

Enforcement Notice - ENGLAND AND WALES

FORESTRY COMMISSION

NOTICE NO: *019/1/2007-08*

FILE REF: *019900047*

SI 1999 NO. 2228

FORESTRY, ENGLAND AND WALES

The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

NOTICE UNDER R.20 REQUIRING MEASURES TO BE TAKEN

Name and address of the person on whom the Notice is served

The Royal Society for the Protection of Birds
Second Floor
Frederick House
42 Frederick Place
Brighton
East Sussex
BN1 4EA

Address of Issuing Office

Forestry Commission England
National Office
Great Eastern House
Tension Road
CAMBRIDGE
CB1 2DU

1. It appears to the Forestry Commissioners that work has been carried out in relation to a relevant project, namely Farnham Heath, near Farnham in Surrey in breach of a condition subject to which consent has been granted in relation to that relevant project.
2. Accordingly, the Commissioners, in pursuance of regulation 20 of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, hereby give notice requiring you to take the measures specified below which appear to the Commissioners to be suitable in the circumstances:
 - a) Immediately discontinue work in relation to the relevant project in respect of further tree felling until works outlined in the Schedule hereto are completed.
 - b) Before 30 October 2007 carry out on the land the works specified in the Schedule hereto (which is part of this notice), which in the opinion of the Commissioners are reasonably necessary to secure compliance with conditions subject to which consent was granted.
3. A statement of the reasons for the Commissioners decision accompanies this notice.

Dated: 18 May 2007

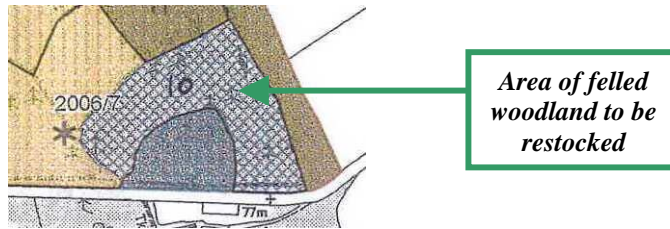
Signed:

For the Forestry Commissioners

see Schedule and Notes overleaf

SCHEDULE OF WORKS

1. In order to secure the restoration of woodland on the part of the land now known as Farnham Heath and centred on grid reference SU864436 which lies just north of the Millbridge to Tilford Road known as 'The Reeds' and identified with diagonal hatching on the plan below.



- (a) Before 30 October 2007 the land on which the felling took place should be adequately cleared of 'lop and top'.
 - (b) It should be restocked using natural regeneration comprising a combination of larch (not less than 30%), Scots pine and Douglas fir with a proportion of native broadleaves (mainly oak and birch) to attain a density of not less than 2250 trees per hectare reasonably evenly distributed across the site. If trees have not become well established by 30 June 2012 any gaps will be planted with European larch at no wider than 2.1 metre spacing.
 - (c) For a period of 10 years from October 2007, or the date of any required enrichment planting, (whichever the later), the plants must be protected against damage and be adequately weeded;
 - (d) Any failure or losses should be replaced where necessary to provide satisfactory stocking;
 - (e) Adequate protection measures must be employed to prevent loss of trees through browsing, fire or weavils in accordance with the rules and practice of good forestry.
2. In order to mitigate the loss of the landscape feature provided by the felled block of larch trees an area of woodland comprising not less than 3 ha will be identified for ongoing retention from within the areas which were given consent for deforestation. The identification of these areas will be the subject of formal consultation with statutory consultees and local representative groups.
3. In order to reduce the chances of further areas of woodland identified for retention in the EIA consent being felled or inappropriately managed:
 - (a) The RSPB will prepare a management plan outlining the future management of the areas of the site to be retained as woodland. This will be agreed with the Commissioners representatives before any further felling is undertaken. And
 - (b) No further thinning operations will proceed until the marking of trees to be removed has been agreed in writing with representatives of the Commissioners.

NOTES

- i. Any person on whom this notice is served may appeal to the Minister.
- ii. An appeal must be made within 28 days of receiving the notice. The Minister may allow a longer period for submission of the appeal.
- iii. An appeal shall be made by notice in writing to the Minister (with a copy to the Forestry Commission's Regional Director) accompanied by, or by copies of:
 - a) the enforcement notice;
 - b) any relevant consent;
and
 - c) any other information or representations which the appellant wishes to provide or make.
- iv. The making of an appeal shall have the effect of suspending the operation of the measures specified at 2a, 2c and 2d of this notice until the appeal is determined by the Minister or, where the appeal is withdrawn, until withdrawal of the appeal.
- v. The making of an appeal **does not suspend** the requirement to stop the work.
- vi. Failure to stop the work will constitute an offence under Section 22(1) of the regulations involving liability on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to a fine.
- vii. Failure to take any of the measures, other than discontinuing the work, specified in this notice will constitute an offence involving liability on summary conviction to a fine not exceeding level 5 on the standard scale.
- viii. Where any of the measures, other than discontinuing the work, specified in this notice have not been taken within the period specified, the Forestry Commission may at any reasonable time enter the land and take those measures, and may recover from the person on whom the notice was served any expenses reasonably incurred in connection therewith.

Statement of the reasons for the Commissioners decision in respect of unconsented tree felling at Farnham Heath

The Forestry Commission in granting consent for the original proposals in September 2004 subject to conditions. These included condition (e):

'The retained areas of woodland shall be managed in accordance with good forestry practice as outlined in the UK Forestry Standard and published Forestry Commission best practice guidelines to maintain their impact on the local landscape and their screening effect on neighboring properties'

The schedule of work attached to the Enforcement Notice above is designed to:

1. Secure restocking of the area inappropriately felled;
2. Seek mitigation for the loss of the landscape value of the area felled inappropriately; and
3. Minimise the chances of further errors occurring in the future.