

Ref: AFG 12/21

**AFG Minutes:** 16 December 2021**Location:** Webinar/teleconference**Chair:** Joe Watts**Secretary:** Katie Booth**Attendees****AFG Members:**Christopher Lewis (RFS) **CL**Graham Garratt (ICF) **GG**Nick Phillips (WT) **NP**Graham Clark (CLA) **GC**Neil Douglas (RSPB) **ND**Neville Elstone (Cumbria Woodlands) **NE**Paul Orsi (Sylva) **POr**James Russell (Marston Vale) **JR**Brian Fraser (HTA) **BF**David Lewis (RICS) **DL**Ewan Nugent (NE) **EN**Richard Hunter (Confor) **RH**Poppy Sherborne (NFU) **PS**Caroline Ayre (Confor) **CA**Adrian Jowitt (Natural England) **AJ****FC/Defra:**Alec Rhodes (FC) **AR**Hugh Loxton (Defra) **HL**Joe Watts (FC) **JW**Samantha Pollock (FC) **SP**Penny Oliver (FC) **POI**Rory Lunny (Defra) **RL**James Murdoch (FC) **JM**Katie Booth (FC) **KB**Ian Tubby (FC) **IT**Jay Doyle (FC) **JD**Ali Wilson (Defra) **AW**Emily Voss (FC) **EV**Fjolla Morina (FC) **FM**Alex Holsgrove (FC) **AH****Apologies:**

Adrian Sherwood (RPA)

Andrew Allen (Woodland Trust)

Stan Abbott (WT)

Ian Baker (Small Woods)

Clare Pinches (NE)

Claire Douglas (RPA)

Jackie Dunne (Confor)

John Blessington (Local Government)

Barnaby Coupe (Wildlife Trusts)

## AFG Minutes

### Welcome

**JW** opened the session and welcomed all.

**JW** advised the group that Andy Shirley-Priest has stepped down as the Royal Forestry Society Representative and gave thanks for his valued input, then welcomed Christopher Williams as the new Chief Executive who is joining until a more permanent member can be found.

**JW** also advised that following Alisha Anstee moving on from NFU, we are now welcoming Poppy Sherborne as the new adviser.

Richard Hunter from Confer is attending as Caroline Harrison could not make the start of the meeting.

**JW** also welcomed Ali Wilson from Defra Plant Health and Ewan Nugent from NE who will be talking to us later.

**NE** queried if **AJ** regularly joins the calls and **JW** confirmed that he does.

**ACTION:** Confirm who NE would like to continue to include as their representative.

### Natural Environment

**JD** presented his slides.

**JO** queried the reference to where waders are present – does that mean within the site boundaries, within 1km etc?

**JD** buffering is included and so this means 1km from boundary of the proposal due to the predator shadow affect. This has been road tested over the past year and has been helpful in discussions with colleagues. It is important to recognise that, although we ask for this 1km, depending on input from FC ecologists there may not be a need to survey the whole area. It will depend on what is there based on more detailed analysis from the area ecologist (such as settlements, unsuitable habitat etc.). Curlew and other waders are so critically endangered that conservation partners are aware that even their mere presence is important, within or close to the so this does have to be taken into consideration. So, a 1km buffer is deployed but the whole of that may not be surveyed necessarily.

**JR** asked how firm the refreshed pieces of guidance are, as uncertainty, lack of clarity and confidence has been a massive problem in the north where they are trying to deliver ambitious targets. It is important to make clear the position, and that it doesn't change again – it is cast in stone for next few years.

**JD** confirmed he is not aware of anything coming down the line that will impact. We are happy it has been worked up rigorously and that it should be the position for the next few years (although, of course, nothing can be guaranteed). Covid caused frustrations last year as surveying could not be done so apologies, but this was out of our hands. **JD** is confident this work can be used for the foreseeable future.

**GG** raised that it is currently being presented as a restriction, but it could be used to target breeding habitats. **JD** acknowledged that it is a species recovery tool as much as a constraint and could help inform agroforestry projects.

**RH** voiced concerns that this is a major piece of work that could look like a zonal map for where you can and cannot apply for woodland. It would be good if we had universal support to plant woodland that this then informs. We need to avoid a farmer looking at this, and other zonal maps, and not bothering to even consider woodland creation.

