

# Tree Felling – Frequently Asked Questions

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# Changes introduced by the Forestry Act 2014

## **1. What are the main changes introduced by the Forestry Act 2014, when compared to the Forestry Act 1946?**

The main changes include:

- A single licence process for tree felling.
- Increases the list of exempted trees to allow felling without a tree felling licence for trees outside of the forest in certain circumstances.
- Allows for felling licences of up to 10 years in duration, which may be extended for one or more further periods, not exceeding a total of 5 years.
- Introduces timelines for processing felling licences.
- Where a tree felling licence application is received, the Department will publish a notice of the application before making a decision on the matter. The notice shall state that any person may make a submission or observation to the Department within 30 days from the date of the notice.
- Where a person is dissatisfied with a decision made by the Department he or she may appeal to the Forestry Appeals Committee against the decision. The time within which an appeal may be made to the Forestry Appeals Committee shall be any time up to the expiration of 28 calendar days from the date of the notification of the decision of the Department.
- Where a licence for the felling of trees is granted, the licensee shall erect a site notice at the entrance from the public road prior to the commencement and for the duration of harvesting operations.

## **2. Can I continue to use the Forestry Act 1946 application form?**

No, a new application form must be submitted. For further information please see our website: [www.agriculture.gov.ie/forests-service/tree-felling](http://www.agriculture.gov.ie/forests-service/tree-felling)

## Trees outside of the forest

### **3. I have some trees growing on a hedgerow that I would like to fell in the interest of the safety of road users, do I need a Tree Felling Licence?**

A Tree Felling Licence is not required where the trees are within 10 metres of a public road **and** which, in the opinion of the owner (being an opinion formed on reasonable grounds), are dangerous to persons using the public road on account of their age or condition. You may need to contact your Local Authority to see if there is a Tree Preservation Order on the trees.

### **4. There is a tree in my garden that is 30m from my house and I would like to fell it, do I need a Tree Felling Licence?**

A tree can be felled without a Tree Felling Licence where a tree is within 30 metres of a building (other than a wall or temporary structure), but excluding any building built after the trees were planted. You may need to contact your Local Authority to see if there is a Tree Preservation Order on the tree.

**5. *I live in an urban area and want to fell a tree at the back of my garden which is 200m from a building, do I need a Tree Felling Licence?***

A tree can be felled without a Tree Felling Licence where it is within an urban area. An urban area is defined as an area that comprised a city, town or borough specified in Part 2 of Schedule 5 and in Schedule 6 of the Local Government Act 2001 before the enactment of the Local Government Reform Act 2014. You may need to contact your Local Authority to see if there is a Tree Preservation Order on the tree.

**6. *I would like to fell some trees on hedgerows on my holding, do I need a Tree Felling Licence?***

You do not need a licence if you are cutting trees in a hedgerow for the purposes of trimming , provided the tree does not exceed 20 cm in diameter when measured 1.3 metres from the ground. The species hawthorn and blackthorn are also exempt from requiring a licence.

However trees greater than 20cm may be felled without a Tree Felling Licence where a tree is on an agricultural holding and removed by the owner for use on that holding, provided—

- I. it does not form part of a decorative avenue or ring of trees,
- II. its volume does not exceed 3 cubic metres, and
- III. the removal of it, by the owner for the foregoing purpose, when taken together with the removal of other such trees by the owner for that purpose, would not result in the total volume of trees, on that holding and removed by the owner for that purpose, exceeding 15 cubic metres in any period of 12 months.

You may need to contact your Local Authority to see if there is a Tree Preservation Order on the tree.

**Note:** Under Sec 2 of Section 19 the above three exemptions do not apply in the case of a tree:

- (a) within the curtilage or attendant grounds of a protected structure under Chapter 1 of Part IV of the Act of 2000,
- (b) within an area subject to a special amenity area order
- (c) within a landscape conservation area under section 204 of the Act of 2000,
- (d) within
  - i. a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994,
  - ii. a historic monument or archaeological area entered in the Register of Historic Monuments under section 5 of the National Monuments (Amendment) Act 1987
- (e) a national monument in the ownership or guardianship of the Minister for the Arts, Heritage and the Gaeltacht under the National Monuments Acts 1930 to 1994 within a European Site or a natural heritage area within the meaning of Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011),
- (f) which is more than 150 years old.

