



Scottish
Forestry
Coilltearachd
na h-Alba

May 2019

Felling Permission – Application Guidance



Scottish Government
Riaghaltas na h-Alba
gov.scot

Contents

1. Introduction	4	3.8 Other Legal Requirements	16
1.1 Felling Legislation	5	3.9 Timber Transport	17
1.2 Sustainable Forest Management	6	3.10 Windblown Trees	17
1.3 Felling Permission	6		
2. Exemptions	8	4. How Applications are Assessed	18
2.1 Felling that is exempt from requiring a Felling Permission	9	4.1 The process	19
		4.2 Application Assessment	20
		4.3 Rejecting an Application	20
		4.4 Consultation	21
3. How to Apply	12	4.5 Decisions	22
3.1 Who Can Apply	13	4.6 Refusing Permission	22
3.2 Notifying Interested Parties	13	4.7 Conditions	23
3.3 Preparing Your Application	13	4.8 Restocking	26
3.4 Felling Types	14	4.9 Change of Ownership and Registration	27
3.5 Map Requirements	14		
3.6 Forest Plans and Management Plans	15		
3.7 Environmental Impact Assessment	16		



5. Changes to Felling Permissions	28	7. Appeals and Compensation	38
5.1 Variation or Removal of Conditions	29	7.1 Appeals Process	39
5.2 Vary a Felling Permission	29	7.2 Effects of an Appeal	41
5.3 Suspend a Felling Permission	30	7.3 Partially Approved Appeal	42
5.4 Revoke a Felling Permission	30	7.4 Compensation	42
6. Enforcement	32	Appendices	44
6.1 What We Will Enforce	33	Appendix 1 – Felling that is	
6.2 Enforcing Conditions	33	Exempt (explained)	45
6.3 False or Misleading Information	34	Appendix 2 – Unauthorised	
6.4 Restocking Directions	34	Felling Procedures	51
6.5 Felling Directions	34	Appendix 3 – Further Advice	54
6.6 Registered Notice to Comply	35	Appendix 4 – Glossary of Terms	55
6.7 Remedial Notices	35		
6.8 Notice of Liability of Expenses	35		
6.9 Felling without Permission	36		
6.10 Temporary Stop Notices	37		
6.11 Penalties	37		
6.12 Power of Entry	37		



1. Introduction

The felling of trees is regulated through the issuing of Felling Permissions (formerly Felling Licences). This guidance explains how to apply for a Felling Permission under the Forestry and Land Management (Scotland) Act 2018. It also covers how to appeal a decision and provides information on enforcement procedures and the penalties for felling without permission.



A Felling Permission is often required where the felling of trees is being undertaken. A Felling Permission provides legal authority to fell the trees covered by the permission and may include conditions for example to ensure trees are replanted.

This guidance also explains your responsibilities as an applicant and sets out Scottish Forestry's responsibilities under the 2018 Act.

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation. We were established as an Executive Agency of the Scottish Government on 1 April 2019, following full devolution of forestry to the Scottish Parliament as a result of the Forestry and Land Management (Scotland) Act 2018.

We support the delivery of the Scottish Government's priorities for Scotland's forests, through guidance, advice, incentives and regulations, and by advising Ministers on forestry policy.

If you have any questions about Felling Permissions, or this guidance, please contact your local Conservancy office using the details provided in [Appendix 3](#).

1.1 Felling Legislation

The [Forestry and Land Management \(Scotland\) Act 2018](#) ('the Act') provides the legal basis for the regulation of forestry in Scotland, and includes the requirement to be in possession of a Felling Permission to fell trees.

[The Forestry \(Exemptions\) \(Scotland\) Regulations 2019](#) and [The Felling \(Scotland\) Regulations 2019](#) include further detailed provisions about the operations of Felling Permission procedures.

A number of other areas of legislation are relevant to forest activities, such as tree felling, and some examples of these are given in Section 3.8.

1.2 Sustainable Forest Management

The Act places a duty on Scottish Ministers (which includes Scottish Forestry) to promote Sustainable Forest Management.

In making decisions on applications, Scottish Forestry must have regard to their duty to promote Sustainable Forest Management.

Sustainable Forest Management is, in its broadest sense, about managing forests in a way that is ecologically, socially, and economically sustainable now and into the future. In Scotland the UK Forestry Standard provides a detailed definition of Sustainable Forest Management.

In order to discharge the Sustainable Forest Management duty, applications for Felling Permission will be assessed against the [UK Forestry Standard](#). Felling proposals will normally be expected to comply with the UK Forestry Standard requirements and guidelines for a Felling Permission to be granted.

This approach will help ensure that forestry plans and operations adhere to the UK Forestry Standard and in turn that Scotland's forests are managed sustainably.



1.3 Felling Permission

You must apply for Felling Permission if you wish to fell a tree, unless the felling is exempt (see Section 2). There are a number of ways to apply for a Felling Permission.

You can submit:

Felling Permission
application form

Long Term Forest Plan (LTFP) or
Land Management Plan (LMP)

Management Plan*

Woods In and Around Town (WIAT)
Urban Woodland Management Plan*

*Thinning only.

Each of these options include a requirement for supporting maps and details of the operations, see Section 3.6 for more information on plans.

This guidance covers the process of applying for a Felling Permission through an [application form](#). More information on the other three applications processes are in Section 3.6, which also provides links to further guidance.

Felling without a valid Felling Permission (where exemptions or directions do not apply) is an offence and may result in prosecution, a fine, and a criminal record for **anyone** involved (see Section 6.11).

If you have any doubts or queries relating to Felling Permissions, please contact your local Conservancy office for advice.



2. Exemptions

This section describes situations or types of felling that **do not** require a Felling Permission.



2.1 Felling that is exempt from requiring a Felling Permission

The exemptions are outlined below, with more detail for each provided in [Appendix 1](#).
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 Inventory sites.
2. Any trees with a diameter at breast height (measured at 1.3 metres from the ground) of **ten 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 to 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 granted by **planning permission**.
8. Trees on land occupied by a **statutory undertaker** and at the request of a statutory undertaker which are obstructing or interfering with the construction or 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).
15. A tree covered by a **Tree Preservation Order** where consent to fell has been granted by the local authority.

Where permission to fell trees subject to a Tree Preservation Order was given by a Local Authority prior to 1 April 2019, but felling was not carried out by this date, the original approval still applies despite the change in legislation.



3. How to Apply

If you wish to obtain permission to fell trees you must provide us with a completed Felling Permission application. This section outlines who is eligible to apply and the details you need to provide so that we can assess your application.



3.1 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. You may have an agent or representative submit an application on your behalf, but the application must be accompanied by a completed [mandate](#).

The mandate form authorises the agent or representative acting on your behalf to submit and manage your Felling Permission. The form specifies the range of responsibilities and the time period for their authorisation.

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

3.2 Notifying Interested Parties

We recommend that you discuss your proposal with anyone that might be affected by the tree felling, such as neighbours or local communities, at the early stages of preparing your application. Carrying out early engagement reduces the likelihood of unknown issues being discovered before or during the consultation period, which may result in your application approval being delayed. As a minimum we would expect that that you notify your neighbours when preparing your application and again prior to any works being carried out. You may find the [CONFOR Stakeholder Engagement Guide \(2015\)](#) helpful.

3.3 Preparing Your Application

To apply for a Felling Permission you will need to complete and submit a Felling Permission [application form](#) with accompanying maps.

The application form asks for information regarding your proposed operations, such as what you intend to fell, the location, and the timescale. You will need to gather all of the relevant information and have finalised most aspects of your felling proposal before you can fully complete the form.

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 advise on how these sensitivities should be addressed or to carry out surveys.

