

Felling Licences

Guidance for:

Environmental conditioning on felling licences

Amending, suspending, and revoking felling licences

Compensation following a successful appeal to an NRW decision related to felling licences

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1 Introduction

The Agriculture (Wales) Act 2023 includes new forestry provision which applies to all felling licence applications received on or after 1 April 2024 by NRW. The provision allows for an amendment to the existing Forestry Act 1967 to enable environmental conditions to be added to felling licences, or to allow licences to be amended, suspended, and revoked once granted.

2 Environmental conditions relevant to your licence (if granted)

These Conditions may be added to all felling licence applications received on or after 1 April 2024. These conditions are in addition to the current conditions relating to restocking and maintenance.

The Environmental Conditions will:

- form part of the felling licence, when approved, and are enforceable by NRW to protect wildlife and the environment, recognising the value of our woodlands as a valuable natural resource.
- relate to the need to avoid or mitigate impacts on the environment, biodiversity or species when undertaking operational activities related to a felling licence.
- help to minimise the risk of granting a felling licence that would negatively impact the environment or undermine other environmental legislation.
- make the standards that are required to protect the environment in line with regulations more visible for all felling licence holders. Adding such conditions should not add any extra burden where licence holders already comply with relevant legislation and adhere to the UK Forestry Standard (UKFS).
- give assurance that operational activities that take place, once a licence is issued, are carried out in a way that compliments other environmental legislation.

When applying these conditions we will apply our duty under the Environment (Wales) Act 2016 to pursue sustainable management of natural resources (SMNR). We will do this by ensuring that forests and woodlands can continue to provide a range of benefits including timber production.

2.1 The environmental conditions

We have taken a tiered approach to the development of environmental conditions. This tiered approach ensures the protections and requirements needed are consistent and proportionate to the sensitivities of an operation and that they are clear to understand and enforceable. The tiers are:

2.1.1 Baseline conditions

These are standard conditions that will be added to all felling licences during the application process. These conditions comply with the UK Forestry Standard and other relevant environmental legislation.

2.1.2 Tier two conditions

We may add tier two conditions to your felling licence if your proposed felling has relevant sensitive areas e.g. red squirrel, ancient woodlands.

We will add these additional conditions to your licence as well as the baseline conditions. These conditions will apply for the period of the licence. Where we need to consider the addition of a tier two condition, we will consult with you.

2.1.3 Bespoke conditions

We may need to consider the addition of a bespoke condition where there are several or more complex sensitivities on site and where the felling may impact on these sensitivities.

These conditions will be considered on a site-by-site basis. They are also more likely to be, but not exclusively, in connection with:

- Site of special scientific interest (SSSI's)
- Special areas of Conservation (SACs)
- Special protection areas (SPAs)
- RAMSAR sites

You can use [this search function](#) to check for [protected areas](#).

2.2 Applying conditions to your licence

During the application process you will need to review the baseline conditions and confirm that you have read and agreed these conditions. If you wish to discuss the baseline conditions with us prior to submitting your application, please contact us on fellinglicence@cyfoethnaturiolcymru.gov.uk

You can review the baseline conditions (annex 1) and the Tier Two Conditions at annex 2).

During the application process you will need to identify known environmental sensitivities on your site. We will give due consideration to the mitigations you propose to follow to

Commented [MG1]: Insert links to Baseline Condition document and Tier Two Condition document

Commented [MG2]: Insert link to application guidance for identifying sensitivities on site.

remove or limit the impact on these sensitivities. You will be asked to provide this information in your felling licence application.

When we receive your application, we will check your application against known environmental sensitivities. We may need to visit the site to discuss how those environmental sensitivities can be managed as part of an operational site.

If a tier two or bespoke condition is required we will consult with you.

Information and guidance on how you can consider and comply with the conditions on your felling licence can be found on our how to apply page.

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We may refuse a licence application if the licence request fails to meet the interests of good forestry or agricultural practice, is not in the best interest of the amenities of the district, is contrary to NRW's duty to promote the establishment and maintenance of adequate reserves of growing trees or is contrary to the conservation or enhancement of the flora, fauna, geographical or physiological features or natural beauty or amenity of any land

If, after approval of your felling licence you do not think that you can comply with a condition on your felling licence and there is a significant reason for this, you can request that we amend or vary the condition. You can seek an amendment to the felling licence before you commence operations or during the operations.

