



Philip Lymbery, Honorary Tree Warden, Rogate & Terwick

Introduction

Our local trees are vitally important. They provide shelter and food for wildlife and are important habitats for our own recreation. They reduce the impact of climate change by absorbing carbon dioxide as they grow, improve water quality, alleviate flooding, and reduce soil erosion.

Protecting trees in our locality is in all our interests. We rightly castigate destruction of rainforests in countries far away, yet deforestation closer to home often goes unnoticed. Across the UK, a staggering 14 per cent of tree cover has been lost in the last two decades alone.¹

In protecting trees, a key thing to know is that before anyone can cut down trees, they may need to get a felling licence from the Forestry Commission. It is an offence to fell trees without a licence, where one would have been needed. There are some exceptions that can apply, but in many instances a felling licence will be required.

Licensing measures for tree felling are not new; they have been in force for 50 years.

Yet, despite these measures, trees remain vulnerable to unsympathetic felling.

Concerned citizens can play a big role in looking after our natural heritage trees by being their eyes and ears, looking out for the best interests of trees and thereby creating conditions for a better future for our community.

HOW TO PROTECT OUR TREES

This briefing is designed to help citizens in protecting trees in our locality.

The following areas are covered:

- Protecting Trees – Who is responsible?
- Tree felling – The basics
- Reporting alleged illegal felling
- Tree Preservation Orders (TPOs)
- Developing a Parish Tree and Woodland Plan
- How to protect trees in our Parish – A Summary.

PROTECTING TREES – WHO IS RESPONSIBLE?

The Forestry Commission is the government department responsible for protecting, expanding and promoting the sustainable management of trees and woodlands:

<https://www.gov.uk/government/organisations/forestry-commission>

The local area office for Rogate Parish is:

South East and London²

Bucks Horn Oak

Farnham

Surrey

GU10 4LS

Telephone: 0300 067 4420

southeast.fce@forestrycommission.gov.uk

The local Forestry Commission representative for Rogate Parish area is:

Jody Orchard, Woodland Officer, Arun, Chichester, East Hampshire, mobile: 07442 947594, email: jody.orchard@forestrycommission.gov.uk

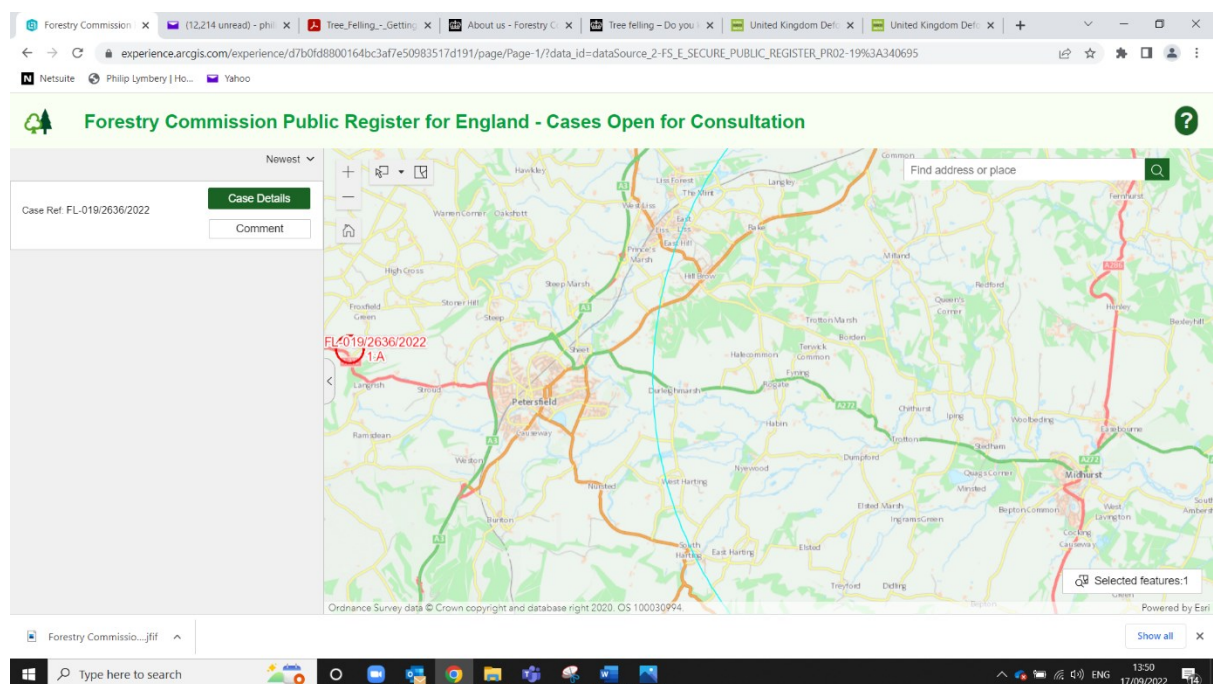
Felling licences

Tree felling is controlled by the Forestry Commission who issue felling licences to successful applicants. Anyone can apply for a felling licence, but it must be issued in the name of the owner or lessee of the property.

