Implications of Plant Health Legislation

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• **Legal Basis** – General Plant Health (Forestry) Order 2005 and (Phytophthora ramorum) (GB) Order 2005

• **Similar powers as Forestry Act when dealing with:**
  - Illegal Felling cases
  - Following up Conditional Felling Licences
Legal basis

Allows an FC Inspector to:

- **Enter land / survey / take samples**
  - With or without landowners permission
- **Serve a Statutory Plant Health Notice**
  - Where disease is present or;
  - where an Inspector has reasonable grounds for suspecting it to be present or;
  - is likely to be present

- **Take any follow – up action if owner fails to comply**
Managing the process

• **Staff in:**
  • National Office
  • Regional teams (G&R Manager / WO)
  • Disease Management team
  • Technical Services unit
Managing the process

• FC receives initial site report (fly over / FC / public)
• Administration process (NO)
• Initial site visit (TSU)
• Laboratory tests (FR)
• Secondary site visit (WO)
• Issuing of SPHN (NO)
• Compliance management (NO & WO)
• Follow up action (NO, CPS and Silvan House)
Support available?

- **Aim is to work with owners**
- **Advice readily available:**
  - Website
  - FC staff
  - Approved agents
- **Financial assistance:**
  - Applies to England only
  - Short term and limited (2012 – subject to review / budget availability)
  - Enhanced WRG rates through EWGS
Contribution towards the cost of a forestry agent – must be on approved list:
£200 – Advice/information
£500 – Advisory visit /minimum to achieve compliance with SPHN
£1,000 – Advisory visit/ full supervision through to sale of material

- Paid when work completed
Financial assistance

Contribution towards the cost of clearing larch under 26 years of age:

£300 hectare for clearing saw material

£1500 hectare for other removal

• Decided by Woodland Officer

• Timber can’t be sold
What can FC do?

• **Breach of Notice – Court**
  • Fine plus costs (defence – reasonable grounds)

• **On the ground – Right of entry**
  • Undertake what work is necessary
  • Recover costs as a civil debt

• **Last resort – but no option – disease control**
Other Permissions?

- **Not exempted**
  - Timing an issue

- **FC working with partners to agree streamlined approach**
  - Scheduled ancient monuments – English Heritage
  - Habitat regs – Natural England
  - SSSI/NNR etc. – Natural England