



Scottish
Forestry
Coilltearachd
na h-Alba

Tree Felling in Scotland – Getting Permission



Scottish Government
Riaghaltas na h-Alba
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Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation. We have a duty to promote Sustainable Forest Management which we do by encouraging good forestry practice in accordance with the UK Forestry Standard.

Felling Permission

From 1 April 2019, anyone wishing to fell trees in Scotland requires a Felling Permission issued by Scottish Forestry, unless an exemption applies or another form of felling approval such as a felling licence (including a forest plan) has previously been issued.

This guidance leaflet provides a brief overview of how to apply for Felling Permission. For more detailed information on Felling Permission, including varying permissions, enforcement and appeals please refer to our Felling Permission – Applicant's Guidance.

For larger woodlands and forests permission for felling can also be obtained through Forest Plans, or thinning approval through Management Plans. For more information on these see our website (forestry.gov.scot).

Everyone involved in tree felling is responsible for ensuring that permission is in place before carrying out any work. Felling without a valid Felling Permission (where exemptions, directions, or notices do not apply) is an offence which, upon conviction, may result in a fine and a criminal record for anyone involved.

If you are unsure as to whether you require a Felling Permission, or have a query, speak to your nearest Scottish Forestry Conservancy office for advice before you start any tree felling.

Felling exemptions

The following are locations or types of felling where you **do not** require felling permission. Further information and examples are available in 'Felling Permission – Applicant's Guidance.' You may fell:

1. Up to five cubic metres of timber within any set calendar quarter [1 January to 31 March; 1 April to 30 June; 1 July to 30 September; 1 October to 31 December]. This exemption does not apply in native broadleaved woodland between 0.1 and 0.5 hectares inclusive, and Caledonian Pinewood sites.
2. Any trees with a diameter at breast height (measured at 1.3 metres from the ground) of 10 centimetres or less.
3. Trees in orchards, gardens, churchyards, burial grounds, and public open spaces.
4. A tree where necessary for the prevention of immediate danger to persons or property.
5. Dead trees; they must be completely dead. Trees that are starting to die or are blown over are not exempt.
6. Trees of the genus *Ulmus* [Elm] affected by Dutch Elm Disease and where the greater part of the crown is dead.
7. Trees where the felling is immediately required for the purposes of carrying out development authorised by planning permission.
8. A tree by, or at the request of, a statutory undertaker, on land occupied by a statutory undertaker, which is obstructing construction or interfering with the maintenance of their work.
9. Where it is required by order of a court or tribunal or by any enactment.
10. Trees on land subject to a Dedication Agreement in positive covenant.
11. Any tree that obstructs the approach or departure of aircraft at an aerodrome, or hinders the safe and efficient use of air navigational or aircraft landing installations.
12. A tree by, or at the request of, Scottish Water where the tree is or may interfere with the functions of Scottish Water.
13. A tree by, or at the request of, a local authority, where done in accordance with the local authority's functions under the Flood Risk Management (Scotland) Act 2009.
14. A tree by, or at the request of, an electricity operator, where the tree is in close proximity to an electric line or electrical plant (existing or to be installed) and the presence of the tree is:
 - a) obstructing or interfering with the installation, maintenance or working of the line or plant; or
 - b) constituting an unacceptable source of danger (whether to children or to other persons).

Applying for a Felling Permission

Who can apply?

You can apply for a Felling Permission if you are a landowner, or are an occupier of the land and have written consent from the landowner. A landowner may have an agent or consultant submit an application for them providing we are in possession of a signed mandate. Mandate forms can be found on our website.

If the land is owned by a business then the 'applicant name' on the application form must be the full name of the business and not the name of any one individual. The application may be signed by an owner, director, partner or employee on behalf of the business, providing they are legally authorised to do so.

How to apply

To apply for permission you will need to complete and submit a application form with two accompanying maps that display the felling area and restocking species. Please see online mapping guidance for more details on what we require.

We recommend the use of our Land Information Search (LIS) tool to help identify environmental sensitivities associated with the land that may need to be taken into consideration when developing your felling proposal. Where a site has sensitivities, you may need to undertake site surveys, such as ecological and archaeological assessments before you can finalise your proposals and submit your application form. We recommend you engage someone with the appropriate level of knowledge and experience to carry our surveys and advise on how these sensitivities should be addressed.

The application and supporting maps must then be submitted to your local Conservancy office either by email or as a paper copy.

Assessing applications

We will check your application for accuracy, and to make sure that all of the required information is provided. If there are any issues, we will advise you on what further information is needed. If this information is not provided within two weeks, the application maybe rejected as incomplete.