Looking Out for Applications for Felling Licences

The best way to stay abreast of applications for felling licences in our Parish is to regularly access the Forestry Commission's 'Consultation Register for Felling Applications': <https://www.gov.uk/guidance/consultation-and-the-public-registers>

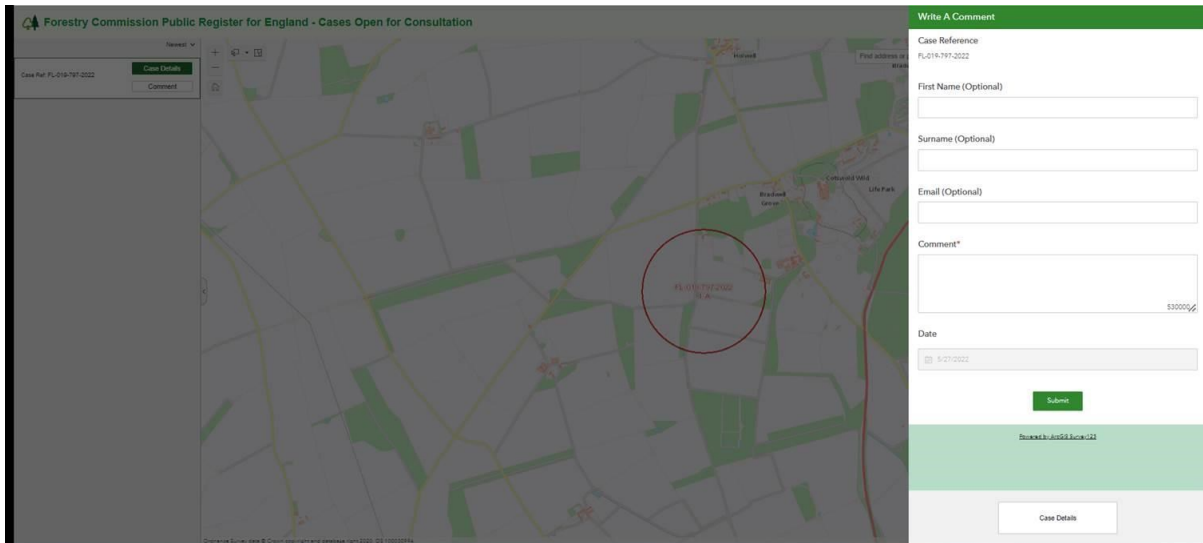
The format of the website takes a bit of getting used to: you have to zoom in specifically to find our area and then look for any entries marked with a circle and a unique case reference.



The screenshot shows a web browser window displaying the 'Forestry Commission Public Register for England - Cases Open for Consultation' website. The browser's address bar shows the URL: https://experience.arcgis.com/experience/d7b0fd8800164bc3af7e50983517d191/page/Page-1/?data_id=dataSource_2-F5_E_SECURE_PUBLIC_REGISTER_PR02-19%3A340695. The website header includes a tree icon and the title 'Forestry Commission Public Register for England - Cases Open for Consultation'. The main content area features a map of the Rogate area with a red circle highlighting a specific case, FL-019/2636/2022. The case details are visible on the left side of the map interface, including a 'Case Ref FL-019/2636/2022' and buttons for 'Case Details' and 'Comment'. The map shows various locations and roads, with the highlighted case located near Petersfield. The bottom of the screenshot shows the Windows taskbar with the search bar and several open applications.

By clicking on the 'Case Details' box, basic information will be revealed covering the property name, grid reference and location. Unfortunately, only the bare minimum information on the application will then be available: the hectareage of broadleaf or coniferous woodland involved. The consultation will typically be open for comment for 28 days.

Once you have checked the public register, if a marked felling licence application is still within the consultation period, then clicking on the 'Case Details' should also display a button to comment. The 'write a comment' will pop up to the right-hand side, which is where to add comments.



It is strongly recommended to write a comment, asking for further information on the application, including the original application.

A positive response to this request from the Forestry Commission would then give you access to information about whether the proposed felling is part of normal rotational management, whereby the trees will be replaced, or whether the applicant is looking to remove trees completely.

