

RESTOCKING DIRECTION

FORESTRY AND LAND MANAGEMENT (SCOTLAND) ACT 2018

REFERENCE NUMBER: SFDIR010

To:

[redacted]
c/o [redacted]
Ennova Law
28 George Square
Edinburgh
EH8 9LD

THIS IS A LEGAL DIRECTION issued by Scottish Forestry on behalf of the Scottish Ministers to restock (replant) trees on your property. Scottish Forestry considers that it is expedient to issue this Direction, having regard to the principles of Sustainable Forest Management and to provisions within the Act.

1. THE LAND TO WHICH THIS DIRECTION RELATES

This direction relates to land shown in red on the Plan included in Annex 1 of this direction ("the land").

2. REASONS FOR ISSUING THIS DIRECTION

Scottish Forestry considers it expedient to issue this Direction for the following reasons:

On or around the 25 February 2019, you felled 10.037 m³ of timber without a felling licence.

Following our investigation of the felling, in this case Scottish Forestry are satisfied that a felling licence should have been applied for and obtained to provide legal authorisation for this felling (under the 1967 Act).

And the reason given above relates to the one of the following provisions within the Act:

(a) a tree has been felled and –

(i) The felling is not exempt under Section 24 of the Act, and

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(ii) the felling is not carried out in accordance with a felling permission, a felling direction, a restocking direction, a registered notice to comply, a remedial notice or a registered remedial notice, or

(b) A continuing condition on felling permission in relation to land has not been complied with.

Excerpt from Forestry and Land Management (Scotland) Act 2018, Chapter 5, Section 36

3. WHAT YOU ARE REQUIRED TO DO

You must replant the land in Annex 1 in accordance with the following:

3.1 Site Preparation Conditions

- The land on which the felling took place, or the alternative area, as shown on the map in Annex 1, must be cleared, drained and prepared, as required, to allow restocking as specified in Table 1 below.

3.2 Restocking Conditions

- Table 1 below details the restocking specification for the felled area(s).
- You must restock all felled areas as detailed in Table 1 below.
- Restocking must be completed by 31 March 2020.
- The provenance for Native species, if applicable, will be 203.

Table 1: Restocking

Site / Compartment	Species	% of Site	Area (ha)	Density (per ha)	Number of Trees
1	Sessile Oak	51	0.17	1100	95
	Sycamore	48			89
	Corsican Pine	1			2

3.3 Maintenance Conditions

- For a period of 10 years from the restocking date given in 3.2, the trees must be protected from all damage and weeded adequately to allow effective establishment.
- Failures or losses must be replaced as necessary to maintain a stocking density not less than is specified in Table 1 above, evenly distributed across the site.

4. WHEN THIS DIRECTION TAKES EFFECT

This direction takes effect on Monday, 18 November 2019.

5. ADDITIONAL CONDITIONS ASSOCIATED WITH THIS DIRECTION

Where Native stock has been used, you will supply proof of provenance to Scottish Forestry in the form of Seed Certificates.

All felling, restocking, and maintenance operations carried out under this direction will be planned and implemented within the scope of the UK Forestry Standard.

You will provide a summary of restocking carried out in accordance with this direction immediately after the works have been carried out, or by the restocking deadline in 3.2, whichever is sooner.

Subscribed for and on behalf of The
Scottish Ministers

by

[redacted]

Authorised Signatory

Full Name of Signatory (Please Print)

At Central Scotland Conservancy,
Hamilton.

On 15/11/2019

Before

Keith Wishart

Witness (Signature)

Witness Name (Please Print)

