

FORESTRY ACT 1967

NOTICE REQUIRING THE RESTOCKING OR STOCKING OF LAND WITH TREES

Name and address of the persons on whom the notice is served:	Address of Issuing Office:
	Forestry Commission National Office 620 Bristol Business Park Coldharbour Lane BRISTOL BS16 1EJ

1. It has been established that you felled trees at land at Urban Terrace, Grange Moor, Wakefield., without a felling licence in contravention of the provisions of the Forestry Act 1967. The Forestry Commissioners, in pursuance of their powers under Section 17A of that Act, hereby give notice requiring you to carry out the restocking specified in the schedule below.
2. Your attention is drawn to the notes overleaf.

Dated this 19th day of December 2024



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A Howard for the Forestry Commissioners

SCHEDULE

1. Before **30th June 2026** the felled areas outlined in blue on the map attached to this Notice must be restocked with broadleaf species to achieve no less than 1,100 equally spaced stems per hectare. This equates to 308 trees at this site.
2. The following species are to be planted to achieve the restocking requirements under (1) by the date specified: 30% oak, 30% birch, 10% sycamore, 15% rowan, and 15% hazel.
3. For a period of 10 years from planting, the trees must be properly protected against damage, adequately weeded and maintained in accordance with good forestry practice, as set out in the latest edition of the United Kingdom Forestry Standard.
4. Any trees which fail, die or are otherwise lost during the 10-year period under (3) must be replaced by 30th June the following year to provide satisfactory restocking (see 1), and done so in accordance with the rules and practice of good forestry, as set out in the latest edition of the United Kingdom Forestry Standard.
5. If damaged or dislodged, any fences or individual tree guards deployed to maintain the trees must be replaced within the 10-year period under (3), within 31 days of that damage or dislodgement taking place, and done so in accordance with the rules and practice of good forestry, as set out in the latest edition of the United Kingdom Forestry Standard.

NOTES

Your Right of Appeal

- i. If you object to this notice, or any conditions set out within the Schedule, you may submit an appeal. Any appeal must be received by the appropriate Minister within three months of your receipt of this notice. The appropriate Minister may then refer the matter to a Committee appointed in accordance with Section 27 of the Forestry Act 1967. The relevant appeal form, Form 6A, is available on the gov.uk website. Please see below for details. The content of this form is set out by legislation and must be submitted for your appeal to be considered.
- ii. If the basis of your appeal is that an exemption to the need for a felling licence applies, there is case law that states that, in a criminal court, the burden of proof would lie with you to prove that an exemption applied.¹ It is not for the Forestry Commission, in the first instance, to prove that all, or any, exemptions did not apply. The Committee appointed by the Minister will be advised by the Forestry Commission to follow this approach, although ultimately that will be a matter for the Committee to decide.

What Happens If You Do Not Appeal

- iii. If you do not appeal against this notice, it will take effect and you must ensure the required steps are taken within the period specified in the Schedule.
- iv. Failure to take the steps required by this notice may result in the Forestry Commission serving you, or the next owner (or holder of title) of the land, with an Enforcement Notice under section 24 of the Forestry Act 1967.

Important Information

- v. For more detailed information on exemptions, please refer to 'Tree Felling – Getting Permission'.
- vi. Planning consent does not supersede this notice.²
- vii. Upon sale of the land, any new owner must adhere to the conditions of this notice or be liable for service with an Enforcement Notice under section 24 of the Forestry Act 1967.
- viii. This notice is registered as a Local Land Charge. This register is routinely checked by conveyancers as part of the buying and selling of land.

To access the appeals forms or obtain further information, please visit:

<https://www.gov.uk/government/organisations/forestry-commission/about/complaints-procedure#appeals> or search 'Appealing a Restocking Notice / Enforcement Notice' on the gov.uk website.

¹ Case law: *Grundy & Co Excavations Ltd and Sean Parry v Forestry Commission* [2003] EWHC Admin 272 (QB)

² Case law: *Arnold White Estates Ltd v The Forestry Commission* [2022] EWCA Civ 1304