



Development Control Committee	Thursday, 24 May 2018	Matter for Information
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Report Title: **Felling Licences and Protected Trees**

Report Author(s): **Michael Bennetto (Arboricultural Officer)**

Purpose of Report:	To provide clarification to Members on the need for felling licences and their interaction with protected trees.
Report Summary:	When an application for or involving tree work is made, the points below are considered and, where appropriate, are checked with the Forestry Commission (FC) as to whether they consider a licence necessary. If so, the application would be returned to the applicant as invalid and notified of the requirement for a licence. At this point the applicant can either amend their application to be exempt from a licence and resubmit, or submit a licence application to the FC. At the point of applying for a licence, the FC will consult with the Authority whose Tree Preservation Order (TPO) is affected. At this point, Members will be notified. If TPO or Conservation Area status is omitted from the licence application, the owner and operator can be held liable under the Town and County Planning Act 1990.
Recommendation(s):	1. The contents of the report be noted.
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 adrian.thrope@oadby-wigston.gov.uk</p> <p>Richard Redford (Planning Control Team Leader) (0116) 257 2654 richard.redford@oadby-wigston.gov.uk</p> <p>Michael Bennetto (Arboricultural Officer) (0116) 257 2697 michael.bennetto@oadby-wigston.gov.uk</p>
Corporate Priorities:	Not applicable.
Vision and Values:	Not applicable.
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	No Corporate Risk(s) Identified

Equalities Assessment (EA):	Not applicable.
Human Rights:	There are no implications directly arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	Not applicable.
Background Papers:	Forestry Act 1967 The Town and Country Planning Act 1990 The Town and Country Planning (Tree Preservation)(England) Regulations 2012 Guidance on Guidance Tree Preservation Orders and Trees in Conservation Areas (March 2016, Ministry of Housing, Communities & Local Government) Guidance Note on Tree Felling – Getting Permission (2007, Forestry Commission) How We Consult About Woodland Planting and Tree Felling (2002, Forestry Commission)
Appendices:	None.

1. Information

- 1.1 The interplay between Tree Preservation Orders (TPO) and Felling Licences (FL) are complex and numerous, and the information and process outlined below is a generic approach that should be followed for all applications.
- 1.2 The Forestry Commission (FC) has a statutory duty to protect and expand Britain's forests and woodlands and to increase their value to society and the environment. They are the responsible authority for implementing the Government's forestry policies.
- 1.3 Any Local Authority, when dealing with an application relating to a woodland subject to a TPO must grant consent so far as accords with good forestry practice unless it is satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area. The UK Forestry Standard and its supporting guidelines define the government's standards and requirements.
- 1.4 Where an Authority grants consent for work in woodland that does not require a felling licence it may impose a condition to replant the land. The authority may wish to consult the Forestry Commission on the details of such a condition.
- 1.5 In the simplest terms, the process is as follows:
 - a. If TPO exemptions apply, works can be carried out or, in certain circumstances, 5 working days' notice of the proposed works provided;
 - b. If felling licence exemption(s) apply, an application to the authority under TPO regulations is required;
 - c. If no exemptions apply, the proper route to apply to fell the trees is therefore through a felling licence application, regardless of whether there is a TPO on the land;

- d.** The presence of a TPO requires the FC to consult with the authority, and gives the authority a veto on issuing the Licence, this is afforded to the authority through the Forestry Act 1967;
- e.** The statutory consultation period is 4 weeks within which any objections are discussed with all parties involved to see if an agreement can be made about how the proposals might proceed; and
- f.** If issues still remain, the application is then passed onto either the authority or escalated to the Secretary of State for the Environment Transport and the Regions.

1.6 Applications for works within a Conservation Area would be similar.

1.7 Due to the broad range of possible exemptions, there is only a very narrow range of situations where there is scope for matters of this type arising in this Borough.

1.8 If Members wish to know more, the background documents listed above provide further information on exemptions, procedure, legislation, regulation and best practise.

1.9 The Arboricultural Officer is of the opinion that it would be of great benefit for both Members and Officers to engage at the earliest opportunity with matters of this type.