

How we consult about woodland planting and tree felling



Forestry Commission



Consulting you and the local community about woodland planting and tree felling proposals



The following paragraphs describe how the Forestry Commission obtains the views of people in the local community and consults local authorities and other statutory authorities about proposals for *woodland planting and tree felling*.

Our responsibilities

The Forestry Commission is the Government's Department for forestry in England, Scotland and Wales. We have a statutory duty to protect and expand Britain's forests and woodlands and to increase their value to society and the environment. We are responsible for implementing the Government's forestry policies and do this through our management of the Forestry Commission's estate, by providing grants, regulating tree felling and working in partnership with others.

The Forestry Commission consults local authorities and other organisations with statutory powers in relation to land use before deciding whether to approve applications for woodland planting and for tree felling.

This booklet explains how these procedures work and how you can take the opportunity available to you to take part in the consultation process.

Considering applications for grants and felling licences



When applications are required

Almost all woodland planting by private landowners in England, Scotland and Wales is done with the help of grant aid from the Forestry Commission. Landowners can apply for grant aid to create new woodlands and manage existing woodlands. Tree felling usually requires a Felling Licence. This can be applied for separately or as part of a grant scheme application. Felling licences are normally granted with the condition that the land is replanted with trees.

Forest Enterprise (FE), the agency of the Forestry Commission that manages the public forest estate, must also have their proposals for tree felling and woodland planting approved by the Forestry Commission.

Meeting standards

We carefully consider all applications to ensure that they meet the requirements of the UK Forestry Standard. The Standard sets out the criteria and standards for the sustainable management of forests and woodlands in the UK. You can see a copy of the Standard on our website in the Publications section. Proposals must take account of the environment, particularly: landscape; nature conservation; cultural heritage and water. We will not approve an application if it does not meet these requirements.

Considering the environmental impact

If we receive an application for new planting or felling without any replanting for an area above specific thresholds, and we decide that the work may have a significant impact on the environment, we will ask the applicant to apply for our consent to carry out the work under the Environmental Impact Assessment Regulations 1999. As part of their application, the applicant must then submit an Environmental Statement to show how their proposals take account of the potential impact on the environment. Once we receive the application and Environmental Statement we will publish details in local newspapers and give details of the application to the relevant countryside bodies and the local authority with an interest in the application.

After taking account of this Statement and any comments or other representations we decide whether we will give our consent for the project. Once we have made this decision we publish it in newspapers and inform all those who commented.

For further details, please refer to our booklet "Environmental Assessment of Forestry Projects" on our website by following the links from www.forestry.gov.uk/regulations or you can get a copy from your local Forestry Commission office.

Letting neighbours know about proposals

We strongly advise woodland planting or felling licence applicants to discuss their proposals with those neighbours whose properties might be affected. In some cases we will make this a requirement. Applicants must then record details of any discussions that take place and include this with their application.



Tree Preservation Orders and Conservation Areas

Applicants must tell us if the trees that they are proposing to fell are protected by a Tree Preservation Order (TPO), or are located in a local authority Conservation Area. In England and Wales the Forestry Commission will decide whether to grant a felling licence for trees covered by a TPO or in a Conservation Area. We will, however, consult with the local authority about the application. In Scotland, we will pass such an application to the local authority for them to decide whether or not the trees can be felled.

Land with a designation



We will tell the applicant if we are aware of any special statutory designations on the area such as Sites of Special Scientific Interest (SSSI) or Scheduled Ancient Monuments (SAM). Applicants must get the necessary permissions from the relevant statutory organisations before we will consider giving approval to the application.

How you can get information about proposals

The Register of Woodland Planting and Tree Felling

The Forestry Commission maintains a Register that gives details about the following applications namely:

| | |
|------------|--|
| DED | Dedication Scheme; |
| ECC | Energy Crops Scheme for short rotation coppice; |
| ECG | Energy Crops Scheme for Miscanthus (Elephant Grass); |
| FEP | Forest Enterprise Design Plans; |
| FEA | Amendment to a Forest Enterprise Design Plan; |
| FLA | Felling Licences or similar Forest Enterprise applications to fell; |
| FPA | Forest Plans application; |
| WGS | Woodland Grant Scheme; |
| WGA | Amendment to a Woodland Grant Scheme; |
| CYD | Cyd Coed Project. |

The Register gives a short summary of the application. The information displayed includes the name of the property, grid reference, type of application and area (in hectares) that is to be planted or felled (split into conifers and broadleaves). In most cases there will be a map to show the location of the tree felling or woodland planting.