Central Scotland Conservancy,
Bothwell House, Caird Park, Hamilton,
ML30QA

Witness Address

Central Scotland Conservancy

Bothwell House, Caird Park

Hamilton

ML3 0QA

www.forestry.gov.scot

centralscotland.cons@forestry.gov.scot

Tel: 0300 067 6006

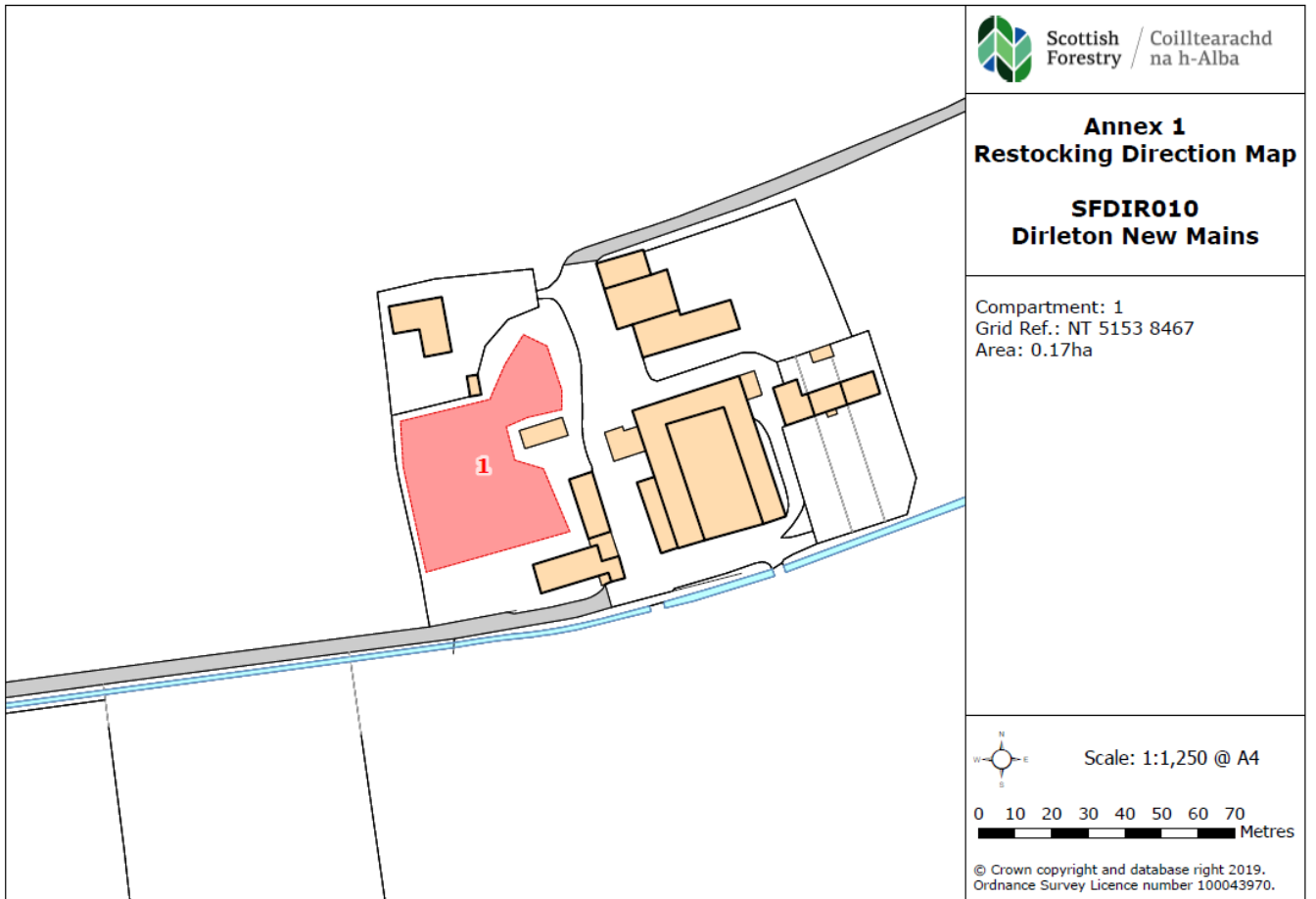
Conservator:

Keith Wishart

Additional explanatory notes relating to this Direction can be found in Annex 2.

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ANNEX 1 – PLAN



ANNEX 2 – Explanatory Notes

RIGHT OF APPEAL

You may appeal the decision to issue this direction under Section 68 (1)(d) of the Act. You must do so within 40 working days from the date of issue of this Notice.

PENALTIES FOR NON-COMPLIANCE WITH THIS NOTICE

A person commits an offence if the person fails, without reasonable excuse, to comply with a restocking direction (including any condition imposed on it)-

A person who commits an offence under section 37(1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000).

REGISTRATION

We may choose to register this direction against the title of the land to which this direction relates as a notice to comply.

FURTHER INFORMATION

If you are in any doubt about what this Notice requires you to do, or would like to discuss the contents of this notice, please contact the conservancy immediately using the following details, quoting the reference number given at the head of this Notice.

Central Scotland Conservancy

Bothwell House, Caird Park

Hamilton

ML3 0QA

www.forestry.gov.scot

centralscotland.cons@forestry.gov.scot

Tel: 0300 067 6006

Conservator:

Keith Wishart

IMPORTANT: If you need independent advice about this direction, you are advised to contact a solicitor.