**JO** raised that wading birds, Curlew in particular, are a really important part of everyone who works in forestry's landscape and queried if climate change will change the habitat of breeding birds.

**JD** acknowledged that others may be better placed to comment on climate change but it will have an effect and lots of work is underway to try and understand this. It is about balance going forward, expanding the forest habitat network and safeguarding and expanding the open habitat, they should complement each other.

**GG** raised in the chat "If positive open habitat work improved wader populations, will available land be further contracted because the waders are more widespread, or will the sensitive level be reduced allowing more land for afforestation?"

**JD** thanked everyone for their time and invited further questions via email outside of the meeting.

**ACTION:** All to direct any further queries directly to [jay.doyle@forestrycommission.gov.uk](mailto:jay.doyle@forestrycommission.gov.uk).

## ELM - SFI

**AH** presented slides.

**EN** queried in the chat “re expansion of woodland on arable improved grassland .. presumably restricted to land currently classed as arable or temporary grassland by RPA land use codes” and **POI** responded “That is correct Nugent, Ewan, arable and improved grassland”.

**EN** went on to query “don’t think “improved grassland” is an RPA land use code ... unless things have changed there are only two grassland land use codes : permanent or temporary” and **POI** confirmed “you are right but we have specified this - if you check out the farm woodland standard on gov.uk”.

**JR** raised in the chat that “Any changes to SFI to allow land to be removed to enter EWCO must also apply to all Woodland Creation Partnerships with their parallel schemes. The FC grants are no longer the only Government-funded schemes to deliver woodland creation, and we need a consistent approach and level playing field.”

**AH** confirmed that EWCO into SFI is hoped to be the same as from CS and WS but this is currently under discussion.

**NP** queried in the chat “At what point will you be consulting on the detail of potential LNR options? Appreciate might only be estimate given level of moving parts. Thanks”.

**AH** responded that this will be in the early new year hopefully and is expected at the end of January/start of February. The focus is on stakeholder input to the design, so please let us have your thoughts. **POI** confirmed that we have asked people to volunteer for co-design and will bring back to the AFG what is pertinent to the AFG. **PS, NP and CW** all expressed interest in the chat in being involved in this design.

**PS** also queried the timing for consultation on agroforestry timescales in the chat and expressed interest in being involved in co-design for this also. **AH** advised timings are similar, so likely into the end of February/start of March. We would like to get as many people involved in the conversation as possible.

**GG** raised whether any changes to format/content of WMP are anticipated. **POI** confirmed we are inputting into it now and already starting to look at templates going forward. There may be some element of streamlining, we are pitching in for what we currently have. **GG** queried whether, if it is required in next 10 years they should apply for PA3 and use the existing template and **POI** confirmed yes, to carry on in this way.

**JR** raised that the challenge of interaction between SFI and EWCO is not unique. Work on ES and EWCO will apply more broadly to WCPs as a whole as there is a multi-

stranded approach. We need to keep this in mind so we have a level playing field. **JW** acknowledged this and **SP** confirmed in the chat “The same goes for the lump sum exit scheme, James Russell. We have ensured it applies to the partners as well as EWCO and FC legacy schemes”.

## Fit to Plant Pilot

**AW** presented slides.

In the chat **NE** raised “What about small community nurseries or those very small nurseries from eNGOs for geeky woody/montane scrub things?”

**NP** in the chat “Welcome the PHMS, positive step. Recognise need for phased intro. What happens if something is found 18 months later? What steps could be taken. Likely too late from new pest/disease introduction perspective. We are keen to be involved in workshop”. **AW** thanked **NP** for the offer to join workshops and confirmed it would be the standard process for whatever is found during an inspection. As trees will be in their infancy when planted, we are looking further down the line and will deal with it on an individual case basis. It will not affect your grant, it is just actions on planting stock.

**BF** asked if an idea of the cost of a certificate could be given and if this is paid by the nursery. If there is an Animal and Plant Health Agency (APHA) inspection – who will pick up the bill, as they have 100% recovery of cost? **AW** responded that we are still in process of developing the system so costs are yet to be worked out but both will be picked up by the supplier. **BF** then queried if a plant inspection 18 months on will be invoiced separately afterwards. **AW** thinks this will be rolled into initial application fee.

