

APPEALS PROCEDURE

Appeal Types		Conditions for Appeal	How to appeal
Environmental Impact Assessment (EIA)	Applicant wishes to appeal against FC Consent Decision or Conditions Imposed	<p>In EIA cases, you can only appeal in the following circumstances.</p> <ul style="list-style-type: none"> We have refused consent We have granted consent, but you don't agree with the conditions we have applied. We have stipulated that work must start and finish within a period that is less than the maximum time allowed. <p>You must appeal within 28 days from the date that we make our consent decision. You will be notified of our decision and it will also appear of the FC Public Register for a period of 28 days.</p>	<p>You must make an appeal about FC consent decisions to the Forestry Minister for England Scotland or Wales. Where, "Forestry Minister" is defined as follows:</p> <p>England: the Minister with portfolio for Forestry, as appointed by the Secretary of State for Environment, Food and Rural Affairs by HM Government.</p> <p>Scotland: the Minister for Environment and Rural Development appointed by Scottish Executive/Scottish Parliament.</p> <p>Wales: the Minister for Environment, Planning and Countryside appointed by the National Assembly for Wales/Welsh Assembly Government.</p>
	A member of the public wishes to appeal against FC Consent Decision	<p>Any member of the public can make an appeal about an FC EIA Consent Decision. All consent decisions are published on the FC Public Register for a period of 28 days from which the consent is given. Appeals of this nature must be made within six weeks from the date the FC granted EIA Consent.</p>	<p>Appeals of this nature must be made to the Court of Session in Scotland or the High Court in England and Wales.</p>
Felling Licences	<p>Applicant wishes to appeal against FC Refusal to grant a Felling Licence</p> <p>OR</p> <p>Applicant wishes to appeal against FC Conditions imposed upon Felling Licence.</p>	<p>Appeals about Felling Licence refusals and/or unacceptable conditions can only be made if:</p> <ul style="list-style-type: none"> A previous application to fell the same trees is more than three years old. <p>Also:</p> <ul style="list-style-type: none"> If you do appeal against a rejected application and the refusal to application is upheld, you cannot make another application, to fell the same trees, if the upheld refusal appeal is less than three years old. <p>However you can submit a new application to fell the same trees. Circumstances may have changed and all applications are considered fairly at the time they are receive</p>	<p>You can make an appeal about a refusal to grant a Felling Licence to the Forestry Minister for England Scotland or Wales. Where, "Forestry Minister" is defined as follows:</p> <p>England: the Minister with portfolio for Forestry, as appointed by the Secretary of State for Environment, Food and Rural Affairs by HM Government.</p> <p>Scotland: the Minister for Environment and Rural Development appointed by Scottish Executive/Scottish Parliament.</p> <p>Wales: the Minister for Environment, Planning and Countryside appointed by the National Assembly for Wales/Welsh Assembly Government.</p> <p>If the Minister receives an appeal, under the <i>Forestry Act Section 16</i>, he may refer it to a Reference Committee. The Reference Committee will investigate the circumstances and make recommendations to the Minister. Once the Minister gets the Reference Committee's report he may confirm, reverse or modify any of our decisions.</p>

APPEALS PROCEDURE

	<p>Appeal against being served with a Restocking Notice</p>	<p>These are issued in cases where a person is convicted under section 17 of the Forestry Commission Act 1967 of having felled a tree without the authority of a Felling Licence for which a licence was required. If you receive a Restocking Notice you will be required to do one or more of the following:</p> <ul style="list-style-type: none"> • Restock or stock land agreed by the Forestry Commission with trees. <p>AND</p> <ul style="list-style-type: none"> • To maintain those trees in accordance with the rules and good silviculture practices for a period of up to ten years as specified in the Restocking Notice. 	
<p>Felling Licences</p>	<p>Appeal against being served an enforcement notice</p>	<p>Enforcement Notices are issued for non-compliance with a:</p> <ul style="list-style-type: none"> • Conditional Felling Licence • Restocking Notice issued following conviction for illegal felling <p>The notice is sent to the person who must comply with it. The Enforcement Notice can only be served on whoever is the owner of the land at the time the notice is served.</p>	<p>You must make an appeal within 3 months of receiving the notice. If you do make an appeal then the notice becomes inoperative during this time.</p> <p>You must make an appeal You must make an appeal about Enforcement Notices to the Forestry Minister for England Scotland or Wales. Where, "Forestry Minister" is defined as follows:</p> <p>England: the Minister with portfolio for Forestry, as appointed by the Secretary of State for Environment, Food and Rural Affairs by HM Government.</p> <p>Scotland: the Minister for Environment and Rural Development appointed by Scottish Executive/Scottish Parliament.</p> <p>Wales: the Minister for Environment, Planning and Countryside appointed by the National Assembly for Wales/Welsh Assembly Government.</p> <p>If the Minister receives an appeal, under the Forestry Act Section 16, he may refer it to a Reference Committee. The Reference Committee will investigate the circumstances and make recommendations to the Minister. Once the Minister gets the Reference Committee's report he may confirm, reverse or modify any of our decisions.</p>

APPEALS PROCEDURE

<p>EIA</p>	<p>Appeal against being served an Enforcement Notice</p>	<p>These are issued in cases where the Forestry Commission has discovered that work has been carried out that required our consent OR the conditions that we stipulated when we gave consent have been breached. If you receive an Enforcement Notice under the EIA regulations, it will legally require you to do one or more of the following:</p> <ul style="list-style-type: none"> • Immediately stop the work that is in dispute. • Apply for our consent. • Restore the land to the condition is what in prior to the work in dispute commencing. • Carry out work to ensure compliance to the conditions stipulated when we granted consent. • Remove or alleviate any injury to the environment that has been caused by the work in dispute. <p>You must make an appeal within 28 days of receiving an Enforcement Notice.</p>	<p>You must make an appeal about Enforcement Notices to the Forestry Minister for England Scotland or Wales. The appeal must be made within 28 days of receipt, or a longer period agreed by the Forestry Minister.</p> <p>“Forestry Minister” is defined as follows:</p> <p>England: the Minister with portfolio for Forestry, as appointed by the Secretary of State for Environment, Food and Rural Affairs by HM Government.</p> <p>Scotland: the Minister for Environment and Rural Development appointed by Scottish Executive/Scottish Parliament.</p> <p>Wales: the Minister for Environment, Planning and Countryside appointed by the National Assembly for Wales/Welsh Assembly Government.</p>
<p>Grants</p>	<p>Applicant wishes to appeal against FC decision not to award Grant or conditions imposed upon a Grant award</p>	<p>All objections against decisions the FC has made on whether to award a grant, or not, or to impose conditions that are unacceptable are dealt with through the FC Complaints Procedure. Please see this topic for more information.</p>	<p>See Complaints Procedure.</p>
<p>Other sources of redress</p>		<p>The Parliamentary Ombudsman can carry out independent investigations into complaints about government departments, agencies and some public bodies.</p> <p>The Forestry Commission is a government department therefore complaints that have not reached a satisfactory resolution through our internal complaint procedure may be forwarded for consideration by the Parliamentary Ombudsman.</p>	<p>To pursue this course of action you will need to ask your local MP to send your complaint to the Parliamentary Ombudsman. See http://www.ombudsman.org.uk/ for more information.</p>