How you can find out what cases are on the Register

There are several ways you can do this:

- See it at your local Forestry Commission office
- See it on our website at www.forestry.gov.uk/publicregister where some of the applications are linked to a map or aerial photographs
- We can e-mail you a list of cases that have appeared on the Register the previous week (the four weeks allowed for comments begins when you receive this e-mail)

When we put applications on the Register

We update the Register weekly. It shows applications that we are prepared to approve because they meet the rules of our schemes and the environmental guidelines that are contained in the UK Forestry Standard. We call this stage "Firm Proposals". The Register also lists those applications that were approved in the previous week following the four week consultation period.



How you can get involved in the process

Timescale to give your comments

Details of an application will stay on the Register for **four weeks**. During this time, anyone may provide us with comments or additional information about the application.

What to do if you wish to find out more about an application

If you wish to see an application so that you can decide whether you will make comments to us, you can call in to your local Forestry Commission office and ask to see the application forms and the accompanying map. You may ask for a copy of these. Please remember that these are working documents and may have been annotated or amended. The name and address of the applicant will not be shown. We may make a charge for copies if you request these regularly.

You may also telephone or e-mail your local Forestry Commission office and ask for details of the scheme or schemes you are interested in.

Please note that most applications are for work that will take place on private land and you may require permission if you wish to enter the area. The inclusion of the area on the Register of Woodland Planting and Tree Felling does not change this requirement.

If you submit comments about an application, we will take these into account as part of our approval process and may also discuss them with the applicant. Your local FC Conservator will be able to advise you how we have taken your comments into account.

How we get the views of others

Consulting with local authorities and other statutory bodies

Currently, we send them copies of applications where there is both a statutory requirement for us to consult and in other cases where the Forestry Commission and the stakeholder have agreed to particular local consultation arrangements. These statutory bodies have 4 weeks to consider the details of the application and let us have their comments.

If there are particular complex or environmental issues to be addressed then statutory consultees may ask us to extend this period. In these circumstances we will let the applicant know that processing the application will take longer than originally anticipated.

However, we are proposing to invite consultees to take advantage of advances in information technology and to reduce the administrative burden for both the Forestry Commission and consultees. We will in future invite consultees to request details of the applications that they are interested in from the Register of New Planting and Felling that is displayed in the Forestry Commission website. We will continue to e-mail the notification about new entries on the Register to statutory consultees each week if these consultees would like us to do so.

See **Appendix 1** for details of GB and individual country consultation arrangements.



Archaeology

We also send a copy of every woodland planting application to the local authority archaeologist, or equivalent. We ask them to tell us about any features of archaeological importance in the area that we should take into account when we consider the application. It is vital that planting or other forest operations are planned so that they do not damage archaeological sites.

How we take account of comments

If we receive comments or other information about the application, we may discuss these with the applicant and ask them to change the proposals to take these comments into account. In most cases where this happens, reasonable changes can be made and a satisfactory solution reached. Conversely, we may decide that in the light of the information we have received, the application should be rejected.

Appeals and how we resolve difficult cases

Discussing the issues

When there are serious objections to any part of the application, we will discuss these issues with all parties involved to see if we can reach agreement about how the proposals might proceed.

Seeking a solution with the Regional Advisory Committee

Nearly all conflicts of view are resolved satisfactorily at the consultation stage. However, in a few instances this is not possible, for example where there is an objection by one of the statutory authorities but the applicant is unwilling to alter the application. When this happens, the Forestry Commission refers the application to the Regional Advisory Committee (RAC). There is an RAC for each of our Conservancies. The RAC will invite the interested parties to a meeting at which they can give their views. The chairperson offers the parties the opportunity to explore a compromise that would reconcile the differences in view, or suggests other ways in which reconciliation may be achieved.

