

Operations Note 054

Date: 12 November 2021

Can I move my project from an existing woodland creation scheme to the England Woodland Creation Offer?

Purpose

This Operations Note explains the eligibility criteria that determine when the holders of existing grant agreements for woodland creation can apply to the England Woodland Creation Offer (EWCO).

Background

EWCO opened to applications on 9 June 2021. This is a new grant offering support for woodland creation. Land managers with existing applications or grant agreements may want to apply for grant support in place of their existing grant application or agreement. There are constraints on where this is possible. This Operations Note sets out what the eligibility criteria are so you can understand how they may affect your existing application or agreement.

Eligibility to move to EWCO

The Rural Payments Agency (RPA) and Forestry Commission (FC) will contact applicants and agreement holders that are in scope to move from their existing grant agreements to EWCO:

- the RPA will contact you if you have an application or an eligible agreement for Woodland Creation under Countryside Stewardship (CS)
- the FC will contact you if you have an eligible agreement under the Woodland Carbon Fund (WCF) or the HS2 Woodland Fund (HS2WF).

If you have not been contacted by 16 June 2021 for CS and WCF Woodland Fund you are not eligible to apply to EWCO because you do not meet the eligibility criteria which are set out in the tables below. Letters to eligible applicants and agreement holders for the HS2 Woodland Fund have not yet been sent. This Operations Note will be updated when they are issued.

If you have not been contacted by this date but believe that you should have been after reading this Operations Note, please contact the EWCO Team at EWCO@forestrycommission.gov.uk. Please use 'EWCO transition – Agreement reference / name' as the subject header in your email.

Interaction with land under or formerly under agri-environment schemes

Before September 2021 there was no way for land to be removed from an Environmental Stewardship (ES) agri-environment agreement to move into EWCO without a reclaim and potential penalty. This restriction also applied if you had previously removed land from an ES agri-environmental agreement to go into woodland creation under Countryside Stewardship. Consequently, we did not invite applicants or agreement holders with proposals for woodland creation on land in ES, or formerly on ES, to transition to EWCO.

Following collective work by Defra, the RPA, Natural England and the Forestry Commission, from September 2021 land managers can transfer land from an ES agreement into EWCO without the recovery of ES payments, subject to certain conditions. These conditions are:

- a) The transfer of land into EWCO will result in a net improvement in environmental management on that land, compared to management under the existing ES agreement; and,
- b) The ES agreement remains viable after transfer of the land and removal from the ES agreement.

When we receive a EWCO application for land in an ES agreement we will arrange for the RPA to assess whether these conditions are met. The RPA will make this assessment with advice from Natural England. Where the conditions are met, we will process the EWCO application and the applicant will need to apply to the RPA to amend the ES agreement (to remove affected parcels), the ES amendment will not be finalised until the EWCO application has been processed. Where the EWCO application is successful, we will offer a EWCO Agreement in Principle. The applicant will then need to instruct the RPA to complete the amendment of the ES agreement to allow the EWCO agreement to go live.

If you have a CS agri-environment Mid-Tier agreement with rotational options it may be possible to move these options to another land parcel, but this would have to be confirmed by the RPA and adjustments to your CS agreement must be made before making an application to EWCO.

As a result of this change it may now be possible to transition some CS woodland creation agreements into EWCO but this is still determined by the rules in Table 1. As far as possible we have contacted applicants and agreement holders affected by this change to alert them to the potential to apply for EWCO, as long as they are eligible.

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Table 1. Applications and agreements under the CS Woodland Creation or Woodland Creation and Maintenance Grant

Scenario		Eligible to apply for EWCO?	Action
Agreement type	Stage		
Any application that is currently in progress	N/A	Yes	<ul style="list-style-type: none"> The RPA will contact you to explain that you have the option to withdraw your application from CS and your next steps. You will need to tell the FC that you want to apply to EWCO. You will need to withdraw your CS application in writing by emailing the RPA in order to accept your EWCO Agreement Offer. However, do not withdraw your CS application until you receive a EWCO Agreement Offer.
Any agreement (with any start date)	No work has yet started	Yes	<ul style="list-style-type: none"> The RPA will contact you to explain that you have the option to close your CS agreement early and your next steps. You will need to tell the FC that you want to apply to EWCO. If you make an application to EWCO and are offered an Agreement, you will need to close your current CS agreement by writing to the RPA before the EWCO Agreement can commence. Any EWCO Agreement offered before the CS agreement is closed will be in principle only (i.e., it will not be formalised until your CS agreement has been closed). Do not close your CS agreement with RPA until you have received an offer in principle from EWCO.
Agreement that started before 1 January 2021	All capital works are complete	No	<ul style="list-style-type: none"> Your existing CS agreement will remain in place.

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Scenario		Eligible to apply for EWCO?	Action
Agreement type	Stage		
<i>(EU Regulations apply)</i>			<ul style="list-style-type: none"> • Make any outstanding capital claims under the terms of your CS agreement. • Apply for any Woodland maintenance payments (CS option WD1) as set out in the relevant CS Grant Manual.
Agreement that started on or after 1 January 2021 <i>(Domestic regulations apply)</i>	All capital works are complete	No	<ul style="list-style-type: none"> • Your existing CS agreement will remain in place. • Make any outstanding capital claims under the terms of your CS agreement. • Apply for any Woodland maintenance payments (CS option WD1) as set out in the relevant CS Grant Manual. For those with Woodland Creation Maintenance Agreements you do not have to apply separately.
Agreement that started before 1 January 2021 <i>(EU Regulations apply)</i>	Some capital works been completed on the whole area (e.g., the whole area has been fenced in preparation for planting)	No	<ul style="list-style-type: none"> • Your existing agreement will remain in place. • Make any outstanding capital claims under the terms of your agreement. • Apply for any Woodland maintenance payments (CS option WD1) as set out in the relevant CS Grant Manual.
Agreement that started on or after 1 January 2021 <i>(Domestic regulations apply)</i>	Some capital works been completed on the whole area (e.g., the whole area has been fenced in preparation for planting)	No	<ul style="list-style-type: none"> • Your existing CS agreement will remain in place. • Make any outstanding capital claims under the terms of your CS agreement. • Apply for any Woodland maintenance payments (CS option WD1) as set out in the relevant CS Grant Manual. For those with Woodland Creation Maintenance Agreements you do not have to apply separately.

