



Forestry Regulation in Wales

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Felling Licences (Forestry Act 1967)

- Natural Resources Wales is responsible for implementing Welsh Government's Forestry Policy under the provisions of the Forestry Act (1967) (as amended), and we are responsible for the control of tree felling in Wales.
- The purpose of such control is to safeguard the environment and amenity of the countryside whilst ensuring that woodlands and forests are maintained as a renewable resource. We control tree felling through the issue of felling licences.





1. Introduction

Why we issue felling licences and who needs a licence?

See Page 3

2. Exemptions

First check to see whether a felling licence exemption applies

See Page 4

3. Environment

Is there a particular environmental consideration with your proposals?

See Page 5

4. Other controls

Do you also require permission from a local authority or other statutory body?

See Page 7

5. Applying for a felling licence

How to apply for a felling licence from NRW, and the penalties for felling without a licence

See Page 10



This diagram shows the main sections of this booklet and can be used to help you find the section you are after



Cyfoeth Naturiol Cymru
Natural Resources Wales



Tree Felling: Getting Permission



SMNR \equiv SFM



Felling necessary for the prevention of danger

- Must be a real rather than a perceived danger
- You may need to provide evidence of the danger (e.g. an accredited arboriculturalist's report or photographic evidence)
- A diseased tree is not necessarily dangerous



Enter details on your forest management plan or contact us if you're concerned whether the exemption applies

Not just Felling licence.

- Under the Environment (Wales) Act 2016, public bodies must seek to maintain and enhance biodiversity in the exercise of functions, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.
- HRA,
- EPS,
- Water Management plan.

Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (as amended)

Operation	Threshold where any part of the land is in a sensitive area	Threshold where no part of the land is in a sensitive area
Afforestation	No threshold 2 hectares where the land is in a National Park or Area of Outstanding Natural Beauty.	5 hectares
Deforestation	No threshold 0.5 hectare where the land is in a National Scenic Area	1 hectare
Forest Roads	No threshold	1 hectare
Forest Quarries	No threshold	1 hectare

You must also screen proposals that have areas under the thresholds if such a small project would have a significant effect.

The Screening Decision

- To assess whether there's likely to be a significant effect from your proposals
- Schedule 3 selection criteria:
 - size & design
 - location
 - potential impact

We will decide from the information provided whether the project requires our consent or not

Schedule 3 considers...

- Magnitude of project
- Sensitivity of location
- Statutory designations
- Impact on flora
- Impact on fauna
- Public interest
- Legal requirements
- Value to the locality

Decision making context:

- is this in line with Welsh Government policy?
- stakeholders, residents, politicians, local community council
- sustainability
- reversibility
- mitigation

Where consent not required

- Our Opinion lasts for 5 years from the date it was given (by letter/email)
- In the event the proposal changes a new Opinion will be required

Where consent is required

- Organise a scoping meeting
- Request to be made for formal consent
- Assess the proposal and determine application
- Notify proposer and anyone who made comments of decision and publish notice
- Proposer can appeal to WG

Consent required: Environmental Statement

SCOPING:

The process whereby the applicant seeks advice as on the content and extent of the matters which should be addressed in the Environmental Statement (ES)



THE ENVIRONMENTAL STATEMENT

(Schedule 1 of SI)

Should include:

A description of the project

The main alternatives and the reasons for the applicants choice

The aspects of the environment likely to be significantly affected:

human beings, fauna and flora;

soil, water, air, climate and the landscape;

material assets and the cultural heritage; and

the interaction between these factors.

The effects of the project: direct, indirect, secondary, cumulative, short, medium & long term, permanent & temporary, positive and negative

Proposed mitigation measures

A non-technical summary

Details of any difficulties in compiling the information

Breaches

These can occur:

- where landowners undertake work where an EIA consent should have been sought prior to work commencing
- where an applicant carries out work not included in our consent
- where an applicant breaches one or more of the conditions of consent

Other work that may be a breach could include:

- illegal tree felling
- removal of woodlands – including those under a grant agreement

Enforcement Notice

NRW has the power to issue an enforcement notice, which may require a number of actions as follows:

- stop the work
- restore the land to the condition it was in prior to starting work

