

Operations Note 46a

Date: 07.08.2019

# The management of individual ash trees affected by ash dieback (*Hymenoscyphus fraxineus*)

## 1 Purpose

This Operations Note provides advice is for land managers, including householders and practitioners, who have responsibility for the management of individual and small groups<sup>1</sup> of ash trees – those trees in fields, hedgerows, verges and other open spaces such as church yards, gardens and parks that are likely to be or become infected by ash dieback.

This Operations Note is supplementary to and does not replace any existing published guidance on tree felling, or on management of ash trees affected by dieback:

- [Tree Felling – Getting Permission](#)
- [Managing ash in woodlands in light of ash dieback: operations note 46](#)
- [Managing woodland SSSIs with ash dieback \(\*Hymenoscyphus fraxineus\*\)](#). Joint advice from Natural England and the Forestry Commission

This Operations Note supports consistent assessment and decision making by the Forestry Commission in the use of felling licences and felling exceptions (Forestry Act 1967), but should also be used by other relevant authorities in England who also have responsibility for controlling the management or felling of individual ash trees.

## 2 Background

First confirmed in Britain in 2012, ash dieback, previously known as 'Chalara', is a disease of ash trees caused by a fungus (*Hymenoscyphus fraxineus*). Ash trees across much of England are now symptomatic of ash dieback, and it is expected that the majority of ash trees will subsequently die from or be significantly affected by the disease in the coming years. Currently there is no known efficient prevention or curative treatment.

[Visible ash dieback symptoms](#) do vary, but include leaf wilt, leaf loss and crown dieback, and in some instances visible bark lesions in branch or stem tissues which directly contribute to tree decline and death. Growing trees are known to be weakened to the point where they succumb to secondary pests or pathogens, e.g. *Armillaria* fungi (honey fungus).

Timescales on speed of decline vary; mortality has been observed in as little as two growing seasons. As an ash tree declines, and where affected by secondary pathogens, it appears to more rapidly lose timber strength and integrity and is prone to structural failure, making the management and felling of infected trees hazardous, and costly.

Some ash trees appear to be able to tolerate infection. Therefore, the use of crown reduction or lopping instead of felling, natural regeneration of felled trees and propagation of tolerant trees may lead to more tolerant strains. Tree health scientists are studying the genetic factors which enable this so that tolerant ash trees can also be bred for the future.

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<sup>1</sup> By small group, we mean areas of trees less than 20m wide and less than 0.5 hectares in area.

### 3 Current advice

The evidence informing ash dieback policy and the resulting management advice is under constant review; this guidance will change periodically.

This advice has been developed through the expert knowledge of UK researchers and practitioners. It is informed by evidence and experience from continental Europe, where the disease has been established for over 25 years, and from the UK where, more recently, the disease has progressed rapidly in some locations.

It is also informed by safety guidance and advice published by the forestry sector through the [UK Forest Industry Safety Accord \(UKFISA\)](#). See the [Euroforest - Safety Guidance for Managers note](#) on felling ash dieback affected trees.

This guidance aligns with the government approach to ash dieback, set out in the Tree Health Resilience Strategy (May 2018), and it should be read in conjunction with [Managing ash in woodlands in light of ash dieback: operations note 46](#), part of the ash dieback toolkit.

Current advice recommends that land managers should already be identifying their ash tree population, assessing ash tree condition, monitoring for any change over time, and be planning mitigation for the expected loss of a large proportion of ash trees. Such works should look to minimise the loss of ash trees as a habitat used by other species and as an important tree in the landscape by, for example, undertaking compensatory tree planting with site appropriate species in advance of the expected loss of ash trees.

Land managers need to prepare their resources and manpower to manage any identified risks resulting from changes in ash tree condition. This should include obtaining an approved [felling licence](#) for trees on their land so that they can legally fell if they need to.

