1. They can withdraw the licence in its entirety, resubmitting at a later date. FC will simply close the file.

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2. Where other species are included in the application, they can amend it,

removing all larch, and we will continue to process it as usual (please see section 3 below).

3. 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 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 wider environment through the timber supply chain, in particular via co-products such as bark.

At the time of advising the applicant of our decision to refuse the felling licence we will also advise them of when we would be prepared to issue a felling licence, assuming that the application is acceptable in all other respects the following Spring and provided that the standing trees are found to be disease free.

Applicants have a right to appeal against the refusal to issue a felling licence. However, an appeal can only be made three years after the applicant is advised of the initial refusal.

**Otherwise, where the applicant agrees to the extension, we will continue to process their application. Assuming there are no problems with the felling proposals we will to award a felling licence as soon as we are satisfied that the standing trees are not infected in the Spring.**

### Compensation

When refusing a felling 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 of timber felled will be expected to **be less than five 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.

## Dealing with intimate mixtures

Where a felling licence application involves two or more species, including larch, an applicant will have two options. They can either:

- Agree to an extension to the processing times as described above, leaving the application as it is for us to continue to process during the winter period with approval made in the Spring (or May) once we have had the opportunity to survey the larch element of the application.

**Or,**

- Remove the larch from the application and we will continue to process the licence for the remaining species.

We will contact the applicant discuss this, but unless instructed otherwise will follow the first option of treating the application as one and approve in the Spring

## Woodland Management Plans or existing felling permission

We will continue to process and approve woodland management plans, which may include felling approval for larch, regardless of the time of year. As with existing felling licences we expect owners to inform either their Woodland Officer or our Plant Health team if they suspect, or they have evidence that their larch is infected, so that we can take the necessary action. This is a legal requirement under the Plant Health (Forestry) Order 2005.

Where an infection is found FC will issue an SPHN to cover the removal of the infected material, even though a felling licence is already in place. This will require that the felled timber only goes to a premises licensed to process infected wood.

## Planting and replanting of larch

Great Britain has been divided up into three 'risk zones' 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. In 2013 a slight change was made to the boundary between zones 1 and 2, to take account of an increase in infection incidence in the Forest of Dean. The policy for each risk zone is as follows.

### Zone 1

#### *New schemes*

We will not approve or fund any larch species as part of any restocking or planting proposal. This is 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 continued to allow the planting of larch until (and including) the 2012/13 planting year, although we encouraged owners to amend any proposals to plant this species up until then. Since the 2012/13 planting season we have no longer paid for any larch planting in Zone 1. In all cases where the owner has decided to continue with planting of larch up to and during the 2012/13 season, they will not be permitted to invoke the *force majeure* condition in the event of *Phytophthora* infection, and we will continue to reclaim grant where appropriate.

### Zone 2

#### *New schemes*

A decision was taken not to fund any planting of larch in this zone beyond the 2012/13 planting season. Owners have been made aware of the risks of planting larch in this zone. Any applications where larch is to be planted in 2013/14 or beyond must have the larch changed to a suitable alternative. In all cases planted in the 2012/13 season, where the owner decided to continue with the 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 continued to allow the planting of larch until (and including) the 2012/13 planting year, although we encouraged owners to amend any proposals to plant this species up until then. After the 2012/13 planting season, we no longer paid for any larch planting in Zone 2. In all cases where the owner has decided to continue with

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planting of larch up to and during the 2012/13 season, they will not be permitted to invoke the *force majeure* condition in the event of Phytophthora infection, and we will continue to reclaim grant where appropriate.

### **Zone 3**

*All schemes*

We will continue to grant aid the planting of larch in Zone 3 for the foreseeable future. This will be reviewed on an annual basis as the spread of the disease is monitored.

## **Versions**

Version 5 issued 6<sup>th</sup> October 2014

Version 6 issued 26<sup>th</sup> October 2016

Version 7 issued 20<sup>th</sup> October 2017

## Appendix 1 P ramorum and larch risk zones

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.

