



Forestry Act 1967

1967 CHAPTER 10

PART II

^{F1}... POWER TO CONTROL FELLING OF TREES

Restriction of felling

^{F15} Trees subject to preservation order under Planning Acts.

- (1) If an application is made to the [^{F2}appropriate forestry authority] for a felling licence in respect of trees to which a tree preservation order relates, and [^{F3}relevant consent] is required for the felling of those trees, then—
- (a) the [^{F2}appropriate forestry authority], if they propose to grant the licence, shall give notice in writing to the authority by whom the order was made; and
 - (b) the [^{F2}appropriate forestry authority] may in any case refer the application to the said authority.

^{F4}(1A) In subsection (1) “relevant consent” means—

- (a) in the case of trees in [^{F5}England or Wales], consent under tree preservation regulations.

^{F6}(b)]

- (2) Where the [^{F2}appropriate forestry authority] give the notice required by subsection (1) (a) above and the authority within the prescribed period after receipt of the notice object to the [^{F7}appropriate forestry authority's] proposal to grant a felling licence and do not withdraw their objection, then—
- (a) the [^{F2}appropriate forestry authority] shall not deal with the application, but shall refer it to the Minister, and the application shall then be dealt with under the Town and Country Planning Acts; and
 - (b) if in pursuance of the application the Minister consents to the felling, section 9(1) of this Act shall not apply so as to require a felling licence for the felling of any trees in accordance with the consent.

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Section 15. (See end of Document for details)

- (3) Where the [^{F2}appropriate forestry authority] refer an application under subsection (1) (b) above,—
- (a) the application shall be dealt with under the Town and Country Planning Acts; and
 - (b) so long as the tree preservation order applying to the trees remains in force, section 9(1) shall not apply so as to require a felling licence for the felling of any trees to which the application relates.

- (4) Where in the case of any trees—
- (a) the [^{F2}appropriate forestry authority] under this section refer an application for a felling licence to the Minister or an authority who have made a tree preservation order relating to the trees; and
 - (b) a felling licence in respect of the trees has been previously refused by the [^{F2}appropriate forestry authority],

no account shall be taken, in calculating any compensation payable under section 11 of this Act in consequence of the previous refusal, of deterioration occurring after the date of the reference.

This subsection shall be without prejudice to section 11(5) of this Act, in a case to which that subsection applies.

- (5) Except as provided by the foregoing provisions of this section, no [^{F8}relevant application shall be entertained] in respect of the felling of trees in the case of which section 9(1) of this Act applies so as to require a felling licence.

[^{F9}(5A) In subsection (5) “ relevant application ” means—

- (a) in the case of trees in [^{F10}England or Wales], an application under tree preservation regulations for consent under the regulations.

^{F11}(b)]

- (6) Where, in the case of trees to which a tree preservation order relates, a felling licence is granted by the [^{F2}appropriate forestry authority] after the date on which the order comes into force, the licence shall, notwithstanding anything in that order, be sufficient authority for the felling of any trees to which the order relates.

- (7) Schedule 3 to this Act shall have effect for explaining the procedure applicable where this section requires an application to be dealt with under the Town and Country Planning Acts.

- (8) [^{F12}]

Textual Amendments

- F1** Act repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. 85(2), [sch. 2](#) (with [ss. 80, 83](#)); [S.S.I. 2019/47](#), [reg. 2](#) (with transitional provisions and savings in [regs. 3-22](#) (as amended (18.3.2021) by [The Forestry and Land Management \(Scotland\) Act 2018 \(Consequential, Saving and Transitional Provisions\) Regulations 2021](#) (S.S.I. 2021/44), [regs. 1\(1\), 11\(2\)\(b\)\(3\)\(a\)\)](#))
- F2** Words in s. 15 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), [art. 1\(2\)](#), [Sch. 2 para. 57\(2\)](#) (with [Sch. 7](#))
- F3** Words in s. 15(1) substituted (6.4.2012 for E.) by [Planning Act 2008](#) (c. 29), s. 241(3)(4), [Sch. 8 para. 2\(2\)](#) (with s. 226); [S.I. 2012/601](#), [art. 2\(a\)](#)
- F4** S. 15(1A) inserted (6.4.2012 for E.) by [Planning Act 2008](#) (c. 29), s. 241(3)(4), [Sch. 8 para. 2\(3\)](#) (with s. 226); [S.I. 2012/601](#), [art. 2\(a\)](#)

Changes to legislation: There are currently no known outstanding effects for the Forestry Act 1967, Section 15. (See end of Document for details)

- F5** Words in s. 15(1A)(a) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 57(3)** (with Sch. 7)
- F6** S. 15(1A)(b) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 16(a)**; S.S.I. 2019/47, reg. 2
- F7** Words in s. 15(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 57(4)** (with Sch. 7)
- F8** Words in s. 15(5) substituted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 2(4)** (with s. 226); S.I. 2012/601, art. 2(a)
- F9** S. 15(5A) inserted (6.4.2012 for E.) by Planning Act 2008 (c. 29), s. 241(3)(4), **Sch. 8 para. 2(5)** (with s. 226); S.I. 2012/601, art. 2(a)
- F10** Words in s. 15(5A)(a) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 57(5)** (with Sch. 7)
- F11** S. 15(5A)(b) omitted (1.4.2019) by virtue of The Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/734), reg. 1(2), **Sch. para. 16(b)**; S.S.I. 2019/47, reg. 2
- F12** S. 15(8) repealed (27.3.2002) by The Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), art. 5(2), **Sch. 2** (with art. 6)

Changes to legislation:

There are currently no known outstanding effects for the Forestry Act 1967, Section 15.