**7. How do I estimate the tree size in cubic metres (m<sup>3</sup>)?**

In the table below a ready-reckoner is provided to estimate the volume of individual trees in m<sup>3</sup> for both conifer and broadleaved species.

This information should be treated as indicative only. It is the responsibility of the land owner or the person felling the tree to ensure that they are acting within the law. If in doubt apply for a Tree Felling Licence

Broadleaf			Conifer		
Stem Diameter at 1.3m from ground (cm)	Total Height (m)	Tree Volume (m <sup>3</sup> )	Stem Diameter at 1.3m from ground (cm)	Total Height (m)	Tree Volume (m <sup>3</sup> )
10	5	0.024	10	5	0.021
10	8	0.034	10	12	0.05
20	10	0.168	20	8	0.114
20	18	0.287	20	20	0.329
30	10	0.381	30	10	0.312
30	20	0.7	30	25	0.829
40	10	0.67	40	15	0.785
40	21	1.274	40	27	1.443
50	13	1.295	50	20	1.528
50	25	2.271	50	30	2.314
60	15	2.078	60	20	2.058
60	27	3.438	60	40	4.166
70	16	2.949	70	25	3.32
70	28	4.76	70	45	6.02
80	17	4.009	80	25	4.122
80	29	6.327	80	45	7.466
90	18	5.269	90	25	4.987
90	30	8.151	90	45	9.026
100	20	7.048	100	25	5.912
100	31	10.245	100	45	10.694

**8. How do I know if a tree is more than 150 years old?**

The table below details a method to estimate tree age for those trees with a stem diameter at 1.3m from the ground of greater than 50cm. As this method of estimating age is based on the diameter of a tree, this information should be treated as indicative only as there are many factors impacting on a trees growth.

This information should be treated as indicative only. It is the responsibility of the land owner or the person felling the tree to ensure that they are acting within the law. If in doubt apply for a Tree Felling Licence

Species	Conversion factor	Formula to estimate age
Oak	2.3	Stem Diameter at 1.3m from ground (cm) Multiplied by Conversion Factor E.g. Oak, 70cm: 70 x 2.3 = 161 years.
Beech	2	
Ash/Sycamore	1.5	
Conifer	1.3	

**9. I have received a Tree Felling Licence to remove trees on a hedgerow do I still need to apply to the Department of Agriculture, Food and the Marine for screening as set out under the EIA (Agriculture) Regulations?**

The EIA (Agriculture) Regulations came into force on 8 September 2011. The Regulations apply to three different types of activities;

- Restructuring of rural land holdings
- Commencing to use uncultivated land or semi-natural areas for intensive agriculture
- Land drainage works on lands used for agriculture.

Where you intend to undertake any of these activities and the proposed works exceed the size threshold for screening set out in the Regulations you must make an application to the Department of Agriculture, Food and the Marine (DAFM) for screening giving details of the works. Likewise where the proposed activities do not exceed the size thresholds but the works may have a significant effect on the environment, you must also make an application to DAFM. Further information on the EIA (Agriculture) Regulations is available at: <http://www.agriculture.gov.ie/media/migration/ruralenvironment/environment/environmentalimpactassessment/EIAGuideforFarmers200212.pdf>

## **Tree Felling Licence Application Process**

**10. How much will it cost for me to get a Tree Felling Licence from the Department of Agriculture, Food and the Marine?**

The Department does not charge for a Tree Felling Licence.

**11. Can I complete the Tree Felling Licence application myself or do I need to engage a forester to complete the form?**

An owner can complete and submit an application form. It is important that all of the required information is entered on the form. Comprehensive guidance notes and example forms are available on the website.

