

England National Office

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4th February 2015

NOTICE NO: **RN40/14-15**
FILE REF: **AIF/019/7/14-15**

Dear Sir or Madam,

Unlicensed Tree Felling: land at Langley, Liss

FORESTRY ACT 1967 - SECTION 17A (AS AMENDED BY THE REGULATORY REFORM ORDER DATED MARCH 2006) - RESTOCKING NOTICE NO: **RN40/14-15**

The Forestry Commission investigated a case of alleged illegal tree felling at the above location in January 2015. The information collected during the investigation has now been passed to me for further consideration.

From the details provided, I am satisfied that an offence has been committed under the provisions of the Forestry Act 1967 (as amended). This is because no exemption to the Forestry Act applies to the trees or land and the volume of timber felled is such that a licence to fell the trees should have been obtained before the felling took place.

The Forestry Act 1967 provides the Forestry Commissioners with a number of powers with which to address a breach in the regulations. These include referring cases for prosecution and securing the restocking of a felled site through a restocking notice.

Having considered this case I have decided that issuing a restocking notice is the most appropriate action. This would not require prosecution because the Forestry Act 1967 was amended by the Regulatory Reform Order (Forestry) 2006. This amendment provided the Forestry Commissioners with the option of serving such a notice on an owner without first securing a prosecution.

When following this approach we normally seek to discuss restocking requirements and detailed prescriptions with owners before we issue a formal Restocking Notice with the aim of reaching agreement. In this instance I understand the land in question is subject

to a planning application (Ref.: SDNP/13/02300/FUL). In such situations the Forestry Commission issue a Restocking Notice immediately with conditions based on the requirements and guidelines for sustainable woodland management set out in the UK Forestry Standard. This approach ensures the Planning Authority are able to consider the requirement to replant the land as a matter of fact in their decision making. Please note that the Forestry Commission expresses no view for or against planning applications and will respect any decision Planning Authority and its implications on the enforcement of the conditions of the Restocking Notice.

Therefore, in relation to the above mentioned powers, I am now enclosing a Restocking Notice No: RN40/14-15, dated 4th February 2015, which requires that the restocking, so specified, is carried out by **30th June 2016** and the trees maintained for a period of ten years from the regeneration or tree planting having occurred.

If you should need any advice in relation to the work that you are required to carry out to meet thstatutory obligations of the Notice, or on subsequent maintenance and/or protection, then please do not hesitate to contact David Rogers at your local Forestry Commission Office. The address and telephone number are as follows:

The Forestry Commission
South East & London Area Office
Bucks Horn Oak
Farnham
Surrey
GU10 4LS

Tel: 01483 326200

It would be helpful if you could advise the local Office once you have completed the tree planting, so that arrangements can be made with you for the necessary post planting inspection. Thank you in anticipation of your co-operation in this.

An owner or their legally delegated representative has the right to appeal against a restocking notice, to the appropriate Minister, within three months of the Notice being issued. Failure to appeal, or if an appeal is rejected will mean that the owner or named person has a set period in which to restock the site. This is usually 12 months. Failure to respond to the Restocking Notice and a subsequent Enforcement Notice could result in prosecution.

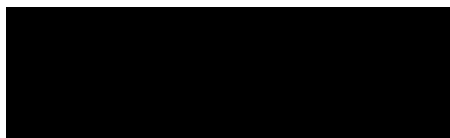
Placing illegally felled timber on the market may also constitute an offense under the Timber and Timber Products (Placing on the Market) Regulations 2013. A breach of these regulations can lead to the seizure of timber brought to market. Conviction of an offense under these regulations can also lead to an unlimited fine and/or a term of imprisonment.

If you are in receipt of Single Farm Payments we must refer this case to the Rural Payments Agency (RPA) for further consideration. This may lead to an inspection and/or possibly a financial penalty. The decision on any action taken is made by RPA

but we will notify them of the facts of this case so they account of them in their decision making.

Finally, should you have any questions on any aspect of the Notice itself, or procedures associated with it, then contact me on the number shown below.

Yours faithfully,

A large black rectangular box redacting the signature of Alec Rhodes.

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Alec Rhodes
Regulations Manager
Direct Tel: 0300 067 4075
E-mail: alec.rhodes@forestry.gsi.gov.uk

Copy to: J Harding, Field Manager, Forestry Commission (by e-mail).
D Rogers, Woodland Officer, Forestry Commission (by e-mail).