3 Amend

The Forestry Act 1967 has been amended to allow for

- the addition of environmental conditions to felling licences to ensure the integrity of protected sites, protected species or other sensitive elements
- the ability to amend, suspend or revoke a felling licence if something about that licenced activity becomes unacceptable

This only applies to felling licence applications received on or after 1st April 2024.

Felling licences can be amended:

- by agreement between NRW and the Licence Holder,
- if this is not possible NRW can, in exceptional circumstances seek to amend or vary the environmental conditions of the licence without the consent of the licence holder.

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3.1 Amending by agreement

An amendment to a felling licence by agreement can be made in the following circumstances:

- administrative amendment (Schedule A) and/or
- technical amendment (Schedule B)

If you would like to make any amendments to your approved felling licence, you will need to apply for an amendment.

If you wish to discuss amending the felling licence conditions prior to submitting your amendment application, please [email on fellinglicence@cyfoethnaturiolcymru.gov.uk](mailto:email_on_fellinglicence@cyfoethnaturiolcymru.gov.uk).

3.1.1 Apply for an administrative amendment to your licence (Schedule A – administrative change)

You will need to apply for an administrative amendment to your felling licence in the following circumstances:

a) where the licence holder is a registered company:

- any change in the licence holders trading name, registered name or registered office address: and
- any steps taken with a view to the licence holders going into administration, entering into a company voluntary arrangement or being wound up

b) where the licence holder is a corporate body other than a registered company:

- any change in the licence holders name or address: and
- any steps taken with a view to the dissolution of the licence holders

c) in any other case:

- the death of any of the named licence holder (where the licence holders consist of more than one named individual);
- any change in the licence holders name (s) or address(es); and
- any steps taken with a view to the licence holders, or any of them, going into bankruptcy, entering into a composition or arrangement with creditors, or , in the case them being in a partnership, dissolving the partnership.

You will need to complete an amendment form. (insert link to application form)

You may need to supply the following documents:

- Evidence of a change of ownership

You will need to apply to NRW within the following timelines:

- for operational sites within 14 days of the change
- for non-operational sites 28 days before commencement of works

We will aim to acknowledge receipt within 3 days and complete the amendment, subject to all information being available, within 10 days for Schedule A changes.

When a felling licence has been amended, we will issue an amendment notice.

3.1.2 Apply to amend a felling licence (Schedule B - technical change)

In exceptional circumstances we may consider requests to amend an approved felling licence, this may be:

- to remove, add or amend an environmental condition. As the holder of the Felling Licence you may request to have an environmental condition added or varied from the Licence. If the circumstances on your site have not changed, we may not allow the amendment. E.g. this may be to add an environmental condition for a protected species which is now on the site or to request permission to work in the spring / summer months on an ancient woodland site if weather conditions prevent the initial planned winter operations.
- where a Tree Preservation Order has been placed on a tree within the felling site
- minimal changes to felling area e.g. to include a minimal amount of windblow for health and safety-reasons or manage some fire damage or fell an additional area to facilitate a better access route into the crop, or to gain more brash to facilitate better environmental management of the site.
- minimal changes to tree numbers/volume e.g. tree health. In some instances, a new sensitivity may necessitate the retention of habitat or buffer, requiring changes to the felling licence.
- changes in objectives that mitigate challenges from the climate and nature emergencies e.g. a change in tree species for restocking due to pests/disease, changes in site suitability, promoting habitat creation or retention or facilitating native broadleaved natural regeneration which was not previously envisaged.
- extension to the duration of the approved felling period to a maximum of two felling seasons

- extension to a restocking deadline e.g. where unforeseen challenges have been experienced such as extensive mortality rates within crop or abnormally high levels of pest damage / frost / drought damage.
- amendments to conditions for the benefit or betterment of species and habitats. E.g. facilitating native broadleaved natural regeneration which was not previously envisaged, wider buffering of riparian areas or historic environment features.

We will not allow the:

- removal of conditions where the site situation has not changed since the application was approved
- the inclusion of an area that would not have been approved as part of the initial licence application

Where a proposed amendment by agreement affects trees covered by a Tree Preservation Order (TPO), NRW may need to notify the local authority who made the TPO, depending on the circumstances. If this is the case, we will discuss this with you.