The advice is provided in the knowledge that land managers have an overarching duty to comply with the law, and should be acting now in their preparation to deal with the likely increased risks from ash dieback on their ash trees. In particular, their focus must be on ash trees growing within 'high risk' locations, like those adjacent to highways, service network infrastructure, buildings, or in areas or routes frequently used by the public.

### 4 The Forestry Act 1967

The Forestry Act 1967 (Section 9(1)) states that the felling of growing trees, **including diseased and dying trees**, requires a felling licence, unless a specific exception to the need for a licence, where certain criteria are met, is applicable, for example, trees growing in a garden, churchyard, orchard or public open space.

After due consideration, the Forestry Commission may grant a felling licence to legally permit the cutting down (felling) of growing trees or an area of woodland.

The Forestry Commission expects that most ash tree felling in response to ash dieback, including the felling of multiple individual ash trees, will need to be permitted through use of an approved felling licence. A felling licence application will therefore need to cover all non-woodland trees on a property, not just those in woodland.

For applicants, this means having to identify the location of individual and small groups of ash trees and corroborating those locations with site visits when compiling an application map. Aerial photography is freely available online to assist with this work.

## 4.1 Felling licences

A felling licence will normally last for 5 years. However, if you produce a [UK Forestry Standard](#) compliant woodland management plan and the Forestry Commission review and approve it, then we can issue a felling licence for any proposed felling for 10 years.

Licences for felling individual trees, groups of trees or wooded areas will usually be conditional; this means there is an expectation that restocking, by either regeneration or replanting, will take place to maintain tree cover in the local landscape.

Failure to comply with felling conditions is an offence under the Act.

More information on felling licences can be found at [Tree felling, Getting permission](#).

You can also [apply online for a Felling Licence](#).

## 4.2 Felling licence exceptions

A range of exceptions to the need for a felling licence are described in the Act. These exceptions generally apply to particular kinds of work on trees (topping or lopping), the size of a tree or the volume of timber, trees in particular locations (such as churchyards, gardens and public open spaces), specific tree types (fruit trees) or land uses (orchards), and for dangerous trees ([See section 4.4 - Dangerous tree exception - Forestry Act 1967](#)).

Other exceptions apply to public bodies or statutory undertakers, where they have a duty to maintain a service or network e.g. railways.

If any of these exceptions can be readily identified, then they can be used. There is no requirement to consult the Forestry Commission before carrying out tree works, and there is no requirement to replant a tree which is felled under an exception.

However, the Forestry Commission may investigate incidents of tree felling where a felling licence has not been issued, and will take enforcement action where there is no obvious exception available. Therefore, anyone proposing to use an exception should secure appropriate evidence to demonstrate that an exception did apply.

**Evidence of an exception:** To support an exception (prior to felling) consider using:

- Fixed point photography, at both a close-up and a landscape scale. Images should clearly demonstrate the reason for felling the tree, and may include using a series of images over time to show decline in a tree's condition. Show the scale or size of the tree using a rule, tape measure or, in distance shots, a person or a vehicle.
- A written report from a suitably qualified and experienced tree contractor or consultant, specifically detailing why a tree's condition and the circumstances in which it grows warrants its felling, rather than, for example, using crown reduction or limb removal works to mitigate the concern.
- Documentary evidence that some other permission or exclusion from the need for a felling licence exists, e.g. land registry records or other map evidence showing the site is a garden, public open space or churchyard, or that an alternative permission has been granted or a Notice has been served requiring you to take action.

Alternatively, contact the Forestry Commission in advance of any tree felling and seek our agreement that the proposed works do, or do not require a felling licence.

### 4.3 Dangerous ash trees

It is important to note that poor condition of an ash tree canopy might not be a result of ash dieback. Other problems such as drought stress, water logging, root damage, or other pests and diseases can cause ash trees to become stressed and to decline.

However, where it is determined that ash dieback is the cause of decline, the structural integrity and inherent strength of an ash tree may be severely affected by the disease and by associated secondary pests or pathogens; these may create high risk felling conditions for any operators working on or adjacent to that tree.

