



# Felling Licences – Questions & Answers

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## **1. Why do we need felling licences?**

The Forest Service has a General Duty under the Forestry Act (NI) 2010 to promote the expansion of the area of woodland cover and sustainable forestry. Felling licences are an important part of this, as they will help us to regulate the felling of trees and re-establishment of woodland. Felling licences are also recognised as important evidence of “due diligence” or proper care that timber and timber products are sustainably sourced under the new EU Timber Regulations to prevent illegal logging.

## **2. What does the new legislation say?**

The Forestry Act (NI) 2010 says a felling licence is required (unless you are entitled to an exemption) if you are felling trees in a woodland of 0.2 hectares (approximately half an acre) or over. The Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (NI) 2013 lays down what boundaries must be used to calculate the area of your woodland to determine if it is 0.2 hectares or over. The Forestry (Felling of Trees) Regulations (Northern Ireland) 2013 describe the detail of how felling licences will work. The Forestry Act and both sets of regulations will encourage owners to manage their woodlands in a sustainable way.

## **3. When does the felling legislation become law?**

Both sets of the Felling Regulations become law on 17 June 2013. You must apply for a felling licence for any felling that takes place from that date.

## **4. I only want to cut down a few trees in my woodland - do I need a felling licence?**

Only if you are felling in a woodland of 0.2 hectares or more - that's about half an acre. However, you are likely to qualify for an exemption under the Forestry Act. This exemption allows you to cut down a volume of up to 5 cubic metres of timber in any quarter (“quarter” means the period of three months beginning with the 1st January, 1st April, 1st July or 1st October in any year).

## **5. What are the exemptions?**

The exemptions are set out in detail in section 15 of the Forestry Act. For example, a licence is not required to fell trees in your garden, or in city parks or churchyards; or to fell

fruit trees or thin small trees; to lop or top trees, or to fell small volumes of timber (you are allowed to fell a volume of up to 5 cubic metres in any quarter). There is also an exemption for tree felling where planning permission has been granted. Trees protected by a Tree Protection Order or in a Conservation Area are exempt from the Felling Regulations, but of course are covered by Planning legislation. Please see the Guidance Booklet, which is available online and in hard copy.

## **6. What period is covered by a quarter?**

A “quarter” means the period of three months beginning with 1st January, 1st April, 1st July or 1st October in any year.

## **7. How do I go about working out the area of my woodland?**

First you need to determine the boundaries of your woodland. The boundary must be a physical boundary surrounding your woodland, for example, a wall or fence.

If there is no physical boundary, and only if, you must take the outside of the crowns of the trees that form a canopy around the perimeter of the woodland as your boundary.

If your trees do not form a canopy, you must use the trees which have the reasonable **potential**, by being close enough to each other, to eventually form a canopy, as a boundary. For example, this may be the case in young woodlands.

Once you have identified the appropriate boundaries, you can measure the area by any number of conventional methods available. Please contact Felling Licence Branch if you need further guidance.

## **8. Will the Department help me to work out the area of my woodland?**

No, you will need to work this out yourself.

## **9. Do I need a licence for thinning?**

Yes, you will need a licence if the proposed area of your thinning is 0.2 hectares or more (about half an acre) and you do not qualify for an exemption.

**10. Do I need a felling licence to fell more than 0.2 hectares of willow scrub which has colonised part of my field?**

If the volume of the felled trees does not exceed 5 cubic metres in any quarter, or the diameter of the felled trees does not exceed 8 centimetres, then a felling licence is not required.

**11. I want to fell trees in my two separate woodlands on my farm - will one felling licence be enough?**

No, you must obtain a felling licence for each separate woodland.

**12. I want to fell more than one part of my woodland - will one felling licence be enough?**

Yes, you will only require one licence. However, you will need to map each area you are proposing to fell. The enclosed areas may be termed a 'block' and each block must be numbered. If you intend carrying out different types of felling or different types of re-establishment in each part of your woodland, you may need to use more than one block number.

**13. I am only planning to thin my woodland - do I need to complete a re-establishment plan?**

This depends on the reasons for the thinning. If the thinning is being carried out to promote natural regeneration, then re-establishment proposals must be prepared. If the thinning is to promote growth in the remaining trees, then re-establishment proposals will not be necessary.

**14. How do I apply for a licence?**

You can download an application form and comprehensive guidance from the DAERA website, or ask Felling Licence Branch to send these to you. You will need a map to show the location of the area to be felled and its boundaries. You must complete the application form in full and correctly, including the felling and re-establishment proposals, and submit

your completed application to Felling Licence Branch. You will receive an acknowledgment within 3 working days.

### **15. Will I need help with the form?**

Forest Service has worked with stakeholders to keep the application process as user-friendly and simple as possible and has developed step by step guidance, so we do not expect you to need help. Felling Licence Branch can provide you with further guidance, but we cannot complete your application form.

### **16. How long will it take to get a licence?**

Forest Service is committed by law to process your application within 3 months, and we will aim to process applications as quickly as possible. You can help us do so by applying for your licence as early as possible (but not more than 1 year before your proposed start date). You should ensure you have completed your application form fully and accurately, and provide a good standard map, with information marked clearly.

### **17. How long does a felling licence last?**

A licence lasts at least 5 years and will span your entire felling and re-establishment period. You will be asked in your application to tell us the start and end dates of your felling and re-establishment proposals. Although the felling must be completed within 5 years from the date your licence starts, your licence will extend until the re-establishment has been completed in accordance with your licence.

### **18. Can Forest Service refuse to grant me a licence? Do I have a right of appeal if I am refused?**

Forest Service will assess all felling applications and will either approve or refuse them. Should your application be refused, you may resubmit a further application. You are also entitled to appeal the decision to refuse your application, or indeed any condition of your felling licence.

**19. How will felling licences work with the EU Timber Regulation?**

The EU Timber Regulation prohibits timber that has been illegally harvested from being placed for the first time on the EU market. It is recognised that felling licences will contribute to “due diligence” (proper care) evidence required by the Timber Regulation.

**20. Do I need a felling licence for felling as a result of tree diseases such as P. ramorum in Larch?**

No, you do not need a licence if you need to fell trees to comply with a statutory Plant Health Notice. The infected trees will be felled in compliance with the statutory health notice and not the felling legislation.

**21. Will I need a felling licence if my trees suffer wind-blow?**

Yes, if your trees are in a woodland of 0.2 hectares or over and the volume exceeds the 5 cubic metre threshold.

**22. Can my Felling Management Plan be amended?**

Yes, your plan may be amended with our approval in line with the legislation.

**23. Who can I ask if I have any questions about felling licences?**

Forest Service has set up a dedicated Felling Licence Branch to process applications and provide guidance to applicants. However, we are not able to complete applications on your behalf. This remains your responsibility.

**Felling Licence Branch Contact**

Forest Service      Tel:028 6634 3165 or email [Felling.licence@daera-ni.gov.uk](mailto:Felling.licence@daera-ni.gov.uk)