



Eich cyf/Your ref
Ein cyf/Our ref: MA/HIDCC/2483/25

4 November 2025

Dear Lynda,

Once again I would like to express my gratitude to you, this time for “The Protection of Trees and Woodlands in Wales” report. Its in-depth look at how the legislation governing our felling licence regime, Tree Preservation Orders (TPOs) and protections within the planning system function and might be improved, is welcome. It is particularly welcome that you sought the views of stakeholders who had previously sat on the Woodland Strategy Advisory Panel (WSAP). They have a valuable insight into the practical implementation of our legislation and hence where improvements could be made to improve its effectiveness. Please pass on my thanks to all those involved for their input, as well as to your team, past and present, in the production of this report.

Welsh Government is aware of the need to update legislation and guidance to better protect trees and the ecosystem benefits they provide, particularly in the context of the everyday functioning of our economy. The report highlights the importance of valuing our existing trees and woodland, not just for their ability to produce timber, but also their value as environmental assets. The report’s production is timely as we have introduced the Planning (Wales) Bill and continue to work on revising the regulations which deal with TPOs to improve consistency and clarity in how trees are protected across Wales.

I have carefully considered the recommendations of the report with my officials, and our response to each of these is set out at Annex 1 to this letter. Some work has already been undertaken, such as strengthening protections for trees and woodland within Planning Policy Wales. Amendments have also been made to forestry legislation through the Agriculture (Wales) Act 2023 which was not in force at the time of the original consultation. This enabled Natural Resources Wales as forest regulator, to introduce environmental conditions into felling licences, and to amend these licences once granted. This work addresses some of the recommendations within the report. Other recommendations are for consideration in the next Senedd term.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

We will continue to consider the recommendations of your report as we progress other relevant areas of work to improve the protections for trees and woodlands across Wales.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name.

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Welsh Government Response

Recommendations on Felling licences

Recommendation 1: NRW and Local Authorities should, as soon as possible, introduce and implement a better monitoring programme utilising the best available technology to accurately record felling of trees in Wales. It is suggested that this should be instigated by the Welsh Government and implemented across Wales.

Accept in Principle. We agree that accurate monitoring of tree felling would help in the enforcement of compliance with the felling licence regime. The application of remote sensing technology for this purpose is still a developing area.

We will encourage the continued investment in remote sensing technology, for example through the Science and Innovation Strategy which supports forestry-related scientific research in GB. We will continue to explore the application and relevance of emerging remote sensing technology to understand the extent of felling in Wales.

Recommendation 2: The Welsh Government in the next Senedd term should legislate to amend the Forestry Act to make it an offence to fail to comply with an environmental condition.

Accept – already in place: Failure to comply with environmental conditions or other terms of a felling licence that has been granted is already an offence within the Forestry Act 1967 (the 1967 Act). If non-compliant, the felling licence holder would be operating outside the terms of the felling licence, meaning that the work would be unauthorised, as the licence would in essence be invalid. The offence and associated sanctions for failure to comply with conditions is already set out in Section 17 of the 1967 Act. However, NRW as forest regulator has further powers in the 1967 Act which avoid the need for immediate prosecution. Powers are available to issue restocking or enforcement notices under sections 17A and 17C of the 1967 Act in relation to restocking, and enforcement notices under sections 24C and 24D in relation to environmental conditions. Each has associated offences for non-compliance with these enforcement notices. Therefore, further amendment to the 1967 Act is not considered necessary.

Recommendation 3: The Welsh Government in the next Senedd term should legislate to amend the Forestry Act to enable the court to make a restocking order.

Accept in principle: We accept that the 1967 Act does not provide the power for courts in Wales to issue restocking orders as part of a prosecution. A restocking order issued by the courts, in addition to a fine, would ensure that restocking happened on a site felled without a valid licence or lead to further sanctions if there was a failure to comply with a restocking order.

An amendment to the 1967 Act would require an amendment to be made in primary legislation, and a suitable vehicle for such amendment would need to be identified. This will be subject to future ministerial priorities post the 2026 Senedd elections and availability of legislative time.

