

Harvesting Woodfuel from your Farm – Legal Considerations

- A **Felling Licence** will be necessary from the Forestry Commission before coppicing a hedge if stems are to be felled which are 15cm or larger in diameter when measured at breast height (1.3m from the ground) - this reduces to 8cm or larger in diameter if felling single stems – and more than 5 cubic metres (timber volume) are to be felled in any defined calendar quarter; reducing to 2 cubic metres if any of the wood is to be sold.

(NB: 5 cubic metres equates roughly to 20 to 40 larger stems (15 – 20cm in diameter, 6 – 7 m high) in a hedge of optimal coppice size).

More information is available via: <http://www.forestry.gov.uk/forestry/infd-6dfk86>

- Several of the species covered by the **Conservation of Habitats and Species Regulations 2010** are found in woodland and may also be associated with hedgerows. These regulations therefore have implications for how woodlands/hedgerows are managed and operations are carried out.

The **European Protected Species (EPS)** that can occur in England's woodlands and, by association, hedgerows are:

- All 17 species of bat
- Dormouse
- Great Crested Newt
- Otter
- Sand Lizard
- Smooth Snake

For more information on EPS and the steps land managers should take to safeguard them please see FC EPS web page:

<http://www.forestry.gov.uk/england-protectedspecies>

- **Protection for designated sites:** work within Sites of Special Scientific Interest (SSSIs) may require Natural England's consent under Part II of the Wildlife and Countryside Act 1981 (as amended).
- **Wildlife and Countryside Act (WACA) 1981:** wild birds and certain woodland animals and plants are protected under Part I of this Act. It essentially requires that the risks tree work poses to wildlife are carefully assessed, and that the work is planned to ensure the animals listed in the Act's schedules are not intentionally harmed or killed and that their nests or dwellings are not damaged or destroyed.

Wild plants listed in schedule 8 of this Act are protected and must not be intentionally uprooted or destroyed during felling operations.

- Farmers in England claiming under the Basic Payment Scheme need to comply with **GAEC** (Good Agricultural and Environmental Condition) 7. A longer 'no trimming' season will apply for hedges and trees and will run from 1 March until 31 August inclusive.

More information is available via:

<https://www.gov.uk/government/publications/cross-compliance-guidance-for-2015>

- It is not normally necessary to apply for consent under the **Hedgerow Regulations 1997** before coppicing a hedge, provided cut stools are given adequate protection and allowed to regrow. If the intent is not to allow the hedge or any part of the hedge, however small, to regrow then a notice of intent to remove must be submitted to the local **Planning Authority** under the Hedgerow Regulations.
- You will also need to contact your local **Planning Authority** if any of the trees to be felled/coppiced are subject of a **Tree Preservation Order (TPO)**; or if the trees to be felled/coppiced are in a **Conservation Area**.