See **Appendix 2** for details of how the Regional Advisory Committee works

Making decisions about the application

The RAC will make public their recommendation about the case by issuing a news release. Their recommendations will then be given to the Forestry Commissioners.

How the Forestry Commissioners consider the case

If the Commissioners decide to refuse the application they will inform the applicant. However, if they think that an application should be approved, and therefore disagree with an objection from a statutory consultee, they will ask the relevant Forestry Minister for their views before making a decision. The Commissioners will explain the reasons for the decision to the applicant and set out the views of the Forestry Minister.

Appeals – by applicants for grant aid

There is no legal right of appeal against a refusal to approve an application for grant. However, applicants who are unhappy about such a decision can contact the appropriate Forestry Minister. The Minister may ask the Commissioners to reconsider their decision.

Applying again after a refusal – grant aid

If we refuse an application for grant aid, this decision stands for five years. However, we will consider another application during this period if it contains proposals that are significantly different or if there has been a change of circumstances.

Appeals – by applicants for a felling licence

A different procedure applies to appeals against decisions about felling licence applications. You can only appeal if you have been refused a licence twice for the same area and work proposals and your applications have been made more than three years apart.

Applying again after a refusal – Felling licence

If we refuse a felling licence, we will not reconsider the same application for three years. However, we may consider another application if the proposals are significantly different or if there has been a change of circumstances.

How you can find out more

If you have any queries about the Register of Woodland planting and Tree Felling or would like to arrange to receive e-mail notification, then please contact:

**Grants and Licences, Forestry Commission,
Silvan House, 231 Corstorphine Road, Edinburgh EH12 7AT**
or you can e-mail us at carole.burgess@forestry.gsi.gov.uk





Consultation about woodland planting and tree felling

Appendix 1

The general principles that determine when we send details of applications for consultation have been agreed nationally, but local arrangements can also be made. A summary of the current national arrangements is set out below.

Following an FC review of the procedures for consulting on woodland planting and tree felling proposals, the Forestry Minister announced revised consultation arrangements in a statement dated May 1996. Felling proposals were included on the Register which was made more readily accessible by placing it on the FC website. The FC also agreed to send copies of the Register to relevant statutory bodies. In addition, the agreed consultation arrangements set out below were agreed nationally.

| Nationally agreed consultation arrangements | |
|--|---|
| Relevant statutory body | Type of case |
| Scottish Natural Heritage English Nature Countryside Council for Wales | Planting or felling proposals that affect: <ul style="list-style-type: none"> • National Nature Reserve • Site of Special Scientific Interest • Special Protection Area • Special Area of Conservation Consideration is also given to applications for proposals adjacent to these special areas where there may be an effect |
| Historic Scotland English Heritage CADW | Planting or felling proposals that affect: <ul style="list-style-type: none"> • Scheduled Ancient Monument |
| National Park Authority | Planting proposals of five hectares or more inside a: <ul style="list-style-type: none"> • National Park |
| Scottish Natural Heritage Countryside Agency Countryside Council for Wales | Planting proposals of five hectares or more in a: <ul style="list-style-type: none"> • National Scenic Area • Area of outstanding Natural Beauty • Heritage Coast |
| Local authority | Planting proposals of 10 hectares or more: <ul style="list-style-type: none"> • Felling proposals that affect trees that are subject to a Tree Preservation Order or are in a Conservation Area |
| Agriculture Departments: DEFRA SEERAD ARAD | When the land covered by the application is the subject of a management agreement under the Environmentally Sensitive Area scheme |

Consultation arrangements specific to each country



Appendix 1 (cont.)