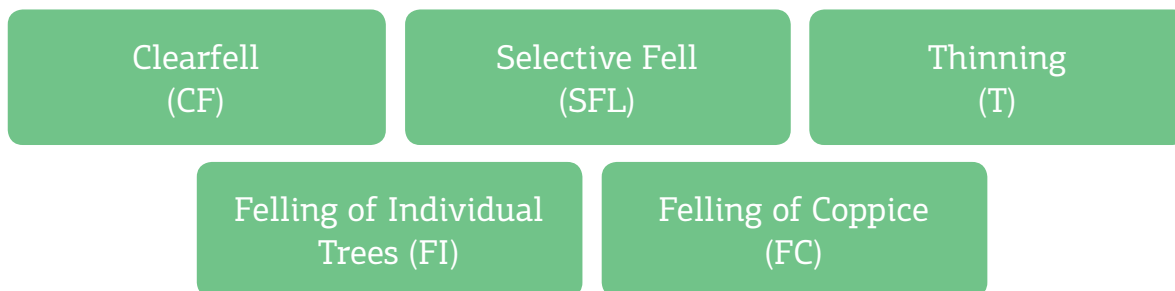
If there are issues that have not been addressed prior to submission it may result in delays to the approval of your application.

You must ensure you have received consent from any necessary bodies before submitting your application, for example if your application is within a designated site, felling may require consent from [Scottish Natural Heritage](#) (SNH).

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

3.4 Felling Types

When developing your application, it is important that you tell us the felling type that you propose to use:



If you propose to thin your woodland, you must provide us with a prescription for your proposed thinning operations.

3.5 Map Requirements

When applying for Felling Permission you are required to provide maps that show the areas you are applying for and the operations you intend to carry out. All applications, including for thinning operations, must be accompanied by a 'felling map' that outlines the proposal.

For clearfell, selective fell or felling of individual trees, where replanting will be required; we will also require a 'restocking map' that details the location and species of trees to be replanted.

We expect all maps to have:

- An Ordnance Survey base map;
- A North Arrow;
- A Legend;
- A central grid reference;
- A scale or scale bar;
- Compartment numbers directly relating to the felling or restocking tables in your application;
- Highlighted compartments, and;
- Clear and unambiguous information.

The [mapping standards](#) section of our website provides an example map and more information.

3.6 Forest Plans and Management Plans

If you intend to carry out significant felling works in your forest, you have the option of preparing and submitting a Long Term Forest Plan (LTFP) rather than applying for a standalone Felling Permission application. The LTFP process is more involved and generally required for larger woodlands over 100 hectares in size; however it can provide permission to fell and thin several areas of your forest over a 10 year period.

If you only intend to carry out thinning operations you can prepare and submit a WIAT Urban Woodland Management Plan or a Management Plan, but this must cover all the woodland that you own. Management Plans are simpler documents and can provide permission to thin your woodland for up to 10 years, subject to a satisfactory review at year 5. If you intend to carry out other types of felling in your woodland, you would still have to submit a standalone Felling Permission application for this. The management plan will not need to go to public consultation unless any part of the land is within a sensitive area or has significant environmental sensitivities.

The process and guidance for preparing and submitting a LTFP or Management Plan can be found on our [website](#). LTFP and WIAT Urban Woodland Management Plans can be funded through the [Forestry Grant Scheme](#).

The final approved plan must be signed by the landowner.

If you are unsure which option is best for you, please contact your local Conservancy office for advice.

3.7 Environmental Impact Assessment (EIA)

If you intend to fell trees and not replant them, or use the land for another purpose, for example agriculture, we will also need to assess the proposal under the [Forestry \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#) and against the [Scottish Government's Control of Woodland Removal Policy](#). We will assess any application for deforestation that is above the thresholds set out in the Forestry EIA Regulations. 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. In these circumstances we would not grant Felling Permission until this process was concluded.

More information on the EIA process can be found on our EIA [webpage](#).

3.8 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 (TPOs), 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.

3.9 Timber Transport

When assessing an application for Felling Permission we will also consider the timber transport implications of the felling proposal.

If you intend to remove any felled timber from your site using public roads you should consider the Agreed Route Maps (ARMs). More information, and the ARMs, can be found on the [Timber Transport Forum](#) website. These maps will help you find the most suitable route for haulage and keep timber traffic off vulnerable roads.

If you propose to move timber along an excluded or consultation route, you must contact your Local Authority to discuss your proposals. Failure to do so may delay the processing of your Felling Permission application.

We recommend you notify any stakeholders who may be affected by your intended timber haulage. You may find the Timber Transport Forum [‘Consultation and Engagement Guidance \(Scotland\) 2019’](#) helpful.

3.10 Windblown Trees

Windblown trees require a Felling Permission unless covered by other exemptions, such as land occupied by a statutory undertaker. Applications submitted relating to areas of windblow will be considered for a ‘fast-tracking’ process, where they may be assessed without the normal public consultation period in order to expedite the issuing of the permission. If the area has significant environmental sensitivities it is unlikely to be suitable for fast tracking.

If you have an approved forest plan, approval for defined areas of windblow clearance is covered in the tolerance tables.

4. How Applications are Assessed

On receipt of your application we will assess it against the UK Forestry Standard. This process normally includes putting the application out to public consultation to ensure stakeholders can comment on your proposal. Once we have considered your application against the UK Forestry Standard and any feedback received, we will make a decision whether to grant or refuse your application.



4.1 The process

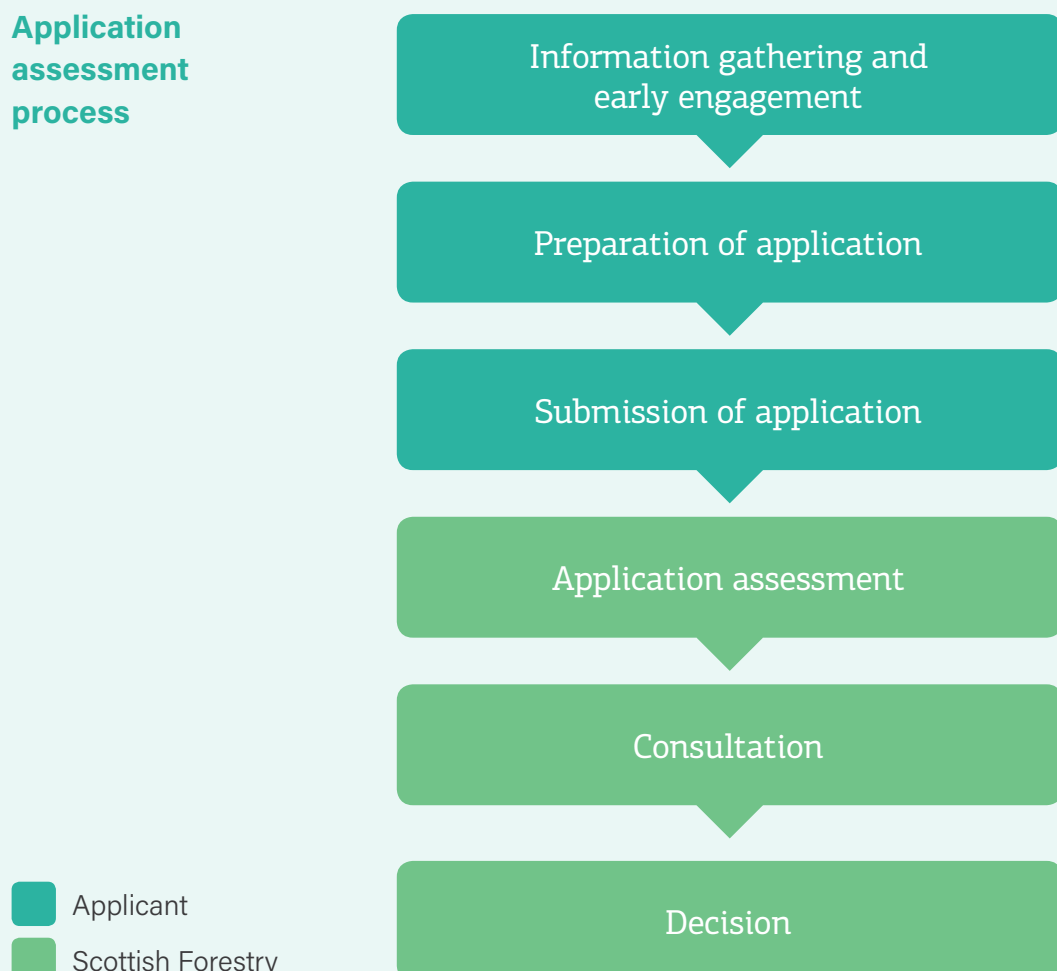
When we receive an application for Felling Permission, we will review the documents to ensure that all the information required has been provided.

