



# Woodland Ownership and Management

Some basic issues to  
be aware of for first-  
time woodland owners

An advisory note  
produced by the  
Mercian Woodland  
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**Small Woods  
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SmallWoods

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# Introduction

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Most of us just want to get on with working in and enjoying our woodlands, that's what it's usually mostly about. The points outlined below are designed to be reminders of some of

the simple but important issues that may potentially get overlooked or that nobody tells you when you are first starting out in woodland ownership and management.

# Woodland ownership and rights/duties

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Make some time to check the terms and detail of your individual woodland ownership documents carefully. Get a copy of the deeds so that you are fully informed and aware of any restrictions or considerations that might apply to the land. If you have recently bought a wood, the solicitor or conveyancer will have a copy and will have checked many of the ownership issues outlined below in their work to secure the purchase and transfer of ownership.

## Fundamental ownership considerations

Most woodlands purchased from 'traditional' or private owners will typically be freehold, but there may be rights such as sporting or mineral

rights reserved to a previous owner, or rights for others to cross your land for forestry or agricultural access to adjacent land.

Woodlands or woodland units purchased from wood-lotting businesses often come with restrictive covenants. These could modify your options and flexibility when managing the wood or when planning to resell it in the future – make sure you are fully aware of these types of restrictions.

Be aware that organisations such as utility providers have statutory rights to access privately-owned land to repair or maintain their infrastructure and equipment. This includes pylons, poles and cables or underground services such as water, sewers and gas. They typically seek consent to access your land and have a detailed



process to do this – but ultimately there are statutory rights in place to enable this kind of access.

## **Duties and responsibilities to others**

Duty of care to others – as an owner or occupier of land you will have this care to other people, whether they have permission to be on your land or not. This could relate to risks from physical hazards such as old shafts or other post-industrial features, quarry edges, water or risks from hazardous or damaged trees. You should consider taking action to mitigate risk that is reasonable and proportionate, rather than trying to eliminate all risk. A simple and easily-updated record of your risk management checks and work – possibly map-based and with dated digital photos – is often a good framework to work with.

Forestry operations such as tree felling, tree surgery and timber harvesting can also present significant physical risk to people. These will all need planning, managing and carrying out with due care and consideration, particularly where a site has

access or recreational use. If you are using contractors to work on your land, make sure that they are experienced, competent and have adequate insurance and can work using safe and effective methods and equipment.

The same will apply to you if you are doing work yourself – get trained, plan and execute work with care, wear PPE and use safe working methods. Don't take on tree and woodland work that you are not trained, equipped and physically ready for.

## **Resources**

### **National Tree Safety Group**

Common Sense Risk Management of Trees - Guidance on trees and public safety in the UK for owners, managers and advisers

[ntsgroup.org.uk/wp-content/uploads/2016/06/FCMS024.pdf](https://ntsgroup.org.uk/wp-content/uploads/2016/06/FCMS024.pdf)

### **Forestry Industry Safety Accord (FISA)**

[ukfisa.com/Safety/Safety-Guides](https://ukfisa.com/Safety/Safety-Guides)

# Statutory issues and designations

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## Wildlife and species protection

All land and environmental management is subject to some statutory controls and regulations. A primary consideration for most small woodland owners are often what as referred to as European Protected Species (EPS) – Bats, Dormice, Otters, Great Crested Newts, Smooth Snakes and Sand Lizards. Planning for woodland management and management works all need to be informed by the potential or actual presence of these species. The key message around EPS is to think and plan well ahead when

managing woodlands – many of these species have complex, seasonal lifecycles and it can take a year or so to carry out surveys that determine presence/absence and inform subsequent woodland work plans.

## Environmental Impact Assessment (EIA)

In short, if you are planning afforestation (creating woodlands where they have not existed before), deforestation (removing woods and forests to change to a different land-use type), making forest roads or quarrying (usually for road-making stone) in your woodland, you will need





to go through an EIA process. Typically there are two stages, an initial scoping process to determine scale and potential impacts of works and then, if required, a further more detailed assessment which often requires professional input.

### **Landscape designations**

These can impact on the scale and extent of works that occur in protected landscapes such as Areas of Outstanding Natural Beauty (AONB) or National Parks (NP). Use MAGIC to find out which landscape or nature conservation designations apply to your woodland location;

### **Rights of Way (RoW)**

The local highway authority maintains records of definitive rights of way – footpaths, bridleways and other categories of access route. Remember though that permissive RoWs can be in existence and well-

used by locals and visitors even if not apparent on the definitive maps. A landowner is typically responsible for managing RoW corridors so that they are free from obstructions.

### **Tree and woodland protection in law**

Woods, trees and hedges may be subject to Tree Preservation Orders (TPOs) or be located within a Conservation Area (CA). These designations place an obligation on the owner to notify the local authority of intention to work on trees. They should not act as a barrier to good, well-planned and sustainable tree and woodland conservation.