Only trained and experienced tree surgeons or forestry workers should undertake work on ash trees showing obvious ash dieback symptoms or advanced signs of ash dieback.

### 4.4 Dangerous tree exception – Forestry Act 1967

One of the exceptions within the Forestry Act 1967 considers dangerous trees.

**Section 9(4)(a)** of the **Forestry Act 1967** states that:

**A felling licence shall not be required for any felling which is for the prevention of danger or the prevention or abatement of a nuisance.**

The Forestry Commission gives the following interpretation of the 'dangerous tree' exception in the Forestry Act 1967 with respect to ash trees affected by ash dieback.

We recognise:

- The timescale to receive an approved felling licence may take longer than is required to respond to an identified danger. However, this exception should only be used for exceptional circumstances where there is an obvious danger. An approved felling licence will be the normal means for permitting tree felling, where it needs licencing.
- The difficulty in assessing the inherent timber strength of an ash tree affected by ash dieback (and by secondary pests or pathogens). We advise a precautionary view is taken as to potential health and safety implications for tree and forestry contractors managing or felling infected ash trees, as the risks are not yet well understood.
- That in high risk locations (beside highways, network infrastructure and public spaces), the risk of failure of part of, or the entire ash tree as a result of ash dieback will have a more immediate, direct and potentially significant impact on people and property.

Notwithstanding deciding whether a Felling Licence is required or not to fell an individual non-woodland ash tree, the Forestry Act exception for a dangerous tree should only be used where the following criteria are all fully met:

- The ash tree is already clearly affected by **ash dieback symptoms**; **and**,
- It is within falling distance (i.e. the total height of the tree) of a highway, service network, built infrastructure, or a space with frequent public use **and**,
- The greater part of the crown of the tree is dead; **and**
- Crown reduction works necessary to remove any deadwood would, in the opinion of a qualified professional, significantly harm the vitality (or visual amenity) of the tree.
- Additionally, any ash tree showing basal lesions, either with or without evidence of secondary infection e.g. honey fungus, would also fall within the scope of the dangerous tree exception.

This interpretation identifies the relevant factors to be assessed in considering use of the 'dangerous tree' exception for felling infected ash trees. It also alludes to the evidence a land manager should be collecting to validate the use of this exception – [see section 4.2 - Felling licence exceptions](#).

Notwithstanding this interpretation of a dangerous ash tree, the presence of ash dieback does not in itself provide the authority to fell trees without a felling licence.

### 5 Preparing for action

Where a felling licence would normally be required to fell growing trees, the Forestry Commission recommends that you apply for and obtain one at your earliest convenience. A licence will last for 5 years from date of approval; 10 years if associated with an approved woodland management plan.

A felling licence application should consider all the trees on your property, including those on roadsides, in hedgerows, in fields, along public rights of way, and not just those in woodland settings. If you do not have a felling licence in place, and need one, an application will normally take up to 11 weeks to process, usually much less.

Having a felling licence in place will help you to:

- Legally manage your tree resources more strategically, and allow you to react to emerging issues more quickly, or, to leave trees standing if they remain unaffected.
- Avoid you having to rely on gathering evidence in order to use an exception to fell a tree, on a tree by tree basis; there is less risk of challenge by authorities.
- Plan for the economic costs and administrative time associated with, for example, obtaining road closure and service shut-down orders and implementing them
- Collaborate effectively with neighbours and local authorities in co-ordinating contractor resources, to minimise the impact of tree felling activities on land managers and on local communities.

**Important:** Everyone involved in the felling of trees, whether doing the work directly or by engaging others e.g. an agent or contractor, must ensure that a felling licence has been issued or that one of the exceptions applies before any felling is carried out. Any felling carried out without either a felling licence, or an exception, is an offence.

Also, alongside a felling licence, you may still need to obtain other permission or consent, for example, for work affecting protected species, or to work on protected sites.