You may need to supply the following documents:

- New felling or restocking maps, as appropriate
- Any ecological or site surveys produced by an appropriate professional to support the amendment, as appropriate

You will need to complete an [amendment form](#). We will aim to acknowledge receipt within 3 days.

Commented [MG5]: (insert link to amendment application form)

We aim to consider your request as soon as possible and issue the amendment within 60 days of receipt however this is dependent on the complexity of the request. Where possible we aim to decide on the request for amendment within 60 days of receipt. If needed, we will discuss the amendment with you, which may require a site visit. When a felling licence has been amended, we will issue an amendment notice.

3.2 Amending without agreement

NRW may need to amend or vary the conditions on the felling licence if:

- there is a breach of a condition in the licence which is causing or likely to cause significant harm to the environment
- there has been no breach in the conditions in the licence, but NRW considers that felling in accordance with the licence is causing or is likely to cause significant harm to the environment

We will take steps to amend the licence in agreement with the licence holder. Where this is not possible, we will issue either an amendment or variation notice to the felling licence holder. The notice will:

- Set out the reasons for giving the notice
- Specify the condition which is not being complied with or specify the harm that felling in accordance with the licence is causing or is likely to cause
- Where the notice varies conditions or amends a felling licence, the date on which variation or amendment takes effect
- Where necessary, set out steps that need to be taken to address a breach of conditions, and the period in which they must be taken. These will be reasonable and proportionate, with a clear link to the breach of conditions.
- Provide details of how to appeal

A person who, without reasonable excuse, fails to take any steps required by a notice, is liable on summary conviction to a fine. In exceptional circumstances where steps to remedy breaches in environmental conditions are not taken by the licence holder, NRW may seek to enter the land to remedy the breach and subsequently reclaim costs.

Where a notice relates to a Tree Preservation Order (TPO), NRW may need to notify the local authority who made the TPO, depending on the circumstances. If this is the case, we will discuss this with you.

Where there has been a change of owner or responsible person for the felling licence and steps are required to address a breach of conditions, we will seek to serve the amendment or variation notice on the new owner. You can find more information of when you need to notify us of changes in land ownership in Section ?? of this guidance.

When a felling licence has been amended we will issue an amendment notice. You have 3 months to appeal an amendment notice. The amendment notice will not be active until this period has expired unless we consider emergency criteria* apply.

*We may consider that "emergency criteria" apply i.e. that the notice is necessary to respond to an imminent and major risk of harm to natural beauty, or flora, fauna, geological or physiographical features or natural habitats. In this circumstance the notice would take effect from the date of the notice. While you would need to comply with the notice from the date it takes effect, you would still have the right to appeal the notice.

4 Suspending a felling licence

The Forestry Act 1967 has been amended to allow for

- the addition of environmental conditions to felling licences to ensure the integrity of protected sites, protected species or other sensitive elements.

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- the ability to amend, suspend or revoke a felling licence if something about that licenced activity becomes unacceptable

This only applies to felling licence applications received on or after 1st April 2024.

We may choose to suspend a felling licence where we believe that the felling licence is not being complied with and/or that the felling has or is likely to result in significant harm to:

- (a) Natural beauty, or
- (b) Flora, fauna, geological or physiographical features, or natural habitats

Before we consider suspending your felling licence we will attempt to:

- make all efforts to meet with and hold discussions with you to address the issue
- inform you of your failure to comply with the environmental conditions of your felling licence and highlight the actual harm or a risk of significant harm to wildlife or the environment that has been observed
- provide you with advice and guidance to help you bring your site into compliance with your licence or manage the significant harm (or risk of it) identified, and allow you reasonable time, where appropriate, to take steps to follow this advice and guidance
- give consideration to amending or varying the environmental conditions on your licence where it is appropriate to do so, either through agreement or by serving a notice.

Suspension is seen as an extreme outcome and would only be used in exceptional circumstances where amendment to conditions of the felling licence would not address the issue; or cannot be agreed or there are no other options available.

