



COETIROEDD
GWELL
I GYMRU



BETTER
WOODLANDS
FOR WALES

Grantiau a chymorth
i greu a gwella coetiroedd

Grants and support for creating
and improving woodlands

A Guide to Information Sharing & Consultation within Better Woodlands for Wales

Introduction

Better Woodlands for Wales (BWW) is the Forestry Commission Wales (FCW) grant scheme for creating and improving woodlands. It supports a sustainable approach to woodland management that gives grant aid for activities approved within a long term Management Plan. The plan sets out the way in which the woodlands will be managed for at least the next twenty years. This process has been designed to fulfil many of the requirements of the UK Woodland Assurance Standard (UKWAS standard).

Consideration of stakeholder interests is an important element of sustainable woodland management. The consultation arrangements that have operated under the Woodland Grant Scheme (WGS) fall well short of the UKWAS standard and therefore more effective arrangements have been developed for BWW following a written consultation exercise early in 2004. The consultation arrangements for BWW are:

- **More inclusive** than previous arrangements under the WGS - in addition to consulting statutory bodies, the views of non-statutory organisations and local communities or interest groups will be sought where appropriate and taken into consideration when preparing the plan.
- **Less frequent** - plans will be approved in outline for 10 years. Grant aid and a felling licence will be approved in detail for 5 years, but if no major changes are proposed for the next 5-year period, there will be no need for additional consultation.
- **More efficient** - relevant information will be provided at an early stage and consultation will be carried out as the plan is prepared in order to get it 'right first time' and minimise delays later on. The Web-based IT system will facilitate information sharing.



Purpose of this Guide

This document is written for statutory bodies and other organisations with an interest in woodlands and who may be acting as consultees, and for Management Planners. It will also be of interest to woodland owners and managers considering bringing woodlands into BWW. The document describes how the process of gathering information for the Management Plan will work and the role which individuals, organisations and other stakeholders play.

The key stages in the preparation of a Management Plan are shown in Figure 1.

Figure 1 - Stages in the preparation of a BWW Management Plan

Stage	What happens in this stage
Stage 1 - Initial Application	<ul style="list-style-type: none"> The Management Planner (Planner) makes an Initial Application on-line to FCW on behalf of the Applicant and defines the boundaries on a map provided by FCW. FCW identifies any designations and where appropriate, seeks information from Information Providers.
Stage 2 - Foundation Plan Preparation	<ul style="list-style-type: none"> The Planner, with help from the Applicant, the Applicant's Agent if they have one, and information provided by FCW, prepares a Foundation Plan (see <i>'How to Prepare and Submit a Foundation Plan'</i>). This outlines the key issues that will be addressed within the woodland and gives details of the work required to prepare the Management Plan. The Foundation Plan includes a list of stakeholders. Stakeholders can be any organisation or individual with an interest in the woodland (see <i>'Getting the right people involved'</i> below).
Stage 3 - Foundation Plan Approval	<ul style="list-style-type: none"> FCW check the Foundation Plan to make sure the key issues have been incorporated and that relevant stakeholders have been identified. FCW approves the Foundation Plan Applicant signs off the Foundation Plan FCW publish case boundary and an outline¹ of the Foundation Plan on the Public Register on the FC Website.
Stage 4 - Management Plan Preparation	<ul style="list-style-type: none"> Planner prepares detailed Management Plan (see <i>'How to Prepare and Submit a Management Plan'</i>), incorporating relevant information from Specialist Assessments. Planner consults with stakeholders on the draft Management Plan and takes comments received into account. Management Plan agreed between Applicant and Planner. Submitted to FCW for approval.
Stage 5 - Management Plan Approval	<ul style="list-style-type: none"> FCW assess the plan to make sure that it complies with the relevant environmental guidelines and the requirements of the BWW scheme and that comments from consultees have been taken into account. FCW approves the plan and prepares the Plan of Operations Contract. Applicant signs the contract and claims Plan Preparation Grant.
Stage 6 - Implementation	<ul style="list-style-type: none"> Applicant implements the plan and claims grants. Plan reviewed after five years.

¹ This will be in the form a Briefing Report which will show the indicative work types, a list of the issues to be addressed, the priority they have been given and a brief description of each. It will also identify any Specialist Assessments that will be carried out as part of the plan and who will be consulted. The report will indicate who is preparing the plan but will not give the name or any contact details of the Applicant.

Working together to provide the right information

The BWW process is designed to help the Planner get the Management Plan 'right first time' and minimise the need for changes later. FCW will therefore provide relevant information to the Planner early in the planning process when they make a BWW application so that they can take this into account when preparing the plan. This will be done in two ways:

- a. For all applications, FCW will prepare a 'Constraints Report' for the area using the Geographical Information System (GIS) map-based information held by FCW to identify any site designations or previous grant or felling licence applications.
- b. FCW will ask certain organisations (Information Providers) to provide relevant information that they hold. In order to do this FCW has entered into service level agreements with a number of organisations including archaeological trusts and local record centres. The process of information gathering is known as Information from External Sources (IfES) and involves FCW sending Information Providers an electronic map showing the boundaries and outline details of the application so that they can return any relevant information usually within 14 days.

The Constraints information and any other information provided will be made available to the Management Planner on the Grants and Licences Online Service (G&L Online) as 'External Data' on the Foundation Plan.

Getting the right people involved

Under BWW, consultation will be tailored to each Management Plan. This will make it responsive to the interest groups that directly relate to the woodland yet keep the amount of consultation to a manageable level.

When a Planner prepares the Foundation Plan, they will undertake a 'Stakeholder Analysis' to identify all the relevant organisations or people with a significant interest in the woodland. Stakeholders may range from statutory organisations (see Appendix 1) or other organisations and people with an interest in the woodland (see Appendix 2).

The Planner will indicate which stakeholders should be informed or consulted in the development of the plan. When the Planner submits the Foundation Plan for approval, FCW will assess the list of stakeholders to ensure that all those who should be included are identified and that the level of involvement is appropriate to their interests.

Where it is considered essential to secure the support of particular consultees to the proposals within the plan, they will be categorised as 'Compulsory Responders'. These will include statutory bodies in the situations listed in Appendix 1. Other stakeholders may also be classed as Compulsory Responders in situations where they have particularly strong interests and FCW feel that their views must to be taken into account e.g. landlord and tenant situations where both parties have interests in the woodland.

In cases where a community has a very strong interest in a woodland or where community engagement is a key objective of the Applicant, FCW will grant aid a 'Community Assessment'. In such cases, the need for a Community Assessment would be identified in the Foundation Plan.

Consulting about the Plan

Once the Foundation Plan is approved, the Planner is responsible for consulting informally with consultees during the development of the plan and is expected to take their comments into account before the final draft of the plan is prepared.

The Planner can communicate in the most appropriate way with consultees - by letter, e-mail or site meetings. The grant paid for preparing the plan (Plan Preparation Grant) will take account of the costs of communicating effectively with local community or interest groups where a Community Assessment is being undertaken as part of the development of the plan. This will include preparing for and holding meetings and doing so through the medium of Welsh where this is the preferred language of the community or group.

When the plan is submitted to FCW, the Planner needs to include written evidence from consultees to confirm that they support the proposals or at least do not object to them. In cases where FCW is content with the plan but it lacks a response from any consultees identified as Compulsory Responders, FCW will undertake formal consultation. This will involve FCW posting or emailing details of the plan to the consultee and allowing a 28-day period for comments. In cases where a Statutory Body objects to a plan that FCW supports, the existing dispute resolution process will be used (see Appendix 3).

In cases where the Planner has been unable to secure written support from consultees who are NOT categorised as Compulsory Responders, FCW will look for evidence that the Planner has made reasonable steps to seek their views and has been reasonable in taking account of any comments received. FCW will not undertake formal consultation with those consultees who are NOT categorised as Compulsory Responders.

How other people can get information about the proposals

When the Foundation Plan has been approved, FCW will publish the boundary of the application on the Public Register on the FC Website www.forestry.gov.uk.

The Public Register will include an outline of the Foundation Plan in the form of a Briefing Report. This will show the indicative work types, a list of the issues to be addressed in the plan, the priority they have been given and a brief description of each. It will also identify any Specialist Assessments that will be carried out as part of the plan and who will be consulted. The report will indicate who is preparing the plan but will not give the name or any contact details of the applicant.

It will be possible for interested parties to email comments via the FC Website. Comments that have been emailed will not be available for viewing by the public but will be made available to the Planner. FCW will check to see whether the Planner has taken reasonable account of comments received.

The Briefing Report will remain on the Public Register until the BWW Management Plan is approved. It will then be replaced by a synopsis of the Management Plan itself. The synopsis will include outline details of the objectives, the operations and grants approved. However, it will exclude any personal contact details of the Applicant, any commercially sensitive information (such as costings) and any environmentally sensitive information, (such as locations of priority protected species). FCW will continue to display the synopsis on the FC website for the duration of the 5-year Plan of Operations Contract.