**JO** raised concern over who was going to pick up the cost of inspection. Applauds this in principle but questioned how we will overcome shortages of particular species we would have been able to get from Europe such as Douglas fir, to make sure we are not being anti-competitive. **AW** confirmed that nothing about this precludes international suppliers and legal advice has been taken on this. The Plant Healthy process is open to any supplier wherever they are based and fit to plant will be on the same basis.

**GG** queried whether nurseries will be certified – or is this an added extra they can offer. **GG** also queried that he had been unable to find a list online of nurseries registered for Plant Healthy – **JW** put [the list](#) in the chat. **AW** confirmed that Plant Healthy registration is at a business level. Cat B evidence will be an assessment of the business but also the stock the business intends to supply to the grants. **SP** added, with fit to plant, if you provide five lots of trees you need five certificates but in Plant Healthy you would not.

There will be a workshop in new year – volunteers are needed please, to work through the consequences.

**ACTION:** If you are interested in participating in workshops, please let **SP** and **AW** know.

**ACTION:** If anyone has information on smaller growers, as raised by **NE** in the chat, please let us have that also.

### NE NCF Programme

**EN** presented.

**NE** asked in the chat “Are you/fc working on the current hard line between EWCO and scrub. Both grant and regs process?”

**EN** responded that the introduction of natural colonization into EWCO means it is starting to blur a little. Fundamentally, there is a definition of woodland and anything not within it is not woodland. We must have a definition to be able to apply the regulatory regime where it is appropriate. We are working with FC to better define where it is appropriate to use scrub and pasture vs traditional closed canopy woodland. EWCO is tight in terms of what is acceptable in terms of woodland design. We need to consider where we pick up scrub without potential for 20%, through ELM or further relaxation of EWCO.

**NE** acknowledged that the boundaries between organisations can make it hard but we need to keep working on it.

**JO** commented that he did not feel it is helpful to keep referring to the most recent mistakes, as then the next time something slightly controversial comes along a lot of time and research will be spent but the problems won't be solved and so projects are less likely to proceed. The most important thing is to see the site. He sees the benefit of consultation and recommendation in 20 days but would like to see it come through FC or the process will be elongated.

**NE** responded that NE are open to direct contact, and you do not need to go via the FC to speak to them for advice. If we can get things done quickly then you can go to the FC with the benefit of the NE advice.

**JO** queried if we would get a site visit within 20 days anywhere in England.

**NE** confirmed that is how the process is designed and it can be revisited and corrected once live. So, the aspiration and intent is yes, the site visit will be done and advice provided back within 20 days. **POI** confirmed in the chat that “we are piloting the process to see if it works”.

**ND** felt it was encouraging from RSPB perspective. He would like to see the joint working document if possible. He raised that there is still a question about how advice is taken into account in the shared decision-making process. Will the new set up make any difference to existing guidance?

**NE** confirmed it should not change any of the statutory stages in the process, we are filling gaps and trying to get early engagement ahead of the later stage statutory engagements.

**POI** advised the joint working document is internal only and we have not talked to teams about it properly yet. We will think about an externally facing version but essentially it is about working together as early as possible, focused on WCPG process and standalone EIA.

**GG** expressed that his initial reaction was nervousness about having separate conversations with NE and FC, as Ancient Woodland and SSSIs need a combined dialogue. It remains to be seen if it will be constructive and joined up.

**NE** acknowledged that the issue is we are not where we want to be, we had a joint conference, where the big message from the chairs and CEO is that we need to get better at working. There is an emphasis on joint vision and approaches, but the 20-day turnaround can get in the way of this – there have been some issues with calendars not allowing joint site visits without causing delay.

**JW** agrees with **EN** and confirmed that with developing teams, we have joint added capacity, that should support both joint and faster conversations.

**NE** acknowledged past resource issues. He believes they are starting to come out of the other end, so externally you should start to see some good results. If you have any issues on woodland creation, please flag these to **NE**.

