

Using Phytophthora Programme Funds to Support Action against Infected Japanese larch Woodlands

Introduction

1. The funding support explained in this note has been agreed on the basis that it is a short term and emergency measure only, limited by a finite budget and period, while we seek to increase our knowledge of the disease and our approach to future disease management.
2. The deployment of funds will have to be targeted to certain areas to deliver the most effective disease management activity with the limited funds available. This means that not every woodland which is found to be infected will qualify for funding.
3. The details of the support therefore may be subject to review and change at any time.

Background

4. From April 2009, the Government, through its Food and Environment Research Agency (Fera), provided a 5 year programme of funds to help support management of the two fungal-like pathogens *Phytophthora ramorum* and *P. kernoviae* with the objective of reducing sporulation to insignificant levels by the removal, principally, of *Rhododendron ponticum*, a major sporulating host.
5. *P. ramorum* had been found on rhododendron and other shrubs within ornamental gardens and nurseries in 2002, and has subsequently spread to rhododendron and *Vaccinium* in the wider environment. In 2003, a second and previously unknown pathogen, *P. kernoviae*, was detected in south west England. While only distantly related to *P. ramorum*, the means of spread, and control, are similar for both pathogens.
6. In the summer of 2009, infection by *P. ramorum* was confirmed on Japanese larch trees in a number of woodlands in the south west of England. This marked a significant step change in the behaviour of this pathogen which had not hitherto been associated with this tree species. So far, *P. kernoviae* has not been found in infected Japanese larch.

7. Subsequent research revealed that the pathogen was actively sporulating from the needles of Japanese larch. The levels of spore production measured were unprecedented when compared to other previously known host plants.
8. We are working hard to understand this new development, but it is already clear that infected Japanese larch pose a significant threat to woodlands and the wider environment.
9. Consequently, a case was made to use Fera programme funds to assist us in working towards the overall objective by addressing this new development.

Support System

10. The principle of using Fera programme funds has been agreed for the following situations:

- Clearance of infected immature Japanese larch on both public and privately owned land;
- To pay for support services provided by an agent to private woodland managers required to deal with infected Japanese larch.

11. These funds are restricted to a finite budget and are provided only as a short term and emergency measure covering the period up to 31 March 2011, when a review of the overall Phytophthora programme is due to be completed.

12. Funding is only available for infected Japanese larch. It will not be available for other species unless necessary on sites to allow safe clearance of Japanese larch.

Definitions

13. **Immature plantations** are defined as 25 years old or younger.

14. **Mature plantations** are defined as 26 years old or older.

Serving Notice

15. When a woodland has been identified as infected, the Forestry Commission will serve notice using powers under the Plant Health (Forestry) Order 2005. This

Notice will normally be served on the occupier or other person in charge of the woodland (henceforth referred to as the 'responsible person'), who will not necessarily be the owner.

16. The responsible person is then legally bound to undertake the actions defined in the Plant Health Notice. Cutting the trees down whilst applying the specified biosecurity measures will be the minimum requirement under the Notice.

17. Once the responsible person has completed this minimum requirement he/she will have the choice of:

- leaving the cut trees on site; or
- converting the felled trees into roundwood products and selling those products into processing facilities licensed to handle Phytophthora affected wood.

18. The second option may allow the responsible person to recover some income from sale to offset the costs of meeting the requirements of the Plant Health Notice. It is also a valid way of removing the cut trees from the site even if it would not make a profit. All the movement of timber from site and its subsequent processing has to be operated under the Phytophthora Licence System.

Support Payments – Immature Plantations

19. Any responsible person (subject to proviso of paragraph 2) found to have infected immature Japanese larch can apply for a flat rate payment per hectare. The rates are given in Annex 1. The area to be cleared and rate to be applied will be agreed with the visiting Plant Health Inspector.

20. A lower and a higher rate are offered to reflect the different costs required to achieve the Notice requirements. A lower rate will apply to sites of immature plantations that could be cleared by clearing saw. The higher rate will apply to situations when other mechanised operations would normally be needed.

21. This clearance rate is paid on the basis that no timber products are to be recovered from these sites. A responsible person with immature plantations may still decide to recover and sell wood products but the clearance rate would not then be payable on that area.