We will process applications only when all of the required information has been received. This involves checking whether your proposals comply with the UK Forestry Standard.

Unless the application is for thinning only, with no known sensitivities, the proposals are put on the Public Register of Felling Permissions for four weeks. This gives interested parties a chance to comment and we cannot approve Felling Permission until the four weeks have passed.

We may also consult with local authorities and other organisations to make sure that any environmental or land use issues are taken into account.

Once the consultation process is complete, and any issues or comments have been considered, we will reach a decision on your application and if approved, we will issue a Felling Permission.

Restocking after felling

We will issue your permission with conditions that relate to replanting and compliance with Sustainable Forest Management.

Standard conditions will be to replant (restock) the area that will be felled within a specified timescale, and will include the maintenance required to successfully establish the trees.

We may also need to include non-standard conditions that relate to the following three Sustainable Forest Management categories, where specific sensitivities have been identified by ourselves or consultees:

- Avoidance or mitigation of impacts on communities and individuals;
- Avoidance or mitigation of impacts on the environment, biodiversity or protection of species;
- The retention of, or increase in, woodland cover.

Grants for restocking

Grants are available to help with restocking. Details can be found on the Rural Payments and Services website under the Forestry Grant Scheme – Woodland Improvement Grants, Restructuring Regeneration.

Other legal requirements

If you are planning to fell trees, there may be other laws governing your activity that you must be aware of. Some examples of these are:

- **Protection of Badgers Act 1992**
Regarding the protection of badgers and their setts.
- **Town and Country Planning (Scotland) Act 1997**
Regarding Tree Preservation Orders, Conservation Areas, and Planning Permission.
- **The Water Environment and Water Services (Scotland) Act 2003**
Regarding the protection and improvement of water quality and aquatic ecosystems (see also www.forestrywaterscotland.com).
- **Nature Conservation (Scotland) Act 2004**
Regarding designated sites and conservation of biodiversity.
- **The Flood Risk Management Scotland Act 2009**
Regarding reducing flood risks.
- **Wildlife and Natural Environment (Scotland) Act 2011**
Regarding protected species and the need to obtain a Species Licence if works may affect these species.

You should satisfy yourself that your application considers any relevant legislation and does not contravene legal or best practice requirements.

Woodland removal

If you intend to fell trees and not replant them, or use the land for another purpose, for example agriculture, we will assess your proposal under The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 and against the Scottish Government's Control of Woodland Removal Policy. If we decide that your proposal will have a significant effect on the environment, you will need to apply for our consent to carry out the work. More information on the Environmental Impact Assessment (EIA) process can be found on our EIA webpage.

Movement of timber

Under plant health legislation, you may have to attach a Plant Passport to consignments of wood before they can be moved. Only those who are authorised to do so may issue Plant Passports. In many cases, where there is no risk of spreading tree pests, timber movements are exempted from these requirements. If you are in any doubt you must check with your local Conservancy before you move any wood. For further information about the Plant Health Service visit the Scottish Forestry website.

Penalties for felling without permission

It is an offence to fell trees without a Felling Permission and where exemptions do not apply. This can mean, on conviction, a fine of up to £5,000 per tree, and a criminal record for all involved in the felling.

We may also issue a Restocking Direction on the land that legally compels an owner of the land to replant; non-compliance with a direction is also an offence with a fine up to £5,000. The owner or occupier must also maintain the replacement trees to acceptable standards for up to ten years. We may register the Restocking Direction with the Registers of Scotland as a registered Notice to Comply.

Further advice

Further advice on contents of this document and Felling Permission applications can be obtained by contacting our staff at Scottish Forestry conservancy offices.

Highland & Islands Conservancy
Woodlands
Fodderty Way, Dingwall
Ross-shire IV15 9XB
0300 067 6950
highland.cons@forestry.gov.scot

Grampian Conservancy
Portsoy Road, Huntly AB54 4SJ
0300 067 6210
grampian.cons@forestry.gov.scot

Perth & Argyll Conservancy
Upper Battleby, Redgorton
Perth PH1 3EN
0300 067 6005
panda.cons@forestry.gov.scot

Central Scotland Conservancy
Bothwell House
Hamilton Business Park
Caird Park, Hamilton ML3 0QA
0300 067 6006
centralscotland.cons@forestry.gov.scot

South Scotland Conservancy
55–57 Moffat Road
Dumfries DG1 1NP
0300 067 6500
southscotland.cons@forestry.gov.scot

– Selkirk Office
Weavers Court, Forest Mill
Selkirk TD7 5NY
0300 067 6007

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