Recommendation 4: The Welsh Government in the next Senedd term should introduce a presumption in law against granting felling licences for veteran and large mature trees in ancient woodlands.

Accept – already in place: The 1967 Act was amended to allow NRW to add environmental conditions to felling licences. This allows bespoke conditions to be added to felling licences, and there is no barrier to these conditions being relevant to ancient woodland. A baseline environmental condition protecting all veteran trees is now added to all felling licences granted. The condition states:

“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.”

As this condition is included in all felling licences, failure to comply with the condition would mean the work would be undertaken outside the terms of the felling licence granted i.e. unauthorised. The offence and associated fines set out in Section 17, or alternative enforcement actions as set out in Sections 17A and 17C or Sections 24C and 24D of the 1967 Act, would apply. An optional “tier 2” condition for ancient woodland is also available to include in felling licences where appropriate, providing protection specific to ancient woodlands within the felling licence regime.

Recommendation 5: The Welsh Government, within one year of the publication of this report, should ensure that NRW has the necessary powers to enable it to charge for felling licence applications subject to consultation.

Accept – already in place: NRW already has the power to charge for felling licences. The Natural Resources Body for Wales (Establishment Order) 2012 was amended by the Natural Resources (Functions) Order 2013, which, at Annex 1 para 14, inserted Article 12A into the 2012 order. This gave NRW a power to “charge for work that it carries out and for goods, services and facilities that it provides;”

Recommendation 6: NRW should develop a plan for charging for felling licences, once it is confirmed that it has the necessary powers to do so.

Accept: As it already has the power to charge, NRW intend to undertake an analysis of the implications for introducing a charge for felling licences, subject to available resources. As part of the analysis, the potential risks associated with charging for felling licences, such as disincentivising active woodland management, will be assessed alongside the benefits. Any final decision to introduce charging for felling licences will be for Ministers to consider at a future date and not before the Senedd elections in 2026.

Recommendation 7: The Welsh Government, in the next Senedd term, should consider introducing civil sanctions in relation to the unlawful felling of trees.

Accept in Principle: Section 17 of the 1967 Act enables the courts to impose an unlimited fine where felling has been carried out without the authority of a felling licence. We acknowledge that the burden of resources needed to bring a case to court can be restrictive, and that civil sanctions could be a more efficient, cost-effective deterrent and enforcement mechanism. We accept in principle the exploration of civil sanctions subject to Ministerial priorities post the 2026 Senedd elections and availability of legislative time.

Recommendation 8: The Welsh Government, in the next Senedd term, should legislate to ensure that where criminal penalties are used, they should be applied for individual trees felled rather than in relation to groups of trees.

Accept – in principle: This was partially addressed by amendments to the 1967 Act brought in through the Agriculture (Wales) Act 2023. The courts can now apply unlimited fines for the unlawful felling of trees through Section 17 of the 1967 Act. These fines can already reflect the number of trees felled without authorisation. If penalties were to be introduced to individual trees felled without authorisation such as lone trees outside woodland, there would be potential conflict with the current exemptions from felling licences under the 1967 Act. We will explore the implications of introducing such a penalty which may involve legislative amendment. This will be subject to Ministerial priorities post the 2026 Senedd elections and availability of legislative time.

As the report acknowledges at p.52, fines handed down by the courts can be substantially reduced at appeal. As part of our Wildlife and Rural Crime Strategy, we are working to raise awareness of the value of habitats and trees, and the impact of offences on them. It is hoped this better understanding will result in appropriate fines being issued and maintained through the appeal courts.

Recommendations on Tree Preservation Orders (TPOs)

Recommendation 9: The Welsh Government should publish updated versions of TAN 10 and Protected Trees: A Guide to Tree Preservation Procedures as soon as the new Regulations are in force.

Accept: The Planning (Wales) Bill and proposed Planning (Wales) (Tree Preservation) Regulations (the new regulations) will introduce changes to the legal framework governing tree protection in Wales. These changes aim to simplify procedures while maintaining strong safeguards for trees and woodlands of amenity value.