4.1 Suspending your licence

We may consider suspending your licence in the following circumstances, although each site will be assessed individually depending on the degree of environmental harm occurring or with potential to occur:

- if there is an accident or incident as a result of your felling operations which causes damage to the environment and the issue can only be addressed through suspension of the felling operation
- you have failed to comply with the environmental conditions of your felling licence and/or failed to comply with an amendment notice
- if we determine that you have failed to act on the advice and guidance we have given to comply with the conditions set out within the licence, or to mitigate against the significant harm (or risk of it) identified

- if a new sensitivity is identified on the site which may require us to review the conditions of the licence to help you manage your operations within environmental legislation and it is not possible to address this by amendment of environmental conditions or your felling licence.

4.2 Serving a suspension notice

When we serve a notice, we will:

- set out the reason for serving the notice
- specify the effective date of the notice
- set out the condition which has not been complied with or is not being complied with
- state whether the felling licence is suspended in full or in part
- state if we have varied, removed or added a new condition on the felling licence depending on the circumstances
- set out steps that are reasonable and proportionate to remedy the failure to comply with the condition, or amend the felling licence to address the unexpected significant environmental harm or risk of it, where relevant
- specify the time period that suspension of the licence relates to, or until such a time that any steps to remedy the failure to comply with the condition have been taken. These will be proportionate to the reason for suspension.
- state the date when the suspension will take effect
- where suspending the licence in part, specify what elements of the licenced felling can continue
- confirm what activities you can undertake on the site in order to ensure site health and safety requirements are complied with
- provide details of how to appeal

Depending on the urgency of the situation we will consult with our Legal team before serving the notice.

Where a breach of conditions has resulted in environmental harm, we may include steps to be taken to address the breach. Non-compliance with these steps may constitute an offence.

Whilst a suspension is in place all (suspended) felling operations must stop in the area specified. If felling continues during the suspension period, it will constitute an offence.

We will only suspend your licence as a last resort. [Our enforcement and sanctions policy](#) outlines our approach. If we do suspend your licence, we will serve a suspension notice; this will be on the applicant for the licence providing that the applicant still holds an interest in the land covered by the felling licence. Where the interest in the land has changed the notice will be served on the person who has estate or interest in the land on the date the notice is served.

We may conduct further investigations during the suspension period. The suspension of operations would allow the potential breach to be investigated and corrective action agreed and implemented, if required.

In extremely rare circumstances it may become apparent after issuing your licence that the proposed works are causing or may cause significant harm to the natural beauty, flora, fauna, geological or physiological features or natural habitats on the site in question. In those circumstances we will explore options to address the issue with you. However where there are no other options available, we may have to suspend your licence. Should that be required we will set out the reasons why including an explanation of the harm anticipated. We would seek to work with you during the suspension to identify whether operations can resume and subject to what conditions.

We may lift the suspension before the agreed timeframe if you have been able to bring the site back into compliance sooner than we agreed, or the significant risk of harm has passed.

Owing to the immediacy of the need to suspend a felling licence, the suspension notice will take effect immediately. You are required to comply with the notice but still have the right to appeal the notice. You have 3 months to do so, from the date of the notice.

You may appeal your suspension and if your appeal is successful, you may be entitled to seek compensation because of a licence suspension.

Where a notice relates to a Tree Preservation Order (TPO), NRW may need to notify the local authority who made the TPO, depending on the circumstances. If this is the case, we will discuss this with you.

5 Revoking a felling licence

The Forestry Act 1967 has been amended to allow for

- the addition of environmental conditions to felling licences to ensure the integrity of protected sites, protected species or other sensitive elements.
- the ability to amend, suspend or revoke a felling licence if something about that licenced activity becomes unacceptable

This only applies to felling licence applications received on or after 1st April 2024.

We may choose to revoke a felling licence where we believe that the felling licence is not being complied with and/or that the felling has or is likely to result in significant harm to:

- (a) Natural beauty, or
- (b) Flora, fauna, geological or physiographical features, or natural habitats

Before we consider revoking your licence we will attempt to:

- make all efforts to meet with and hold discussions with you to address the issue

- inform you of your failure to comply with the environmental conditions of your felling licence and highlight the actual harm or a risk of significant harm to wildlife or the environment that has been observed
- provide you with advice and guidance to help you bring your site into compliance with your licence or manage the significant harm (or risk of it) identified, and allow you reasonable time, where appropriate, to take steps to follow this advice and guidance
- give consideration to amending or varying the environmental conditions on your licence where it is appropriate to do so, either through agreement or by serving a notice
- give consideration to suspending your licence to allow you time to comply with the advice and guidance we have provided.

