



FORESTRY DEVOLUTION IN SCOTLAND

New Felling Regime: Transition Arrangements

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.

Bringing the 2018 Act and the Regulations into force means that the old regulatory regime will be repealed. To ensure continuity of felling and restocking operations, and to minimise disruption, certain aspects of the Forestry Act 1967 and its associated Regulations have been saved. The effects of these savings, on those with existing licences or applications are set out below.

Applications for a felling licence which have not been determined by the 1st April will be treated as an application for a felling permission except for the following situations;

- Applications which have had the conditions already sent out to the applicant.
- Where the application decision has been postponed because the applicant is not entitled to fulfil the conditions.
- Where a notice has been issued stating that following a refusal Forestry Commission Scotland are minded to approve the application.

In these situations, a **felling licence** will be issued which will then be treated as a felling permission, however:

- Appeals against a decision to refuse a licence/about conditions which have been set will be decided under the 1967 Act, with some modifications.
- Compensation claims will be considered under the provisions of the 1967 Act.

Felling licences granted before the 1st April will be treated as a felling permission, however:

- Appeals against a decision to refuse a licence/about conditions which have been set will be decided under the 1967 Act, with some modifications.
- Compensation claims will be considered under the provisions of the 1967 Act.

A felling permission will be issued for Land Management Plans/Forest Design Plans approved before the 1st April.

Enforcement of conditions of a felling licence

- An enforcement notice (notice to require compliance of conditions) issued before the 1st April will continue to be enforced under the 1967 Act and appeals of such notices will be considered under the 1967 Act.
- Where an enforcement notice has not been issued before the 1st April, the conditions will be enforced using the provisions of the 2018 Act.

Unauthorised felling

- Felling which has taken place before the 1st April will be investigated under 1967 Act and felling which has taken place after the 1st April will be investigated under the 2018 Act.
- Restocking notices which were issued under the 1967 Act will continue to be enforced under the 1967 Act and appeals of such notices will be considered under the 1967 Act.