

**From:** Cooper, Sid <Sid.Cooper@forestrycommission.gov.uk>  
**Sent:** 06 December 2021 17:02  
**To:** Town Clerk | Swaffham Town Council  
**Subject:** Response: Felling Licence 017/3655/2020 - complaint SWAFFHAM

Dear Mr Bishop,

Your email of 24<sup>th</sup> November has been forwarded to me to respond to, as I am currently the Forestry Commission Woodland Officer for Breckland DC and I am familiar with Felling Licence 017/3655/2020.

I have noted that you wish to raise a complaint about this felling licence, and specifically the six points you raise in your letter. My response to these points is as follows:

**1. Public Consultation**

Consultation was undertaken for the felling licence application fully in accordance with the Forestry Commission's due procedure for conditional felling licences.

The felling licence proposals were published on the Forestry Commission's Consultation Register for 28 days, during which time the public were able to make comments on the proposals. In addition, Breckland District Council's Tree Officer was notified of the proposals. No comments on, or objections to, the application proposals were received. Our decision to approve the application was published on the Forestry Commission's Decision Register, again for 28 days.

There is no regulatory or legal requirement for the Forestry Commission to consult Town Councils on, or notify Town Councils of, felling licence applications; or for us to directly notify Town Councils of felling licence approvals.

**2. Prior to felling all those affected must be made aware (licence conditions)**

Although this is stated in the general text of the felling licence document, it is not a legally enforceable condition of the felling licence itself.

In this instance, however, the landowner does appear to have made a reasonable attempt to make those most closely affected by the felling – i.e. adjoining neighbours - aware of the impending felling operation.

**3. Where practicable good examples of oak and field maple should be protected and maintained**

This is written in part 3 of the felling licence as a supplementary point. The purpose of retaining oak and field maple where practicable (i.e. feasible) was that these trees could provide a potential seed source for the future regeneration of the site.

It is unfortunate that during felling of the site it may not have proved practicable to retain any examples of oak and field maple, but their felling is not a contravention of the felling permission granted by the felling licence and, although by felling these trees a future seed source may have been lost in the short term, both oak and field maple will regrow as coppice and so will still contribute to the future regeneration and establishment of the area.

**4. Ash dieback management decision tool (Operations Note 046)**

Operations Note 046 is intended to give practical advice to anybody with a responsibility for the management of ash in woodlands, but states that the advice it gives is neither exhaustive nor prescriptive. It cannot, therefore, apply equally in every situation.

Regarding the management decision tool, although the woodland did in this instance contain other broadleaved tree species (including oak, sycamore and field maple) the stand and canopy compositions were dominated by ash to the extent at which, for Forestry management purposes, the stand would be deemed as 'pure'.

With regard to the decision to clear fell, the landowner had previously (in 2017) applied for, and had been granted, a felling licence to thin the woodland as a means to alleviate the effects of ash dieback, and to remove potentially dangerous trees. A more recent assessment showed that the incidence and progression of dieback in the ash had developed to the extent that the landowner's concerns about public safety and the safety of the neighbouring housing could not be addressed by thinning. This led to the application for a felling licence to clear fell and restock the woodland.

Although it could be said that this decision diverts to some extent from the decision tool (which indicates that to consider clear felling 70% of the stand should show more than 50% canopy decline) it has to be recognised that there are other site factors which precipitated clear felling.

Health and safety concerns remain a valid factor, as does the lack of previous woodland management which would result in a delayed-thinned stand, and any potentially tolerant ash trees retained within it, being susceptible to wind throw.

It should also be noted that even if dieback had not been present, because of the lack of previous positive management of this woodland, clear felling and regeneration may still have been considered by the Forestry Commission as a potentially viable silvicultural prescription for the site.

#### 5. Regeneration of the site

If restocking is to be achieved by natural regeneration, it is normal for felling licence Restocking Conditions to state a period by which this must be achieved before replanting is undertaken. This is to give a suitable period after which the success, or otherwise, of the natural regeneration can be judged to ascertain the level of replanting which may be necessary to achieve the required restocking density.

In this instance it may be also expected that there will be regrowth from ash stumps/stools and although current indications elsewhere indicate that this regrowth may be expected to fail due to dieback re-infection it could still firstly out-compete any trees planted amongst it, which would then need to be replaced.

There are, therefore, valid and practical reasons for not replanting at an earlier stage and before the true regenerative capacity of the site is established.

Finally on this point, I do not consider that the material left at either end of the felled section will prove detrimental to the regeneration of the site in the longer term.

#### 6. General Forestry Commission Principles

In this point you state that there is a presumption against felling in Forestry Commission guidance and make reference Environmental Impact Assessments.

The Forestry Commission has no presumption against clear felling and regeneration/restocking as a general woodland management prescription.

There is a presumption against felling of forest land to convert it to other land uses - i.e. deforestation - unless there is a compelling reason in the public interest for doing so; and such deforestation may be deemed a relevant project under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.

The felling undertaken is not, however, a deforestation project; it is a project to clear fell and regenerate an area of woodland, and the Restocking Conditions of the felling licence are there to ensure that the site is restocked as woodland. An Environmental Impact Assessment for the felling was not, therefore, required as the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 do not apply.

I trust that the above has addressed and answered the six points raised in your email.