If the necessary information has not been provided or is inaccurate we will contact you to advise that information is still required. If this information is not provided within two weeks we will normally reject the application as incomplete.

When we have all the necessary information we will begin the assessment of your application. This will involve checking that your proposal complies with the UK Forestry Standard and may involve a public consultation exercise.

Once the consultation process is complete, and any issues or comments have been considered, we will make a decision on whether to approve or refuse your Felling Permission.

Application assessment process



4.2 Application Assessment

We will check your application against known constraints, and we may need to visit the site to ensure the information contained within your application is accurate.

If you do not allow us to enter your land and we decide that this is necessary for us to be able to assess your case, we may reject your application.

We will use the information provided by you to assess your application against the UK Forestry Standard. We may provide you with feedback on your application and request that you provide additional information where we need this to complete the assessment or address a particular issue. In some cases this may mean that we would not be able to approve your application as submitted unless it is amended or updated to take account of a particular issue.

If we have requested information and you have not provided it within a reasonable timescale, we may reject your application.

We normally aim to advise you of our decision on your application for Felling Permission within 12 weeks of receiving it.

4.3 Rejecting an Application

In certain circumstances we may need to reject your application.

We will only reject an application where it falls into one of the following:

- The application does not contain the minimum information required by the regulations.
- We have requested further information and it has not been provided.
- We have been refused access and cannot complete our assessment of the application.

Where any of the above apply, we will contact you to try to obtain the information or the access agreement we require. We will only reject an application where we have been unable to obtain the information required and we consider that the application cannot be progressed in its current form. Where we reject an application there is no right of appeal or compensation.

4.4 Consultation

Applications that include clearfelling, selective felling, felling of individual trees, or significant environmental sensitivities will normally be subject to a public consultation exercise.

Once we have assessed your felling and restocking proposals, and are satisfied that they comply with the UK Forestry Standard, the information you provide in your application will be put on our [Public Register](#) for 28 days. During this time we may consult public bodies such as Local Authorities, [Scottish Natural Heritage](#) (SNH), the [Scottish Environmental Protection Agency](#) (SEPA), and [Historic Environment Scotland](#) (HES) on your proposals. We may also notify other stakeholders such as any nearby Community Council(s) to ensure the public are aware of your proposed operations.

We are obliged to consult Local Authorities if your application is subject to a Tree Preservation Order, and we will take their feedback into consideration as part of our assessment. In exceptional circumstances we may choose to refer an application to the Local Authority for them to make the decision to grant consent for felling.

Where trees are within a Conservation Area we may approve your Felling Permission, however you must inform the Local Authority of your intention to fell the trees six weeks prior to felling.

We will review all feedback or objections that we receive and we will consider them against the UK Forestry Standard. Where we consider that any feedback or objections raised during consultation are significant we will discuss them with you, and we may ask you to provide additional information. In some circumstances it may be necessary for you to modify your application in order to take into account feedback received and to comply with the UK Forestry Standard.

We will not consult on Felling Permission applications for thinning unless there are significant environmental sensitivities within the application area. We may also choose not to consult on a re-application for felling of the same area, providing we are satisfied that the circumstances surrounding the original approval have not changed.

For further information on how we consult, see our [Consultation Procedures](#).

4.5 Decisions

Once the consultation period has closed, and we are satisfied that any responses received have been considered and taken into account, we will conclude our assessment and reach a decision on whether or not to grant Felling Permission.

Our **decision** will be one of the following:

- Grant your Felling Permission subject to conditions (a Conditional Permission);
- Grant your Felling Permission without conditions (an Unconditional Permission), or;
- Refuse your application for Felling Permission.

We will notify you of this decision in writing and include a statement of reasons. Where approved, we will provide you with a copy of your Felling Permission, with a unique reference number and any conditions.

We will normally grant a felling period of two years, however if your circumstances require more time for felling we may grant up to five years depending on the circumstances of your site. If you are seeking a five year Felling Permission you will need to provide a clear justification with your application.

Felling Permissions associated with Long Term Forest Plans will normally cover a felling period of ten years.

Felling Permissions for thinning submitted through a Management Plan or WIAT Urban Woodland Management Plan will normally cover a felling period of up to ten years.

4.6 Refusing Permission

Where an application has been assessed as not complying with the UK Forestry Standard we will provide feedback on the areas of concern and allow you to submit additional information, which could include providing a modified proposal. If after reviewing any additional information submitted we conclude that the proposal does not comply with the UK Forestry Standard we may refuse the application.

We may refuse your application for Felling Permission for the following reasons:

1. The application is in contravention of a legal requirement (see Section 3.8).
2. The application does not comply with the UK Forestry Standard.
3. The application will have a significant impact on the environment or the community.

If we refuse your application we will notify you in writing. We will not consider a further application for felling in the same area, unless the reasons for refusing the original application have been mitigated.

You can appeal our decision to refuse an application for Felling Permission (see Section 7).

4.7 Conditions

Where we grant a Felling Permission we may attach conditions to the approval. Where the application includes clearfelling there will normally be a number of standard conditions to cover the restocking (replanting) of the felled area within a specified timescale, and to maintain the trees until they are successfully established¹.

Other standard conditions relating to good practice and legal requirements may also be included in a Felling Permission. In exceptional circumstances we may choose to include additional conditions. Where additional conditions are required, we will always discuss the requirement with you before issuing the permission.

All **conditions** will relate to the following matters:

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

1. Successfully established means that the trees must be present to the minimum stocking densities specified, healthy and in a condition capable of continued growth given no further weeding but subject to normal ongoing maintenance operations.

Standard conditions

Examples of standard conditions are:

“All restocking in Table 2² must be completed by [date].”

“For a period of ten years from the restocking date the trees must be protected from herbivore and insect damage, and adequately weeded until they are successfully established.”

“Failures or losses must be replaced as necessary to maintain a stocking density not less than is specified in Table 2, evenly distributed across the site.”

“You will provide a summary of felling carried out against this permission immediately after the works have been carried out, or by the end of the felling period in Part 1³, whichever is sooner.”

“You will provide a summary of restocking carried out against this permission immediately after the works have been carried out, or by the restocking deadline in Part 2, whichever is sooner.”

“All operations in this Felling Permission will be planned and implemented within the scope of the UK Forestry Standard.”

“If felling has started you will notify Scottish Forestry, in writing, before the commencement of any process to dispose of the property subject to this Felling Permission.”

2. 'Table 2' refers to the restocking information provided in your application and will detail tree species, area, and stocking density per hectare.

3. Parts 1 and 2 refer to sections in the Felling Permission.

Additional conditions

Examples of conditions that may be included on a Felling Permission with particular sensitivities could include:

“No felling operations will be carried out between 7pm – 7am to minimise disturbance to neighbouring properties.”

“Timber haulage must be in accordance with an approved Timber Transport Management Plan (TTMP) that has been agreed with the local authority.”

“All operations associated with this Felling Permission must be planned and implemented in accordance with FCS Guidance Note ‘Forest operations and European Protected Species in Scottish Forests’ (2007)”

“All operations associated with this Felling Permission must be planned and implemented in accordance with the agreed landscape analysis.”

The duration set for each condition will be on a case by case basis, although some will have standard timescales, such as the obligation to maintain restocking sites which will normally be for 10 years.

