

Daniel Young  
Ennerdale Parish Council  
The Swallows  
Longmoor Head  
Cleator  
CA23 3AG

14<sup>th</sup> March 2022

Dear Mr Young

**Statutory Plant Health Notice:** 21/01938/01  
**Site Reference:** Ennerdale Parish Council (5029)

### **1) Your Statutory Plant Health Notice**

Please find enclosed a Statutory Plant Health Notice (SPHN) issued under Regulation 15 of the Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019. These Regulations provide us with the power to serve a Notice on the person(s) responsible for plants and/or trees which we suspect to be infected with any controlled plant pest of which there is danger of its spreading or being spread in Great Britain.

Amongst other things, the Notice may require the taking of steps we consider necessary to prevent the spread of the controlled plant pest. The Notice also sets out the manner in which the steps are to be taken and the timescales for their completion.

In this instance the enclosed Notice has been sent to you because plants and/or trees on the premises specified in the Notice are infected, or suspected to be infected, with *Phytophthora ramorum*. This is a harmful organism placed under quarantine which we consider to be at imminent danger of spreading in Great Britain. There is no known cure for the pest and evidence shows that prompt action in reducing levels of infective spores in the environment, by felling or killing infected plants and/or trees, can be effective in reducing its spread.

### **2) What Your Notice Requires**

Please read the Notice carefully and specifically note:

- Section 4 of the Notice which sets out the measures you are required to undertake to prevent the spread of the pest before the Compliance Date of **30<sup>th</sup> September**

**2022.** The Notice requires that you notify us that these measures have been undertaken before this date. You must provide this confirmation to your local Forestry Commission Inspector; contact details are provided at the foot of the Notice's first page.

Please also note enclosed advice on biosecurity protocols that should be followed to reduce the chances of spreading the pest to other locations.

It is an offence not to comply with a Notice issued under the Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019. As a result, failure to comply with the Notice may also lead to Court action where, on summary conviction, you may be liable to a fine.

In addition, if you fail to comply with the Notice, we may enter the land and take the steps necessary to either ensure compliance with the requirements of the Notice or to remedy the consequences of the failure to carry them out. We may also recover all reasonable costs of taking such steps as a debt from the person on whom the Notice was served.

*Phytophthora ramorum* poses a significant risk to the UK's trees and woodlands and wider habitats. Prompt action is important in controlling the spread of infection and, if you need to employ the services of a forestry agent or contractor to do any work for you, contacting them now should ensure that any work can be completed by the Compliance Date. We are grateful for your co-operation in dealing with this matter.

If you have any questions concerning the content of the Notice, or would like advice on the work it requires, please get in touch with your local Forestry Commission contact. Their details are at the foot of the Notice's first page.

### **3) Timber Plant Passporting**

UK legislation requires the use of Pest Free Areas (PFA) plant passports for the movement of all conifers and *Castanea* species (including sweet chestnut) with bark, and standard plant passports for *Juglans*, *Platanus* and *Pterocarya* species (e.g. walnut, plane, wingnut) with or without bark.

For these species, a plant passport will be required at each stage of the transport chain where whole or chipped roundwood (including brash) is moved from the harvesting site or site of aggregation, to the processor and the movement of isolated bark whether or not mixed with other materials.

In relation to likely arisings from sites subject to a *Phytophthora ramorum* SPHN, regulated material includes:

- Larch and all other conifer wood with bark, and all isolated bark of larch and all other conifers.
- Sweet chestnut wood with bark, and isolated bark of sweet chestnut.

Professional operators must join a register managed by the competent authority, where the professional operator is authorised to issue plant passports. Forest owners will not normally issue passports unless they are responsible for commissioning the movement of timber.

Guidance to **Register as a Professional Operator to issue Plant Passports** is available on .GOV.UK.

#### **4) Timber Regulations**

UK legislation governing timber legality prohibits trade of illegally harvested timber and timber products. It requires those responsible for placing UK grown timber onto the market for the first time, the 'Operator', whether they are an owner, contractor or timber merchant, to maintain documentation to prove that the timber is harvested from a legally authorised resource.

A timber regulations Due Diligence checklist is required when placing the timber on the market for the first time. The parties involved will need to complete and retain the Due Diligence checklist (along with any other documents that demonstrate the timber has been felled in conjunction with all other relevant legislation e.g. Health and Safety). More information on timber regulations is available on GOV.UK by searching 'Regulations: timber and FLEGT licenses'.

#### **5) Guarding against *Heterobasidium annosum***

*Heterobasidium annosum* (formally *Fomes annosus*) is a serious and persistent threat to British woodlands, particularly to coniferous stands. Larch stumps pose one of the highest risks of infection. Therefore we strongly recommend that stump treatment is undertaken on all larch felling sites, this is particularly important if it is intended to replant with other conifers. For further guidance on stump treatment please go to the FC web site: <https://www.forestresearch.gov.uk/tools-and-resources/pest-and-disease-resources/conifer-root-and-butt-rot/>.

#### **6) Woodland Grant Schemes**

If this SPHN relates to a woodland covered by a publicly funded grant scheme administered by the Forestry Commission or any other body, we advise you to contact your grant provider as a matter of urgency. Compliance with the legal duties placed upon you by this SPHN may violate your grant scheme's rules. Notifying your grant provider at an early stage may help mitigate any effect of this – for instance in relation to any potential repayment of grant you may be liable to pay.

Yours sincerely,

Plant Health Forestry Team  
Forestry Commission