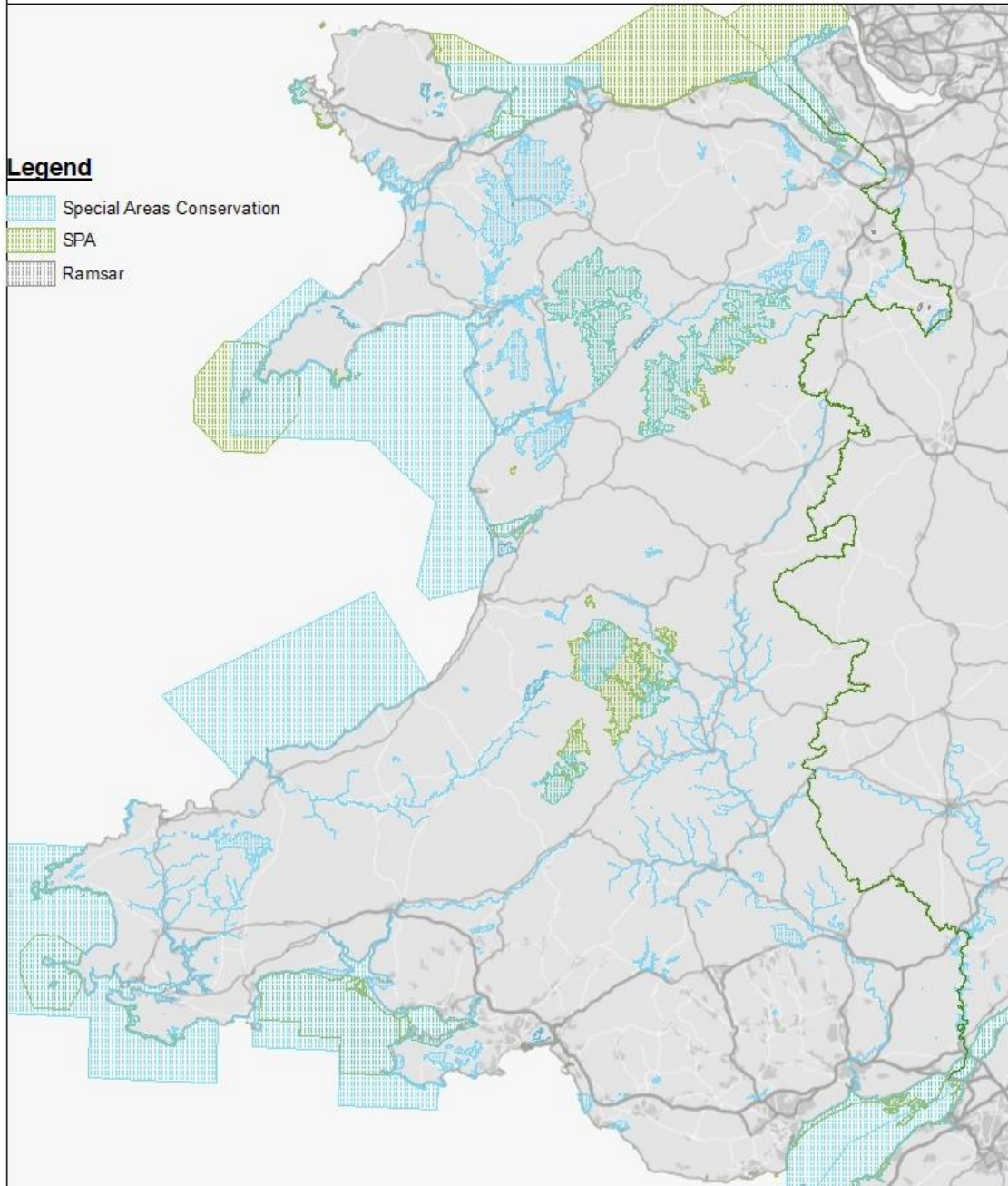
You have a right of appeal against an enforcement notice (within 28 days) to the appropriate Minister

Habs Regs Assessment (HRA)

- Needs to be carried out before we can issue a licence for felling which is likely to have a significant effect on a European site (SAC, SPA, Ramsar site)
- Need to consider the designated features of the site
- The applicant must provide NRW with sufficient information for the assessment to be made, or for an appropriate assessment if this is required
- HRA should be done as part of the normal application determination process (but it can 'stop the clock'...)

