**Purpose**

This guidance is intended to outline what regulatory approvals are required when considering peatland restoration projects that involve tree felling. It is intended to be read alongside [Planning circular 2/2015: non-domestic permitted development rights - consolidated circular - updated 2021](https://www.gov.scot/publications/planning-circular-2-2015-consolidated-circular-non-domestic-permitted-development-rights-updated-2021/)

**Background**

[The Forestry (Exemptions) (Scotland) Amendment Regulations 2021](https://www.legislation.gov.uk/sdsi/2021/9780111051177/contents) (“the amending Regulations”) came into force on the 10th November 2021 and insert a new regulation into the Forestry (Exemptions) (Scotland) Regulations 2019 (“the Principal Regulations”) which removes the ability for trees to be felled without felling permission, in relation to peatland restoration projects, where planning permission has been granted .

The amending Regulations make an exception to the exemption at regulation 4(e) of the Principal Regulations the effect of which is, despite having planning permission for a peatland restoration project, felling a tree without a felling permission will constitute an offence under [Section 23](https://www.legislation.gov.uk/asp/2018/8/part/4/chapter/2) of the Forestry and Land Management (Scotland) Act 2018 (“the 2018 Act”)”

The amendment reads as follows:

***Circumstances where regulation 4(e) does not apply***

***6.****The exemption in regulation 4(e) does not apply to the felling of trees carried out on peatland as part of works for the restoration of that peatland..*

**Application process**

Decisions relating to peatland restoration on afforested sites will always be guided by the Practice Guide [Deciding Future Management Options for Afforested Deep Peatland.](https://forestry.gov.scot/publications/forests-and-the-environment/protecting-and-managing-soil-in-forests/1-deciding-future-management-options-for-afforested-deep-peatland)

Applicants should obtain a felling permission and EIA screening opinion from Scottish Forestry before submitting an application to the local authority for prior approval.

[Annex J](https://www.gov.scot/publications/planning-circular-2-2015-consolidated-circular-non-domestic-permitted-development-rights-updated-2021/pages/14/) of the Planning Circular gives details of the documents that must be submitted to the planning authority for prior approval.

**Felling permission**

Guidance on how to apply for felling permission can be found on our [Felling permission web page](https://forestry.gov.scot/support-regulations/felling-permissions).

We aim to issue our decision on felling permission applications within 3 months of receiving an eligible application that includes all the necessary information required for us to make a well informed decision. This includes placing the application on our public register for 28 days.

You should include these timings in your project plan to avoid any unnecessary delays with the approval process.

**EIA screening opinion**

A screening opinion under The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 is also required for peatland restoration schemes that require woodland removal.

Guidance on the forestry EIA process, including how to apply for a screening opinion can be found on our [EIA web page](https://forestry.gov.scot/support-regulations/environmental-impact-assessment) and in our publication [EIA for Forestry Projects](https://forestry.gov.scot/publications/1003-environmental-impact-assessment-for-forestry-projects-application-guidance/viewdocument/1003).

**Other approvals**

Other approvals may be required if the peatland restoration project impacts on other important site features, including, for example, protected species, designated sites and archaeology. Approval under the relevant legislation for the site interest feature must be obtained before work starts. In most cases this approval or at least an agreement in principle will be required for Scottish Forestry to make a fully informed decision.

It is the applicants responsibility, not the individual regulating authorities, to ensure all necessary valid approvals and permissions have been obtained before proceeding.