

## New tree cutting and trimming rules for 2015

### What are the new rules?

#### Cutting and trimming

Includes trimming, topping, lopping, pruning, pollarding, coppicing and felling

A closed period that places a ban on **cutting and trimming** hedges and trees between 1 March and 31 August (inclusive) has been introduced as part of the updated 2015 cross compliance requirements. Whilst a closed period has always applied under cross compliance for hedgerow management during the bird breeding season, during 2015 this has been extended by one month (to cover the main chick rearing season) and is now also applicable to trees. If you are a Basic Payment Scheme (BPS)

claimant, you must adhere to these requirements or you could receive a reduction in your payment.

### Do the rules apply to you?

The tree cutting and trimming rules are outlined within the Good Agricultural and Environmental Condition (GAEC) 7c (Trees) requirements of the '[Guide to cross compliance in England 2015](#)'. The rule applies to all trees on **agricultural land**, including solitary trees in fields, trees in hedgerows and trees in woodland.

If the woodland meets the Rural Development Programme for England (RDPE) definition of a **forest** and it is not predominately used as agricultural land, the tree cutting and trimming rules do not apply. However, if the woodland meets the definition, but is put to agricultural use (for example grazing), or is claimed under the Basic Payment Scheme, the cutting and trimming rules will apply. It is also important to note that if the woodland is supported under certain<sup>1</sup> pillar 2 schemes, the cross compliance Statutory Management Requirements (SMR) will still apply. Further details of the SMR requirements can be located in the '[Guide to cross compliance in England 2015](#)'.

#### Forest

Defined as land with a minimum area of 0.5 hectares and minimum width of 20 metres under stands of trees with, or with the potential to achieve, a height of 5 metres and crown cover of more than 20% of the ground.

#### Agricultural land

- arable land (including temporary grass and fallow land)
- Permanent grassland
- Permanent crops
- activities such as grazing or pannage

The tree cutting and trimming rules will apply to eligible trees, even in cases where a felling licence has been granted. It is possible to coppice any tree during the start of the closed period until 30 April (inclusive).

### Are there any exemptions to the rules?

There are some exceptions to the tree cutting and trimming rules. They do not apply where the tree:

- overhangs a highway, or any other road or footpath, endangering or obstructing vehicles, pedestrians or horse-riders
- obstructs or interferes with the view of drivers of vehicles or the light from a public lamp
- is dead, diseased, damaged or insecurely rooted, and is a risk to human safety
- is in an orchard

<sup>1</sup> Environmental Stewardship, existing Farm Woodland annual payments (Farm Woodland Scheme (FWS), Farm Woodland Premium Scheme, FWPS and Farm Woodland Payment (FWP) and Woodland Management Grant (WMG)), Maintenance Grant of Multi annual Woodland Improvement Grants under the new Stewardship Scheme

- it is cut or trimmed by a statutory authority acting under its statutory powers

You don't need to write to Rural Payments Agency (RPA) in advance asking for an exemption but if you get inspected you must be able to prove how and why you used the exemption.

### **How do you apply for a derogation?**

You can apply for a derogation under the following circumstances, but must not act until you have received a response to your request:

- To enhance the environment, improve public or agricultural access, or for reasons relating to livestock or crop production
- To cut or trim a tree in a hedgerow during the month of August for the purposes of sowing oil seed rape or temporary grassland during the same August

You must apply for a derogation by sending your request in writing to the RPA, by email ([csc@rpa.gsi.gov.uk](mailto:csc@rpa.gsi.gov.uk)) or by post (Rural Payments Agency, PO Box 300, Sheffield, S95 1AA). Please be aware that a derogation to cut a tree within a hedgerow would need to be considered both under GAEC 7c with respect to the tree itself, and GAEC 7a (Boundaries) with respect to the hedgerow it is a part of. This mirrors the situation where, if a felling licence has been issued to fell trees in a hedge, permission will also be required under the Hedgerows Regulations 1997 where it is proposed to remove part of the hedgerow.

### **What does this mean for your business?**

If the trees on your land fall within the definition provided at the start of the article and are not covered by the exemptions or derogations listed above, the likelihood is that the new tree cutting rules will apply. This is the case for:

- Standalone trees
- Trees in woodland
- Trees within a hedgerow if no derogation has been granted
- Shelterbelts /windbreaks - these are made up of trees and hedges that will have to adhere to the non-cutting period. If the shelterbelt/windbreak is for an orchard, the only trees that are exempt from the non-cutting rules are the fruit trees
- Trees on a grazed golf course

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### **Get in touch with the FAS**

If you would like free and confidential advice on the tree cutting and trimming rules from an independent adviser, please contact FAS on 0345 345 1302 or [advice@farmingadvice.org.uk](mailto:advice@farmingadvice.org.uk)

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