Yours sincerely,

Sid Cooper

Woodland Officer

Forest Services East & East Midlands

Forestry Commission

T: 0300 067 4573

M: 07826 914880

F: 01842 813932

[sid.cooper@forestrycommission.gov.uk](mailto:sid.cooper@forestrycommission.gov.uk)

[www.gov.uk/forestrycommission](http://www.gov.uk/forestrycommission)

---

**From:** Town Clerk | Swaffham Town Council <[townclerk@swaffhamtowncouncil.gov.uk](mailto:townclerk@swaffhamtowncouncil.gov.uk)>

**Sent:** 24 November 2021 16:03

**To:** East and East Midlands Forest Area Enquiries <[eandem@forestrycommission.gov.uk](mailto:eandem@forestrycommission.gov.uk)>

**Cc:** Judy Anscombe <[cjlranscombe.swaffhamtc@gmail.com](mailto:cjlranscombe.swaffhamtc@gmail.com)>; [cjlrscott.swaffhamtc@gmail.com](mailto:cjlrscott.swaffhamtc@gmail.com); Deputy Clerk | Swaffham Town Council <[deputyclerk@swaffhamtowncouncil.gov.uk](mailto:deputyclerk@swaffhamtowncouncil.gov.uk)>

**Subject:** Felling Licence 017/3655/2020 - complaint SWAFFHAM

**This Message originated outside your organisation.**

---

Dear Sir/Madam,

Due to the high number of enquiries and complaints from our residents Swaffham Town Council wish to raise a complaint about the circumstances of the Felling License 017/3655/2020. Although the site has now been completely clear felled, we wish to highlight the following points which appear to contradict the license conditions and ash Die Back (Forestry Commission) guidance notes 46.

#### 1. Public Consultation

We note that the license application is available on line in a redacted form and that comments may be made for a period of 28 days but that as the Town Council were unaware that the application had been made, we were unable to comment. Had we been informed in the same way that we are with hedge removal applications and TPOs, we feel that much of the complaint could have been dealt with.

2. **Prior to felling all those affected must be made aware (license conditions)**

Adjoining neighbours were issued with a letter informing them of the impending action and providing them with contact details but leaving many with insufficient time to take any action. A few were able to specify certain trees on their boundaries which they wanted kept and the Tree Officer at Breckland Council was able to intercede with the contractor to ensure this. The contractor subsequently felled these trees under instruction from the landowner.

3. **Where practical good examples of Oak and Field maple should be protected and retained (part 3)**

All the trees have been felled, measurement of stumps and examination of felled trees indicates that there are many healthy 50 year old examples of Oak and Field Maple. What does 'where practical' mean?

4. **Ash Die Back management decision tool (Ash die back notes 46)**

The felling license allows for 'clear felling' yet the management tool only appears to allow this option where there is a pure Ash stand with 70% canopy decline or basal lesions. This particular application was a mixed stand. In all cases it is stated that 'potentially tolerant specimens be retained and some dying examples.'

5. **Regeneration of the site (license conditions and guidance notes 46)**

The conditions require the site to be cleared as soon as possible so that the debris doesn't impede regeneration of new saplings and shoots. Currently, a large amount of material has been stacked at either end of the site in direct contravention of this condition.

Guidance notes also state that ash coppice stools are not suitable for regeneration as they are known to be susceptible to disease. In view of this would the regeneration aims be best achieved by replanting at an earlier stage with other species?

6. **General Forestry Commission Principles**

There is a presumption against felling in Forestry Commission (FC) guidance. Has there been an assessment of this application prior to the license being issued? There are environmental objectives within FC guidance and this particular site is part of a larger biodiversity and landscape feature yet there doesn't appear to be any Environmental Impact statement for clear felling rather than selective felling.

I would be grateful if you would respond to the points raised before the Town Council next meet on 8<sup>th</sup> December – thank you.

Best regards,

Richard Bishop

**Town Clerk**



**Swaffham Town Council**, Town Hall, 4 London Street, Swaffham, Norfolk, PE37 7DQ

DDI Tel 01760 726500 Office Answerphone Tel **01760 722922** [www.swaffhamtowncouncil.gov.uk](http://www.swaffhamtowncouncil.gov.uk)



You can also follow Swaffham Town Council on Twitter and Facebook

**@SwaffhamClerk @SwaffhamCouncil @Swaffhamevents** and **@SwaffhamMarket**

**Email disclaimer:**

The information contained in this email is confidential and intended only for the person or organisation to which it is addressed. If you have received it by mistake, please disregard and notify the sender immediately. Unauthorised disclosure or use of such information may be a breach of legislation or confidentiality and the content may be legally privileged. Any improper dissemination, forwarding, printing, or copying of this email is strictly prohibited. Emails sent from and received by employees of Swaffham Town Council may be monitored. They may also be disclosed to other people under legislation, particularly the Freedom of Information Act 2000, GDPR, the Data Protection Act 2018 and the Environmental Information Regulations 2004. If you have contacted the Council for a service any personal data you share will be used to help you access its services, or to answer your enquiry in line with our Privacy Policy. For full details of your rights please visit our website at [www.swaffhamtowncouncil.gov.uk](http://www.swaffhamtowncouncil.gov.uk) Unless this email relates to Swaffham Town Council business it will be regarded by the Council as personal and will not be authorised by or sent on behalf of the Council.

**Disclaimer**

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorised to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware.