



Beech woodland in spring with bluebells, Mottisfont

## Buying a small woodland guidance

If you are looking to buy a small woodland this can be a very rewarding experience as small woodlands are important as nature conservation sites, provide space for recreational and amenity as well as enhance the landscape. They can also provide a source of local wood products and be a place of great enjoyment and relaxation.

However, there is good reason to be cautious and research thoroughly the duties imposed on woodland owners this is to ensure that you have considered all the available information and sought professional advice prior to making that woodland purchase no matter how small a piece of woodland. Below is a list of initial considerations and a summary of the main duties imposed on woodland owners to consider.

### Things to consider when looking purchasing a piece of woodland

- Scale of the woodland area and spatial links
- Public access or restricted access or footpaths through the site
- Selling potential in the future
- Management requirements now and in the future
- Funding including purchase price and long term management requirements
- Exclusion, as to what you can and can't do with the woodland in terms of use or access
- Legal duties (duty of care) how onerous are these and are there any particular additional legal constraints like tree preservation orders or covenants.
- Wildlife constraints with protected species, sites of special scientific interest or protected habitats
- Maintenance, is the woodland well maintained or in need of a lot of work
- Public liability insurance
- Sudden tree disease outbreaks or threats to woodlands and potential cost implications



Deer on woodland edge, Mottisfont

## Your duties if you buy woodland or become a woodland owner

In the event of an accident the occupier (owner) will need to demonstrate that his/her actions were reasonable in the circumstances. You must consider the particular needs of people you invite onto your property and you must be able to demonstrate that your precautions are reasonable in the circumstances.

The historic nature of the premises can be relevant and you may not have to warn of dangers when it is reasonable to assume that they are obvious to the visitor. Signage is common practice though to provide clear information. You may not always have to fence hazards if they present an obvious danger and you must be prepared for children to be less careful than adults although with young children the parent may hold the primary duty of care.

Warning a visitor of dangers might be sufficient to absolve you from liability, but only if it was sufficient to enable the visitor to be reasonably safe and in some circumstances you can choose to restrict or exclude your liability by imposing entry conditions. However, stiles or gates across footpaths or bridleways must be maintained by the landowner in a safe and negotiable condition. It is an offence to place barbed wire adjacent to a public right of way where it is likely to cause injury to people legitimately using the path. You must also comply with the Wildlife and Countryside Act 1989 (as amended) with regard to protected species and wildlife when carrying out woodland management and woodland work that may affect vital habitat or wildlife.

You have a duty of care towards trespassers who are also able to claim for personal injury under the Occupiers Liability acts. Owners are expected to periodically inspect their properties and keep records of the dates and condition of the woods and trees. Remedial work should be carried out immediately on



Snowdrop understory, Longstock

any suspect trees, etc., and it is advisable to employ a professional to survey the wood on an annual basis and provide owners with a written report. Due to the continuing adverse climate conditions being experienced in the UK owners are reminded that they are required to inspect their woodlands regularly to assess for damage or disease to ensure the public are safe.

Someone injured through your negligence can bring an action for damages against you in a civil court. If you are found negligent, you may be ordered to pay compensation for loss of earnings, medical expenses, pain, suffering and the like. Individuals can face prosecution in a criminal court for not complying with legal duties imposed by government legislation. You can be fined, or even face imprisonment if found guilty in a criminal court.

Claims for damages after accidents are reported to be on the increase, with solicitors and accident claim practitioners touting for new business by offering 'no win no fee' terms. The result is that woodland injury claims have become more frequent. Alleged victims of falling branches, concealed tree stumps, rabbit holes and even slippery stones in streams, can sue owners



