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Lyndhurst.
SO43 7NH

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Green Oaks,
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SO42 7SP

Dear Craig,

Tree felling during the bird breeding season

The New Forest Association (NFA) would like to express its concern and disappointment regarding the continuing effect of tree felling on breeding birds in the New Forest. As you will be aware it is an issue that we have raised with the Forestry Commission and more recently with Forestry England on a number of occasions, most recently through the New Forest Consultative Panel.

The felling trees in the New Forest during the bird nesting season results in the destruction of bird's nests, eggs and young birds. We consider this to be illegal given the protection afforded to all wild birds by virtue of Section 1 of the Wildlife and Countryside Act 1981 (as amended).

The amended legislation makes it an offence if any person "intentionally or recklessly"

(b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built;

(c) takes or destroys an egg of any wild bird,

There are exceptions to this general protection. In past discussions, the Forestry Commission have relied upon the exception given in Section 4(2) of the Act. This allows for the damage or destruction of a bird's nest and eggs if this occurs as an "incidental result of a lawful operation and could not reasonably have been avoided".

We believe it is wholly reasonable for Forestry England to plan its felling operations to avoid the bird nesting season. This would be in line with many other organisations and individuals who undertake such potentially damaging activities outside of the bird nesting season. For example, house builders and other developers, gardeners and landscape architects and even Highways England all undertake tree and other vegetation clearance in winter and autumn to avoid disturbing nesting birds – see by way of contrast your and National Highway's contrasting approaches below. Given the status of the New Forest as a SSSI and SPA it might be expected that Forestry England would adopt the very highest standards in avoiding harm to nesting birds.

It appears to us, that the work that Forestry England undertakes each breeding season cannot be undertaken without breaching the law. Widespread tree felling during the



bird nesting season will unavoidably interfere with the nesting attempts of breeding birds, and lead to the destruction of a number of nests.

We appreciate that you currently undertake surveys prior to felling operations which identify the locations of larger species and birds of prey. However, surveys are unlikely to identify the nests of all wild birds within an area and we do not believe felling operations can take place in the New Forest without damaging or destroying bird's nest. We emphasise the fact that the protection applies to all wild birds, not just those listed on Schedule 1 of the Act. We are firmly of the opinion that it is reasonable for Forestry England to undertake felling work outside of the bird nesting season and the exception given in Section 4(2) of the Act cannot be relied upon in these circumstances.

Whereas we believe that the time of year tree felling in the New Forest is currently undertaken is unacceptable and illegal, the NFA hopes to work with Forestry England to develop working practices that minimise impacts on nesting birds. We recognise that a total tree felling ban for the whole bird nesting season (normally considered to be between March and August) may not be achievable in 2025. However, in trying to find a way forward could we suggest the following:-

1. The NFA ask that you share with us your felling plans within the New Forest SSSI for the spring and summer of 2025 with the hope that we might work with you to identify working methods that minimise impacts on nesting birds,
2. We jointly work to develop a method or protocol for reporting information to Forestry England on nesting birds prior to any tree felling or vegetation clearance in the bird nesting season.
3. The NFA would like to review the Natural England assent granted to Forestry England in accordance with the Wildlife and Countryside Act (s28) for tree felling and vegetation clearance in the New Forest SSSI and consider how this reflects the protection of nesting birds and would be grateful if you would share a copy of this assent with us.

Yours sincerely,

Sarah Nield
Chair of the New Forest Association

Copies to Natural England (Jenny Thomas) and New Forest National Park Authority (Paul Walton)

Working to Protect the New Forest



[Felling and nesting birds | Forestry England](#)

[Maintenance and assessment - National Highways](#) “Every year we need to clear vegetation away from many of the historic railway structures we look after across the UK. Our contractors generally do this work during winter and autumn, which helps to avoid disturbing nesting birds – and other wildlife – during the spring and summer.”