| Scotland | |
|-------------------------------|---|
| SEERAD | New planting of: <ul style="list-style-type: none"> • 50 hectares or more on an agricultural unit • 10 hectares or more on agricultural land classed as 1,2, or 3.1 of the Land Capability classification for agriculture • 10 hectares or more when SEERAD have identified the area as being necessary to maintain a thriving hill sheep industry |
| Deer Commission Scotland | New planting of: <ul style="list-style-type: none"> • 50 hectares or more (individual woods) |
| Scottish Natural Heritage | All new planting and felling proposals of 10 hectares or more: <ul style="list-style-type: none"> • where this is not subject to an agreement with SEERAD |
| England | |
| DEFRA | Any of the land covered by the application has been given a grant by the Agriculture Department in the last two years |
| Countryside Agency | For new planting and felling proposals greater than 10 hectares in: <ul style="list-style-type: none"> • Environmentally Sensitive Area (inform ESA project officers) All felling proposals in: <ul style="list-style-type: none"> • Areas of Outstanding Natural Beauty • Heritage Coasts |
| Wales | |
| ARAD | New planting of: <ul style="list-style-type: none"> • 20 hectares or more • Where any of the land covered by the application has been given a grant by the Agriculture Department in the last two years |
| Countryside Council for Wales | All new planting or felling in: <ul style="list-style-type: none"> • Environmentally Sensitive Areas |



How Regional Advisory Committees work

Appendix 2

Under the Forestry Act 1967, the Forestry Commissioners appoint the Regional Advisory Committees (RAC's). Their function includes adjudicating in disputed applications for grant aid or for felling licences and in disputes by the statutory bodies arising from Forest Enterprise design plans.

In some cases, the RAC will advise the Commissioners directly. However, in many cases, they will advise the relevant Conservator.

Membership of the RAC

Regional Advisory Committees cover each of the Forestry Commission's Conservancies in England, Wales and Scotland and consist of up to 12 members appointed by the Commissioners. The composition of the Committees is designed to achieve a spread of sectoral interests. Members include representatives of the forestry industry, environmental interests, woodland owners and others who it is considered can contribute effectively to the work of the Committee.

Setting up and advertising the meeting

The RAC usually appoints a sub-committee from its membership to visit the site and meet locally. The Secretary of the RAC arranges for an advertisement in two local newspapers giving details of the application, the objections to it, date of the meeting, where the application might be inspected and an address to which comments can be sent.

What happens at the meeting?

The Chairman invites the interested parties to state their views. Written statements, maps, photographs and landscape designs can be presented in support of these. The chairperson will ensure that all the significant features of the case are made clear and that the parties' views are clearly understood. The chairperson may offer the parties the opportunity to propose a compromise that would reconcile the differences in view.

What if there is no reconciliation?

When this happens, the application is referred to the Forestry Commissioners for decision. The sub-committee will meet to consider any advice that it will offer to the Forestry Commissioners. A report of its consideration of the application is made available to the full membership of the committee.

What do the Forestry Commissioners do?

The Commissioners consider the report and decide whether they wish to approve the application or refuse it. If they decide to **refuse** the application they will ask the Conservator to notify the applicant, the statutory authorities that were consulted and any other interested parties.

If the Commissioners decide to **approve** an application **where there is a sustained objection for a consultee**, they must first seek the views of the appropriate Forestry Minister. The Commissioners will take the Minister's views into account before making a decision about the application. They will then ask the Conservator to notify the applicant, the statutory authorities that were consulted and any other interested parties.

Publicising the decision

The Forestry Commission will issue a news release that gives a summary of the RAC's discussion with the parties to the disputed case and the subsequent advice provided to Commissioners

Definition of Terms

Appendix 3

Statutory consultees - organisations who have a statutory responsibility and with whom we have agreed to formally consult in agreed circumstances.

Formal consultation - the process of the Forestry Commission formally inviting comment from statutory consultees before making a decision on an application.

Consultation response - required within 32 days or to indicate an intention to comment within 28 days (provided comment is received within a further 2 months).

Objection - triggers disputed case procedure. The right of objection lies with statutory consultees only.

Notification - the process of FC inviting comment from consultees and others before making a decision on an application [typically involves sending a formal letter with copy of outline map. Responses are required within 28 days and there is no direct right of objection].

Disputed case - one where an objection from a statutory consultee as a result of formal consultation is sustained.





