

25-8-11

Nobel House
17 Smith Square
London SW1P 3JR

Telephone 08459 335577
Email helpline@defra.gsi.gov.uk
Website www.defra.gov.uk



Anna Soubry MP
House of Commons
London
SW1A 0AA

Our ref: MC 239535

20 August 2011

From Lord Henley
Parliamentary Under Secretary

Thank you for your letter of 14 July seeking clarification of the reasons behind the Forestry Commission being directed to amend the Restocking Notice that it served on the owner of land at Toton Sidings, who had felled trees on the area without the required licence. I am replying on behalf of Jim Paice as Duty Minister during the recess period.

Firstly I would like to address the issue of restocking the site at Toton Sidings. The decision reached by the Forestry Commission's Reference Committee means that the trees will be replaced by 2016. The issue at hand is whether this should take place via compulsory restocking or natural regeneration.

The advice received by the Reference Committee was that the land in question is well suited to natural regenerations and accordingly, there is every reason to be confident it will renew naturally. If this is not the case, the land owner will be required to replant the trees in question. The only situation which would affect this process would be the granting of planning permission at that site, which is a matter for the planning authorities.

Therefore as the situation presently stands, the site will be restocked by 2016.

Turning to the issue of punishment, the issuing of a Restocking Notice is not designed to be a punishment; there are provisions in the Forestry Act for a landowner to be prosecuted for felling without a licence, and if convicted fined up to a maximum of £2,500 (Level 4 on the standard scale) or twice the timber value of the trees. In many cases this value, which is limited to the timber value in the trees, is no more than firewood value. I understand this was the case with the trees at Toton. There is no mechanism to take the non-market value of the trees into account.

A conviction does not require the land to be restocked; this can only be done with the serving of a Restocking Notice, which until a Regulatory Reform Order in 2006 required a successful prosecution. In almost all cases the Forestry Commission's overriding objective is to ensure the woodland is re-established. In this case the Forestry Commission decided that, on balance, the public interest would not be served by a prosecution.