Welsh Government will publish revised guidance (updating TAN 10 and the Protected Trees guide) to accompany the new regulations. The updated guidance will align with Welsh Government's broader policy objectives under Planning Policy Wales, including the step-wise approach to biodiversity and the integration of green infrastructure into placemaking.

Welsh Government will work closely with stakeholders, local planning authorities, Natural Resources Wales, and professional bodies, to ensure the revised documents are clear, practical, and accessible.

Recommendation 10: The Welsh Government should require, within a year of this report, that every local authority has a dedicated Tree Officer for the management of TPOs and should provide additional resources where necessary.

Accept in principle: Whilst Welsh Government supports the principle of strengthening local capacity for tree protection, any decision to mandate the appointment of dedicated Tree Officers is a matter for planning authorities.

Welsh Government recognise that having specialist expertise within planning authorities can make a real difference to how tree protections are applied and enforced. We will work with planning authorities to explore strengthening capacity, whether through shared services, training, or better integration of available tree expertise within existing local authority structures.

Recommendation 11: The Welsh Government should ensure, within one year of this report, that every Local Authority in Wales has access to specialist arboricultural experts and should provide funding specifically for this. We suggest this may be achieved by collaboration and pooling of resources as a way of sharing expertise between tree officers across Wales.

Accept in principle: Welsh Government notes the recommendation that every local authority in Wales should have access to specialist arboricultural expertise, and we fully support the principle behind it. Trees are an essential part of our natural and built environment, and their protection and management requires specialist knowledge. Access to arboricultural expertise can significantly improve the quality and consistency of decision-making in TPOs, development proposals, and wider green infrastructure planning.

Welsh Government welcomes the suggestion of collaboration and resource pooling as a practical and achievable way forward. Shared services, regional working, and joint-authority partnerships can help ensure that arboricultural expertise is available where it's needed. We will work with planning authorities, professional bodies, and other stakeholders to explore how such collaborative models could be introduced.

Recommendation 12: The Welsh Government, working with local authorities and NRW should set up a publicly accessible digital portal mapping platform to provide information on which trees are protected under TPOs.

Accept in principle: Welsh Government recognises that a publicly accessible digital mapping platform to show which trees are protected under TPOs is needed; it aligns with our commitment to transparency, community engagement, and the provision of quality environmental data.

The IEPAW report notes that some local authorities already provide online maps of TPOs, and Welsh Government understands the value of building on this good practice. However, we must also acknowledge the financial and technical challenges of delivering a national digital resource in the current economic climate. Developing and maintaining such a data layer would require significant investment, co-ordination across all local planning authorities, and integration with Data Map Wales.

Notwithstanding this, Welsh Government is keen to explore collaborative approaches, working with local authorities, Natural Resources Wales, and other partners to assess how existing resources and data can be better shared and whether a phased or regional approach could be feasible. Welsh Government will further consider how this proposal could align with wider digital transformation work in planning services.

Recommendation 13: The Welsh Government should legislate in the next Senedd term to place a duty on a contractor or a person who requires others to cut trees on their behalf to check whether the trees have a TPO before any felling work commences.

Accept – already in place: The current legal framework makes it an offence to carry out works on a protected tree without consent from the local planning authority. Guidance is available to help contractors and landowners understand their responsibilities, and enforcement powers exist to address breaches. Whilst improving awareness and compliance with the TPO regime is essential, Welsh Government are not intending to legislate further on this matter at this time. Instead, we will focus on strengthening existing guidance, improving access to information and working with local authorities and industry bodies to promote best practice.

The Felling licence application process administered by NRW requires the applicant to declare the presence of TPOs. This acts as a prompt for checking for TPO presence at an early stage and provides the potential for prosecution if a false statement is made.

Recommendation 14: The Welsh Government should, within one year of the publication of this report, investigate the feasibility of making all ancient trees subject to TPOs and should commission research which examines the opportunities and implications associated with making TPOs on all veteran and ancient trees recorded in the Ancient Tree Inventory.