Remember, not all dead or dying trees are dangerous or pose a threat. In fact, as a habitat, they can be very important for supporting biodiverse ecosystems. Tree owners, their agents and authorities have a duty to consider biodiversity; dead branches and declining trees can provide valuable habitat for other flora and fauna, some of which is protected under other legislation ([see section 8 - Other legislation and tree protection](#)).

## 5.1 Felling Licence Online

You can [apply online for a Felling Licence](#).

You will need to create an account on the system, and create a map showing your trees and woodland. These details are then be used to create an application for tree felling, and are retained and available to be reused for future applications for tree felling.

Extensive user guidance is provided to help you set up your account and property and to make your application.

## 6 Advice on managing individual ash trees

There are a large number of ash trees across our landscapes, with a small but important proportion of them growing in high risk locations in terms of regular public use.

At the same time, there is a limited resource of suitably trained and skilled contractors with appropriate machinery and equipment to undertake the likely safety work, including pruning or safe felling, that ash dieback will create.

Therefore, management of diseased ash trees should prioritise those trees in the highest risk locations, to maximise the reduction in risk to the general public from structural failure of diseased ash trees.

This work is likely to need to be spread over several years, highlighting the need for a land manager to obtain a long term approved felling licence, but also, giving them an opportunity to develop and deliver suitable mitigation to the loss of ash trees.

To help deliver high risk priorities in ash tree management, ash trees management in lower risk locations should be delivered as part of longer term tree management. Where felling would be the normal management activity, it is expected that this will be delivered through use of a felling licence, not the exception for dangerous trees.

### 6.1 Assessment and management of ash trees

Understanding what risks a land owner might face from ash dieback, particularly from ash trees with potential to affect 'high risk' locations, should be an immediate concern.

In assessing what risks may exist, useful and detailed advice can be found in the [National Tree Safety Group – Common Sense Risk Management of Trees](#) booklet - on identifying risk and making balanced decisions on what the options for required action are.

The following sections provides some basic steps that land managers should apply to help plan for and make reasonable decisions on when confronting the advance of ash dieback:

#### 6.1.1 Identify:

As a land manager, as a first step, make yourself aware of where ash trees (outside of woodland) are growing on your property or on land which you are responsible for.

- Record the presence and locations of ash and other trees on a plan, map or GIS mapping system for future reference and for operational planning purposes.
- Use the presence of trees in relation to other features, such as highways, networks or spaces frequented by the public and create (and document) your zones of risk. From here you can begin to focus on assessing the highest risk locations first.



### 6.1.2 Assess:

When first identifying the location of individual ash trees on land which you are responsible for, you should also make an initial assessment of the tree health condition.

Once you have determined any 'high risk' locations, you will start to be able to determine where you need to focus most attention, potentially at the individual tree level, and to identify what sort of management responses you may need to consider.

Any assessment should look to identify ash trees that are:

- Located in areas with frequent or significant public use, such as adjacency to public roads, network infrastructure, buildings, rights of way, permissive access routes etc.
  - Locations with statutory access rights, such as roads and public rights of way must be maintained as safe for public use. This may mean liaising with other authorities for temporary closure orders e.g. a road closure.
  - Locations with permissive access, such as community woodlands should be managed by excluding the public until safety works are completed.
- Showing evidence of significant tree health risk factors, such as dead limbs, fruiting bodies (especially *Armillaria* fungi or *Inonotus Hispidus* brackets), lesions etc.
- Showing the highest levels of disease tolerance. This is important in helping to identify and maintain a diverse genetic ash tree resource
- Showing evidence of use by or as a host for important or [protected species](#), e.g. bats. Ash trees are important for many protected species; you should start to plan and introduce mitigation for any species populations which would be affected by loss of an ash tree. This work can be supported by investigating local species records and seeking specialist advice and site surveys for protected species.

Make and keep records of what trees you have, what you see when you assess them, and what risks you think are likely if the tree declines, e.g. will fall across a road, or will fall into an isolated field.