If you want to check whether an application falls within the boundaries of a particular parish, Ordnance Survey Maps provide a handy source of reference and can be accessed here: <https://www.ordnancesurvey.co.uk/election-maps/gb/> - click 'Boundaries' on the right-hand side of the screen to select 'Civil Parishes or Communities'.

TREE FELLING – THE BASICS

Felling without licence

It is an offence to fell trees without a licence if an exemption does not apply.

Everyone involved in the felling of trees (the owner, agent and timber merchant or contractor) must ensure that a licence has been issued before any felling is carried out, unless they are certain that one of the exemptions apply.

If there's no licence or other valid permission, or if the wrong trees are felled, anyone involved can be prosecuted.³

Felling – Getting Permission

As mentioned above, the Forestry Commission is the regulator for tree felling, responsible for assessing applications and for issuing licences. It monitors compliance where replanting is a condition of a licence and uses enforcement action on individuals who allow the felling of trees when a licence was required.

Details relating to getting permission can be found in the Forestry Commission's publication, *Tree Felling: Getting Permission* available here:

<https://www.gov.uk/government/publications/tree-felling-getting-permission>

Exceptions from the need for a felling licence

There are some circumstances where a felling licence isn't needed and therefore felling trees isn't illegal. Some examples of this are:

- Felling trees in gardens, churchyards or a public open space
- Felling trees with a diameter less than 8cm (the width of baked bean can) at a height of 1.3m on the main stem
- Felling trees to prevent the spread of a quarantine pest or disease, as required under a Statutory Plant Health Notice
- Up to 5 cubic metres of timber (a stack of timber the size of a small car) may be felled each calendar quarter without a felling licence.⁴

Further details on licensing and exceptions can be found here:

<https://www.gov.uk/guidance/tree-felling-licence-when-you-need-to-apply>

Suspect Illegal Felling?

Having ruled out these scenarios above, if you still suspect anyone of cutting down trees without permission, then you should follow Forestry Commission advice about reporting the suspected illegal felling incident:

<https://www.gov.uk/guidance/report-suspected-illegal-tree-felling>

Wherever possible, you should collect details about the tree felling, such as the exact location, when the felling started, and who is doing it. This information will allow the Forestry Commission to investigate the report and assess whether a felling licence was required or not. Where one was, it can decide to take the necessary enforcement action.⁵

REPORTING ALLEGED ILLEGAL FELLING

The Forestry Commission's preferred route for reporting possible illegal felling incidents in the Rogate Parish area is through its regional Admin Hub:

Bucks Horn Oak Administrative Hub

Bucks Horn Oak

Farnham

Surrey

GU10 4LS

Telephone: 0300 067 4420

adminhub.buckshornoak@forestrycommission.gov.uk

Who to Contact Out of Office Hours

Whilst recognising that illegal felling can and often does happen out of hours, the Forestry Commission does not provide contact details for relevant people beyond normal office times.

However, Chichester District Council (main switchboard (01243 534734)) offer an **out of hours telephone number: 01243 785339**.

A duty officer can thereby be contacted who can deal with most eventualities.

Details Needed in Making a Report

If you suspect an illegal felling incident that you'd like to report to the Forestry Commission, please contact the Bucks Horn Oak Administrative Hub with the following information:

- The exact location of the incident - a property or site name and Ordnance Survey Grid reference, or post code will be needed.
- Who is doing the work? – note any landowner or contractor's names if possible
- Contact details for those responsible
- What kind of land is the tree felling happening on? Is it in woodland, on farmland, in a hedgerow, in a residential area or caravan site, derelict land, or some other site?
- What tools are being used to do the tree felling? Are they using chainsaws, or have they got heavy machinery?
- Are the felled trees or timber still on site?
- The date the felling started, and whether the felling is still happening
- Any photographs of the felling work or the site.
- Your contact details, although reports can also be made anonymously if you wish.

Further information here: <https://www.gov.uk/guidance/report-suspected-illegal-tree-felling#making-a-report>

During office hours only, you can also contact Chichester District Council's Tree Warden, Henry Whitby: hwhitby@chichester.gov.uk, Telephone: 01243 776766

TREE PRESERVATION ORDERS (TPO)

Whilst trees are generally protected by the need for a felling licence, the exceptions are so broad as to leave trees under threat of unsympathetic felling.

A measure that can be used to protect trees of particular significance or value is a Tree Preservation Order (TPO), an order made by the Local Planning Authority.

The order protects a tree, or trees within a particular area, group or woodland. This is on the basis of its beauty, special contribution made to the landscape or street scene, or because of some other special quality, such as rarity or history.