Reject: Welsh Government has recently strengthened protections for trees and woodland through updates to policy and legislation, recognising ancient and veteran trees as irreplaceable habitats. The Planning (Wales) Bill and proposed new regulations dealing with TPOs aim to improve consistency and clarity in how trees are protected across Wales. This approach removes the need for research into a further form of protection. The upcoming work on further guidance to support the new regulations and update TAN 10 on Trees will restate the importance of ancient, veteran and heritage trees. This work will be considered alongside broader efforts to strengthen protections for ancient woodland and trees, as outlined in Welsh Government's recent Written Statement on Ancient Woodland Protection. This policy and legislation approach is considered more effective and proportionate given the likely financial burden to local authorities in placing TPOs on all trees within the Ancient Tree Inventory in the current economic climate.

Recommendation 15: The Welsh Government should, in the next Senedd term, set up a working group to consider the benefits of a new designation of 'Important Tree'.

Accept – already in place The current framework for tree protection in Wales already allows local planning authorities to safeguard trees that contribute meaningfully to local amenity. This can include trees that are considered to have a particular local importance. In addition, Planning Policy Wales provides guidance on how trees should be considered in planning decisions, including trees with biodiversity or heritage value.

Recommendations on Planning

Recommendation 16: All Local Authorities in Wales should take account of the British Standard 5837 in preparing and implementing their Local Development Plan.

Accept: Welsh Government will reference the British Standard on Trees in the next update to Planning Policy Wales.

Recommendation 17: The Welsh Government should, within one year of the publication of this report, change planning policy to require Local Authorities to consult with their specialist arboricultural experts on any planning application that has a significant implication for trees.

Accept: Planning Policy Wales encourages local authorities to consider the impact of development on trees and woodlands, particularly those protected by TPOs or located in conservation areas. Planning policy further supports the integration of advice from suitably qualified expertise into planning decisions.

In a future update to Planning Policy Wales, Welsh Government will highlight the importance of obtaining an arboricultural opinion on any application with a significant impact for trees.

Recommendation 18: The Welsh Government should, within one year of the publication of this report, update planning policy to require planning applicants to identify in plans for development root protection zones for any trees to be retained as part of that development.

Accept: The importance of safeguarding trees during development is recognised in Planning Policy Wales which sets out policies for the protection of existing trees through the

planning process. British Standard BS5837:2012 – Trees in Relation to Design, Demolition and Construction provides detailed guidance on how root protection zones should be identified and respected throughout the design and construction phases.

Through addressing recommendation 16 above, Welsh Government can signpost the guidance in the British Standard on root protection zones. Furthermore, the updated guidance on trees can highlight specific technical advice on root protection from the British Standard.

Recommendation 19: Local Authorities, when preparing and implementing their LDP, should provide a detailed explanation of how development proposals involving the loss of trees or damage to tree roots will be determined.

Accept – already in place: Trees are an essential part of our natural and built environment, and their protection is embedded in Planning Policy Wales, which sets out that planning authorities must retain existing trees wherever possible and consider their value in terms of biodiversity, amenity, and climate resilience. Following the updates and strengthening of tree protection policies in Planning Policy Wales, Welsh Government already encourages local authorities to strengthen their LDPs by setting out the criteria they use to assess proposals that may affect trees, including how specialist advice, environmental impact, and avoidance, minimisation and mitigation measures are considered.

Recommendation 20: We recommend that Local Authorities monitor the felling of trees where this is carried out as part of development.

Accept in principle: Within the planning system, local authorities have powers to impose conditions on development proposals involving tree removal, including requirements for replacement planting and protection of retained trees. Monitoring compliance with these conditions and identifying breaches is the responsibility of the planning authority.

Recommendation 21: We recommend that the next revision of PPW should include a statement to ensure that, when a proposed development includes an intention to remove trees, due consideration is given to the alternatives to removal with a view to retaining as many trees as possible.

Accept – already in place: Planning Policy Wales sets out a step-wise approach to tree protection, requiring developers to avoid the loss of existing trees and to integrate them into site design from the outset. This aligns with Welsh Government's broader policies for placemaking, biodiversity enhancement, and climate resilience.