Support - Agent Services

22. A responsible person can decide to accept the assistance of an agent to deliver a range of services on his/her behalf.
23. The Forestry Commission has established a list of suitably qualified and experienced agents and will specify the services they will provide. Payment for provision of these services to landowners under Notice will be funded through the Fera programme via the Forestry Commission.
24. An agent can provide a tier of services depending on the responsible person's situation and wishes:
- **Advice** – the agent will visit the responsible person to discuss his/her minimum obligations under the Plant Health Notice. The advice will include the options for taking the support payment for immature plantations, or for recovery and marketing of wood and the licence system. After this visit a responsible person can make the choice of organising the work themselves, through the agent providing the advice or through an independent agent of their choice.
 - **Compliance** – in addition to the advisory visit, the agent will organise and supervise contracts for work to meet the minimum requirements of the Plant Health Notice.
 - **Harvesting and Marketing** – in addition to the advisory visit, the agent will provide all services to organise contracts to harvest, transport and market timber from the site, including supervision, site safety and obtaining all necessary licences required by the responsible person.
25. The agent will be paid by the Forestry Commission upon successful completion of the specified services. Flat rate payments will apply. These rates are given in Annex 2.
26. The responsible person will be responsible for paying for the work organised by the agent. It is also his/her responsibility to ensure the biosecurity measures prescribed in the Statutory Notice are adhered to by all parties.
27. Any income received from sale of wood will go back to the responsible person.
28. The Forestry Commission will not get involved in discussions or disputes between responsible persons, agents and contractors except in so far as to ensure that the Plant Health Notice is complied with.

29. It is recommended that responsible persons establish a legally binding contract with their nominated agent for the services to be provided.

Administration of payments

30. If the area under Notice includes immature Japanese larch the responsible person will be told which clearance rate applies when the Notice is issued. The payment can be claimed once the work has been completed to the full requirements of the Plant Health Notice (subject to provisos of paragraph 2).

31. The agent must claim the appropriate flat rate for the services from the Forestry Commission following successful completion of all the services. The Forestry Commission may seek proof before payment.

Further Information

32. **Agents** – a list of agents that have been contracted to deliver services to woodland owners will be maintained on the FC website at:

www.forestry.gov.uk/southwestengland

33. **Agent Services** – a summary of services that should be offered by agents on the list is given below. The agent may claim the appropriate services rate by undertaking:

The Advisory Service

Advice on:

- The substance of the contract between the agent and the Forestry Commission;
- The requirement of the Plant Health Statutory Notice;
- The clearance payments, what they are and what they apply to;
- The realistic options for undertaking the work and the likely costs to the responsible person.

The Compliance Services

If the responsible person decides to retain the agent, after initial advice, to organise the clearance work the services will continue and the agent will provide the following additional services as quickly as possible:

- The sourcing and contracting of competent and trained resource to undertake the work;
- Agreeing costs, in writing, with the responsible person before work takes place;
- Supervision of the work including ensuring that Health and Safety measures are met;
- Assistance to the responsible person to claim any appropriate clearance payment.

The Harvesting and Marketing Services

Where the trees to be cut and their location offer an opportunity to recover marketable produce the responsible person has the choice to do so. In this case, the services will continue and the agent will provide the following additional services:

- The sourcing and contracting of competent and trained resource to undertake the work;
- Agreeing costs, in writing, with the responsible person before work takes place;
- Supervision of the work including ensuring that Health and Safety measures are met;
- The measuring and marketing of produce;
- Organising licences for haulage and secure despatch;
- Chasing timely payment to the responsible person.

34. A flow chart of the process is given in Annex 3.

35. **General Enquiries (England)** – any general enquiries regarding funding support or other matters regarding the Phytophthora outbreak in England should be directed to:

Forestry Commission
South West England Regional Office
Mamhead Castle
Mamhead
Nr Exeter
Devon
EX6 8HD

Tel: 01626 890666
Fax: 01626 891118
Email: fc.sweng.cons@forestry.gsi.gov.uk

36. **General Enquiries (Wales)** - any general enquiries regarding funding support or other matters regarding the Phytophthora outbreak in Wales should be directed to:

Forestry Commission Wales
Grants & Regulations Office
Clawdd Newydd
Ruthin
Denbighshire
LL15 2NL

Tel: 0300 068 0300

E-mail: bww.ts@forestry.gsi.gov.uk

Annex 1:

Clearance rates for infected immature Japanese larch (25 years old or younger):