We may also choose to register certain conditions (those relating to the restocking commitments) against the title of the land as a Registered Notice to Comply, with the Registers of Scotland.

4.8 Restocking

If your application proposes to clearfell, selective fell, or fell individual trees, we will normally impose a condition to restock the felled area or individual tree.

We expect your restocking proposal to include 100% of the area felled, and this can include Open Ground (OG) which allows you to comply with the UK Forestry Standard.

It is important that you ensure that the species you propose to replant are suited to the site and will establish into mature trees or woodland.

To ensure that replanted woodlands are able to fully establish and develop we expect the restocking proposals to include minimum stocking densities as set out below. In exceptional circumstances we may accept an alternative approach where there is a clear justification in line with Sustainable Forest Management.

Minimum stocking densities

Conifers

2500 minimum trees per ha



Broadleaves

1600 minimum trees per ha



Where native broadleaves are used to plant or restock an area of woodland we will normally accept a minimum density of 1,600 trees per hectare. If the planting of native stock is for other purposes, such as transitional woodland, we may accept an alternative density.

We normally issue a Felling Permission with a condition that sets out that restocking must be carried out within **two years** of the completion of the felling. We may offer a longer restocking period of up to five years if, for example, we have agreed that restocking through natural regeneration is appropriate, or where longer fallow periods are appropriate as part of an active *Hylobius abietis* [large pine weevil] management strategy to reduce pesticide use.

If we grant a longer restocking period for natural regeneration, we expect you to inspect the site one year prior to the restocking deadline. If there is insufficient regeneration at this point, you will be required to plant the site to meet the minimum stocking density as set out in your permission. This will be covered by a condition on your Felling Permission.

If by the end of the restocking period the site has still not been planted satisfactorily, we may issue a Restocking Direction (see Section 6.4).

4.9 Change of Ownership and Registration

If you have an active Felling Permission on your property that is subject to conditions to restock, you should notify us before disposing of or transferring the ownership of the land. This is to allow us to register any restocking conditions so that any new purchaser is aware of the legal Felling Permission obligations associated with the land.

We may choose to register conditions with the [Registers of Scotland](#) on the Land Register of Scotland or the General Register of Sasines.

This will be known as a Registered Notice to Comply and will remain in place on the title until it is discharged when the conditions have been complied with.

In exceptional circumstances we may choose to register a Notice to Comply as soon as felling is carried out, for example on a proposal to fell woodland in a sensitive area.

The process of registration will not affect conveyancing procedures.

We would also advise that you make any potential new owners aware of any restocking conditions that apply, such as by including details within the sales particulars, particularly if felling has taken place and there is a restocking obligation on the land.

You should contact your local Conservancy office before any legal proceedings associated with the sale are commenced.

5. Changes to Felling Permissions

Approved Felling Permissions may require revisions, such as the area size or conditions attached to the permission. They can be suspended or revoked as detailed in our [UK Forestry Standard Compliance Procedure](#). This section outlines when you can request a change, and when we may make changes to your permission.



5.1 Variation or Removal of Conditions

As a holder of an approved Felling Permission, you may request to have a condition varied or removed from the permission.

A variation to conditions will usually involve changing the restocking or maintenance conditions on the permission. This may for example include extending or reducing their duration.

In order to request changes to conditions you can use the [template letter](#) on our website. Prior to requesting changes we recommend you discuss your approved permission with your local Conservancy, as some changes may not require a formal variation.

If we do not agree to your request to revise conditions, you can appeal our decision (see Section 7).

In certain circumstances we may also vary or revoke a condition on your Felling Permission without seeking your consent, though you do have the right to appeal our decision to do so.

5.2 Vary a Felling Permission

You may request to have an active Felling Permission varied or we may decide that a change to the permission is required. To request a variation to a Felling Permission you can use the [template letter](#) on our website.

A variation to a Felling Permission will usually involve changing the area approved for felling, although we will not normally extend the felling area. We may decide to vary an active Felling Permission in order to prevent or minimise harm to the environment or to any living thing, for example if we have reason to believe that there has been, or is likely to be:

- a breach of legislation or the UK Forestry Standard,
- or where new sensitivities are identified after the issuing of the permission.

We will not extend the duration of the felling period that has been approved.

When a Felling Permission has been varied we will issue you with a letter which sets out the changes to your permission as well as a revised Felling Permission.

You can appeal our decision to vary your Felling Permission (see Section 7).

5.3 Suspend a Felling Permission

We may suspend a Felling Permission where we believe that the Felling Permission has not been complied with and/or that the felling has or is likely to result in harm to the environment or any living thing. This will allow us to conduct an investigation if we have reason to believe that there has been a breach of legislation or the UK Forestry Standard, or where new sensitivities are identified after the issuing of the permission, such as felling near to an active osprey nest. The suspension of operations would allow the potential breach to be investigated and corrective action agreed and implemented, if required.

We will issue a notice which will set out our reasons for suspending the permission and will specify the date on which it will take effect and how long the suspension will be in place.

Whilst a suspension is in place felling must stop in the area specified. If felling continues during the suspension period it would constitute an offence.

You can appeal our decision to suspend your Felling Permission (see Section 7).

5.4 Revoke a Felling Permission

We may revoke a Felling Permission if we have reason to believe that this is necessary to prevent or minimise harm to the environment or to any living thing and we consider this harm cannot be prevented or minimised by varying or suspending the Felling Permission. This may be if we have reason to believe that there has been a breach of the conditions, a breach of legislation or the UK Forestry Standard, or where new sensitivities are identified after the issuing of the permission.

An example of this would be where a felling operation causes significant pollution that damages a designated bed of fresh water pearl mussels. The Felling Permission would be revoked to ensure no further works can be carried out on the site and so no further damage can be caused to the designation. Although felling privileges are removed, conditions relating to felling work that has already been carried out will remain in place, for example the obligation to restock any felled areas.

We will issue a notice which will set out our reasons for revoking the permission and will specify the date on which it will take effect.

As this notice revokes your permission to fell, any felling that is carried out from the date of issue will be treated as an offence.

You can appeal our decision to revoke your Felling Permission (see Section 7).



6. Enforcement

We will consider enforcement action if you do not comply with the legal obligations set out under the Act. This section outlines when enforcement action may be required, as well as the type of enforcement action we may carry out.



6.1 What We Will Enforce

The situations which may potentially lead to enforcement action being taken are:

1. If you fail, without reasonable excuse, to comply with a condition on a Felling Permission.
2. If you have knowingly or recklessly provided false or misleading information in an application for Felling Permission or in response to a request for information.
3. If you have failed to comply with a Restocking Direction or Felling Direction (and any conditions attached to them).
4. If you have failed to comply with a Registered Notice to Comply.
5. If you have failed to comply with a Registered Remedial Notice.
6. If you have failed to comply with a Temporary Stop Notice.
7. When felling is being carried out without a valid permission and is not exempt under Section 24 of the Act; also known as unauthorised felling.

Each of the above may constitute an offence which, upon conviction, could result in a criminal record and a fine.

We will review any offence on a case by case basis and the decision to pursue prosecution will be taken by the local Conservator in the first instance, based on the individual circumstances surrounding the offence.

6.2 Enforcing Conditions

If a restocking or maintenance condition on a Felling Permission is not complied with we can enforce the condition by issuing a Restocking Direction.

If you do not think that you can comply with a condition on your Felling Permission and there is an adequate reason for this, you can request that we vary the condition.

6.3 False or Misleading Information

It is an offence to provide false or misleading information on an application for Felling Permission and any associated information relating to it, including details of who owns the land. If the information provided has impacted on our ability to make sound judgment of your application, or has resulted in approval where it may have otherwise not been appropriate, it is an offence.

The same applies with information provided in a mandate form, and where we have requested information under Section 48 (Requests for Information) of the Act.

6.4 Restocking Directions

A Restocking Direction may be issued to a landowner to enforce compliance with a restocking condition attached to a Felling Permission, or where trees have been felled without permission. For Felling Permissions, this is our primary means of enforcement if restocking has not been carried out within the agreed timescale. For unauthorised felling we will issue a Restocking Direction as soon as we establish that the felling is not authorised.

