
 STATUTORY INSTRUMENTS

1987 No. 632

FORESTRY

 The Forestry (Felling of Trees) (Amendment) Regulations
1987

Made - - - - 2nd April 1987

Laid before Parliament 9th April 1987

Coming into force 1st May 1987

The Forestry Commissioners, in exercise of the powers conferred upon them by sections 10(1), 17B(1), 24(2), 25(1) and 32(1) and (2) of the Forestry Act 1967(a), and of every other power enabling them in that behalf, and after consultation with the Home Grown Timber Advisory Committee, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Forestry (Felling of Trees) (Amendment) Regulations 1987 and shall come into force on 1st May 1987.

Amendment of the principal regulations

2.—(1) For regulation 4 of the Forestry (Felling of Trees) Regulations 1979(b) (hereinafter referred to as “the principal regulations”) there shall be substituted the following regulation—

“Application for felling licence

4. Any application for a felling licence made under section 10(1) of the Act shall be—

- (a) in the form set out in Schedule 2 hereto, which shall be supplied by the Commissioners on request, or in a form substantially to the like effect;
- (b) accompanied by an Ordnance Survey map signed and dated by the applicant showing the area to which the application relates on a scale not smaller than one to ten thousand or six inches to one mile, and with the National Grid reference of the north west corner of the area marked on the map.”.

(2) After regulation 8 of the principal regulations there shall be inserted the following regulation—

“Appeal against restocking notice

8A. Any notice under section 17B(1) of the Act (which relates to appeal against a restocking notice) shall be served on the appropriate Minister within three months after the receipt of the restocking notice by the person on whom that notice has been served by the Commissioners under section 17A of the Act (power to require restocking after unauthorised felling) and shall be in Form 6A.”.

(a) 1967 c.10; section 17B was inserted, and the scope of sections 24 and 25 was extended, by section 1 of the Forestry Act 1986 (c.30).

(b) S.I. 1979/791.

(3) For regulations 13 and 14 of the principal regulations there shall be substituted the following regulations—

“Prescribed period under section 24(2) of the Act

13. For the purposes of section 24(2) of the Act (which, as adapted by section 17C of the Act, provides that in the event of failure to carry out works in accordance with conditions of a licence or to comply with felling directions or a restocking notice, the Commissioners may give notice to the owner of the land or the owner of the trees, as the case may be, requiring such steps as may be specified in the notice to be taken within such time (not being less than the prescribed period after the notice has become operative) as may be so specified for remedying the default) the prescribed period shall be three months.

Notices under section 25 of the Act

14. Any notice under section 25(1) of the Act (which, as adapted by section 17C of the Act, relates to a request for the review of a requirement that the steps specified in a notice (including a restocking notice) given under section 24(2) of the Act shall be taken) shall be in Form 9 and shall be served on the appropriate Minister within three months after the receipt by the owner of the land or the owner of the trees, as the case may be, of the notice under section 24(2) of the Act.”.

(4) For regulation 16 of the principal regulations there shall be substituted the following regulation—

“Verification of claims and notices

16. The Commissioners or the appropriate Minister, as the case may be, may require any particulars specified in any claim or notice (including a notice of appeal against a restocking notice) made or given under the Act to be verified by statutory declaration.”.

| | |
|---|---|
| <p>PART THREE</p> <p>EXISTING DESIGNATIONS</p> | <p>In order to facilitate any consultations that may be needed in the course of the Forestry Commissioners' consideration of this application, please tick the relevant boxes below and give full details if any of the following apply, or are thought to apply, to the area covered by the application or to any part of it.</p> <p>National Park (England and Wales) <input type="checkbox"/> Conservation Area (under the Town and Country Planning Acts) <input type="checkbox"/> Environmentally Sensitive Area <input type="checkbox"/></p> <p>Area of Outstanding Natural Beauty (England and Wales) <input type="checkbox"/> Site of Special Scientific Interest <input type="checkbox"/> Inclusion in the Nature Conservancy Council's Register of Ancient Woodland <input type="checkbox"/></p> <p>National Scenic Area (Scotland) <input type="checkbox"/> National Nature Reserve <input type="checkbox"/> Grant-aid received in respect of the trees <input type="checkbox"/></p> <p>DETAILS</p> <p>.....</p> <p>.....</p> |
| <p>PART FOUR</p> <p>TREE PRESERVATION ORDERS</p> | <p>To be completed if a Tree Preservation Order is in force (see note 4)</p> <p>Order made by County/District/Regional Council</p> <p>Number of Order and date confirmed</p> <p>Reason for proposed felling</p> <p>.....</p> |
| <p>PART FIVE</p> <p>DECLARATION</p> | <p>I hereby apply for a licence authorising the felling of the growing trees described at PART TWO and I certify—</p> <p>a. that as (state whether freeholder, owner, lessee, etc) I have such an estate or interest in the land on which the trees are growing as enables me, with or without the consent of any other person, to fell the trees;</p> <p>*b. that any necessary consents from any other person(s) have been obtained;</p> <p>c. that to the best of my knowledge and belief the information given in this application is accurate and complete.</p> <p>Signature of applicant, or agent on behalf of applicant Date</p> <p>* Delete if inapplicable</p> |
| | <p style="text-align: center;">PLEASE RETURN THE FORM ON COMPLETION TO:</p> <div style="border: 1px solid black; height: 150px; width: 100%; margin-top: 10px;"></div> |

NOTES

(These notes are intended only for the guidance of applicants and do not constitute legally binding interpretations of the Statute or the Regulations. Further guidance is given in the Forestry Commission's leaflet 'Control of Tree Felling').

