

New Tree Felling Requirements

A new Forestry Act was signed into law by the President on the 26th October 2014, which replaces the provisions of the Forestry Act 1946. This Act prescribes the functions of the Minister and details the requirements, rights and obligations in relation to tree felling licences. The provisions of the Act and the regulations (SI No 191 of 2017) came into force from 24th May 2017. A felling licence granted by the Minister for Agriculture, Food and the Marine provides authority under the Forestry Act 2014 to fell or otherwise remove a tree or trees and to thin a forest for management reasons.

What are the main changes compared to the 1946 Forestry Act?

- A single licence process for tree felling.
- Increases the list of exempted trees to allow felling without a tree felling licence for trees outside of the forest in certain circumstances.
- Allows for felling licences of up to 10 years in duration, which may be extended for one or more further periods, not exceeding a total of 5 years.
- Introduces timelines for processing felling licences.
- Where a tree felling licence application is received, the Department will publish a notice of the application before deciding on the matter. The notice shall state that any person may make a submission or observation to the Department within 30 days from the date of the notice.
- Where a person is dissatisfied with a decision made by the Department, he or she may appeal to the Forestry Appeals Committee against the decision. The time within which an appeal may be made to the Forestry Appeals Committee shall be any time up to the expiration of 14 working days from the date of the decision of the Department.
- Where a licence for the felling of trees is granted, the licensee shall erect a site notice at the entrance from the public road prior to the commencement and for the duration of harvesting operations.

What is a forest?

Forest land is defined in the Forestry Act 2014 as:

land under trees with—

- (a) a minimum area of 0.1 hectare, and,
- (b) tree crown cover of more than 20 per cent of the total area, or the potential to achieve this cover at maturity.

What are Trees outside a forest?

Trees outside a forest are those trees which do not meet the forest definition. Examples include trees growing in the hedgerow.

In the case of trees outside the forest, certain exemptions exist to the requirement to submit a tree felling licence application.

Further information

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Common scenarios where trees can be felled without the need to submit a tree felling licence application under Section 19 of the Forestry Act 2014.

A tree in an urban area

An urban area is an area that comprised a city, town or borough specified in Part 2 of Schedule 5 and in Schedule 6 of the Local Government Act 2001 before the enactment of the Local Government Reform Act 2014.

A tree within 30 metres of a building (other than a wall or temporary structure), but excluding any building built after the trees were planted.

A tree less than 5 years of age that came about through natural regeneration and removed from a field as part of the normal maintenance of agricultural land (but not where the tree is standing in a hedgerow).

A tree uprooted in a nursery for the purpose of transplantation.

A tree of the willow or poplar species planted and maintained solely for fuel under a short rotation coppice.

Tree outside a forest—within 10 metres of a public road and which, in the opinion of the owner (being an opinion formed on reasonable grounds), is dangerous to persons using the public road on account of its age or condition.

Tree outside a forest— the removal of which is specified in a grant of planning permission.

Tree outside a forest— on an agricultural holding and removed by the owner for use on that holding, provided—

- I. it does not form part of a decorative avenue or ring of trees,
- II. its volume does not exceed 3 cubic metres, and
- III. the removal of it, by the owner for the foregoing purpose, when taken together with the removal of other such trees by the owner for that purpose, would not result in the total volume of trees, on that holding and removed by the owner for that purpose, exceeding 15 cubic metres in any period of 12 months.

Note: Under Sec 2 of Section 19 the above three exemptions do not apply in the case of a tree:

- (a) within the curtilage or attendant grounds of a protected structure under Chapter 1 of Part IV of the Act of 2000,
- (b) within an area subject to a special amenity area order
- (c) within a landscape conservation area under section 204 of the Act of 2000,
- (d) within,
 - i. a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994,
 - ii. a historic monument or archaeological area entered in the Register of Historic Monuments under section 5 of the National Monuments (Amendment) Act 1987
- (e) a national monument in the ownership or guardianship of the Minister for the Arts, Heritage and the Gaeltacht under the National Monuments Acts 1930 to 1994 within a European Site or a natural heritage area within the meaning of Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011),
- (f) which is more than 150 years old.

Tree outside a forest— of the hawthorn or blackthorn species.

Tree outside a forest— in a hedgerow and felled for the purposes of its trimming, provided that the tree does not exceed 20 centimetres in diameter when measured 1.3 metres from the ground.

In all cases, it is the responsibility of the landowner or the person felling the tree to ensure that they are acting within the law

None of the exemptions granted under Section 19 of the Forestry Act 2014 serve to remove any restriction on the felling or removal of trees under (a) the Planning and Development Acts 2000 to 2013, (b) the Wildlife Acts 1976 to 2000, and in particular section 40 of the Wildlife Act 1976, or (c) any other enactment.