An example survey checklist is shown in [Appendix 1 - Example: A tree inspection checklists](#).

### 6.1.3 Monitor

Ongoing monitoring of ash trees should focus on those trees in high or higher risk locations to ensure that any change in their condition is noted as early as possible.

Most importantly, keep written notes from the monitoring work; they will provide evidence of your awareness of the risks and your assessment of them, should a tree failure incident occur which affects someone else.

Advice can be sought from suitably qualified and experienced tree consultants. Both the Arboricultural Association and the Institute of Chartered Foresters maintain directories of registered practitioners and consultants – [see section 9 - Sources of further advice](#).

Regular survey work (we'd suggest late July to early August) will help to identify:

- the current condition of the ash tree population
- the rate of condition change, including the cumulative rate of change locally across a number of ash trees

- the location of specific trees with features of importance e.g. where there are associated species, such as bats, which may be affected when management on ash trees is undertaken

Photographic records should be kept to record change in individual tree condition. However, premature conclusions regarding levels of disease tolerance (good or poor) should be avoided as the health of individual trees can vary from year to year and changes resulting from ash dieback are not yet fully understood or realised.

Lower risk trees can be managed as part of a normal longer term approach to tree management. Lower risk trees may also contribute towards longer term habitat mitigation, if you have important or protected species populations to consider, as you may be able to retain them longer and keep them as important tree features in the landscape.

### 6.1.4 Mitigate

Where diseased ash trees are known to contribute to specific eco-system services, for example, as resting, breeding or foraging sites for important species, then mitigation should be planned to secure these features in the long term. This is to ensure compliance with wildlife legislation such as the Wildlife and Countryside Act 1981.

- Habitat mitigation, to offset any impact or loss as a result of felling trees, could include managing nearby trees or woodland to improve its condition and create good quality habitat for important species.
- Landscape impact resulting from loss of significant numbers of trees can be mitigated by advance planting of new trees and woodland using locally appropriate species.

### 6.1.5 Manage

We believe that through the assessment and survey process you will be able to identify those ash trees with high or higher risk factors and will be able to evidence what work is required on them and when.

Notwithstanding assessing any health and safety risks associated with working off the ground in potentially weakened ash trees, tree works could include:

- removal of deadwood
- crown reduction or pollarding / re-pollarding, or
- the felling of significantly affected trees

Tree pruning or felling works should be undertaken by suitably qualified and experienced tree surgeons – [see section 9 - Sources of further advice](#).

## 7 Restocking after tree felling

Felling Licences will, in most cases, have conditions applied to them to require restocking (replanting or regeneration) of the locations where the trees have been felled.

In some circumstances, we may agree to replant an equivalent number of trees in an alternative location, but to do so the applicant must demonstrate the benefits of an alternative position for the trees or woodland in the landscape.

Replanting with ash trees is not permitted due to the current embargo on ash plant movements. General advice is to restock from a variety of site suitable tree species that are appropriate to the sensitivity of the local landscape and which will help replace the variety of ecosystem services that ash had previously provided.



Alternatively, promoting natural regeneration from local ash (in the right place), and allowing genetic diversity, could be important because tolerance to ash dieback appears highly heritable. Therefore, some management, and promotion of natural regeneration, may be advisable.

Further guidance on species selection options for replacing ash dieback affected trees is provided in greater detail online ([see Managing ash in woodlands in light of ash dieback: operations note 46](#)).

### 7.1 Restocking after using a felling exception

The [Natural Environment and Rural Communities \(NERC\) Act 2006](#) directs public bodies to have regard, when exercising their functions, to the purpose of conserving biodiversity, and that for those bodies, conserving biodiversity also includes restoring or enhancing a population or habitat.

- We expect public bodies to replace ash trees felled as a result of ash dieback when undertaking works that are otherwise excepted from the need for a felling licence.

More generally though, where a felling exception may be used, there is no legal requirement to replant.

