

## INTRODUCTION

This leaflet gives practical guidance to help you act to protect woods and trees near you. It takes you through a series of questions to consider, gives information about existing forms of protection, and suggests action you can take.

## THE WOODLAND TRUST – HOW WE CAN HELP

As the UK's foremost woodland conservation organisation, the Woodland Trust is committed to the conservation, enhancement and expansion of woodland, especially native woodland. We lobby to seek better protection for woods and trees and concentrate our efforts on securing better legislation and planning policies to protect and enhance woods, especially ancient woods and ancient trees.

The Trust receives many requests from people seeking help to prevent damage or destruction of their local wood, or a tree they consider important. Owing to limited resources we must prioritise the cases in which we choose to become involved. We fight those we consider to have national significance or which demonstrate a particular failure of protection very clearly. Our priority is to act where possible to secure the protection of ancient woods and ancient trees. In other cases, we can provide you with help in the form of this leaflet, which relates to protection of woodland in **England, Scotland and Wales.**

**Photograph: Old Wood, Lincolnshire, before it was rescued by the Woodland Trust**  
Woodland Trust picture library



# WHEN IS A WOOD OR TREE UNDER THREAT?



## Information

The commonest cause for public concern is the threat of tree felling or permanent woodland clearance, often for development such as housing, road-building, golf courses or quarrying.

But activities which damage the fragile woodland ecosystem can also threaten the long term survival or conservation value of a wood. Over-grazing or inappropriate uses such as off-road activity by four-wheel drive vehicles can destroy the ground flora, shrub layer, and young saplings or damage soils. Activities on adjacent or nearby land may cause pollution or alter drainage.

Individual big, old trees are affected by activities which may be some distance from the tree, but which damage the root system, through compaction or cutting through roots.

But you also need to bear in mind that sometimes felling is carried out for beneficial reasons, such as:

- Coppicing: an old management technique in which trees are cut to ground level, allowing them to re-grow from the base. This opens up woodland areas temporarily, allowing flowers and other wildlife to flourish
- Thinning: removing a proportion of trees in a wood leaving those remaining more room to grow properly

- Removal of non-native trees which have been planted in an ancient wood to enable native trees to be planted or to grow naturally

- Felling of trees planted inappropriately on other valuable habitats such as upland peat and bog areas

- Felling for safety reasons near roads.

If you feel that felling or some other activity is threatening the survival of the tree or wood, there are a number of avenues for you to pursue. Since felling and development usually require permission of one kind or another, or the wood/tree may be protected, the first step is to check that the activity is taking place legally.

**Photograph: Coppicing opens up woodland, allowing wildlife & flowers to flourish** Brian Aldrich

# TAKING ACTION



Checking through the following should help:

## IS THE TREE OR WOOD ANCIENT?

### Information

Ancient woods are areas continuously wooded for at least 400 years (250 years in Scotland, where later maps were used to identify them). They are irreplaceable, our richest habitats for wildlife and reservoirs of historical information. Where possible, the Trust will act to secure the protection of an ancient wood under threat.

Ancient woods over 2 hectares in size are mostly recorded on ancient woodland inventories held by English Nature (EN), the Countryside Council for Wales (CCW), and Scottish Natural Heritage (SNH). Occasionally, woods not on the inventories are identified by survey or documentary research as ancient, either because they were too small or were missed when the inventories were drawn up.

Ancient trees are individual trees which, because of their great age, size or condition are of exceptional value culturally, in the landscape or for highly specialist wildlife. The Woodland Trust is working with the Ancient Tree Forum to ensure no further unavoidable loss of these trees, and that more trees grow on to a great age in future.

### What you can do

If you suspect your wood is ancient, check on the inventory and make it clear in any activity you pursue that the wood is ancient. If it is not on the inventory, you may still be able to show it is ancient through some historical research and/or basic survey, and you can then have it added. EN have produced a useful free booklet *Guidelines for Identifying Ancient Woodland* which will help you decide if your local wood is ancient or not (available from EN's central office).

This identification in itself does not provide the wood with any extra protection but helps to add weight to your case as many local authorities have policies which refer particularly to ancient woods.

If you are concerned about an individual tree you think is ancient you could contact the Ancient Tree Forum for advice.

## IS THE WOOD COVERED BY A FELLING LICENCE?

### Information

The Forestry Commission (FC) is responsible for the general control of felling. A felling licence is required for the felling of growing trees with a number of exceptions, including:

- trees with diameter less than 8cm (10cm for thinnings, 15cm for coppice)
- cases where the quantity of timber felled is under 5 cubic metres, of which no more than 2 cubic metres are sold in any quarter
- felling to prevent danger
- where felling is required as part of an approved planning application (see below).

