

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

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**

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

- **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)**

- **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**

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**

- **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