

Section 11

How to Make Changes to your Contract

| | |
|--|------|
| Note 6: How to complete the Amendment Form | 11.3 |
| Note 7: SFGS Tolerance Table | 11.4 |



Section 11: How to Make Changes to your Contract

Changes to proposed work

It is important that you plan carefully the work you intend to carry out. However, if something unexpected happens, you may need to make changes to your proposals after your SFGS contract has been approved. You should immediately send details of the amendment you would like to make, on an amendment form (SFGS/FP5, see Note 6, page 11.3) to your local Conservancy office which approved your contract. Provided the changes are acceptable and sufficient funds are available to meet any extra cost, revised proposals are normally accepted.

When you must complete an amendment form

You must complete an amendment form for all proposals that will affect the amount of grant to be paid and for any increases or changes to the areas to be felled or thinned and for any work quantities that are outwith the tolerances within Note 7 Tolerance Table (page 11.4).

If any of the changes relate to land which you have entered into the Farmland Premium, you will also need SEERAD's approval. You should complete form SFGS/FP5 to tell us about the changes. We will inform SEERAD and seek their approval.

If we approve your amendment we will send you a new SFGS contract or SFGS contract and Farmland Premium Declarations and Undertakings, which you must sign and return to us. If the change only affects some management units we may send an abbreviated contract which will only show the management units which have been changed.

You must not start any of the work on the amendment until we have approved it in writing, or we have signed and returned the contract.

Frequent amendments are a burden on both parties and in some cases further consultation with local authorities or other organisations may be required. **Please note that we will therefore limit applicants to one amendment per year.**

When you do not need an amendment form

You do not need to complete an amendment for the following types of changes:

- Changing the planting year;
- Changes to the species i.e. types of broadleaves or types of conifers;
- Where actual work quantities do not exceed the allowances within Note 7 Tolerance Table (page 11.4).

You can ask to make these types of changes by telephone or write/e-mail us with the details.

How we will change your contract

- a. We can exchange letters or e-mails to confirm approval of minor changes that do not affect the payment of grant. We will manually update our copy and you must do the same to yours.
- b. If the amendment only affects a small area of the overall proposals then we will only print out the pages of your contract that have been changed. You should substitute these pages in your contract to make the amendment. Our covering letter will ask you to write to confirm receipt of the amended pages.
- c. For all other changes we will print out a revised contract that you must sign and

return to us. Only when you receive our signed copy do you have approval to carry out the work.

Change of ownership

The seller: If you sell an area which is in an SFGS contract, you must tell us as soon as you can and at least within three months of the change. You should also check the terms and conditions of the scheme, especially if we have paid you grant. Your solicitor may advise you on how to make sure that you are not liable for anything the new owner does in the woodlands. We can give you a SFGS/FP6 Agreement to Transfer Obligations form, which offers one possible way to deal with this.

If the new occupier is not willing to take on the SFGS, and Farmland Premium agreement if it applies, the Forestry Commission and SEERAD may recover any grant payments made with interest from the original occupier up to the time that the contract would have expired.

The buyer: If you buy or take on the lease of an area which is in SFGS, then you may be able to get a grant. This would depend on what work the previous owner had carried out and whether any grant is still due. Circumstances will vary from case to case but the staff at your local Conservancy office will be able to explain how you might benefit. You must apply for a SFGS contract so that we can pay you grant. If you wish to join the Farmland Premium and receive any remaining annual payments then you must complete a Successors Application (SFGS/FP8) within 12 months of the previous occupier leaving and give a written undertaking to comply with all the Farmland Premium Scheme rules for all land taken over for the remainder of the outstanding agreement.

Successor occupiers are also bound by maximum scheme area limits. If new land acquired, taken with currently owned Farmland Premium (or FWPS) land exceeds the scheme limits, the full area will continue to be covered by scheme commitments set out in undertakings, but ongoing annual payments will only be made on the area within the scheme limits.

You can get copies of the Agreement to Transfer Obligations form SFGS/FP6 and the Successors Application form SFGS/FP8 from your local FC Scotland Conservancy office or you can download them from our website (www.forestry.gov.uk/scotland).