Level	Rate per hectare
Lower	£300
Higher	£1,500

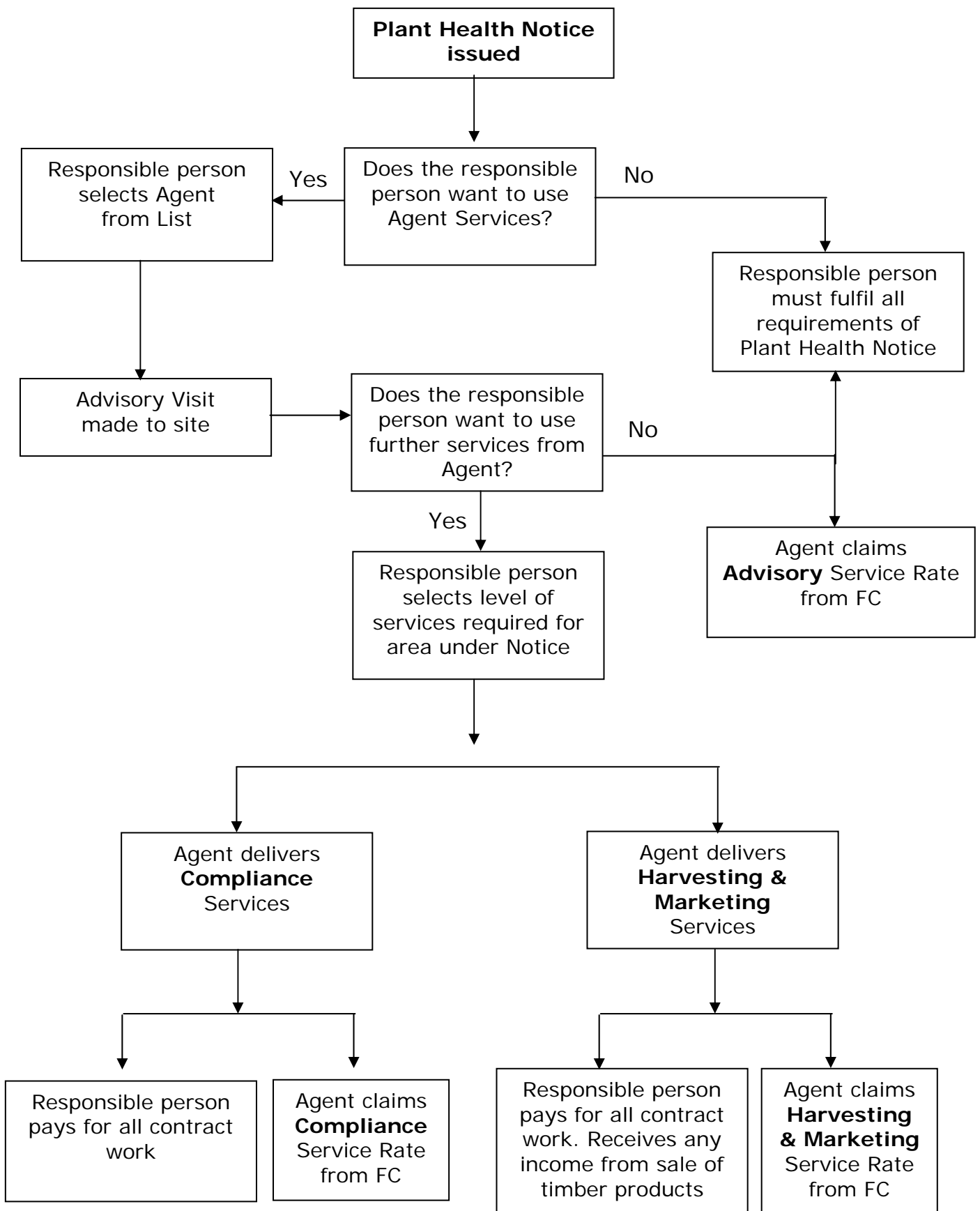
Note: The rate applied will be determined by the Plant Health Inspector after visiting the site.

Annex 2:

Agent Services rates:

Service Level	Flat Rate
Advisory: Advice and information only	£200
Compliance: Advisory visit + organising work to meet minimum requirement of Plant Health Notice	£500
Harvesting and Marketing: Advisory visit + full services to achieve Plant Health Notice requirements and organisation and supervision of extraction, transport and sale of timber products in accordance with Health and Safety and Licence procedures.	£1,000

Annex 3:



Note: The Agent can only claim one service rate for each area under Notice.