However, there is a great desire to maintain a tree-lined or wooded character to many of our landscapes, and so there are some tree health related grant funding initiatives to help restore hedgerow and roadside trees. You can seek advice from your local Forestry Commission woodland officer on what grants may be available.

## 8 Other legislation and tree protection

A felling licence only grants permission for a tree to be felled.

A licence does not control, for example, timber extraction, stacking or storage, timber biosecurity or timber movement etc. There are a wide range of other rules and regulations which may also apply to proposals to fell ash trees, and sometimes additional consents, permissions and licences are required from other bodies.

Failure to comply with or obtain the necessary permissions could be an offense under the relevant legislation.

The principle tree and land protections are detailed below, but the list is not exhaustive.

### 8.1 UK Forestry Standard

The [UK Forestry Standard \(UKFS\)](#) sets out the UK government's approach to sustainable forest and woodland management across the UK.

The UKFS defines the management requirements, and provides guidelines and the basis for regulation and monitoring of trees and woodland. The UKFS ensures that rules on e.g. sustainable forest management, climate change, biodiversity and the protection of water and soil resources are robustly applied.

The Forestry Commission is responsible for implementing the UKFS in England. It will assess forestry proposals, including tree felling, against the Standard before giving its approval, and will carry out checks to ensure the Standard is being complied with.

The UKFS also plays an important role in defining requirements for independent certification in the UK.

## 8.2 Tree Preservation Orders and Conservations Areas

Local authorities have an interest in trees and woodland which they have protected under the **Tree Preservation (England) Regulations 2012 and the Town and Country Planning Act 1990**.

Where a felling licence would normally be required to fell trees, and there is a tree preservation order (TPO) already in place, the proper route to seeking permission to fell the tree is via a felling licence. When you apply for a licence you must declare the presence of the TPO, or a conservation area.

- Once an application is received, the Forestry Commission will consult with the planning authority on the proposals and seek agreement on issuing the felling licence and on applying any replanting conditions. Once a felling licence is issued, you may still have to give notice to the local authority before undertaking the felling work on the TPO.
- Felling proposals should be in the spirit of maintaining the TPO; a felling licence cannot be issued if the local authority sustains an objection to the felling proposed. In this instance an application would be referred to the Secretary of State and the application dealt with under the Town & Country Planning Act.

Where an exception for the need for a felling licence has effect, for example, a small tree, you will instead need permission directly from the local authority to undertake work on a tree that is subject to a TPO.

### 8.2.1 Conservation areas

Where a felling licence would normally be required to fell trees and the proposals for tree felling are within a Conservation Area, the Forestry Commission will consult with the planning authority before making our decision whether to issue a felling licence.

Note: Whether or not you need a felling licence, you have to notify the planning authority that you intend to work on or fell trees in a Conservation Area at least 6 weeks before any work takes place (but not more than 2 years in advance). This gives the local authority the opportunity to put a TPO on the tree(s) affected by the felling proposal, should they wish to.

## 8.3 Protected landscapes

Where landscapes have been designated as having a special character e.g. National Parks (NPs), Areas of Outstanding Natural Beauty (AONBs), the Norfolk Broads or Heritage Coasts, tree felling can have an increased sensitivity in the landscape.

The Forestry Commission will consult on felling proposals with those bodies.

## 8.4 Open Access land

Where public access to the wider landscape is guaranteed on Open Access land and along the England Coastal Path, tree felling operations may impact on the public's right to access (and enjoyment of) those areas.

The Forestry Commission will consult on felling proposals with the Local Access Forum.

## 8.5 Protected sites

Where specific sites are protected for e.g. their biodiversity, geological or cultural value, tree felling can have an increased sensitivity or disturbance factor.

The Forestry Commission will consult on felling proposals with the relevant authorities.