In addition, no felling licence is needed if the site is covered by an approved Woodland Grant Scheme (WGS), an agreed plan of operations drawn up between the landowner and the Forestry Commission. Woods managed by the Commission itself are usually covered by what is known as a Forest Design Plan.

The FC has a policy against clearance of broadleaved woodland for conversion to other land use, and towards conservation of the character of ancient semi-natural woodlands.

The fine for illegal felling is up to £2,500 per offence (which could mean £2,500 per tree). However, felling licences aren't required for lopping and topping, or destruction of undergrowth.

### What you can do

You can comment on applications by landowners for a WGS, felling licence or Forest Design Plan: the FC holds a public register of proposals which can be found at local FC offices or on the FC's web site. You can ring up the FC and ask them if a felling licence has been granted at a particular site, and if so what conditions have been imposed.

If the site is not covered by a felling licence or WGS you can report illegal felling to the FC.

**Photograph: Lawful felling such as this, carried out under a Woodland Grant Scheme, can benefit a wood and its wildlife**

Helen Parr



## IS THE WOOD OR TREE COVERED BY A TREE PRESERVATION ORDER OR IN A CONSERVATION AREA?

### Information

Tree Preservation Orders (TPOs) are made by local planning authorities (LPAs) to protect trees for amenity, public enjoyment and their environmental benefit. They can apply to individual trees, groups or areas of trees, or whole woods.

A TPO prohibits the cutting down, topping, lopping, uprooting, wilful damage or destruction of trees without first obtaining permission from the LPA, unless the tree is dead, dying or dangerous, or in the way of development which has planning permission.

Breach of a TPO is an offence carrying a fine of up to £20,000, or an unlimited fine in very serious cases which are committed to Crown Court. LPAs can also seek injunctions to stop work if there is a threat of contravention of a TPO.

Trees in Conservation Areas are a special case and if over 7.5cms in diameter cannot be felled, lopped or uprooted without giving notice to the LPA, after which the LPA may put a TPO on the tree to protect it.

Further information on TPOs is found in the leaflet *Protected Trees: a guide to tree preservation procedures* produced by the Department of the Environment, Transport and the Regions.

### What you can do

You can find out if a tree is covered by a TPO from the LPA. You can also check on a register of applications and decisions whether permission has been granted to carry out work. Many local authorities have a tree officer or forestry officer responsible for overseeing TPOs, who may be willing to help.

If no TPO is in place and you are concerned that a tree or wood is under threat, you could ring or write to the LPA asking that it consider putting a TPO in place. An emergency TPO comes into effect immediately, lasting for six months while arrangements are made for a permanent order. This means you could request a TPO to protect a tree even if felling has begun.

Ancient trees are often thought to be dying or dangerous if they have dead limbs or decaying trunks. There are skilled arboriculturalists with specialist experience dealing with ancient trees. Ensure that people advising on treatments to ancient trees have the appropriate experience. Often, ancient trees can be made safe without needing to remove the whole tree – a dead standing "monolith" can also be very valuable for wildlife.

## IS THE TREE OR WOOD COVERED BY A DESIGNATION?

### Information

Woods considered to be of high conservation value may have one or more designations that afford them varying levels of protection.

Sites of Special Scientific Interest (SSSIs) are notified by EN, SNH or CCW, setting out the reasons for the importance of the site and a list of operations likely to damage the special interest of the site. These can't be carried out without written consent from the relevant body, unless it is an emergency operation, or authorised by a planning permission on the site. However, the relevant body will have been consulted on any planning application likely to have an effect on a SSSI and can object.

The SSSI designation covers only a small proportion of woodland: less than 15% of ancient woods in the UK are SSSIs.

National Nature Reserves (NNRs) are established and protected by means of nature reserve agreements with EN/CCW/SNH, and are generally designated SSSIs as well.

The highest level of protection is given to European sites (Special Protection Areas or SPAs and Special Areas of Conservation or SACs). Any project likely to have a significant effect is subject to extreme scrutiny and is likely to be called in by the Secretary of State in England, the Scottish Executive or National Assembly for Wales.

Woodland which forms part of a wider designated area such as a National Park, Area of Outstanding Natural Beauty or Natural Heritage Area does not have any extra legal protection. However, woodland in these areas may be more valued, and proposals likely to affect valuable woodland will be subject to extra scrutiny eg by the National Park Authority, (which in some cases may be the planning authority).

Local designations such as Site of Nature Conservation Importance (SNCI) or Wildlife Site (County Wildlife Site, CWS in England and Wales, or Listed Wildlife Site, LWS in Scotland) or similar give no legal protection but local planning policy generally inclines towards protection of these sites as far as possible.

### What you can do

If you think a designated site is being damaged you should contact the body responsible for monitoring – usually EN, SNH, or CCW.

