

## **Owner appeals against re-stocking notice**

The landowner who destroyed the trees is appealing against a Forestry Commission restocking notice. The FC said the owner had to re plant 2,200 silver birch trees with provision for some self setting trees but in total the density of trees was to be restored. The work planting was meant to start this winter but has now been delayed.

The owner has appealed against the notice and has instructed a very experienced barrister to conduct the case.

Anna Soubry has contacted the Forestry Commission for information about the process and is advising residents to make submissions to the FC as soon as we know the grounds of the appeal.

Anna said

“ We have a number of weeks (about 4) to make submissions and I would urge everyone to wait until we know the grounds on which the owner has appealed. Steve Hunt of the Forestry Commission has undertaken to make sure we are fully informed. This knowledge will enable us to make sure we address the issues that the appeal panel will consider

I have emailed Steve to ask if residents are allowed to have their own representative at the appeal hearing. Again, as soon as I have this information I will let you know. The emails/letters people have already sent will be kept but I am reasonably confident my advice is going to be for everyone to write/e mail again once we have the grounds of appeal.”

## **The Forestry Commission's advice is as follows.**

.The actual processing of an appeal is handled on behalf of the Forestry Minister by the Forestry Commission England's Executive Office, which is based here in Bristol. The member of staff with the specific duties in this respect is Richard Barker.

The overall appeals process should take about 18 weeks, assuming that everything runs smoothly! This time is made up roughly as follows

1 week for Richard to invite members of the panel to sit,

1 week for them to respond confirming that they are happy to be nominated,

1 week for Richard to send nominations to the Minister for approval,

1 week for the Minister's office to respond back.

5 - 6 weeks for the committee to convene read through submissions, meet (either on site or at an agreed location nearby), and discuss the case,

2 - 4 weeks to write up, send out, and all parties agree to the minutes, depending whether there are any issues,

2 weeks to agree and send a submission (the committees' recommendation) to the Minister,

2 weeks for the Minister to consider and respond

**Once we are at the point of convening the committee (after the first 4 weeks), we will invite submissions from interested parties.**

Our team in the East Midlands office has a list of all those people who have previously corresponded with us on this case. The team will write to each individual outlining the position and inviting further comment if they wish.

They will also contact the Parish / District / County Council as appropriate. **We will give an indication as to what grounds the appeal has been lodged on. We will also give a steer as to what information will be useful to the committee**, as there is some evidence that they are not permitted to take into account, for instance personal hate campaigns! We will also make it clear that **submissions must be in writing, email or letter, either is acceptable.**

All submissions should be marked for the attention of, and sent to **Richard Barker, Forestry Commission, 620 Bristol Business Park, Coldharbour Lane, Bristol, BS16 1EJ**

All submissions will then be passed to the committee to consider. Strictly speaking, under the Forestry Act, there is no legal right for Third Parties to make a direct submission to the committee, but the Forestry Commission **is** permitted to pass any comments received, onto the committee for consideration, which we will obviously be keen to do.

**Please forward on this advice to your neighbours!**