1. Copies of Forestry Act 1967 and the following Regulations made thereunder may be obtained from HM Stationery Office or through booksellers—

The Forestry (Felling of Trees) Regulations 1979 (SI 1979, No 791), as amended by the Forestry (Felling of Trees) (Amendment) Regulations 1987 (SI 1987, No 632).

The Forestry (Exceptions from Restriction of Felling) Regulations 1979 (SI 1979, No 792), as amended by the Forestry (Exceptions from Restriction of Felling) (Amendment) Regulations 1985 (SI 1985, No 1572).

2. Applications

a. To allow time for inspection and any necessary consultations that may be needed in the course of the Forestry Commissioners' consideration of the application, it should be submitted at least 3 months before felling is due to start. Any additional information relevant to the application should be provided in a separate note.

b. Applications must be accompanied by an Ordnance Survey map (or a good quality photocopy of an OS map)† showing the area covered by the application. The map should be at a scale not smaller than 1:10,000 or 6" to one mile, and the National Grid reference of the north west corner of the area should be clearly marked on the map and shown at **PART ONE** of the application form. The map, which must be signed and dated by the applicant, forms part of the application and will be retained by the Forestry Commissioners.

c. **Types of Operation (PART TWO)** – please identify by reference to the following—

- i. thinning
- ii. selective felling
- iii. clear felling (to include group felling)
- iv. hedgerow trees
- v. isolated trees
- vi. small clumps of less than 0.25 hectare, not forming part of a wood.

d. The trees to be felled should be clearly marked, eg by painting or blazing, and the details entered in the column headed "Identification of Trees" at **PART TWO**. In the case of clear felling or line thinning, it will be acceptable if only boundary trees are marked as long as the area to be felled is clearly defined on the map (see note 2b).

e. All applications will be acknowledged by the Forestry Commissioners and thereafter applicants are requested to quote the licence application reference number in all subsequent communications. If an application is incomplete in any material respect it will not be accepted but will be returned to the applicant. Applicants should ensure, therefore, that all the required information is given otherwise there will be delay in considering the application. An acknowledgement of the receipt of the licence application is not an authority to start felling. Felling may only be started after receipt of the licence (form PW12).

3. Conditions

a. **Treatment of the land after felling (PART TWO).** Under Sections 10 and 12 of the Forestry Act 1967 the Forestry Commissioners may, after consultation with the applicant, attach such conditions to any licence as appear to be expedient for securing the stocking or restocking of the land with trees and for the maintenance of those trees. The applicant should accordingly give all the information he can as to the measures he proposes for the stocking or restocking of the land after felling.

b. **Stocking or restocking of alternative land.** The Forestry Commissioners may, exceptionally, consider other land for stocking or restocking in place of that on which the trees to be felled are growing.

c. **Second signature in special cases.** If it appears that the applicant is not entitled to such interest in the land as would enable him to comply with the conditions of a licence (eg, if he is not the owner and has no power under a lease or covenant to replant the land) the Forestry Commissioners may give him notice accordingly and may postpone consideration of the application until the person so entitled becomes a party to the application.

† OS maps are subject to Crown copyright and applicants will wish to ensure that they are not in breach of the copyright laws. A leaflet (OS leaflet No 8) explaining the regulations and setting out the scale of charges is available from the Copyright Branch of Ordnance Survey at Southampton.

4. Tree Preservation Orders

PART FOUR must be completed where the trees are subject to a Tree Preservation Order (TPO). In these circumstances, the Forestry Commissioners will normally forward the application, together with their comments, to the local planning authority so that it may be dealt with as an application for consent to fell under the Order. It is preferable that applications relating to trees subject to a TPO should be made separately from other applications."

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 2nd April 1987.



P. J. Clarke
Secretary to the Forestry Commissioners

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Forestry (Felling of Trees) Regulations 1979 (S.I. 1979/791) in relation to a number of procedural matters, mainly arising from the introduction in the Forestry Act 1986 of powers for the Forestry Commissioners to require the restocking of land with trees after unauthorised felling. The amendments—

- (1) prescribe the method of application for a felling licence and now set out in the Regulations the prescribed form of application for such a licence (regulation 2(1) and (7));
- (2) prescribe a period of three months as the time in which a person served with a restocking notice may serve notice of appeal to the appropriate Minister (as respects England the Minister of Agriculture, Fisheries and Food, as respects Scotland the Secretary of State for Scotland, and as respects Wales the Secretary of State for Wales) and set out the prescribed form for such an appeal (regulation 2(2) and (5));
- (3) re-enact regulations 13, 14 and 16 of the principal regulations (which make various procedural provisions for enforcement and appeals in relation to felling licence conditions and felling directions) so that the existing provisions of those regulations will in addition now apply to enforcement and appeals relating to requirements in a restocking notice (regulation 2(3), (4) and (6)).