Revocation is seen as an extreme outcome and would only be used in exceptional circumstances where amendment to conditions or suspension of the felling licence would not address the issue; or cannot be agreed or there are no other options available.

5.1 Revoking your licence

We may consider revoking your felling licence if:

- you are unable to provide a clear plan for addressing the requirements of the amendment/variation notice or suspension notice and/or
- you have not made sufficient or appropriate steps to resolve issues identified by NRW, or complied with steps set out in a previous notice we have served on you
- there is a continuing risk of significant harm to the environment for example pollution
- or there are continued breaches of licence environmental conditions
- where the ability to amend or suspend a felling licence is not sufficient to mitigate the environmental harm that is being caused or likely to be caused by the activity

5.2 Serving a notice to revoke your felling licence

When issuing a revocation notice to the licence holder or responsible person, depending upon the specific notice and in accordance with the legislative requirements, we will:

- set out the reason for serving the notice
- set out the condition which is not being complied with or specify the harm that felling in accordance with the licence is causing or is likely to cause.
- Set out the date on which the revocation takes effect
- setting out steps that need to be taken to rectify a breach of conditions

- specify the period (after the notice has become operative) within which those steps must be taken
- any activities that the Licence Holder can undertake on the site to ensure site Health and Safety requirements are complied with
- provide details of how to appeal.

Where a breach of conditions has resulted in environmental harm, we may include steps to be taken to address the breach. Non-compliance with these steps may constitute an offence.

Where we revoke a licence, removing felling privileges, conditions relating to felling work that has already been carried out will remain in place, for example the obligation to restock any felled areas.

As this notice revokes your permission to fell, any felling that is carried out from the date of issue of the notice will be treated as an offence.

You may appeal your revocation and if your appeal is successful, you may be entitled to seek compensation

You have 3 months to appeal the revocation notice. The revocation notice will not be active until this period has expired unless we consider emergency criteria* apply.

*We may consider that “emergency criteria” apply i.e. that the notice is necessary to respond to an imminent and serious risk of harm to natural beauty, or flora, fauna, geological or physiographical features or natural habitats. In this circumstance the notice would take effect from the date of the notice. While you would need to comply with the notice from the date it takes effect, you would still have the right to appeal the notice.

Where a notice relates to a Tree Preservation Order (TPO), NRW may need to notify the local authority who made the TPO, depending on the circumstances. If this is the case, we will discuss this with you.

6 Appeals and Compensation

6.1 Appeals

There are a number of circumstances where you may be entitled to appeal a notice to amend, suspend or revoke a felling licence. Appeals are handled by Welsh Government. [More information on appealing your notice can be found here.](#)

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6.2 – Compensation

You may be entitled to seek compensation from Natural Resources Wales

- if your appeal against a notice we have given you is successful or
- where we have served a notice where there has been no breach of environmental conditions but where we consider that felling in accordance with the licence is

causing or is likely to cause significant harm to natural beauty, or flora, fauna, geological or physiographical features or natural habitats.

You may claim compensation if;

- You are the person the notice was given to
- The owner of the trees
- A person who has estate or interest in the land

We recommend that you get expert advice when claiming compensation. Full details on claiming compensation can be found under section 41 of the [Agriculture \(Wales\) Act 2023](#).

We will only pay for the period impacted by our notices.

You may be entitled to compensation for the depreciation in the value of the trees. We will only pay compensation for the depreciation in the value of trees that is attributable to the deterioration in quality of timber which is a direct consequence of our decision.

You may be entitled to compensation for expenses reasonably incurred. We will only pay where expenses arise as a direct consequence of our decision to issue the notice.

No claim can be made for depreciation in value of timber after 1 year from felling, where the trees have been felled.

No claim can be made for deterioration occurring more than 10 years after the notice was given.

No account should be taken of deterioration in the quality of the timber due to neglect of the trees.

6.2.1 Applying for compensation

If you seek compensation you must apply within 18 months from the day after the day on which Welsh Ministers send notification of a successful appeal outcome and cancellation of the notice. Exact details are found in [the Forestry \(Felling of Trees\) \(Amendment\) \(Wales\) Regulations 2023 \(link\)](#).