**12. I would like to engage a professional to advise me on my harvesting plan and to complete the Tree Felling Licence application. Where can I get information on individuals or companies who provide such a service?**

The Forest Service doesn't recommend any particular service provider. However there are a number of service providers who can provide information on forest management including felling licence applications:

- Forest Service list of Registered Foresters and forestry companies, <https://www.agriculture.gov.ie/forests-service/forests-service-general-information/>
- Online Forestry Directory, <http://www.forestry.ie/directory>

**13. How long is a Tree Felling Licence valid for?**

A Tree Felling Licence of up to 10 years in duration is permitted under the provisions of the Forestry Act 2014, which may be extended for one or more further periods, not exceeding a total of 5 years.

**14. I haven't finished felling the area outlined on the licence that I was issued with and it has now expired, can I extend it?**

Yes, a Tree Felling Licence may be extended for one or more further periods, not exceeding a total of 5 years. Please contact the Forest Service for further information.

**15. How long does it take for a Tree Felling Licence to be issued?**

It takes approximately 8-10 weeks to process and issue a Tree Felling Licence, but it may take up to four months. In some instances Tree Felling Licence applications may be referred to a third party with timelines of up to 8 weeks to respond. To ensure Tree Felling Licence applications are processed without delay, the onus is on the applicant provide all the necessary information when submitting the application for Tree Felling Licence. Requests for further information will delay the processing of the Tree Felling Licence.

Under the provisions of the Forestry Act 2014, there is an objective to ensure that every Tree Felling Licence application is determined within a period of 4 months beginning on the date of receipt of the application. Where it will not be possible to determine a Tree Felling Licence application within the 4 month period, the Minister shall inform the applicant of the reasons why and shall specify a date, that is no later than 3 months from the date of the service of the notice, before which the application shall be determined, unless an environmental impact assessment or other type of assessment or significant further information is required.

## **Environmental Information**

**16. I am starting to plan felling operations for my forest holding and would like to find out if there are any environmental considerations that I need to bear in mind?**

The Forest Service has a comprehensive suite of environmental guidelines (including archaeology) which outline the environmental considerations that need to be borne in mind when undertaking harvesting operations. For further details please see <http://www.agriculture.gov.ie/forestservice/environmentalinformation/>

During the processing of the application, the Forest Service will also evaluate the potential impact on the environment and archaeology. Referrals will be initiated where necessary.

## Replanting

### **17. When do I need to replant a clearfelled area?**

The clearfelled area must be replanted within two years of the felling date.

### **18. I want to clearfell 5 ha of forest that never received any financial supports (i.e. no grant or premium) and do not wish to replant the felled area, to facilitate a commercial development. Is this possible?**

Yes the provisions of the Forestry Act 2014 facilitate this scenario. However as standard, areas cleared for development **must** be replaced by afforestation at an alternative site equivalent in size. The alternative area will not be eligible for any afforestation grants or premiums from the Forest Service. The proposed alternative land should be submitted for afforestation approval as early as possible, ideally at the same time as the Felling Licence application is submitted. Please see the Forest Service Felling and Replanting Policy document for further information.

### **19. I want to clearfell 2 ha of grant-aided forest that is currently in year 10 of the contract and do not wish to replant the felled area, to facilitate a commercial development. Is this possible?**

Yes the provisions of the Forestry Act 2014 facilitate this scenario. However as standard, areas proposed to be cleared for development **must** be replaced by afforestation at an alternative site equivalent in size if licensed. In addition, any afforestation grants and premiums which were paid to the applicant in respect of the 2 ha must be repaid.

The alternative area will be eligible for afforestation grants or premiums from the Forest Service. The proposed alternative land should be submitted for afforestation approval as early as possible, ideally at the same time as the Felling Licence application is submitted. Please see the Forest Service Felling and Replanting Policy document for further information.

### **20. I want to clearfell a small area for a site for my son or daughter of a grant-aided forest that is currently in receipt of premium and do not wish to replant the felled area. Is this possible?**

In these circumstances the Department will consider on application for the removal of small areas of grant aided forests for the building of a house for son or daughter without replanting. However any removal licensed without replanting alternative areas will require the repayment of grants and premiums.