### 8.5.1 Consents to operate

Some designated sites e.g. Sites of Special Scientific Interest (SSSI), Scheduled Monuments (SM), National Nature Reserves (NNR) or World Heritage Sites (WHS), are likely to need additional consent from the relevant authority in order for work on the protected site to be allowed to take place. These consents will dictate how and when the activity will take place, and how the site will be protected from permanent damage.

### 8.5.2 Ash on Sites of Special Scientific Interest

Natural England and the Forestry Commission have jointly prepared specific guidance for ash management on SSSI woodlands affected by ash dieback. SSSIs are an important biological resource, and so management in these woodlands will have greater limitations imposed on what scale of works can be carried out over time.

In the case of work on SSSI woodland, the Forestry Commission will help to secure that consent while processing a felling licence application if you complete and submit a Supplementary Notice of Operations with your felling licence application.

### 8.5.3 Commons

There is historic legal protection that provides for common land to remain unenclosed, unbuilt upon and free from fences and other works that impinge on access to the land. It is important to understand the legal position and requirements before attempting to carry out any tree works on common land.

There has been a legal requirement to obtain Secretary of State Consent to carry out works that prevent or impede access on common land since 1925 (Law of Property Act s.194), strengthened by the Commons Act 2006. Whereas the earlier Act applied only to land subject to rights of common on the first of January 1926, s.38 of the 2006 Act applies to land:

- registered as common under the 1965 Commons Registration Act
- regulated by a Provisional Order Confirmation Act under the 1876 Commons Act
- subject to a scheme of management under the Metropolitan Commons Act 1866 or the Commons Act 1899
- works on commons owned by the National Trust are covered by separate legislation – The National Trust Act 1971

Both Acts require that consent is obtained for any restricted works that will prevent or impede access. Such works include fencing, creating ditches, forestry works, new solid surfaced roads, paths and car parks. Restocking (including the planned use of natural regeneration), as required under a felling licence, will require consent as the subsequent woodland cover would be deemed to impede or reduce public access.

The consent process is administered by the Planning Inspectorate on behalf of the Secretary of State for Environment, Food and Rural Affairs.

## 8.5.4 Habitats Regulations

Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and RAMSAR sites are site based designations which in some cases spread to a landscape scale. These designations also carry increased levels of protection in relation to specific habitats, with woodland potentially being a habitat focus.

It is important that you understand the feature interests of these designations – they are all different, and the levels of intervention that Natural England, the relevant authority, may be prepared to accept.

Note: The citations for these protection areas were not written with major issues such as ash dieback in mind. You may initially feel constrained by what is initially permitted. However, Natural England and the Forestry Commission will discuss the best options for safeguarding these protected areas with you, while enabling you to address ash dieback.

## 8.6 Protected species

You must comply with regulations protecting wildlife species and habitats when you're managing trees and woodland, and planning felling operations. These include the European protected species (EPS) listed in the [Conservation of Habitats and Species Regulations 2017](#) and the [Wildlife and Countryside Act 1981](#).

It's an offence to:

- deliberately capture, injure, kill or cause significant disturbance to a protected species
- deliberately destroy the eggs of a protected species
- damage or destroy protected species' breeding sites or resting places (such as a bat roost in a tree or a dormouse nest on the woodland floor)

You must carry out planned operations carefully, making the necessary checks, and you may need a wildlife licence in certain circumstances.

### 8.6.1 Good Practice guidance

[Good Practice guidance](#) has been published by the Forestry Commission and Natural England to help managers comply with these regulations.

If you follow good practice you should be able to carry out most activities without the need for a wildlife licence – but to do so you may just have to modify or reschedule some of your management proposals or practices.

You should use this [EPS Checklist](#) as part of your tree assessment and monitoring prior to undertaking any tree felling.

## 9 Sources of further advice

The Forestry Commission recommends that you attend a local tree health training or arboricultural course to help you to be able to identify disease and dieback symptoms and signs of structural problems, and to consider issues such as biosecurity.

