

Suspending a Felling Licence

The Forestry Act 1967 has been amended enabling NRW to consider amending, suspending or revoking a Felling Licence that was approved after 1st April 2024.

We may have to suspend a Felling Licence where we believe that the Felling Licence has not been 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

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

When might we **consider** suspending a licence?

- If an accident or incident as a result of your felling operations causes damage to the environment
- You have failed to comply with the conditions of the Felling Licence: **or the conditions of your licence are not being complied with**
- 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

Before we consider suspending your Licence, we will

- **inform you of the non-compliance with your Felling Licence e.g. risk of significant harm to wildlife or the environment that is observed.**
- **Make all efforts to meet with and hold discussions with you the Licence Holder to address the issue.**
- We will provide you with support, guidance and advice to help you manage the non-compliance to bring your site back in line with your felling licence, **or manage the significant harm (or risk of it) identified.**

We will aim to allow you time to manage the site **to comply with the advice and guidance given**

- **If we determine that you have failed to act on the advice and guidance given to comply with the conditions set out within the licence, or to mitigate against the significant harm (or risk of it) identified, we may decide to serve a notice to suspend or revoke your felling licence. We will set out our clear reasons why this was the only course of action available to prevent environmental harm. Depending on the urgency of the situation we will consult with our Legal team before serving the notice.**

If you have taken some steps to rectify the issues, we may allow you additional time to bring the site back into compliance.

Serving a notice:

If we have to progress to suspending your licence we will serve a 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.

The notice will make provision for one or more of the following:

- Suspend your felling licence, either in full or in part
- Vary or remove a condition of the felling licence or an imposition of a new condition
- Where the circumstances referred to in subsection (4) apply, a revocation of the felling licence.
- Set out steps that need to be taken to rectify a breach of conditions and the time period within which those steps must be taken.

When issuing a notice depending upon the specific notice and in accordance with the legislative requirements, we will:

- Set out the reason for serving the notice
- Specify the period 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.
- Vary or remove a condition of the felling licence or we may impose new conditions 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
- 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
- State the date when the variation of conditions or suspension will take effect
- Where suspending the licence in part, specify what elements of the licenced felling can continue
- Any activities that the Licence Holder can undertake on the site in order to ensure site Health and Safety requirements are complied with
- Provide details of how to appeal

During the time your Felling Licence is suspended we may conduct an investigation if we have reason to believe that there has been a breach of legislation, or where new sensitivities are identified after the issuing of the Licence. The suspension of operations would allow the potential breach to be investigated and correction action agreed and implemented, if required.

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](#).

Whilst a suspension is in place all felling operations must stop in the area specified. If felling continues during the suspension period it would constitute an offence.

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