Legend

-  Special Areas Conservation
-  SPA
-  Ramsar



Habitat Regulations

- Use available spatial info to identify areas that may require an HRA
- Make reference to the SAC management plan
- Is the felling likely to have a significant effect on the designated features of the site, alone or in combination?
- Assess the factors that may contribute to a likelihood of a significant effect from both within and outside of a protected site (500m consultation buffer)
- Carry out an appropriate assessment of the implications of the effects of the project on the site's conservation objectives
- If any mitigating measures have been included with the application are these satisfactory?

European and other protected species in woodland



all 17 species of bat



badger



bat habitat



otter



dormouse



**GCN, sand lizard,
natterjack toad**

EPS and HRAs – overlap but not the same

- Otters assumed to be present based on background assessment
- EPS checklist: survey for otter holts and resting places prior to felling
- The avoidance/mitigation measures are to prevent likely significant effects





Holt



Resting place



Track

Potential resting place – signs of historical use; not currently used

Potential holt – no signs of use

Resting place – signs of current use

Otter sprint – old

Potential resting place – no signs of use

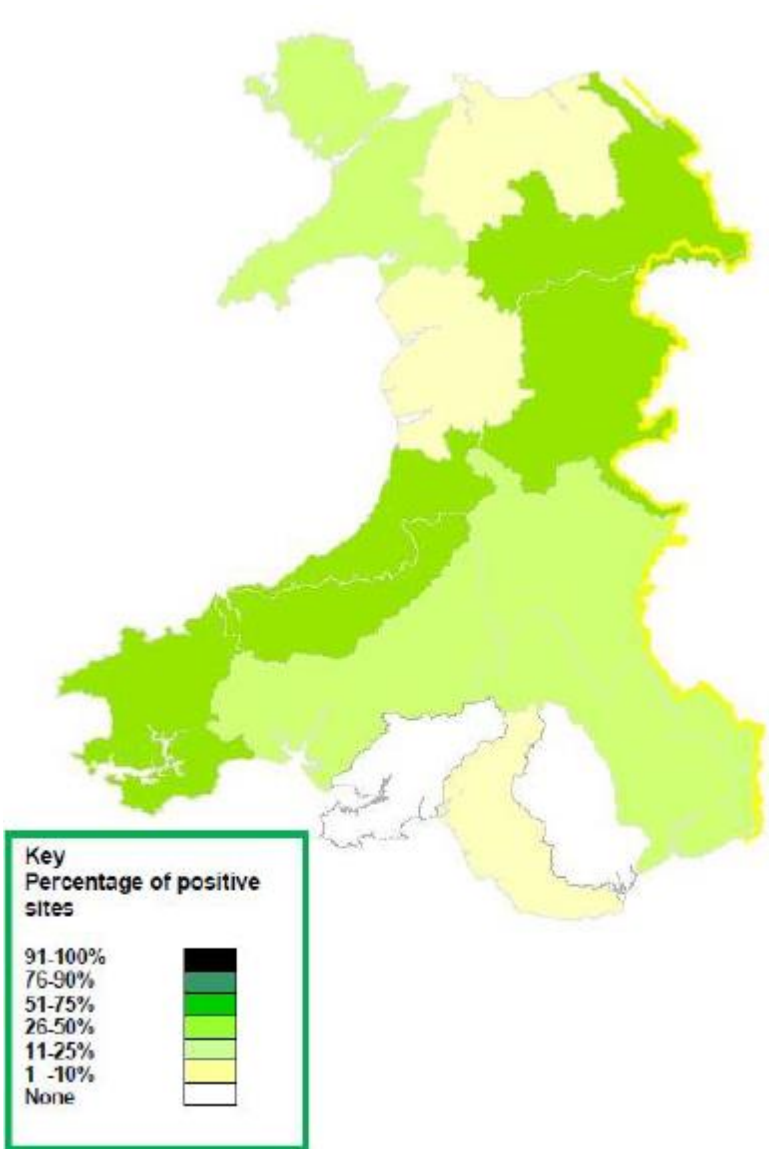
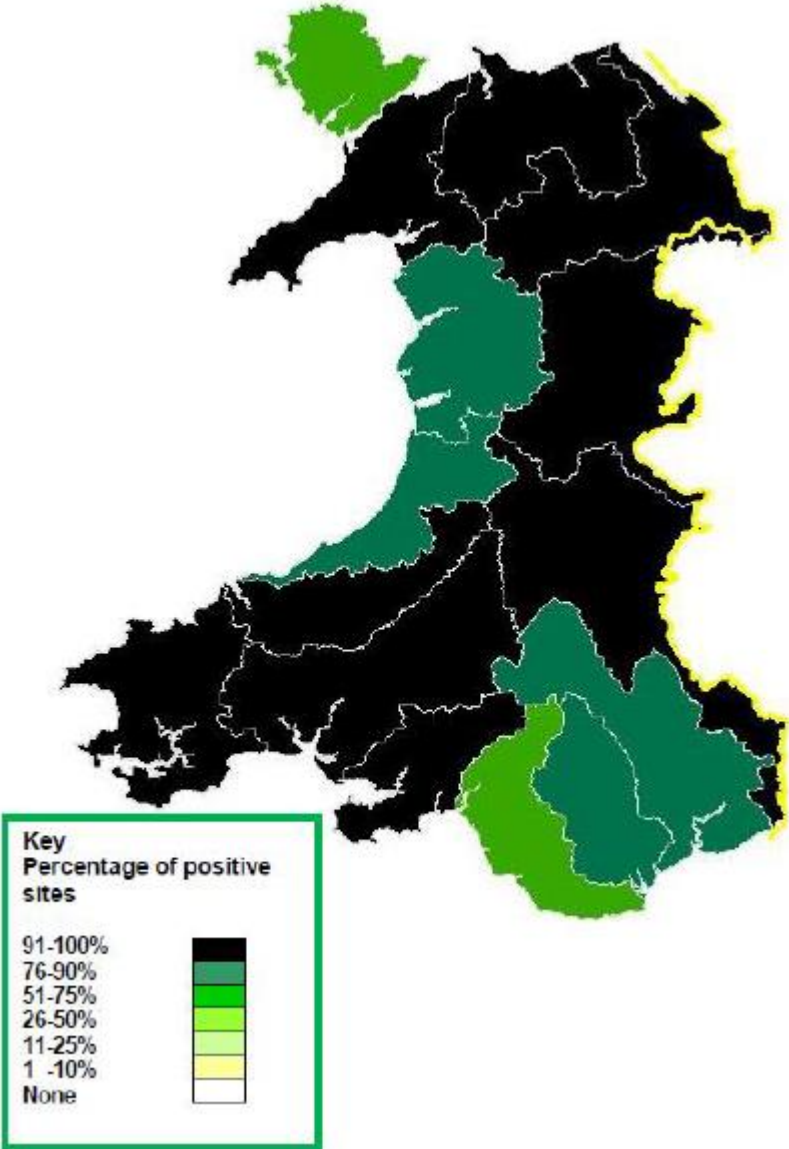
River Dee