Some individual species are protected by law, and damage to a wood or tree which forms their habitat may contravene this. Examples include bats, badgers, and stag beetle. If you think a protected species is affected you should contact EN, SNH or CCW.

## IS PLANNING PERMISSION REQUIRED?

### Information

As stated above, planning permission overrides TPOs, the need for a felling licence, and even the protection afforded by designations, once it has been granted. Clearly, the planning system is powerful and it is essential to understand how it works. Most cases of woods under threat which the Woodland Trust deals with relate to applications for development affecting ancient woods.

LPA's must produce development plans, setting out the broad framework for development in their area for the next five years or so. These have different names according to the type of authority – eg structure plan, unitary development plan, local plan. Quarrying, opencast mining and landfill are separately dealt with by various authorities under minerals and waste disposal plans.

Such forward plans will set out general policies in relation to nature conservation, landscape and amenity, and may include specific policy statements relating to protection of woodland. You can comment during the consultation phase of these plans to ensure the best possible protection of woodland.

They also give a more detailed geographical picture, highlighting areas earmarked for development, for instance. Commenting or objecting at this early stage to proposals which may threaten woodland several years hence can be very valuable, saving you from fighting specific planning applications later.

Specific planning applications are publicised locally and are available from the LPA. Proposed development may be on the site of the wood, or adjacent and likely to have a severe negative impact. This is often the first you hear of a potential threat to your local wood.

Anyone can comment on an application within the allocated timescale, usually 28 days. Minerals applications are more complex. Many ancient woods are threatened by mineral permissions that were granted many years ago when policies were different, but which are still valid.

**Photograph: A young barn owl**  
Martin Withers/FLPA



## What you can do

### If you are objecting to a planning application:

- Check the development plan to see if the application is in line with it or not – if not, you should quote the relevant policies in your objection. You should also check for TPOs or designations which protect or demonstrate the value of the wood or tree. If the wood is ancient, check whether the Forestry Commission is being consulted – the Government has recommended it should be in England and Wales. Submit a formal objection to the plans, quoting the number of the application and making sure your letter covers planning issues.
- Find out from the LPA who are the local councillors for the area in question or where you live. Explain the threat and ask if they will take up the issue. Putting forward the views of local residents is part of the role of a councillor.
- Find out which councillors are on the planning committee and approach them with a reasoned case for protection of the trees or woodland. They will listen to your views but will not be allowed to express an opinion in advance of the meeting to consider the application.
- If the application is of major local significance it may be worth approaching your MP (and MSP in Scotland, AM in Wales), especially if the application ultimately goes to an appeal.
- Find people who share your concerns and form a campaigning group or ask as many people as possible to write individual letters of objection to the plans. Individual letters from local people are usually more effective than petitions.
- Contact pressure groups and conservation bodies such as the Council for the Protection of Rural England, the Campaign for the Protection of Rural Wales, the Association for the Protection of Rural Scotland, the Wildlife Trusts, Friends of the Earth, WWF and so on. If their telephone numbers are not in the phone book, they should be available from the local library or Citizens' Advice Bureau. They may be able to assist with your campaign if they have a local group.



- Contact the local press: newspapers and local radio stations. They may be willing to give some publicity to your case, especially if you are planning any kind of protest which they can feature.
- Contact your town/parish council, community council to see if they will oppose the planning application. Be ready to explain the threat to them clearly and factually as you would to a local councillor or to the press.



## PERMITTED DEVELOPMENT

### Information

There are some types of development for which a planning application is not required, as they are not deemed of sufficient importance and are granted a general planning permission in *The Town and Country Planning (General Permitted Development) Order 1995*.

The list of permitted development rights is long and complex. Some which may cause concern in woodland are temporary uses of land including motor competitions, war games, clay pigeon shooting, and erection of temporary buildings and some telecommunications equipment.

Some activities are subject to reinstatement of land or to prior notification of the LPA. Sites covered by designations such as SSSI, SPA or SAC are treated differently in many cases and the same development may not be permitted on such sites.

### What you can do

If you can gain access legally, monitor the site to see if there are breaches of the permitted uses and report your findings to the LPA.