The Restocking Direction will outline where you must restock trees, the species to be restocked, the planting density, the timescale, and any maintenance required. Not complying with a Restocking Direction is an offence and we may follow up this non-compliance by issuing a Remedial Notice (see Section 6.7).

We may register a Restocking Direction with Registers of Scotland as a Registered Notice to Comply at the time of issue.

6.5 Felling Directions

A Felling Direction may be issued to a landowner to compel them to carry out the felling of trees. Felling Directions will rarely be issued when enforcing compliance with a Felling Permission, but may be issued for other reasons; for example if a stand of roadside trees are unstable and cause frequent blockages to a public road.

The Felling Direction will outline where the trees that must be felled are located and the timescale they must be felled in.

6.6 Registered Notice to Comply

A Registered Notice to Comply is where we submit a direction, notice, or conditions to the [Registers of Scotland](#) as a deed on the title of a property. This will add specific burdens to the title relating to the registered document and any associated conditions.

The Notice to Comply is the act of registering the documents, however as a landowner you will only receive a letter to notify you of the registration. We will have notified you of the direction or notice separately.

We will discharge the notice once the conditions of the notice have been complied with. Failure to comply with a notice may result in us issuing a Remedial Notice.

6.7 Remedial Notices

A Remedial Notice will be used to enforce compliance with a direction already issued or a Notice to Comply. The key difference between a direction or Notice to Comply and a Remedial Notice is that a Remedial Notice gives us 'step-in' powers, allowing us to enter the land and carry out the work ourselves, then claim the costs back from the landowner.

The notice will set out, in a schedule of works, the exact operations to be completed, the location where they must be carried out, and a timescale.

The Remedial Notice may also be registered in the same way as a Notice to Comply, where it is submitted to the Registers of Scotland and registered against the title of the land.

6.8 Notice of Liability for Expenses

With any Remedial Notice where we have used our 'step-in' power, we may also register a Notice of Liability for expenses with the Registers of Scotland. This notice will set out the total value of expenses and any interest payable for the works carried out by us on your property.

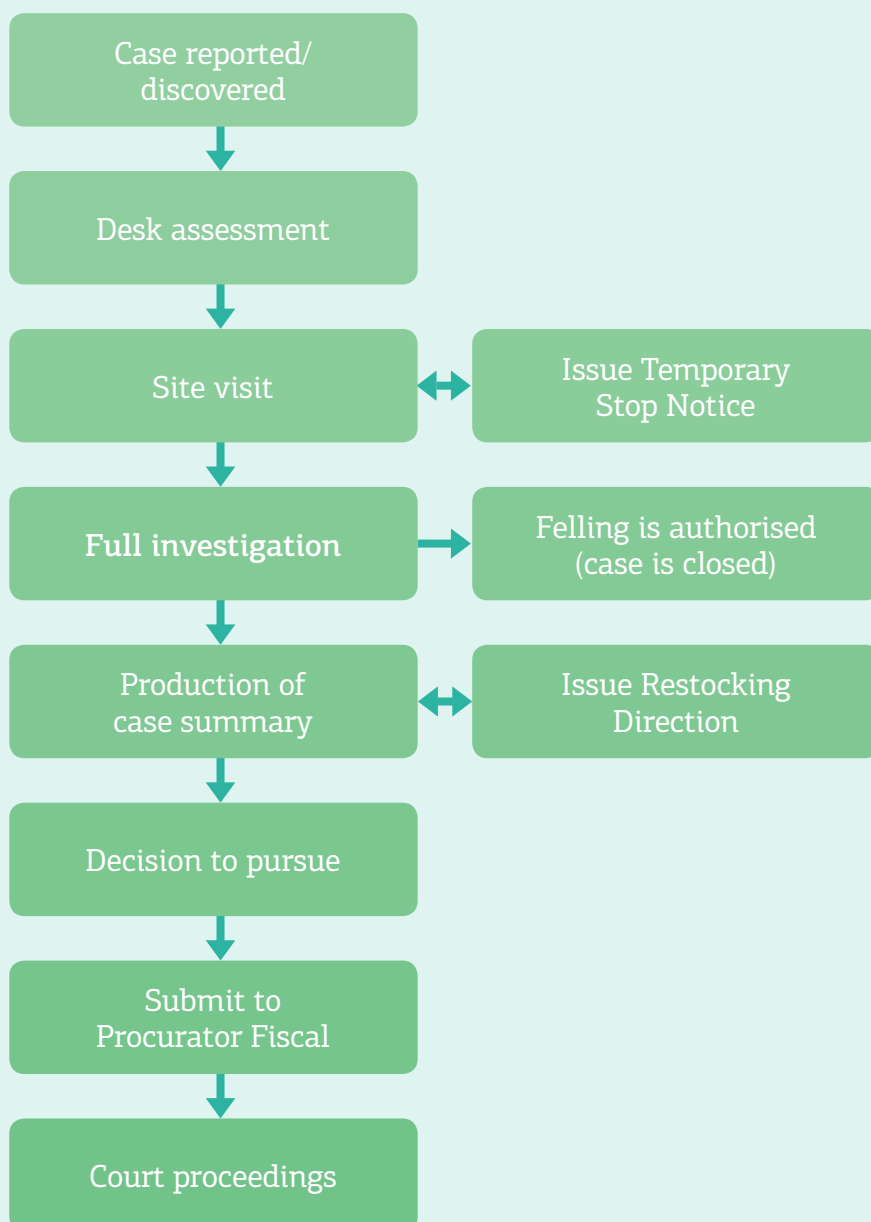
The registration of this notice will put the burden of debt onto the title of the land and will apply to the current owner and any subsequent owner of the land. If you have bought property with a Notice of Liability for expenses attached and decide to pay the balance, you are legally entitled to claim this back from the previous owner.

Once the balance is settled, the notice will be discharged from the title.

6.9 Felling without Permission

Unauthorised felling is a term used to define felling that has been carried out without a valid Felling Permission, Felling Direction, or where the felling is not exempt under Section 24 of the Act (see Section 2). It is a criminal offence and we are obliged to investigate any reported or discovered instances of potential unauthorised felling. Although the depth of our investigation will vary, depending on the scale and sensitivity of the potential unauthorised felling, a typical investigation will follow the steps shown in the diagram below. For more detail on each step of our investigation process, please see [Appendix 2](#).

Potential unauthorised felling investigation



6.10 Temporary Stop Notices

Where there is evidence or significant reason to believe that felling is being carried out without a valid Felling Permission and is not covered by an exemption, and work is ongoing, we will issue a Temporary Stop Notice. The Temporary Stop Notice will stop all works on site for a maximum of 28 days so we can carry out an investigation safely. If you are issued with a Temporary Stop Notice you must comply with any actions given on the notice, as failure to do so is an offence.

If the felling was authorised and the Temporary Stop Notice is revoked you will be eligible for compensation for the losses incurred as a direct result of the Temporary Stop Notice (see Section 7).

6.11 Penalties

If you are convicted for unauthorised felling, you may be issued with a fine. Fines issued are based on the 'Standard Scale', with fines up to 'level five' (meaning £5,000). For unauthorised felling this fine can be issued **per tree** felled. This means that felling four trees without a valid permission, if no exemptions or directions apply, could result in a fine of up to £20,000.

Penalties are also associated with the following and all, upon conviction, will result in a criminal record and a fine of up to £5,000 **per offence**. This includes non-compliance with any and all of the following:

- Conditions imposed on a Felling Permission
- A Restocking Direction
- A Felling Direction
- A Remedial Notice
- A Temporary Stop Notice
- A Registered Notice to Comply
- A Registered Remedial Notice

It is the responsibility of **all** individuals involved in a felling operation to ensure that the proper permissions are in place. Failure to do so may result in prosecution and a criminal record for not only the landowner, but anyone involved.