If we do not think that the amendment is appropriate, we may treat the changes as a new application.

If you can no longer comply with the rules of the scheme

If you can no longer comply with the rules of the scheme, please contact your local FC Scotland Conservancy or SEERAD office as soon as possible. Individual circumstances will be viewed sympathetically.

Note 6: How to Complete the Amendment Form

Name of property

Give the name of the property as you gave it on your application.

Details of your SFGS/FP approved contract

Give the date that your contract was approved. Put a cross in the appropriate box to tell us whether you have Farmland Premium Scheme approval. Give your Main Farm Code and Application ID, if you know what this is.

Summarise your amendments

Briefly describe how the amendment will change your approved contract. Sign the form at the bottom of page 1.

Amendment details

This page shows the same columns as on the SFGS/FP3b. Complete them in the same way as you did for that form, but only to show those compartments you wish to amend. You can also use a form 3b if you prefer to input these details electronically.

Please see Note 3: How to Complete the Woodland Map and Application Forms (page 9.19) for information about the entries that you are required to make in these columns.

Farmland Premium applicants

If you would like us to send you a Landlord's Consent form please put a cross in the 'Yes' box. If not, please put a cross in the 'No' box.

Declaration and signature

Read this section carefully and sign and date the form.

Send this form along with the appropriate maps to your local Conservancy office.

Farmland Premium Scheme

If you have applied for grants under the Farmland Premium Scheme you must inform your local SEERAD office that we have agreed the changes; this includes changes to the planting year. We will give you a revised Farmland Premium Area Summary.

Note 7: SFGS – Tolerance Table

You must not change the scheme area of new planting or restocking until you have our agreement.

The applicant may, with the FCS agreement, be allowed further tolerances with their application. These should be discussed beforehand with your local Conservancy Office.

| Requirement | Tolerance |
|---|---|
| Up to 10% addition at claim stage to the quantities specified in the contract, for: Protection – fencing ⁽¹⁾ , treeshelters, guards (vole and spiral) Ground preparation ⁽³⁾ all operations Planting ⁽³⁾ – plants per ha ⁽²⁾ | FCS prior approval not required. |
| More than 10% addition at claim stage to the quantities specified in the contract. | FCS prior approval required. Contract amendment required. |
| Restocking Up to 20% addition at claim stage to the quantities specified in the contract for ground preparation and drainage. | FCS prior approval not required. |
| More than 20% addition at claim stage to the quantities specified in the contract for ground preparation and drainage. | FCS prior approval required. Contract amendment required. |
| Other operations. | As per new planting. |
| New planting and restocking Up to 10% change to individual compartment sizes (but no change to overall scheme area). | FCS prior approval not required. |
| More than 10% change to individual compartment sizes (but no change to overall scheme area) | FCS prior approval required. Contract amendment required. |
| Minor change to overall scheme area of new planting or natural regeneration. | FCS prior approval required. Contract amendment required. |
| Significant change to overall scheme area of new planting or natural regeneration. | FCS prior approval required. We may need to re-consult. Cases subject to EIA may require further EIA. |
| Change to species (new planting and restocking) Change within a species group eg evergreen conifers; broadleaves. | FCS prior approval not required ⁽⁴⁾ . |
| Change from specified native species or | FCS prior approval required. |
| Change between species groups | Contract amendment required. Reconsultation may be required. |
| Felling Any change to area of felling. | FCS prior approval required. Contract amendment required. |
| Stewardship Up to 10% addition at claim stage to the quantities specified in the contract. | FCS prior approval not required. |
| More than 10% addition at claim stage to the quantities specified in the contract, | FCS prior approval required. Contract amendment required. Reconsultation may be required. |
| Year of claim Change to year of claim. | Applicants are required to specify year of claim. Any proposed change to the year of claim may require applicants to reapply for grant. |

Footnotes

- (1) Claim measurement will be based upon mapped length.
- (2) We will pay for the additional plants if they are to form part of the established crop at year 5.
- (3) Note that no addition to overall scheme area is allowable.
- (4) Where landscape, conservation or silvicultural objectives are likely to be affected, an exchange of letters will be required.

If in doubt please contact your local Conservancy Office.