

# ***Tree felling that does not require a Tree Felling Licence***

## **Exempted Trees under the Forestry Act 2014**

There are certain instances where the felling of a tree is exempted from the need to obtain a tree felling licence (e.g. within 30 metres of a building). Section 19 of the Forestry Act 2014 details the instances where the felling of a tree is exempted.

It is important to note that, while some trees are exempted from the need to obtain a tree felling licence, the Forest Service must be notified that felling is to take place and it will decide if the trees in question are exempted. These scenarios in the Forestry Act 2014 are identified by the use of the text "*in the opinion of the Minister*". Some scenarios where the felling of trees is exempted and the Minister does not need to be notified are detailed in Table 1.

Note that under the Planning and Development Acts 2000 to 2011 the Local Authorities have a mandatory responsibility to include objectives in the Development Plan relating to the preserving of amenities. This empowers the planning authority to make provision for tree preservation by establishing a Tree Preservation Order (TPO). No tree covered by a TPO may be felled, topped, lopped or destroyed without the consent of the planning authority.

Also it is worth stating that, in the opinion of the Minister, trees planted and managed solely for its foliage or for decorative purposes, such as Christmas trees, are exempted from the requirement to apply for a felling licence.

## **Exempted Trees under other legislation**

Other legislation also includes provisions to fell trees without the need to obtain a tree felling licence. An example of this is the Electricity Regulation Act, 1999. Exempted bodies or national authorities exempted from the requirement of a felling licence include but may not be limited to:

- Bord Gáis (Section 27, Gas Act, 1976);
- Aer Rianta (Section 46, Air Navigation and Transport (Amendment) Act, 1998);
- CIÉ or any other railway undertaking (Section 49, Transport (Railway Infrastructure) Act, 2001);
- CIÉ (Section 15, Transport (Dublin Light Rail) Act, 1996);
- Any telephone/mobile network operator (Section 58, Communications Regulation Act, 2002);
- The ESB (Section 45, Electricity Regulation Act, 1999);
- NPWS (Section 72, Wildlife (Amendment) Act, 2000);
- Minister for Defence (Section 7, Defence (Amendment) Act, 1987);
- Inland Fisheries Act (Section 59, Inland Fisheries Act, 2010).

**In all cases, it is the responsibility of the land owner 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.

Table 1. 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.

<b>Scenario</b>
<p>A tree in an urban area</p> <p>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. See Appendix 1 for a list of these urban areas.</p>
<p>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.</p>
<p>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).</p>
<p>A tree uprooted in a nursery for the purpose of transplantation.</p>
<p>A tree of the willow or poplar species planted and maintained solely for fuel under a short rotation coppice.</p>
<p>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.</p>
<p>Trees outside a forest— the removal of which is specified in a grant of planning permission.</p>
<p>Tree outside a forest— on an agricultural holding and removed by the owner for use on that holding, provided—</p> <ul style="list-style-type: none"> <li>(I) it does not form part of a decorative avenue or ring of trees,</li> <li>(II) its volume does not exceed 3 cubic metres, and</li> <li>(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.</li> </ul> <p><b>Note:</b> Under sub-section 2 of Section 19 this exemption does not apply in the case of a tree:</p> <ul style="list-style-type: none"> <li>(a) within the curtilage or attendant grounds of a protected structure under Chapter 1 of Part IV of the Act of 2000,</li> <li>(b) within an area subject to a special amenity area order</li> <li>(c) within a landscape conservation area under section 204 of the Act of 2000,</li> <li>(d) within <ul style="list-style-type: none"> <li>i. a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994,</li> <li>ii. a historic monument or archaeological area entered in the Register of Historic Monuments under section 5 of the National Monuments (Amendment) Act 1987</li> <li>iii. 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.</li> </ul> </li> <li>(e) 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),</li> <li>(f) which is more than 150 years old,</li> </ul>
<p>Tree outside a forest— of the hawthorn or blackthorn species.</p>
<p>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.</p>