6.12 Power of Entry

We may use our powers of entry in the following circumstances:

- When issuing and monitoring a Temporary Stop Notice,
- If we suspect there is unauthorised felling taking place,
- If we have decided to issue a Felling or Restocking Direction,
- If we suspect you have failed to comply with conditions,
- Where we are required to use step-in powers for Remedial Notices.

7. Appeals and Compensation

This section outlines the process for appeals, the effect your appeal has on our decision, and when you may be able to seek compensation.



The circumstances in which you may appeal are when we take a decision to:

1. Refuse an application for Felling Permission.
2. Grant an application for Felling Permission with conditions.
3. Vary, suspend or revoke a Felling Permission.
4. Issue a Felling Direction (including any condition imposed on it).
5. Issue a Restocking Direction (including any condition imposed on it).
6. Refuse to vary or revoke a condition imposed on a Felling Permission.
7. Refuse to vary or revoke a Felling Direction.
8. Refuse to vary or revoke a Restocking Direction.
9. Refuse to agree to the variation or discharge of a Registered Notice to Comply.
10. Issue a Remedial Notice.
11. Refuse to vary or revoke a Remedial Notice.
12. Refuse to agree to the variation or discharge of a Registered Remedial Notice.

7.1 Appeals Process

Internal Review

You can appeal our decision by submitting an appeal form, which can be found on our [website](#), to our [National Office](#) within **40 working days** of our decision. You must include:

- a copy of our decision letter and any accompanying documents,
- a statement setting out the full particulars of the appeal, including all submissions and matters that you consider should be taken into account in determining the appeal, and
- all documents, materials and evidence on which you will rely on in support of the appeal.

We will refer your case to a different Conservancy from the one that made the original decision. The Conservancy may uphold your appeal. A revised permission or decision, as appropriate, will then be issued. Where we do not uphold your appeal we will refer it to the [Scottish Government Planning and Environmental Appeals Division](#) (DPEA).

DPEA Appeal

If we refer your appeal to the DPEA, their Reporter will consider the information submitted to them by us, this will include all information which you sent in your appeal form and any other information which we feel is relevant. You will receive a copy of what we submit to the DPEA. The reporters will ask you to respond to the complete set of information and may hold meetings or hearings, and then will decide whether to uphold or overturn our decision. If they uphold your appeal a revised permission or decision, as appropriate, will then be issued.

The DPEA will work within their timelines to assess your appeal.



7.2 Effects of an Appeal

The appeals process may have an effect on the status of a decision until the process has reached its conclusion. The following table indicates whether or not the effects of a decision are suspended when appealed:

Our decision	Effect of appeal process
Refuse Permission	Refusal of permission stands until the decision is overturned.
Impose Conditions on Permission	Felling Permission is suspended – the permission cannot be used while conditions are being challenged.
Vary, Suspend or Revoke a Permission	Felling Permission remains active while being challenged, i.e. no effect until the appeal has concluded.
Refuse to vary/revoke permission conditions	Felling Permission remains active with original conditions while being challenged, i.e. no effect until the appeal has concluded.
Issue Felling or Restocking Direction	Direction is suspended until the appeal has concluded.
Refuse to Vary/ Revoke Restocking or Felling Direction	Direction remains active as issued while being challenged, i.e. no effect until the appeal has concluded.
Refuse to agree variation/ discharge of Registered Notice to Comply	Notice to Comply remains active as issued while being challenged, i.e. no effect until the appeal has concluded.
Serve a Remedial Notice	Notice is suspended until the appeal has concluded.
Refuse to vary/revoke a Remedial Notice	Remedial Notice remains active as issued while being challenged, i.e. no effect until the appeal has concluded.
Refuse to agree variation/ discharge of Registered Remedial Notice	Registered Remedial Notice remains active as issued while being challenged, i.e. no effect until the appeal has concluded.

7.3 Partially Approved Appeal

In certain circumstances the DPEA may only partially uphold your appeal. For example, this may occur where you have appealed two conditions imposed on a Felling Permission and the DPEA only uphold one out of the two parts of the appeal. In this instance you will be informed, in writing, of what has and has not been upheld.

7.4 Compensation

Compensation is only available in the following circumstances:

1. Where we have refused a Felling Permission application, or
2. Where we have issued a Temporary Stop Notice, but the felling was in fact authorised and we have revoked the Temporary Stop Notice.

Where we have refused a Felling Permission application the compensation we pay is only for the depreciation in the value of trees that is attributable to the deterioration in quality of timber which is a direct consequence of our decision. If you seek compensation you must apply within 12 months from the date of our refusal.

Where we have revoked a Temporary Stop Notice the compensation we pay is only for losses which are directly attributed to the time the Temporary Stop Notice was in effect and are a consequence of our decision to issue the notice. We will only pay where it this can be evidenced. If you seek compensation you must apply within 12 months from the date the notice was revoked.

We will only pay compensation to the landowner or, if different, the applicant, and not both. To seek compensation you must complete a compensation application form, available from your local Conservancy, and provide documents as required to support your application.

When seeking compensation you must ensure you provide us with how you calculated the loss, i.e. the method used, as well as the timescale this was carried out over. This information must either be included on to the form or be appended to your application.

The supporting documents must provide evidence of your loss and show a direct link between our decision and the loss.

You must then submit your compensation application to your local Conservancy.

When assessing an application for compensation we will carefully review the information provided and may seek advice from relevant experts where necessary to help verify the accuracy of the information.



Appendices



Appendix 1 – Felling that is Exempt (explained)

This appendix provides further details on each of the exemptions outlined in Section 2. If you are unsure as to whether the felling you are planning is exempt please contact your local Conservancy office.

Below are situation or types of felling that **do not** require a Felling Permission.

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 Inventory sites.

This exemption is similar to the former exemption under the 1967 Act, save that there are specific circumstances where the volume exemption no longer applies. The following are examples of where the volume exemption no longer applies:



This native woodland is 0.63 hectares and therefore the five cubic metre exemption would apply.



This native woodland of 0.42 hectares sits separately from surrounding woodlands. The five cubic metre exemption would not apply to this woodland and a Felling Permission would be required.

The volume exemption doesn't apply in order to protect small areas of woodland of high environmental value which are most at risk of being gradually removed through consecutive five cubic metre felling.

Native woodlands are defined as woodlands where the canopy is comprised of 50% or more of any of the following species:

1	Common alder	10	Pedunculate oak	19	Spindle
2	Crab apple	11	Sessile oak	20	Yew
3	Ash	12	Rowan	21	Juniper
4	Aspen	13	Goat willow	22	Bay willow
5	Downy birch	14	Blackthorn	23	Eared willow
6	Silver birch	15	Elder	24	Grey willow (sallow)
7	Bird cherry	16	Common hawthorn	25	Tea-leaved willow
8	Wild cherry	17	Hazel	26	Dark-leaved willow
9	Wych elm	18	Holly	27	Purple willow

If you are unsure whether your woodland is native or not you are advised to seek advice from your local Conservancy office or another forestry professional.

Trees within Caledonian Pinewoods, as recorded on the [Caledonian Pinewood Inventory](#), are not included in the volume exemption.

Caledonian Pinewoods can be viewed on our [Map Viewer](#). Under 'policy' in the Map Viewer the core 'Caledonian Pinewood' is identified using a green polygon and 'Caledonian Pinewood Regeneration Zone' using a blue outline. These are the two layers that will be used to identify the Caledonian Pinewoods as stated in the regulations. The other two layers, namely the 'Caledonian Pinewood Buffer Zone' and 'Caledonian Pinewood – Planted Area', are not part of the Caledonian Pinewoods and are therefore included in the volume exemption.

Other trees or woodlands that are not within the specific Caledonian Pinewoods, as defined above, but fall within the 10 square kilometre grid reference stated within [The Forestry \(Exemptions\) \(Scotland\) Regulations 2019](#) are included in the volume exemption.

