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## FORESTRY DEVOLUTION IN SCOTLAND

### New Felling Regime: Permission to Fell

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From 1 April 2019, anyone wishing to fell trees in Scotland will require a felling permission from Scottish Forestry, unless an **exemption** applies or another form of felling approval such as a felling licence (including a long term forest plan) or felling direction has been issued. A permission to fell trees issued under the new regime will be called a **felling permission** rather than a felling licence.

However, much of the process of applying for permissions will remain unchanged. Our aim is to provide continuity and limit changes to those which are required by the new Act or where they improve the process.

As before, you can submit an application for felling permission via a stand alone felling permission application, a long term forest Plan, or where you want to do thinning only, a management plan. Applications will be considered by Conservancy staff, using extensive forestry experience and expertise. They will continue to work closely with industry stakeholders to promote good practice across the sector.

The processes surrounding the assessment and determination of an application for felling permission will closely reflect those under the previous regime. Scottish Forestry staff will continue to use the UK Forestry Standard as the benchmark for assessing compliance with sustainable forestry management.

As with current licences, permissions will normally be issued with restocking conditions. The restocking conditions will continue to look the same, requirements to confirm when felling has taken place or when a change of ownership is likely may also form part of new conditions.

#### **If you are unhappy with a decision on your application**

If your application for felling permission is unsuccessful or you are unhappy with restocking conditions associated with a felling permission, you can appeal against these decisions.

A new appeals process will enable applicants to challenge decisions made by Scottish Forestry in relation to the regulation of felling and restocking.

- There will be an internal review within Scottish Forestry, carried out by a Conservancy which did not make the original decision.
- If the internal review cannot straightforwardly uphold the appeal the appeal request will be referred to: The Scottish Government Planning and Environmental Appeals Division (DPEA) Reporters.

#### **Compensation if you are refused permission to fell**

The Forestry and Land Management (Scotland) Act 2018 provides for compensation to be made available:

- where there has been a depreciation of the value of trees resulting from deterioration in timber quality **and**
- this can be attributed to the refusal of the felling permission application.

An applicant or, if different, an owner can apply for compensation - but not both. Applications for compensation must set out the location of the trees to which the compensation claim relates, and indicate the methodology used to calculate the loss.

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