### **Felling licences**

Up to 5 cubic metres of timber can be felled each calendar quarter without a felling licence. A series of exemptions apply such as trees up to 8 cm. diameter at breast height

(measured 1.3 m. above ground level), 10 cm. diameter if thinning or 15 cm. diameter when coppicing. Various other exemptions also apply based on location and nature of works. For full details see; Forestry Commission – *Tree felling – Getting permission* (updated 2023). Excellent detail on felling licences and broader environmental considerations – it's a good overall checklist and source of further detailed resources.

Applying for a felling licence is free, can be done online and once approved the licence has a life of five years, allowing some flexibility in timing of works. There is almost always a presumption that if felling (selective or clearfell) the site will then be restocked (replanted) – you will be required to confirm which species will be used and how they will be planted and protected.

Alternatively, if you have a comprehensive woodland management plan in place that

has been approved by the forestry authority, it will include a licence for all the works involving felling that are included in the plan. In many senses this is the better option that using a series of individual licences. Developing a plan makes you think about the whole wood, future management priorities and creates a structure to work to that you have developed. See FC and Sylva for resources and guidance on developing management plans:

### **Tree health**

UK trees and forests are facing more challenges from pests and diseases (P+D) than ever before. The forestry authorities have responsibility for tree health and they too have statutory responsibilities and powers to help manage impacts from pests and diseases. This can include issuing plant health notices to owners to fell infected or potentially-infectable trees.



## Reference websites

### Wildlife and species protection

[gov.uk/guidance/tree-felling-overview#european-protected-species-eps](https://www.gov.uk/guidance/tree-felling-overview#european-protected-species-eps)

### Environmental Impact Assessment (EIA)

[gov.uk/guidance/environmental-impact-assessments-for-woodland](https://www.gov.uk/guidance/environmental-impact-assessments-for-woodland)

### Landscape designations

Use MAGIC to find out which landscape or nature conservation designations apply to your woodland location.

[magic.defra.gov.uk](https://magic.defra.gov.uk)

### Tree and woodland protection in law

[gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas](https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas)

### Felling licences

Forestry Commission - Tree felling - Getting permission

[assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1171225/FC\\_Tree\\_Felling\\_4\\_July\\_23\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1171225/FC_Tree_Felling_4_July_23_WEB.pdf)

Applying for a felling licence

[gov.uk/guidance/apply-online-for-a-felling-licence](https://www.gov.uk/guidance/apply-online-for-a-felling-licence)

Forestry Commission

[gov.uk/guidance/create-a-woodland-management-plan](https://www.gov.uk/guidance/create-a-woodland-management-plan)

Sylva myForest

[myforest.sylva.org.uk](https://myforest.sylva.org.uk)

### Tree health

[gov.uk/government/collections/tree-pests-and-diseases](https://www.gov.uk/government/collections/tree-pests-and-diseases)

[gov.uk/guidance/fell-diseased-trees](https://www.gov.uk/guidance/fell-diseased-trees)

# Some ‘common sense’ advice and pointers for getting started

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Get to fully know the wood first, then make a plan...

If you are a new owner, however tempting it is, don't wade in and start trying to do everything at once in Year 1. This often leads to confusion, disillusionment and woodland owner burn-out!

Take the time and space to find out as much as you can about the wood first. Live with it for at least a year, see it change through the seasons, build up your 'scrapbook' or file of knowledge, insights, local contacts and understanding. Use the SWA Woodland assessments for biodiversity guide to help structure this process.

During this time you can also do small-scale and simple tasks – maybe open-up gateways, ride and track edges with low-impact thinning

and coppicing, fixing gates and fences – and enjoy it with camping, work parties and simply being there in the woods.

After this learning and information gathering stage, draw up a simple plan to guide your first few years of active management. Divide the wood up into units that make sense to you – compartments, zones – give them names or numbers.

- What are the first priorities for say years 1-5 that you want to take forward?
- What do you want to do, where and when?

You might call it a 'management plan' or 'work plan' and it can be simple and basic. Lay it out on a map base



or diagram – whatever works best for you and others involved in the woods management. You may want to use the Sylva myForest or FC management plan systems referred to above to help organise this process.

You might identify that you need help and back-up on some tasks from contractors or professional advisors – this is not a weakness – recognise it as early as you can and be pragmatic.

Always be honest and realistic about the resources you have for woodland management – time, skills, funds, equipment, energy. Don't commit to unachievable targets – that will sap

energy and motivation.

Set good targets that you feel comfortable with, deal with the first priorities first and enjoy the fun, challenges and rewards of being an active woodland owner and manager.

## Resources

### **Small Woods Association**

Woodland Assessment for Biodiversity

[smallwoods.org.uk/mercianadvice](https://smallwoods.org.uk/mercianadvice)



Found this advisory note helpful? Find out more on our website.

 [smallwoods.org.uk/mercian](https://smallwoods.org.uk/mercian)

## Interested in involving your woodland in the Mercian Woodland Biodiversity Project?

If your woodland falls within the Severn Trent catchment and you would like to hear more about the project, please get in touch.

**Contact the project co-ordinator**

**David Reeve**

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