Forestry Commission Area teams	<a href="https://www.gov.uk/government/organisations/forestry-commission/about/access-and-opening">https://www.gov.uk/government/organisations/forestry-commission/about/access-and-opening</a>
Tree felling – An overview	<a href="https://www.gov.uk/guidance/tree-felling-overview">https://www.gov.uk/guidance/tree-felling-overview</a>
Felling licences	<a href="https://www.gov.uk/guidance/tree-felling-licence-when-you-need-to-apply">https://www.gov.uk/guidance/tree-felling-licence-when-you-need-to-apply</a>
UK Forestry Standard	<a href="https://www.gov.uk/government/publications/the-uk-forestry-standard">https://www.gov.uk/government/publications/the-uk-forestry-standard</a>
Managing ash in woodlands in light of ash dieback: Operations Note 46	<a href="https://www.gov.uk/government/publications/managing-ash-in-woodlands-in-light-of-ash-dieback-operations-note-46">https://www.gov.uk/government/publications/managing-ash-in-woodlands-in-light-of-ash-dieback-operations-note-46</a>
Tree Health Resilience Strategy	<a href="https://www.gov.uk/government/publications/tree-health-resilience-strategy-2018">https://www.gov.uk/government/publications/tree-health-resilience-strategy-2018</a>
Forest Industry Safety Accord – Felling dead ash	<a href="https://www.ukfisa.com/assets/files/alerts/Safety%20Guidance%20Note%20-%20Felling%20dead%20ash%20-%20April%202018.pdf">https://www.ukfisa.com/assets/files/alerts/Safety%20Guidance%20Note%20-%20Felling%20dead%20ash%20-%20April%202018.pdf</a>
National Tree Safety Group – Common sense risk management of trees	<a href="http://www.forestry.gov.uk/pdf/FCMS024.pdf/\$FILE/FCMS024.pdf">http://www.forestry.gov.uk/pdf/FCMS024.pdf/\$FILE/FCMS024.pdf</a>
Tree council	<a href="https://www.treecouncil.org.uk/">https://www.treecouncil.org.uk/</a>
Natural England	<a href="https://www.gov.uk/government/organisations/natural-england">https://www.gov.uk/government/organisations/natural-england</a>
Historic England	<a href="https://historicengland.org.uk/">https://historicengland.org.uk/</a>
European Protected Species	<a href="https://www.gov.uk/guidance/manage-and-protect-woodland-wildlife">https://www.gov.uk/guidance/manage-and-protect-woodland-wildlife</a>
Bat Conservation Trust	<a href="https://www.bats.org.uk/the-trust/contact-us">https://www.bats.org.uk/the-trust/contact-us</a>
Arboricultural Association	<a href="https://www.trees.org.uk/">https://www.trees.org.uk/</a>
Institute of Chartered Foresters	<a href="https://www.charteredforesters.org/">https://www.charteredforesters.org/</a>

## 10 Versions

Version	Issued	Comments
1.0	07.08.2019	First published



## Appendix 1 - Example: A tree inspection checklists

The following forms, or similar, can be used to help with record keeping and recording your decision making process on when to undertake work on specific trees or small groups of trees.

### Tree or tree group inspection form

Property Name		Date inspected	
Area reference		Inspected by:	

Tree ID	Grid Ref	Species	Comments / Recommendations	Urgency rating	Date work completed
T1	AB123456	Ash	>25% crown dieback visible, no obvious lesions. Review tree in 3 months	3	
T2	AB123456	Ash	50% crown dieback and significant limb over highway. Tree needs to be felled due to uncertainty of the timber strength in the limb and stem. A road closure is required	1	

Urgency Levels: 1 = Immediate work required  
 2 = Work within three months required (Apply for a felling licence)  
 3 = Integrate into future work programmes (Apply for a felling licence)

## Annual Inspection Record Sheet

Tree ID	Grid Ref	Species	Date When Inspected				
			2019	2020	2021	2022	2023
T1	AB123456	Ash	01/05/2019				
T2	AB123456	Ash	01/05/2019				