['Timber Measurement: A field guide'](#) can assist you in ensuring you stay within the quarterly limit.

2. Any trees with a diameter at breast height (measured at 1.3 metres from the ground) of **ten centimetres or less**.

This exemption applies in all circumstances and is generally used for respacing young woodland. Forestry mensuration tools such as a diameter at breast height (DBH) tape can be purchased for measuring timber in this way to ensure you are within the exemption. Where the tree is on a slope, the measurement should be taken 1.3 metres from the ground on the most elevated side. If you are unsure, seek advice from your local Conservancy office or another forestry professional.

3. Trees in **orchards, gardens, churchyards, burial grounds and public open spaces**.

- **Orchards:** An area of land, frequently enclosed, given over to the cultivation of fruit trees.
- **Gardens:** A piece of ground adjoining a house, in which grass, flowers, and shrubs may be grown.
- **Churchyards:** An enclosed piece of ground in which a church stands.
- **Burial Grounds:** Land that is set apart as devoted to the internment of human remains, including land that was, but is no longer, used primarily for the burial of human remains. The full definition of a burial ground can be found in the Burial and Cremation (Scotland) Act 2016.
- **Public Open Space:** Public open space is an area which is designed and maintained for use by the public but does not include any stands of trees which have a canopy cover of more than 20% within an area of 0.1 hectares or greater. This may include open areas within public gardens, parks, urban greenspaces and trees forming part of the built environment, e.g. those lining streets.

4. A tree where necessary for the prevention of **immediate danger** to persons or to property.

This exemption applies where trees present an immediate danger and a direct risk to people or to infrastructure and utilities. Property may include buildings, access tracks, or where trees have compromised boundaries such as fences or dykes.

Trees that are perceived to be dangerous (for example trees that may or may not fall in extreme weather events) are not exempt and require a Felling Permission. Tree felling should only be carried out where the removal of dangerous branches is not sufficient to minimise the danger.

If it is shown that the tree(s) did not present a real or immediate danger, this will be investigated as an unauthorised felling.

5. **Dead trees;** they must be completely dead. Trees that are starting to die or are blown over are not exempt.

This only applies when the tree is completely dead and is showing no signs of growth or displaying foliage of any kind. If you are unsure whether a tree is dead you should seek advice from your local Conservancy office or another forestry professional. If the tree(s) were not dead when they were felled, this will be investigated as an unauthorised felling.

6. Trees of the genus *Ulmus* [Elm] affected by **Dutch Elm Disease** and where the greater part of the crown is dead.

Any elm tree affected by the Dutch Elm Disease pathogen *Ophiostoma novo-ulmi* where the greater part of the crown is dead may be felled without permission. Elm trees (commonly used in avenues) may be subject to Tree Preservation Orders, so it is best to check with your local authority prior to felling. Elm wood affected by Dutch Elm Disease should not be moved from the area in which it is felled as this increases the risk of spreading the pathogen. You should contact your local Conservancy and local authority to ensure no movement restrictions are in place in your area.

7. Trees where the felling is immediately required for the purposes of carrying out development granted by **planning permission**.

This only applies where there is **approved** planning consent. 'Outline planning,' 'pre planning' or 'planning in principle' are not exempt as no formal approval has been given for these.

8. Trees on land occupied by a **statutory undertaker** and at the request of a statutory undertaker which are obstructing or interfering with the construction or maintenance of their work.

"Statutory undertaker" means a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, power, lighthouse undertaking, or any undertaking for the supply of hydraulic power or of water, or a holder of a licence under section 7A of the Gas Act 1986.

Statutory undertakers must be able to demonstrate that the trees currently obstruct the construction or maintenance of infrastructure, rather than a theoretical future scenario where the trees could obstruct planned works.

This exemption only applies to the felling of trees on land that statutory undertakers occupy – either in their ownership or under an agreement with the land owner (for example rail tracks and the associated corridor or land immediately underneath a powerline). Statutory undertakers cannot carry out the felling of trees on land that they do not occupy without a Felling Permission signed by the owner of the land, where other exemptions do not apply.

Although felling carried out by statutory undertakers does not need permission, the Act confers a duty on all Scottish public authorities to promote Sustainable Forest Management. Therefore all felling must be assessed for its appropriateness and the requirement for compensatory planting, in line with the [Scottish Government's Control of Woodland Removal Policy](#).

9. Where it is required by order of a **court or tribunal** or by any **enactment**.

Similar to statutory undertakers, this is where power is conferred to a body or organisation who may be obligated to fell trees to comply with another act, for example the Roads (Scotland) Act 1984 confers power to Local Authorities to fell trees in exercising their duty to maintain public infrastructure.

10. Trees on land subject to a **Dedication Agreement** in positive covenant.

Land that is subject to a Dedication Agreement with an approved plan of operations and:

- The agreement is registered in the Land Register or General Register of Sasines and binding the owner of the land; or
- The land is owned by the person who entered into the agreement.

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.

Aerodromes are defined as any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft.

The definition of aircraft does not include unmanned aerial vehicles.

12. A tree by, or at the request of, **Scottish Water**, where the tree is or may interfere with the functions of Scottish Water.

Trees may require felling under this exemption where they are, for example, interfering with waste water treatment plants, or obstructing Scottish Water in their maintenance of water infrastructure.

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** Section 56(1) and (2)(a) to (d).

Felling must be in accordance with the implementation of an approved flood risk management plan or where it is necessary to reduce the risk of a flood which is likely to occur immediately and have serious adverse consequences as detailed in the flood risk legislation above.

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).

Danger is where the tree is currently touching an electric line or where a tree may be climbed and a line touched from the tree. This is meant in the immediacy and does not include trees that may become dangerous in future.

15. A tree covered by a **Tree Preservation Order** where consent to fell has been granted by the local authority.

A tree covered by a Tree Preservation Order requires consent to fell from either us **or** the local authority. Where consent has been given by a local authority to fell a tree covered by a Tree Preservation Order, you do not need to obtain a separate Felling Permission from us. If you apply for a Felling Permission through our application process we will consult the local authority before granting permission.

Where permission to fell trees subject to a Tree Preservation Order has been given by a Local Authority prior to 1 April 2019, but the felling is carried out on or after 1 April 2019, the original approval still applies despite the change in legislation.

Appendix 2 – Unauthorised Felling Procedures

A Step by Step Summary

Case reported/ discovered

When we discover or receive a report that felling has taken place and it is suspected that it may not be authorised, all relevant details will be recorded at that time and passed to one of our Woodland Officers to carry out further checks.

Desk assessment

We will carry out a desk assessment on the area that has been reported. These checks will include whether or not the area is covered by a Felling Permission, or any other type of permission, such as planning approval. If it is found that there is permission in place, the investigation will stop here.

Site visit

If, from the desk assessment, it appears that the felling is unauthorised, we will conduct a site visit. The site visit is to ascertain whether or not the felling is still being carried out, and whether it is apparent that the felling is indeed unauthorised. If it is suspected that the felling is unauthorised, a full investigation will be carried out. If it is found to be authorised, the investigation will stop here.

Issue Temporary Stop Notice (if site is still active)

If felling is still underway and we have a reason to believe that it is unauthorised, or where operations make it unsafe for us to carry out our investigation, we may issue a Temporary Stop Notice. This stops any activities specified on site for up to 28 days. Non-compliance with a Temporary Stop Notice is an offence.

Full investigation

A full investigation is used to collect evidence. We will carry out timber measurements on site to calculate the volume of either standing timber, felled timber, or stacked timber, depending on the circumstance on the site. We will also take photographs and notes of anything that we may consider relevant to the case. Our investigations also include interviews with witnesses and those involved in the felling. Anyone who may have committed an offence will usually be invited to be interviewed under caution.

Issue Restocking Direction

Our priority is to protect Scotland's forests and woodlands, and avoid unnecessary woodland loss through deforestation. Restocking Directions legally compel a landowner to restock an area of ground. If we find that an area has been felled without permission, we are likely to issue a Restocking Direction in the first instance.

