

## *Some things for which you may need permission*

This threatening title is meant to be nothing of the sort; it's a reminder that there are a few things you can't do without first obtaining permission. It's not a chore because most of the time officialdom and bureaucracy simply don't figure in how you run your wood, but like planning permissions and building regulations for your house, there are some things about which the state or local authority wants to have a say.

### **Planning permission**

In general most woodland work and operations do not come under the normal planning regulations; the major exceptions are if you want to build a house or create a new access on to a highway.

Many of us like the idea of living in the country and what better place than to live in your own wood! This prospect, unless there is already a dwelling, is well-nigh impossible to achieve. Buying a wood and then seeking planning permission to build a house will fall foul of virtually every planning authority's guidelines.

One possible exception is where your woodland is large and you can make a credible case that the wood is your main source of



income or livelihood. You can then apply to build a forest worker's dwelling, which must be appropriate to the job – not a 6 bedroom 4 bathroom country home(!) Moreover such a cottage or small house must continue to be used for this purpose: it cannot be sold a few years later say for ordinary residential use without expressly applying to the planning authorities for a change of use. Such a change is unlikely to be granted.

What you can do in your wood by way of accommodation is camp there or site a caravan, as we mentioned in the last chapter, for up to 28 days. Permitted development also includes a secure tool shed, provided it is sited well away from a highway, but even here one needs to be a little careful. A shed must be a shed – a small hut with no windows and a lot of cobwebs – not something that can double up as a summerhouse or a modest chalet!

## Felling trees

In general you can cut and fell small trees, but when it comes to several or more big ones you will almost certainly need to obtain a felling licence. I shall try to explain the basics in simple terms. And I am assuming there is no tree preservation order (which is very unlikely for a wood unless you are adjacent to a built up area) and that your wood doesn't have special status such as a National (or local) Nature Reserve, a Site of Special Scientific Interest (or other official designation), and is not in a conservation area.

The felling of trees in Great Britain is controlled by the Forestry Commission. Now here is the official bit: *a licence is normally required if you want to fell more than 5 cubic metres of timber for your own use in any 3 month period or just 2 cubic metres if it is to be sold.* What does this mean?

A tree with a trunk containing one cubic metre of wood is quite a big one. For a conifer, such as pine or spruce, it will be a tree you can just about hug and get your arms around. Its diameter at chest height – strictly when measured at a point 1.3 m from the ground – is around 40 cm. For broadleaves, such as ash, oak and beech, the same applies but their trunks and crowns tend to be less uniform so this guide is a bit more rough and ready. That said, you can see that if you only want to fell a few trees over a period of time, say to develop a picnic glade, a licence will not be needed. More than this, and it will be. Felling licences are not difficult to obtain and



are not withheld without a really good reason. Contact your local Forestry Commission office – use the internet or via Yellow Pages for the phone number – and ask for a felling licence application form.

There are some exceptions when you do not need to apply for a licence:

- If the felling is part of an already approved plan of operations by the Forestry Commission
- The trees are in a garden, orchard, churchyard or public place
- The trees are small <8 cm in diameter at breast height, <10 cm if part of a thinning, or <15 cm if the material you are cutting is coppice or underwood e.g. hazel or mixed scrub
- Trees that are dead, obviously dangerous or are nuisance (note that in a conservation area you cannot fell dead trees without permission).

Where clearfelling is intended, that is an area of your woodland is all cut at one time, the granting of a felling licence invariably includes the condition to restock the land with trees, by natural regeneration, coppicing or by replanting, as appropriate. Clearfelling woodland and turning land over to another use is only allowed in exceptional circumstances. Grant aid may be available to help with regeneration and woodland improvement (page 107).

## **Planting trees**

You do not need permission to plant trees. If you are seeking grant aid to plant, conditions may apply such as providing public access, planting only native species on ancient woodland sites, and so on. Woodland grant schemes differ in detail between England, Scotland and Wales, but all seek to support the owner to provide public benefits in exchange for receipt of public funds.

## **Creating ponds**

While building dams, reservoirs or ponds, may not be uppermost in one's first thoughts about looking after a wood, it is worth noting that diverting a watercourse to make a pond or abstracting



water from a borehole requires permission under the Water Resources Act. Small rainfed or groundwater ponds are unlikely to be affected.

## **Easements**

This is a term in property law where rights exist over another's land. For example you may have the right to use a track across a neighbour's land, the electricity board may have purchased the right to take electricity by underground cable or with poles and wire across your land, or a third party may have right of access along your track to gain access to some facility like a mobile phone mast, etc. These rights rarely intrude in your enjoyment of the wood, but if what you plan to do interferes with their free exercise, obtaining agreement for the temporary restriction is advisable. For example, logs cut from thinning your trees need to be stacked and this could lead to blocking the track or making it impassable for a few weeks or even months.

## **Public rights-of-way**

When you purchase a woodland, as mentioned in Chapter 2, the existence of rights-of-way should be evident. Obviously they must be kept open. Indeed, taking care to keep them in good shape, greatly reduces the chance of members of public wandering off and going where they are not welcome. All of us prefer to stick to a good clear path, so maintenance benefits the public and owner alike. Varying the route is a long, but not impossible process, provided a good case can be made. Your first point of call will need to be with the County Planning Department who hold definitive maps numbering and classifying every public right-of-way. The planning people at your local district council office will also be worth contacting.

## **Wildlife management**

We touched on this briefly in Chapter 3, but if you intend to shoot you will need a gun licence and, as mentioned, you must comply



with the law concerning close seasons. In brief rabbits can be controlled at any time, grey squirrels at any time unless poisoning with warfarin which is restricted to 15 March to 15 August, and deer usually in the winter, except for roe males, but specific dates apply to each species and each sex, so do check.

Poisons, such as phostoxin to control rabbits, will require your signing the Poisons Register at the time of purchase and keeping them in a secure place.

Interestingly, it is the landowner's responsibility to keep down vermin so as not to be a nuisance to a neighbour which, from a forestry point of view, includes rabbits and grey squirrels.

### **A final word about permissions**

We have covered the main situations where permission may be needed, but other activities where officialdom will be interested would include: holding car and motorcycle rallies; paint balling and other pursuits where charges are made; erecting advertising hoardings beside a highway; and any work on or near a site of archaeological importance.

This chapter hasn't been so bad! You are remarkably free to manage your wood how you want to. In my 20 years of ownership, I've not felt hemmed in by bureaucracy or frustrated by red tape; I hope you won't either. Let's hurry on to the action, I haven't even found a suitable illustration that might delay us further, let alone amuse or inform!