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Scenario		Eligible to apply for EWCO?	Action
Agreement type	Stage		
Agreement that started on or after 1 January 2021 <i>(Domestic regulations apply)</i>	Some areas of planting are complete	Part	<ul style="list-style-type: none"> Your existing CS agreement will remain in place. If you start any capital works on the land, the relevant land parcel(s) must remain in CS. Make any outstanding capital claims under the terms of your CS agreement. Apply for any Woodland maintenance payments (CS option WD1) as set out in the relevant CS Grant Manual on those areas. For those with Woodland Creation Maintenance Agreements you do not have to apply separately but you will need to amend the area. For the remainder of the planting area, you may close your CS agreement early, by writing to the RPA, and apply to EWCO for the remaining areas.
Agreement that started before 1 January 2021 <i>(EU Regulations apply)</i>	Some areas of planting are complete	Part	<ul style="list-style-type: none"> Your existing CS agreement will remain in place. If you start any capital works, the relevant land parcel(s) must remain in CS. Make any outstanding capital claims under the terms of your CS agreement. Apply for any Woodland maintenance payments (CS option WD1) as set out in the relevant CS Grant Manual. For any remaining land parcels where capital works (including but not limited to planting) have not started, you may allow your CS agreement to time out and then apply to EWCO for those areas.

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Table 2. Applications and agreements under the Woodland Carbon Fund

Scenario	Eligible to apply for EWCO?	Action
Any application that is currently in progress.	Yes	<ul style="list-style-type: none"> • The FC will contact you to explain you have the option to move and the next steps. • You will need to withdraw your WCF application in writing to the FC to accept your EWCO Agreement Offer. However, do not withdraw your WCF application until you receive a EWCO Agreement Offer.
Any agreement where work is yet to start.	Yes	<ul style="list-style-type: none"> • The FC will contact you to explain you have the option to move and the next steps. • If you make an application under EWCO and are offered an Agreement you will need to close your existing agreement in writing to the FC.
Some planting and establishment work has been completed	Part	<ul style="list-style-type: none"> • The completed work and associated land will remain under the current WCF agreement. • If you undertake further work under the WCF agreement that work must remain under the WCF agreement. • Any work that has not been completed can transition into EWCO as long as the following are met: <ul style="list-style-type: none"> ○ The area of land remaining in the WCF agreement is at least ten hectares ○ The area of land transitioning to EWCO is at least one hectare • You will need to request the removal of the outstanding work from your WCF agreement in writing to the FC in order to accept your EWCO Agreement Offer. However, do not do this until you receive a EWCO Agreement Offer.
The planting and establishment work has been completed	No	<ul style="list-style-type: none"> • You must remain in your existing WCF agreement and cannot apply to EWCO.

Table 3. Applications and agreements for woodland creation under the HS2 Woodland Fund

Scenario	Eligible to apply for EWCO?	Action
Any application that is currently in progress.	Yes	<ul style="list-style-type: none"> The FC will contact you to explain you have the option to move and the next steps. You will need to withdraw your HS2WF application in writing to the FC to accept your EWCO Agreement Offer. However, do not withdraw your HS2WF application until you receive a EWCO Agreement Offer.
Any agreement where work has yet to start.	Yes	<ul style="list-style-type: none"> The FC will contact you to explain you have the option to move and the next steps. If you make an application under EWCO and are offered an Agreement you will need to close your existing agreement in writing to the FC.
Some planting and establishment work has been completed	Part	<ul style="list-style-type: none"> You may claim under your HS2WF agreement for the works you have completed, request amendment of your agreement to remove the outstanding work to apply for support for these activities under EWCO. To do this the areas that remain in the HS2 WF agreement must meet the minimum eligibility size requirements for that scheme (https://www.gov.uk/guidance/hs2-woodland-fund). HS2WF terms and conditions will still apply to the planted areas and, if maintenance payments are included in your agreement, you will still receive HS2WF maintenance payments on these areas.
Any agreement where planting has yet to start but where capital items have been installed across or around the whole of the agreement area, such as fencing	No	<ul style="list-style-type: none"> You must remain in your existing HS2 agreement and cannot apply to EWCO.
The planting and establishment work has been completed	No	<ul style="list-style-type: none"> You must remain in your existing HS2 agreement and cannot apply to EWCO.

Sources of further advice

The [Create woodland website](#) contains all the information you need to apply for grant support. Alternatively, you can request this information from your local [Forestry Commission office](#).

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Please also refer to [Operation Note 055](#), which provides guidance on when an amendment to a proposal or project during this process may require re-assessment by the FC.

Information about EWCO can be found on the [EWCO website](#).

Please contact the Forestry Commission on EWCO@forestrycommission.gov.uk for further advice and information.

Versions

Version 1 issued: 09.06.2021 – first issue

Version 1.1 issued 24.06.2021 – updates to eligibility

Version 1.2 issued 06.08.2021 – cosmetic edits to Table 1, updates to Table 3

Version 1.3 issued 12.11.2021 – updates to regarding the interaction with land under or formerly under agri-environment schemes