**Photography – Above: An ancient tree at Duncombe Park, Yorkshire David  
Left: The endangered pipistrelle bat Derek Middleton/FLPA**

## CHECKLIST



- 1. Is the tree or wood ancient?**
  - Highlight this in any representations you make – it will add weight to your case
- 2. Is the wood covered by a felling licence?**
  - Report illegal felling to the Forestry Commission
  - Comment on applications for Woodland Grant Schemes, felling licences and Forest Design Plans if they include felling trees you are concerned about
- 3. Is the wood or tree covered by a Tree Preservation Order or in a Conservation Area?**
  - Inform the local planning authority if damage is occurring
  - Ask the local planning authority to put a TPO in place if there isn't one already
- 4. Is the tree or wood covered by a designation?**
  - Contact the body responsible for monitoring a designated site
- 5. Is planning permission required?**
  - Submit formal objections to plans
  - Lobby councillors and other to take up the case
  - Take pre-emptive action by commenting on development plans

## FURTHER READING



- *A Campaigners' guide: Trees and Woods* (CPRE 1996)  
Various other campaigners' guides are produced by CPRE, including literature on local plans, minerals, road proposals, and public inquiries
- *How to stop and influence planning permission*, Roy Speer and Michael Dade Stone (Pound Books 1998)
- *Guidelines for identifying ancient woodland* (English Nature)
- *Tree Preservation Orders: A Guide to the Law and Good Practice* (DETR 2000)
- *The Town and Country Planning (General Permitted Development) Order 1995* (HMSO 1995 - available from The Publications Centre, Telephone: 020 7873 0011)
- *Tree Felling – Getting Permission* (FC – available from regional FC offices)
- *Veteran Trees: A guide to good management* (English Nature 2000)

## USEFUL ADDRESSES



### The Ancient Tree Forum

c/o The Woodland Trust  
(see address overleaf)  
[www.woodland-trust.org.uk/ancient-tree-forum](http://www.woodland-trust.org.uk/ancient-tree-forum)

### Forestry Commission

*For details of regional offices contact:*  
231 Corstorphine Road  
Edinburgh EH12 7AT  
Telephone: 0131 334 0103  
[www.forestry.gov.uk](http://www.forestry.gov.uk)

### English Nature

Northminster House  
Peterborough  
PE1 1UA  
Telephone: 01733 455100  
[www.english-nature.org.uk](http://www.english-nature.org.uk)

### Scottish Natural Heritage

12 Hope Terrace  
Edinburgh  
EH9 2AS  
Telephone: 0131 447 4784  
[www.snh.org.uk](http://www.snh.org.uk)

### Council for the Protection of Rural England

Warwick House  
Buckingham Palace Road  
London  
SW1W 0PP  
Telephone: 020 7976 6433  
[www.cpre.org.uk](http://www.cpre.org.uk)

### Association for the Protection of Rural Scotland

483 Lawnmarket  
Edinburgh  
EH1 2NT  
Telephone: 0131 225 7012  
[www.aprs.org.uk](http://www.aprs.org.uk)

### Friends of the Earth

26-28 Underwood Street  
London  
W1 7JQ  
Telephone: 020 7490 1555  
[www.foe.co.uk](http://www.foe.co.uk)

### Department of the Environment, Transport and the Regions

Eland House  
Bressenden Place  
London  
SW1E 5DU  
[www.detr.gov.uk](http://www.detr.gov.uk)

### Campaign for the Protection of Rural Wales

Ty Gwyn  
31 High Street  
Welshpool  
Powys  
SW21 7YD  
Telephone: 01938 552525  
[www.cprw.org.uk](http://www.cprw.org.uk)

### Countryside Council for Wales

Plas Penrhos  
Fford Penrhos  
Bangor  
Gwynedd  
LL57 2LQ  
Telephone: 01248 385500  
[www.ccw.gov.uk](http://www.ccw.gov.uk)

### The Wildlife Trusts

The Kiln, Waterside  
Mather Road  
Newark  
Nottinghamshire  
NG24 1WT  
Telephone: 01636 677711  
[www.wildlifetrusts.org.uk](http://www.wildlifetrusts.org.uk)



## PUBLIC AFFAIRS

While every effort has been made to ensure the information in this leaflet is factually correct, the Woodland Trust does not take any responsibility for results of actions carried out on the basis of this information. This advice does not apply to Northern Ireland, where the planning system is different. A Welsh version of this leaflet can be downloaded from the Trust's website.

## HOW TO CONTACT THE WOODLAND TRUST:

### **The Woodland Trust (Registered Office)**

Autumn Park  
Dysart Road  
Grantham  
Lincolnshire  
NG31 6LL

Telephone: 01476 581111  
Fax: 01476 590808  
[www.woodland-trust.org.uk](http://www.woodland-trust.org.uk)

### **The Woodland Trust Scotland**

Glenruthven Mill  
Abbey Road  
Auchterarder  
Perthshire  
PH3 1DP

Telephone: 01764 662554  
Fax: 01764 662553  
[www.woodland-trust.org.uk](http://www.woodland-trust.org.uk)

### **The Woodland Trust (Coed Cadw)**

Uned K  
Yr Hen Orsaf  
Llanidloes  
Powys  
SY18 6EB

Telephone: 01686 412508  
Fax: 01686 412176  
[www.coed-cadw.org.uk](http://www.coed-cadw.org.uk)

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