## **EIA and Paulowia**

**JM** presented the slides.

**JW** acknowledged the importance of this for looking not just at this one species, but now having a process that can be applied to other species.

**DL** noted he was contacted nearly 20 years ago about this species and raised the assumption that if you plant you can revert the land back to agriculture? For example, if you planned 5-7 rotations, maybe after the 2<sup>nd</sup> can you revert, unlike other forestry enterprises. He also raised the issue of poplar and larch and the sense in having different regulations for other fast-growing species.

**JM** confirmed it will be managed in the same way as any other woodland, these projects will meet woodland definitions and so the same policies and regulations apply. Yes, they can revert, but they will need to find elsewhere to plant to meet a requirement for no net loss of cover.

**DL** queried if the land for this project is being rented and **JM** confirmed it is.

**DL** raised the issue of site conditions, as some can be susceptible to late frosts etc. and issues with pests and diseases.

**JM** confirmed this is the reason East Anglia was targeted, to create the most ideal conditions. He has no further information on the site conditions.

**JO** – is interested in the conversion back to agricultural land and feels this is a very high-risk strategy. Has experienced lowland heath land restoration where should have been compensatory planting and it was not applied well. He expressed caution on this aspect and the need to make sure there is enough insurance, especially if dealing with LLPs set up specifically for this. He welcomes the trial and the courage of FC to do it. It is groundbreaking. The only other caution is making sure the silviculture is correct, as if native species are needed to meet UKFS, Paulownia has big leaves so interplanted species may struggle.

**GG** expressed interest in the liability, there will need to be lots of conditions, as planting can be invasive. Are liabilities held by the private interest or does EIA consent make it a public liability?

**NP** acknowledged an excellent question from **GG** and commented that it is good to see monitoring. As this is of national importance, who is doing the monitoring and how do you ensure this is independent? It is good it has been worked through in detail, but he is a bit shocked there is no policy process to deal with this. This seems urgent, so could an interim position be introduced given the woodland creation targets? Could it fall to multiple landowners who may have different interests? There could be a land use challenge.



**JM** responded that the insurance taken out means money will be in place to take care of it and it will fall to the private sector. Future landowners may inherit the liabilities, but money will be there to cover them due to the insurance. FC is guarantor of enforcement and can make sure work is done.

The applicant will be doing the bulk of the monitoring, with an independent audit every couple of years by a third-party independent auditor.

The structure of other regimes means they usually have a blacklist, but if a species is not on the list there are no additional controls, so EIA is the only tool. We now have a model to challenge Defra, to show this can work on a small scale, and we need policy backing and ministerial approval to ensure this is geared up in an appropriate way.

**GG** queried in the chat “will there be a system for neighbours to complain if the tree colonises their land, e.g. similar to injurious weeds?”.

**JM** responded “we discussed the liability and insurance elements of the scheme, so if there is an issue it should be legally clear who is at fault, and that there will be money to pay any compensation. That said, there is no formal process for neighbours to complain specifically in relation to these types of projects, over and above the normal process for any other planting scheme. Any aggrieved neighbour due to unforeseen invasiveness would most likely have a civil case against the neighbour, but that would be a matter for them to pursue, not the Forestry Commission. That said, the monitoring regime discussed ought to prevent any issues arising in the first place”.

**GG** then commented “Thanks James, if I was affected, I would want a government complaint mechanism and not to have to act on my own and at my expense with solicitors and civil proceedings”.

**JM** responded “I entirely agree, but we're constrained by our legal powers unfortunately. I should add, FC may not be able to compensate the aggrieved neighbour, but we would be able to ensure that 'clean up' work is either undertaken by the applicant, or as a last resort, done by ourselves. So FC can definitely help fix any problem, but we can't compensate for financial loss”.

## EWCO update

**AR** presented slides.

**GG** commented in the chat “Great news on uplifted maintenance payment rates”.

**ND** queried if it applies across all schemes including natural colonisation elements.

**AR** confirmed NC will command the same rate and is treated the same as planting.

**JW** added that the retrospection point is important, as we are trying to support the guarantee that you would not be disadvantaged if you have planted early. You will still get the now enhanced maintenance rates, to try and encourage people to apply now.

