

Tree cutting and trimming rules

What are the current rules?

A closed period that places a ban on **cutting and trimming** hedges and trees between 1 March and 31 August (inclusive) was introduced as part of the cross-compliance requirements in 2015. Whilst a closed period has always applied under cross compliance for hedgerow management during the bird breeding season, in 2015 this was extended by one month (to cover the main chick rearing season) and is now also applicable to trees. If you are a Basic Payment Scheme (BPS), Countryside Stewardship or Environmental Stewardship claimant you must adhere to these requirements or you could receive a reduction in your payment.

Cutting and trimming

Removing **part** of a tree. Includes activities such as trimming, topping, lopping, pruning, crown reduction, de-limbing, pollarding.

Do the rules apply to you?

The tree cutting and trimming rules are outlined within the Good Agricultural and Environmental Condition (GAEC) 7c (Trees) requirements of the '[Guide to cross compliance in England 2021](#)'. The rule applies to all trees on **agricultural land**, including solitary trees in fields, trees in hedgerows and trees in some woodland.

If the woodland meets the Rural Development Programme for England (RDPE) definition of a **forest**, and it is not used as agricultural land, the tree cutting and trimming rules **do not** apply. However, if the woodland meets the definition, but is put to agricultural use (for example grazing), the cutting and trimming rules will apply.

Agricultural land

- arable land (including temporary grass and fallow land)
- Permanent grassland
- Permanent crops
- activities such as grazing or pannage

Forest or woodland

Defined as land with a minimum area of 0.5 hectares and minimum width of 20 metres growing trees with, or with the potential to achieve, a height of 5 metres and crown cover of more than 20% of the ground.

It is also important to note that if the woodland is supported under certain¹ pillar 2 schemes, the cross compliance Statutory Management Requirements (SMR) will still apply. Further details of the SMR requirements can be located in the '[Guide to cross compliance in England 2021](#)'.

If you intend to fell a tree (cut it down entirely) or carry out coppicing (which is also considered to be felling), you can do so at any time of the year without breaching the non-cutting rule in GAEC 7c. The main proviso is that if a felling licence is required to fell the tree or carry out the coppicing, one must be obtained from the Forestry Commission before the work is started. If a licence is not obtained (where one was required),

fellling a tree will be a breach of GAEC 7c and the Forestry Act and may result in investigation and enforcement action being taken.

If you intend to fell a tree that is located in a Local Authority conservation area or is protected by a Tree Preservation Order (TPO), you may be required to notify or seek additional consent from the local planning authority before the activity is undertaken. However, where a felling licence is required to fell TPO trees, the Forestry Commission will liaise with the Local Authority on your behalf.

¹ Environmental Stewardship, existing Farm Woodland annual payments (Farm Woodland Scheme (FWS), Farm Woodland Premium Scheme (FWPS), Farm Woodland Payment (FWP) and Woodland Management Grant (WMG)), Maintenance Grant of multi annual Woodland Improvement Grants under the new Stewardship Scheme

Are there any exemptions to the rules?

There are some exceptions to the tree cutting and trimming rules. They do not apply where the tree:

- overhangs a highway, or any other road or footpath, and endangers or obstructs vehicles, pedestrians or horse-riders
- obstructs or interferes with the view of drivers of vehicles or the light from a public lamp
- is dead
- is a danger to human safety, for example due to being damaged, insecurely rooted, or highly symptomatic due to disease
- is either a fruit tree standing in any location, or any other tree species standing in an orchard,
- it is cut or trimmed by a statutory authority acting under its statutory powers

You don't need to write to Rural Payments Agency (RPA) in advance asking for an exemption but if you get inspected you must be able to prove how and why you used the exemption.

How do you apply for a derogation?

You can apply for a derogation to cut or trim a tree in a hedgerow during the month of August for the purposes of sowing oil seed rape or temporary grassland during the same August. But must not act until you have received a response to your request.

You must apply for a derogation by sending your request in writing to the RPA, by email (ruralpayments@defragov.uk) or by post (Rural Payments Agency, PO Box 52 Worksop, S80 9FG). Please be aware that a derogation to cut a tree within a hedgerow would need to be considered both under GAEC 7c with respect to the tree itself, and GAEC 7a (Boundaries) with respect to the hedgerow it is a part of. This mirrors the situation where, if a felling licence has been issued to fell trees in a hedge, permission will also be required under the Hedgerows Regulations 1997 where it is proposed to remove part of the hedgerow.

What does this mean for your business?

If the trees on your land fall within the definition provided at the start of the article and are not covered by the exemptions or derogations listed above, the likelihood is that the new tree cutting rules will apply. This is the case for:

- Standalone trees
 - Trees in woodland
 - Trees within a hedgerow if no derogation has been granted
 - Trees on a grazed golf course
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Get in touch with the FAS

If you would like free and confidential advice on the tree cutting and trimming rules from an independent adviser, please contact FAS by calling 03000 200 301 or sending an email to advice@farmingadvice.org.uk

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