The order will specify the location and species covered and the properties affected. The order covers the roots of the tree as well as the parts of the tree that can be seen above ground level.

An order prohibits the following works to trees, unless consent has been granted: cutting down, topping, lopping, uprooting, wilful damage, or wilful destruction.

Dead wooding a tree or removing damaged limbs (hangers) does not need formal consent.⁶

Applying for a TPO

If you think a tree should be protected by a TPO in the Rogate Parish area, an application can be made via Chichester District Council's website:

<https://www.chichester.gov.uk/treepreservation#createtpo>

TPO's should be used to protect trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public.

When assessing the amenity value of trees, the council can consider the following:

Visibility - The trees should be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact - It is not enough to be visible. The importance of the tree(s) and the following characteristics should be considered:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors - Importance to nature conservation or climate change can be considered. These factors alone would not warrant making an Order.

When applying for TPOs, please use these pointers as a guide when filling out the online form to ensure your application is as strong as possible.

DEVELOPING A PARISH TREE AND WOODLAND PLAN

As a further step in protecting and promoting trees in the Rogate area, a Tree and Woodland Plan for the Parish could be considered. This could be linked to the Neighbourhood plan as further evidence of the value placed on trees and woodlands in the Parish.

The plan could include maps of all woodlands and key treescapes in the Parish, plus how these resources are valued. This demonstration of value could be qualitative, including stories of the value of trees and woodlands to groups and individuals in the communities.

Other qualitative approaches include Parish Maps as can be seen here:
<https://www.commonground.org.uk/parish-maps/>)

A good structure that a Plan could follow is set out on page 6 in this Woodland Trust publication:
<https://www.woodlandtrust.org.uk/media/1762/local-authority-tree-strategies.pdf>

This is designed for local authorities who would have dedicated resources to develop such a strategy for a much larger area.

However, the topics could be lightly covered in a Parish Tree Plan. In covering those topics, it is worth acknowledging that the trees and woodlands may not be owned by the Parish. However, the Parish could develop some principles in relation to those trees and woodlands managed in the Parish. It could set out a vision for how trees and woodlands should be treated as part of the relevant Neighbourhood Plan.

HOW TO PROTECT TREES IN OUR PARISH – A SUMMARY

Trees are an essential and much-loved part of our Parish landscape, providing for wonderful landscapes, homes for wildlife, and sustainability in terms of a stable climate, water conservation and soil health.

They are also under constant pressure and need help if they are to continue providing essential ecoservices for our community.

We can all play our part by being tree guardians – being their eyes and ears within our Parish.

We can do this by:

1. ***Being vigilant on behalf of trees in our Parish*** - reporting suspicious or damaging activity to the Forestry Commission as national regulator (local representative, Jody Orchard – M: 07442 947594, jody.orchard@forestrycommission.gov.uk), and to Chichester District Council, via its Tree Warden, Henry Whitby , hwhitby@chichester.gov.uk, T: 01243 776766.
2. ***Staying informed on applications for felling licences*** – by regularly accessing the Forestry Commission’s ‘Consultation Register for Felling Applications: <https://www.gov.uk/guidance/consultation-and-the-public-registers>
3. ***Reporting alleged illegal felling*** - If you suspect an illegal felling incident that you’d like to report to the Forestry Commission, please contact its Bucks Horn Oak Administrative Hub, Farnham, GU10 4LS, Telephone: 0300 067 4420, adminhub.buckshornoak@forestrycommission.gov.uk - Further information on how to make a complaint can be found here: <https://www.gov.uk/guidance/report-suspected-illegal-tree-felling#making-a-report>
4. ***Considering applying for a Tree Preservation Order (TPO)*** - If you think a tree should be especially protected in our area, apply to Chichester District Council here: <https://www.chichester.gov.uk/treepreservation#createtpo>
5. ***Being part of community protecting and preserving our trees*** – look out for trees in our Parish, ensuring that our natural heritage continues to thrive into the future.

PHILIP LYMBERY

Honorary Tree Warden, Rogate Parish Council

18th September 2022

NOTES

¹ <https://www.globalforestwatch.org/dashboards/country/GBR/>

² <https://www.gov.uk/government/organisations/forestry-commission/about/access-and-opening#south-east-and-london>

³ <https://www.gov.uk/guidance/tree-felling-overview>

⁴ <https://forestrycommission.blog.gov.uk/2020/05/18/tree-felling-do-you-know-right-from-wrong/>

⁵ <https://forestrycommission.blog.gov.uk/2020/05/18/tree-felling-do-you-know-right-from-wrong/>

⁶ <https://www.chichester.gov.uk/treepreservation#tpo>