**GC** welcomed the news on the increase in rate and asked if there is a similar thing planned for rates under woodland improvement.

**JW** responded that the short answer is no, but we are looking for the supplements we presented last month to broaden appeal.

### Grant Management System – Private Beta Testing

**SP** presented slides.

Volunteers are needed for second half of January, and although not confirmed, there may be the possibility of some recompense.

**SP** also asked for ideas for what we could the new system. **NE** suggested “FROGS, forestry grant system?” in the chat.

**GG** advised there is a client he is coaching to make their own applications who may be interested. **SP** will send separate email on this to **GG**.

**JR** offered to spread the word around the Community Forests and see if those involved in LATF will help.

### AOB

Storm Arwen update from **IT**.

**IT** would like the AFG’s views on the impacts of the storm and to advise what FC are doing.

Since the storm an incident management team was put together. Their first job was to establish what level of damage had occurred. This was done working with Forest Research (FR) who have access to sentinel 1 and 2 satellite data. It is estimated that around 2000ha is affected, two thirds of this in Northern England and a smattering further south, along the east coast mainly. Scotland has lost around 4000ha of woodland. Damage to timber

is around 2 million cubic metres. This is big but not considered nationally significant or worrying. It was not sufficient to trigger the catastrophic wind-blown contingency plan.

We are trying to get the response right as it will have a significant economic and environmental impact for a lot of private woodland owners. The E-alert on 9<sup>th</sup> Dec contained questions we would like agents and landowners to answer.

We are also working with colleagues in Scotland and FR to create an easier to use map-based system to display the satellite data showing where damage is and will then validate this on the ground. This should come out in the next few days.

We have been in touch with the organisations on this call and would like to thank them.

The next few months will be spent trying to salvage timber. Early interventions will focus on salvaging pine as it degrades quickly, with spruce cleared at a more leisurely pace. This will potentially disrupt markets, but FE have confirmed recent auction prices held up well. FE bore the brunt of the damage in England, losing around 1000ha of timber and damage to attractions such as Go Ape. Looking ahead, FE are looking at what it means for reshaping their forests and what they do with trees on peat where they have gone over.

We will carry on working with the Northern Forestry professional group to coordinate information and actions in both the public and private sectors, both north and south of the border.

**JW** asked that attendees please direct any questions to **IT** outside of the meeting.

#### Update of review on additionality rules from **MB**

**MB** advised he wanted to make sure everyone is aware we are reviewing the additionality rules, particularly the investment test. Some organisations here are on the reference group for the additionality review, but the whole AFG should be aware we are looking at this. It involves ongoing improvements in checking additionality, which changes over time as financial models change and we need to maintain the integrity of the code. We hope to come to a final decision as to how we implement it in the investment test at the end of March and will keep the AFG informed as things move on.

**JW** advised that any question should be directed to MB outside of the meeting.

**JR** queried if the work will make it easier or harder to get funding and **MB** responded that it depends on the financial mode.

**JW** raised that David West has asked if it would be useful to have an update on the FE woodland partnership lease scheme on the AFG agenda next month. There were no objections so it will be included.

**ACTION:** **KB** to add a slot for the Woodland Creation Partnership update to February's agenda and advise David West.

**JW** confirmed the next meeting is on 3 February and thanked everyone for bearing with us as we got through a lot of material and apologised if it was rushed.

**JW** gave his thanks to the presenters and the continued efforts of AFG and wished everyone a Merry Christmas and a happy new year.

**NE** raised a quick question about getting restock included in future grant schemes as there is a real argument for public gain, so we should try to get it included again.

**JW** advised he should drop a line to Evie a line for this.

**GG** agreed it is a good point and commented in the chat "Id agree re restocking grants - esp in context of storm damage - there were i believe supplements for restocking after 1987 storms".

**POI** commented that it is one more for LNR going forward, in the chat "we have started thinking about restocking support ref Climate change resilience in LNR. We do support restocking under Tree Health in CS. Holsgrove, Alex - to pick up in LNR option development".

**NE** responded in the chat "Thanks Penny, keen that this groups kicks the topic around, could be useful for Alex to have a non-state view of the value of restock support".

The meeting closed at 16:32.

**END**