Otter conservation objectives...

- Is there a likely significant effect on the favourable conservation status of otters or an adverse affect the integrity of the River Dee?
- SAC conservation plan: “*There will be no loss (physical destruction) of otter breeding or resting sites other than by natural means*”
- Survey evidence shows otters across Wales and the Atlantic region are in or moving towards favourable conservation status
- All known, controllable factors, affecting the achievement of these conditions need to be under control. The trees containing potential resting places will not be felled

Otter survey of Wales 2009 -10

c.f. Otter survey of Wales 1977-78



Compensatory Woodland Planting



NRW Corporate Plan to 2022

- Deliver a compensatory planting programme to replace woodland loss.
- Increasing woodland cover and bringing more woodland into management are priorities in both NRW's SoNaRR (State of Natural Resources Report) and WG's NRP (Natural Resources Policy).

Funding: WG have agreed the finance for the scheme



- Currently 3 wind energy developments in underway Wales, Pen y Cymoedd, Brechfa & Clocaenog.
- Pen y Cymoedd is complete and generating electricity
- Additional schemes are in the early planning phases.
- We estimate that there will be in the region of 350 hectares of permanent woodland loss for the 3 current energy schemes and the future schemes that we are aware of to date.
- There are also several hydro schemes with approximately 1ha of permanent woodland loss associated.