Production of case summary

After our investigation has concluded through completing interviews and gathering all the relevant evidence, we will produce a case summary that will be reviewed by the local Conservator. If the Conservator is satisfied that an offence has been committed, a recommendation will be made to the Head of Operational Delivery on whether or not to pursue prosecution.

Decision to pursue

The Head of Operational Delivery will decide whether we will pursue the offence by submitting the case to the Procurator Fiscal or follow other enforcement procedures. If enforcement procedures are not being complied with, we are likely to take legal action.

Submit to Procurator Fiscal

If agreed, the case will then be submitted to the Procurator Fiscals (PF) office for review. If the case is deemed suitable and within the public interest to pursue prosecution, the PF will organise court proceedings, notifying all involved.

Court proceedings

A date will be set and court proceedings will follow. The culmination of this may or may not result in prosecution. If prosecuted, anyone involved in the felling could receive a criminal record and a fine of up to £5,000 per tree felled.

Measuring Conventions

We will carry out timber measurements on site using the conventions set out in *Forest Mensuration: a Handbook for Practitioners* ('the Blue book') and *Timber Measurement: A Field Guide* ('the Green book').

Appendix 3 – 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

(for Highland, Western Isles, Orkney Islands and Shetland Island Councils)

Grampian Conservancy

Portsoy Road, Huntly AB54 4SJ

0300 067 6210

grampian.cons@forestry.gov.scot

(for City of Aberdeen, Aberdeenshire and Moray Councils)

Perth & Argyll Conservancy

Upper Battleby, Redgorton

Perth PH1 3EN

0300 067 6005

panda.cons@forestry.gov.scot

(for Angus, City of Dundee, Perth & Kinross, Clackmannanshire, North Fife, Stirling and Argyll & Bute Councils)

Central Scotland Conservancy

Bothwell House

Hamilton Business Park

Caird Park, Hamilton ML3 0QA

0300 067 6006

centralscotland.cons@forestry.gov.scot

(for North Ayrshire, Inverclyde, Renfrewshire, East Renfrewshire, North & South Lanarkshire, City of Glasgow, East & West Dunbartonshire, Falkirk, East, Mid- & West Lothian, City of Edinburgh and Fife Councils)

South Scotland Conservancy

55–57 Moffat Road

Dumfries DG1 1NP

0300 067 6500

southscotland.cons@forestry.gov.scot

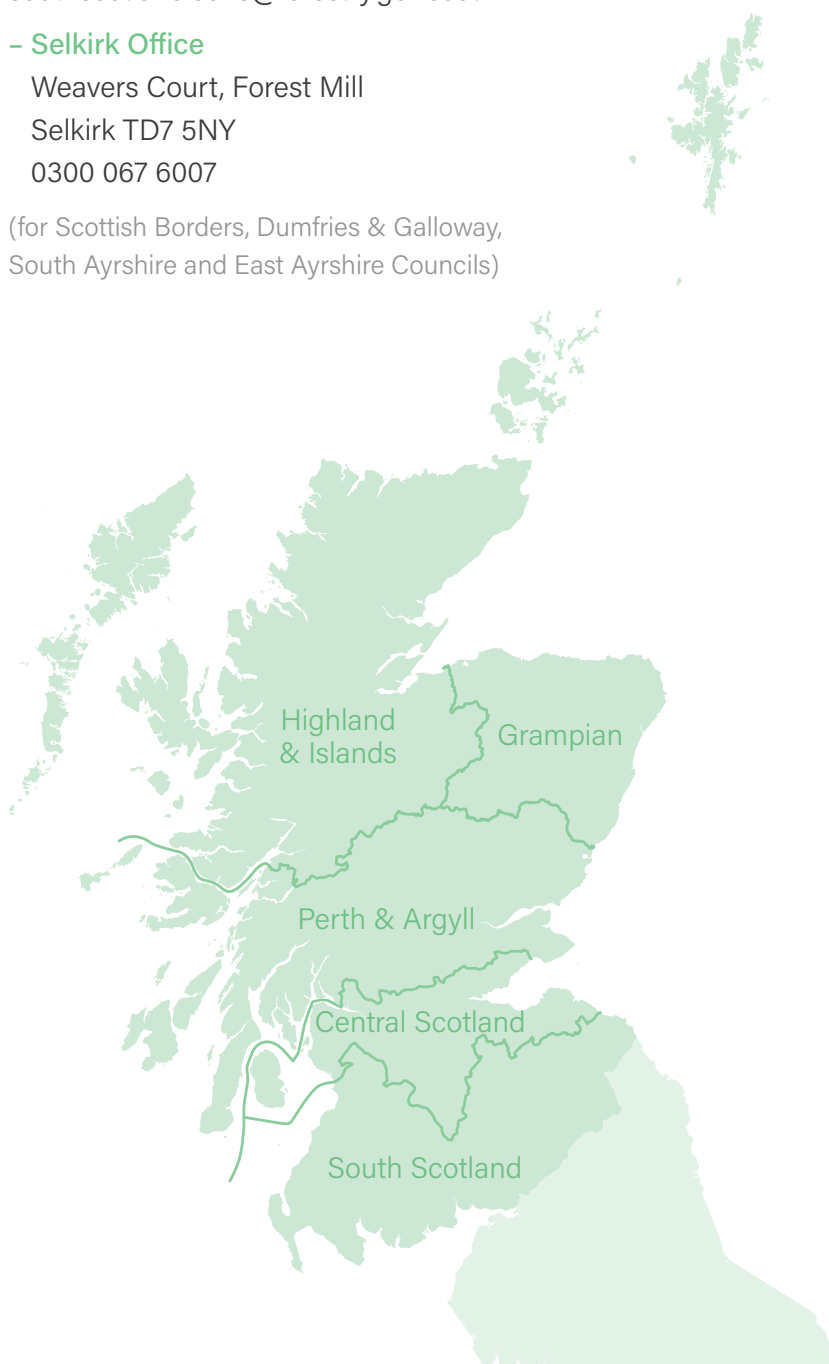
– Selkirk Office

Weavers Court, Forest Mill

Selkirk TD7 5NY

0300 067 6007

(for Scottish Borders, Dumfries & Galloway, South Ayrshire and East Ayrshire Councils)



Appendix 4 – Glossary of Terms

Term	Description
ARMS	Agreed Route Maps – maps illustrating timber haulage routes agreed between RTTFs and Local Authorities.
Business	Sole Traders, Partnerships (including investment funds), Registered companies, Charities, Groups or Associations, Trusts, Pension Funds, estates in trust, Companies in administration/receivership, Local Authorities, and other public bodies.
CF	Clearfell
CONFOR	Confederation of Forest Industries
DBH	Diameter at Breast Height – 1.3 metres from the ground
DED	Dutch Elm Disease
DPEA	Scottish Government Planning and Environmental Appeals Division
EIA	Environmental Impact Assessment
FC	Fell to Coppice
Felling Direction	A legal direction compelling a landowner to fell trees.
FI	Felling of Individual Trees
HES	Historic Environment Scotland
LIS	Land Information Search
LTFP	Long Term Forest Plan
MP	Management Plan
OG	Open Ground
OS	Ordnance Survey
PR	Public Register
Registered Notice to Comply	A notice submitted to the Registers of Scotland that registers conditions on an active permission or direction against the title deed of the land.
Registered Remedial Notice	A legal notice issued to a landowner that also provides step-in powers for SF. This will also be submitted to the ROS.
Restocking Direction	A legal direction compelling a landowner to restock the land.
RoS	Registers of Scotland
RTTF	Regional Timber Transport Forum
SEPA	Scottish Environment Protection Agency
SFL	Selective Felling
SFM	Sustainable Forest Management
SNH	Scottish Natural Heritage
TPO	Tree Preservation Order
WIAT	Woods In and Around Towns



Scottish
Forestry
Coilltearachd
na h-Alba