When seeking compensation you must ensure you provide us with details of how you calculated the loss, the method used, as well as the timescale this was carried out over. The value of trees should be ascertained using prices at the date of the claim. All of this information must either be included or appended to your claim form.

The supporting documents must provide evidence of your loss and show a direct link between our decision and the loss.

When assessing an application for compensation we will carefully review the information provided and may seek advice from relevant experts where necessary to help verify the accuracy of the information.

We endeavour to pay compensation within 30 days. If the claim is complex, we will pay compensation within six months of a valid claim.

[Apply for compensation.](#)

Commented [MG8]: Link to form

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Annex 1 – Baseline Conditions

Felling licence Draft Baseline Conditions
Site Operations:
Oil & Fuel - The licence holder must ensure that all oil & fuel are stored and used in a way that prevents the risks of leakage and pollution.
Site - The Licence Holder must ensure that all forest operations are pre-planned and continuously managed to: <ul style="list-style-type: none">• minimise damage to the soil structure and soil function• avoid runoff into watercourses• conserve on site flora, fauna, geological or physiographical features and natural habitats
Chemicals (which includes pesticides; herbicides; and fertilisers) - Must be used by a competent person who is trained to the required standard or their work supervised by a certified person and used in accordance with user guidance and avoid harm to the environment or pollution of water.
Operation and Contingency plans – Operational and contingency plans must be in place before major operations such as harvesting, and engineering works take place. Plans should cover actual and potential risks to the forest, wildlife, waterbodies and biosecurity (pests, diseases and invasive non-native species). When undertaking these operations care should be taken to conserve or enhance the site's natural beauty.
Manufactured waste - Ensure all manufactured waste such as grease cartridges, planting bags etc., is appropriately stored during the operations and appropriately disposed of.
Incident reporting - In the event that operational activities give rise to an incident or accident that significantly affects or may significantly affect the environment, the licence holder must immediately: <ul style="list-style-type: none">i.inform Natural Resources Wales using the hotline number 0300 065 3000ii.take the measures necessary to limit the environmental consequences of such an incident or accident, andiii.take the measures necessary to prevent further incidents or accidents.
Site features and species:
Historic Features: The Licence holder must not damage historic features on the site. Any objects found that come into scope of the law for archaeological finds must be reported to the relevant authority, Hened: Trust for Welsh Archaeology.

Veteran Trees:

The licence holder must identify, retain, manage, and avoid damage to existing veteran trees.

Veteran tree (Definition) taken from UKFS: A tree of considerable age that is of interest biologically, culturally, or aesthetically because of its age, size or condition, including the presence of deadwood micro- habitats.

Deadwood:

Licence holders must retain a proportion of standing and fallen deadwood within the woodland with a view to retaining a minimum average of 20 cubic meters per hectare, where applicable.

European Protected Species

- Prior to works commencing, the area should be checked for presence of EPS. If any evidence of EPS and/or their breeding/resting places are found, a suitably experienced individual, preferably an ecologist, should be contacted for advice before works commence in that area.

- During the course of the works:

(i), the area should be checked for the presence of EPS and if any evidence of EPS and/or their breeding/resting places are found, works must cease and a suitably experienced individual, preferably an ecologist, should be contacted for advice before recommencing works in that area.

(i)(i) If applicable, where the felling licence holder has applied for and received an EPS licence to undertake these works: the licence holder must follow the terms and conditions within the EPS licence relevant to the species where it is identified on site before or during the operation, no further consideration is required.

Animals and Plants Protected under the Wildlife & Countryside Act 1981 ("UK Protected Animals") –**Schedule 5 Animals:**

- Prior to works commencing, the area should be checked for presence of UK Protected Animals. If any evidence of UK Protected Animals and/or any structure or place which any such animal uses for shelter or protection are found, a suitably experienced individual, preferably an ecologist, should be contacted for advice before works commence in that area.
- During the course of the works, the area should be checked for the presence of UK Protected Animals and if any evidence of UK Protected Animals and/or any structure or place which any such animal uses for shelter or protection are found, works must cease and a experienced individual, preferably an ecologist, should be contacted for advice before works recommence in that area.

