



# Forestry and Land Management (Scotland) Act 2018

2018 asp 8

## PART 4

### FELLING

#### CHAPTER 3

##### FELLING PERMISSION

#### 27 Decisions on applications

- (1) The Scottish Ministers may—
  - (a) grant an application for felling permission (with or without conditions), or
  - (b) refuse the application.
- (2) In making a decision on the application, the Scottish Ministers must have regard to their duty to promote sustainable forest management.
- (3) If the Scottish Ministers refuse the application, they must give reasons for the refusal.
- (4) A condition on felling permission may, in particular, set out—
  - (a) how felling is to be carried out,
  - (b) when felling is to be carried out,
  - (c) persons who may carry out felling,
  - (d) steps that must be taken after felling is carried out (a “continuing condition”).
- (5) A continuing condition on felling permission may, in particular, require persons to provide information to the Scottish Ministers.
- (6) The Scottish Ministers may not impose conditions on felling permission if—
  - (a) the application relates to trees which are on land that is subject to a forestry dedication agreement, and
  - (b) the proposed felling is in accordance with a plan of operations for that land that has been approved by the Scottish Ministers.

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**Changes to legislation:** There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, Section 27. (See end of Document for details)

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- (7) The Scottish Ministers may vary or revoke a condition imposed on felling permission.
- (8) The Scottish Ministers may by regulations make further provision about decisions on applications for felling permission.
- (9) Regulations under subsection (8) may, in particular, include provision about—
  - (a) power for the Scottish Ministers to enter land on which a tree to which an application relates is located in order for them to make a decision in relation to the application,
  - (b) how decisions are to be notified,
  - (c) the imposition of conditions on felling permission,
  - (d) the information which continuing conditions may require,
  - (e) situations in which persons who have made an unsuccessful application for felling permission may be restricted from making a further application in relation to the same circumstances.

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**Commencement Information**

**II** S. 27 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

**Changes to legislation:**

There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, Section 27.