



**Scottish Natural Heritage**

All of nature for all of Scotland

Ms Catherine Murdoch  
Forestry Devolution Team, Natural Resources Division  
Scottish Government  
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Victoria Quay,  
Edinburgh,  
EH6 6QQ

21<sup>st</sup> September 2018

Dear Ms Murdoch

**Regulation of Felling and Restocking: consultation - SNH response**

SNH is content with the proposals (subject to the comments in the Annex below on exemptions and on application) and we welcome the changes that will lead to benefits for native woodland.

We also recommend that the regulation explicitly refers, in the introduction, to the statement in the 2018 Act that “felling” (and related expressions) “includes intentionally killing a tree” (e.g. by ring-barking or stem injection). This is mentioned on page 11 under the Dead Trees exemption, but could usefully be stated earlier in the document. Whilst this is already the case, it is not explicit in existing guidance on felling licences (<https://scotland.forestry.gov.uk/supporting/grants-and-regulations/felling-licences>) and is not always appreciated. Making this explicit in all documentation will avoid misunderstandings and unwitting breaches of the law.

If you have any queries, please contact me on (01463) 725204.

Yours sincerely

Jeanette Hall  
Policy & Advice Officer – woodlands



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## **Annex: response to consultation questions**

### **Exemptions to the requirement to have a permission to fell trees**

1. Do you agree with the proposed exemptions?

We are broadly content with the proposed exemptions and particularly welcome the simplification of the definition of small trees, the inclusion of all burial grounds within the list of exempt places, and the proposal that the exemption for volume should not apply in woodland between 0.1ha and 0.5ha where 50% of the canopy comprises native species.

2. Would you like to see any of the proposed exemptions removed from the proposals?

We suggest that the exemption for Dutch Elm Disease (DED) be removed from the proposal. It is unclear why this relates only and specifically to trees affected by DED and not to other diseased trees. The requirement for “the greater part of the crown” to be dead makes this exemption ineffective for sanitation felling as, by this stage, the vector is likely to be well-established in the surrounding environment. We would, in any case, caution against exemptions for sanitation felling of any native species, as this would reduce the potential for disease resistance to develop within the population.

Where such trees are an immediate threat to people and property they are already covered under the Danger or Nuisance exemption.

3. Would you like to see adjustments made to any of the proposed exemptions?

We note and accept the removal of the need for trees obstructing aerodromes to be certified by Secretaries of State, but we suggest that it would be useful to specify how obstruction would be established, and who would be responsible for doing so.

4. Would you like to see any other exemptions added to the proposals?

No

### **Felling: Applications, issuing permissions, compensation, felling directions**

5. Do you agree with the proposals?

We are broadly content with the proposals, subject to the comment below.

6. Would you like to see anything removed from the proposals?

No

7. Would you like to see adjustments made to the proposals?

We suggest that the final point of the list of information required (“whether there is a Tree Preservation Order in place or whether the site forms part of, or includes, a Conservation Area”) be extended to require that information is also provided where sites are designated for their nature conservation value, including SSSIs, SACs, SPAs and Ramsar sites.

8. Would you like to see anything added to the proposals?

No