Schedule 8 UK Protected Plants

Prior to works commencing:

(i) the area should be checked for presence of UK protected plants. If any there is any evidence of Schedule 8 UK Protected plants the licence holder must not intentionally or recklessly pick, uproot or destroy:

(a) any wild plant included in Schedule 8;

(ii) If applicable, where the licence holder has applied for and received an WCA Section 16 licence to undertake these works. Please follow the conditions of the WCA Section 16 licence g to that before or during the operation, no further consideration is required.

Bird Nests - The licence holder must ensure a check is undertaken across the felling/operational area and its edges before the start of operations to locate active bird nests. If there is evidence of an active bird nest, then the licence holder must ensure that no harm is caused.

Licence holder must not intentionally—

(a) kills, injures or takes any wild bird; (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or

(c) takes or destroys an egg of any wild bird,

In the case of Wildlife and Countryside Act 1981 amendment 1985- Schedule one birds, appropriate buffers must be put in place to ensure no harm or disturbance to active nests (Note – Nests of Osprey, White-Tailed Eagle and Golden Eagle are protected year-round even when the nest is not in use)

Licence holder must not intentionally or recklessly—

(a) disturb any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or

(b) disturbs dependent young of such a bird,

Badgers - Prior to works commencing, the area should be checked for presence of badgers. If any evidence of badgers and/or their breeding/resting places are found, badger guidance should be consulted, and action taken accordingly. Contact a qualified and experienced individual, preferably an ecologist if necessary.

Required notifications:

Natural Resources Wales shall be notified within 14 days for operational sites and 28 days before commencement of works on non-operational sites for the following:

a) Where the licence holder is a registered company:

- Any change in the licence holders trading name, registered name or registered office address: and

- Any steps taken with a view to the licence holders going into administration, entering into a company voluntary arrangement or being wound up

b) Where the licence holder is a corporate body other than a registered company:

- any change in the licence holders name or address; and
- any steps taken with a view to the dissolution of the licence holders.

c) In any other case:

- the death of any of the named licence holder (where the licence holders consist of more than one named individual);
- any change in the licence holders name (s) or address(es); and
- any steps taken with a view to the licence holders, or any of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case them being in a partnership, dissolving the partnership.

Annex 2 –

Two Environmental Conditions

Water Vole: The Licence Holder must:

- not operate or move heavy plant machinery (including harvesters/forwarders etc) within 5m of the top of the bank and 10m between March to October
- not stack timber within 10m of the top of the bank
- Not damage vegetation within 5m of the top of the bank anywhere within area of works
- not create a new watercourse crossing within 10m of water vole burrows, as determined by a survey carried out by a suitably qualified and experienced individual
- where applicable, if you are going to create a new watercourse crossing you will need to have a survey carried out by a suitably qualified and experienced individual to ensure that you are not within 10m of water vole burrow
-

Red Squirrels: The Licence Holder must:

- ensure that felling of trees with active dreys does not take place in the period 1st February to 30th September
- ensure that the direction of felling operations allows movement of red squirrels into retained woodland habitat
- maintain connectivity through the retained tree canopy to enable squirrel movement through the woodland landscape

Scheduled Monuments

The licence holder must not damage scheduled ancient monuments on site. Any objects found that come within the scope of the law for archaeological finds must be reported to the relevant authority, CADW.

Ancient Woodlands (Paws, Raws, Unknown and Ancient Woodland)

For all Ancient woodland sites recorded on the Ancient Woodland Inventory the licence holder must:

- not use chemicals – with no broadcast spraying of herbicide. Exception: only stem injection or spot spraying on invasive non-native species
- not undertake any burning on site unless a written application is made to NRW

The licence holder must identify, protect and maintain remnant features (Remnant features to include veteran trees/coppice stools/hedge banks and Ancient Woodland flora).

Commented [MG9]: Insert link to guidance/inventory

The licence holder must take all reasonable steps and opportunities to minimise the number of new extraction/access routes to minimise ground damage.

The Licence holder must only undertake felling operations within Ancient Woodland Sites between 1st September and 1st March unless NRW Forestry Permitting Team agree that site specific conditions or constraints require felling operations to take place outside this period and provide the Licence holder with written consent to undertake felling operations outside of that period.

DRAFT