Forestry Commission offices

How we consult about woodland planting and tree felling

Forestry Commission Scotland

National Office for Scotland

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Tel: 0131 314 6156
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Web: www.forestry.gov.uk
Chief Conservator:
David Henderson-Howat

Conservancies

Highland Conservancy

'Woodlands', Fodderty Way
Dingwall IV15 9XB
Tel: 01349 862144
Fax: 01349 866624
Email: bob.dunsmore@forestry.gsi.gov.uk
Conservator: Bob Dunsmore

Grampian Conservancy

Ordiqhill, Portsoy Road
Huntly AB54 4SJ
Tel: 01466 794542
Fax: 01466 794986
Email: grampian.cons@forestry.gsi.gov.uk
Conservator: Douglas Clark

Strathclyde Conservancy

Erskine House, 1 North Avenue
Clydebank Business Park
Clydebank G81 2DR
Tel: 0141 941 2611
Fax: 0141 941 2125
Email: strathclyde.cons@forestry.gsi.gov.uk
Conservator: Keith Wishart

Perth Conservancy

14 Gowans Terrace
Perth PH1 5AN
Tel: 01738 442830
Fax: 01738 441787
Email: perth.cons@forestry.gsi.gov.uk
Conservator: Syd House

South West Scotland Conservancy

11 Church Crescent
Dumfries DG1 1DF
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Email: sws.cons@forestry.gsi.gov.uk
Conservator: Christina Tracey

Lothian & Borders Conservancy

North Wheatlands Mill
Wheatlands Road
Galashiels TD1 2HQ
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Fax: 01896 751286
Email: l&b.cons@forestry.gsi.gov.uk
Conservator: Alex Morris

Forestry Commission England

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Cambridge CB1 2DU
Tel: 01223 314546
Fax: 01223 460699
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Web: www.forestry.gov.uk
Chief Conservator: Paul Hill-Tout

Conservancies

North East England Conservancy

1 Walby Hill
Rothbury, Morpeth
Northumberland NE65 7NT
Tel: 01669 621591
Fax: 01669 621454
Email: fc.nee@forestry.gsi.gov.uk
Conservator: Brendan Callaghan

Southern Area Office

North East England Conservancy
Redford, Hamsterley
Bishop Auckland
Co Durham DL13 3NL
Tel: 01388 488721
Fax: 01388 488762
Email: fc.nee@forestry.gsi.gov.uk

North West England Conservancy

Peil Wyke, Bassenthwaite Lake
Cockermouth CA13 9YG
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Fax: 01768 776557
Email: nwe.peilwyke@forestry.gsi.gov.uk
Conservator: Keith Jones

Delamere Area Office

North West England Conservancy
Linmere, Delamere
Northwich, Cheshire CW8 2JD
Tel: 01606 889912
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Email: fc.nweng.delamere@forestry.gsi.gov.uk

Yorkshire & The Humber Conservancy

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York YO19 4FF
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Fax: 01904 448110
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Conservator: Crispin Thorn

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Willingham Road
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Fineshade Area Office

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Top Lodge, Fineshade
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Worcester WR5 2FR
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Fax: 01905 761222
Email: fc.wmid.cons@forestry.gsi.gov.uk
Conservator: Bill Heslegrave

Coleford Area Office

West Midlands Conservancy
Bank House, Bank Street
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Fax: 01594 810628
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Ludlow Area Office

West Midlands Conservancy
Whitcliffe, Ludlow
Shropshire SY8 2HD
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Tel: 01842 815544
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Conservator: Steve Scott

Tangham Area Office

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Tangham, Woodbridge
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Forestry Commission Government Office for London*

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**Grant Schemes for London are administered from the East England offices.*

South West England Conservancy

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Conservator: Laura Jones

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Coleford, Gloucestershire GL16 8BA
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Marlborough Area Office

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Postern Hill Lodge
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South East England Conservancy Office for Hampshire, Isle of Wight, West Sussex and Surrey

Alice Holt, Wrecclesham
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Berks, Bucks & Oxon Area Office

South East England Conservancy
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Wingrave, Aylesbury
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