Beech woodland in winter

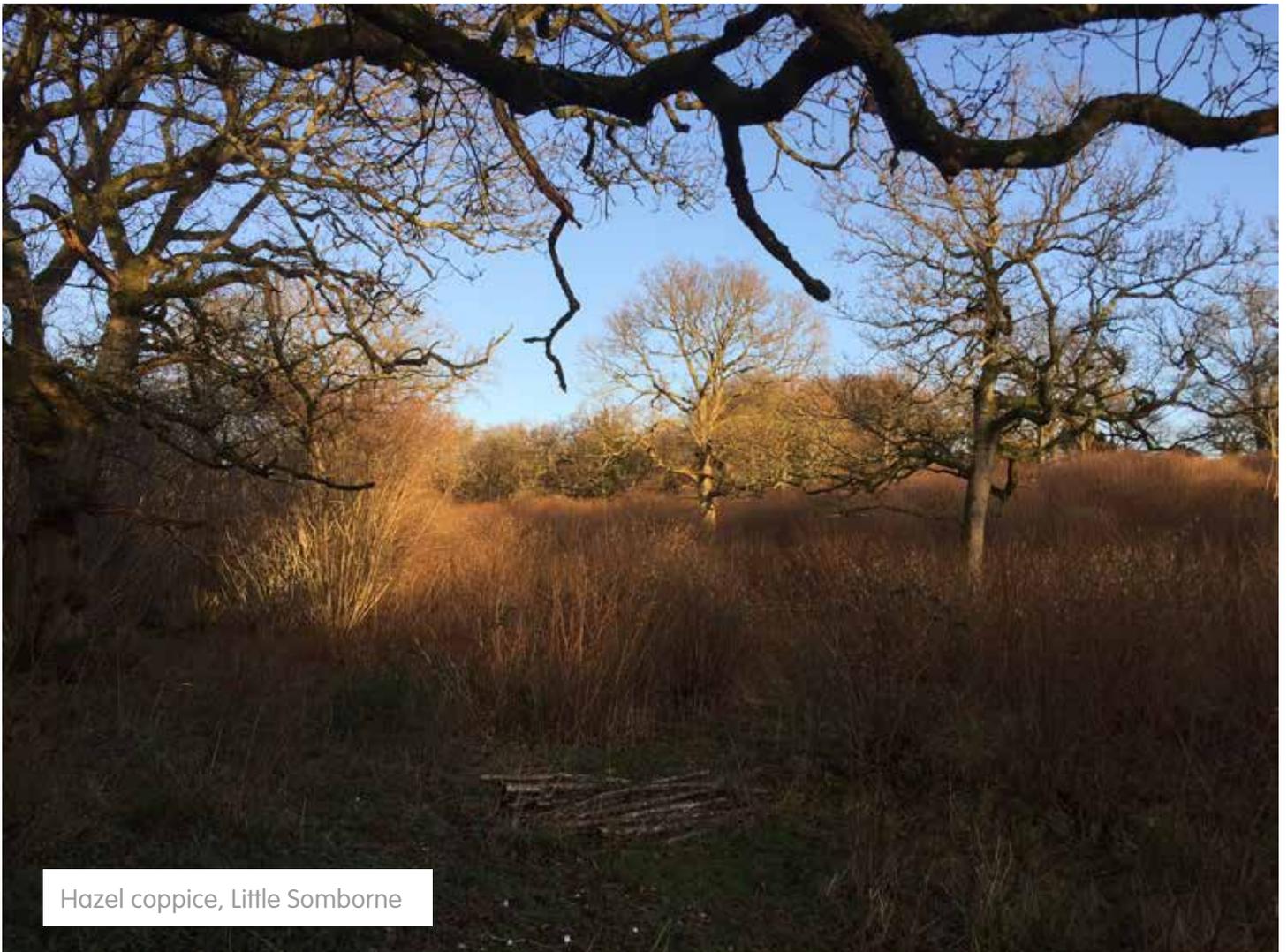
of woods for compensation payments following alleged injuries. Such claims are from people wandering in woodland - whether remote or not, whether fenced off or not and whether invited or not!

Also, the Countryside and Rights of Way Act, 2000 now gives people a new right to walk over large areas of open countryside and common land and means new responsibilities for those who visit and manage these areas. You are reminded that many Insurance policies are for third party property owner's liability only; it does not cover injuries to volunteers doing any form of work in your wood, including friends and family members. The law treats them as 'employees' even though they are usually unpaid and you as the "employer". Similarly, contractors doing work in your wood are not covered by this policy. They are legally bound to carry their own public liability insurance and you are advised to ensure they have the appropriate valid cover.

Felling licences are required for woodland work where quantities felled exceed the allowable cubic metre under the exemption. You are legally allowed to take out a maximum of 5cu.m of timber from your woodland every calendar quarter (but you cannot sell more than 2 cu.m of this). If you want to take out any more you need to obtain a felling licence from the Forestry Commission (see [www.forestry.gov.uk](http://www.forestry.gov.uk) for further information) and before granting this they will expect you to have in place a management plan for your woodland. Depending on your objectives grant aid might be available; different rules and entitlements apply in England, Scotland and Wales so check with the Forestry Commission website or ring your local office.

Assess for any overhead or underground services crossing the woodland (wayleaves) as you might be prevented from managing the area above or below the routes of these services in certain ways. For example if an overhead power cable crosses your site you might have to keep trees under the route coppiced, or plant understory species only. Service engineers will have the right to enter your property in case of emergency.

Tree preservation orders may be present on the woodland and the rules of these should be followed which would normally require a tree works application being submitted to the Local Council. If the woodland is within a Conservation Area a 6 week notification of tree or woodland works would also be required to be submitted to the Local Council.



Hazel coppice, Little Somborne

## Useful contacts and references:

If you have any concerns regarding trees managed by Test Valley Borough Council - often land in public open spaces and parks - please contact Customer Services who will firstly confirm whether the land is indeed managed by the council.

Telephone 01264 368000 or 01794 527700 / Minicom 01264 368052

Through our mobile app: [www.testvalley.gov.uk/resident/my-test-valley/](http://www.testvalley.gov.uk/resident/my-test-valley/)

Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ  
[www.testvalley.gov.uk](http://www.testvalley.gov.uk)

Date of publication: Sept 2016 Thanks to West Berkshire Council for sharing the information contained with this publication.

For further Information on woodlands visit the following websites:

Coppice Woodlands	<a href="http://www.coppice.org.uk">www.coppice.org.uk</a>
Forestry Commission	<a href="http://www.forestry.gov.uk">www.forestry.gov.uk</a>
Small Woodlands	<a href="http://www.smallwoodlands.org.uk">www.smallwoodlands.org.uk</a>
Woodland	<a href="http://www.woodlands.co.uk">www.woodlands.co.uk</a>
Woodland Owner	<a href="http://www.woodlandowner.org.uk">www.woodlandowner.org.uk</a>
Woodland Trust	<a href="http://www.woodland-trust.org.uk">www.woodland-trust.org.uk</a>
Woods for Sale	<a href="http://www.woods4sale.co.uk">www.woods4sale.co.uk</a>
Institute of Chartered Foresters	<a href="http://www.charteredforesters.org">www.charteredforesters.org</a>
Royal Forestry Society	<a href="http://www.rfs.org.uk">www.rfs.org.uk</a>