If at the end of the 5 years the applicant wishes to remain in BWW, a review of the plan will be grant aided by FCW but providing that no significant changes are proposed for the second 5-year period, there will be no need for additional consultation.

Regulation and BWW

Once a plan is approved, FCW issues a 5 year Plan of Operations Contract that incorporates felling licences under the Forestry Act and consents under the Environmental Impact Assessment (Forestry) Regulation. This integrated approach means that when FCW assesses BWW plans it will ensure that any restocking conditions are specified as necessary.

If the plan proposes the creation of new woodland, deforestation or the creation of forestry tracks, roads or quarries, FCW will consider the proposals under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. If FCW determines that these operations may have a significant impact on the environment, the Applicant will be required to apply for consent from FCW to carry out the work. The Applicant would then need to prepare an Environmental Statement to show how their proposals take account of the potential impact on the environment.

For further details, please refer to our booklet “Environmental Assessment of Forestry Projects” on the FC website www.forestry.gov.uk, or request a copy from your local Forestry Commission office.

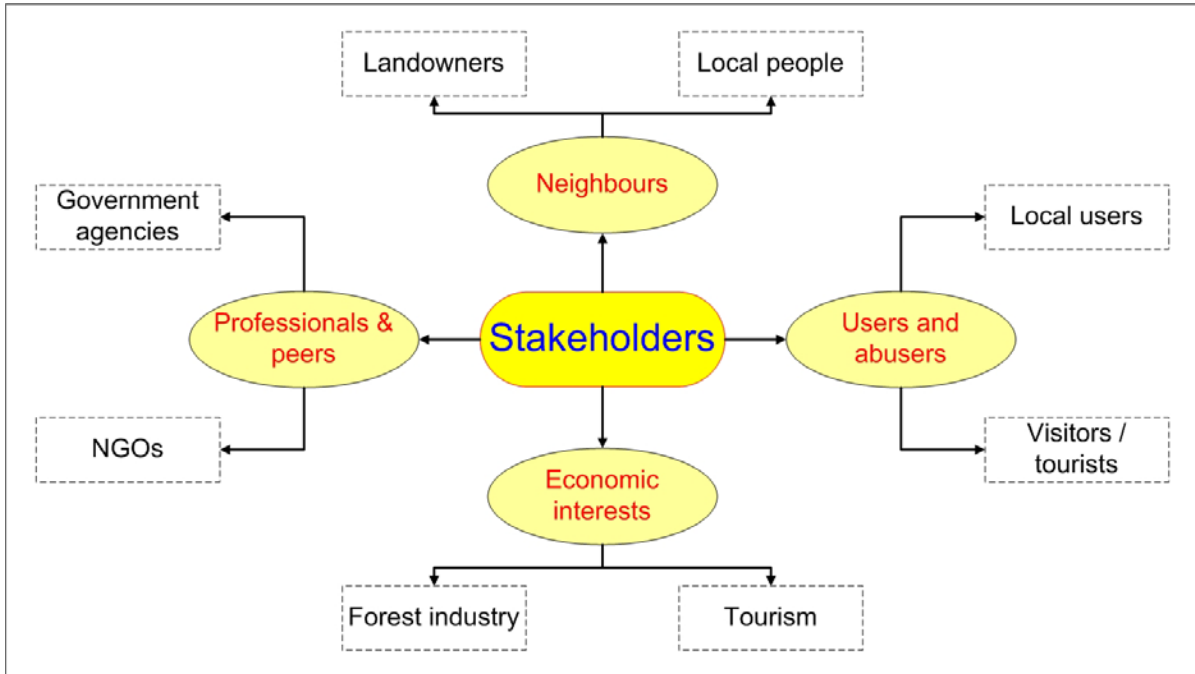
APPENDIX 1

List of Statutory Consultees

NB. Planners need to obtain consultation responses from the organisations listed below ('*Compulsory Responders*') in the following circumstances:

Relevant Statutory body	Type of case
Countryside Council for Wales	All proposals that are on or within 500 m of: <ul style="list-style-type: none">• National Nature Reserves• Sites of Special Scientific Interest• Special Protection Areas• Special Areas of Conservation New planting proposals of 5 hectares or more that affect: <ul style="list-style-type: none">• Areas of Outstanding Natural Beauty• Heritage Coasts
CADW	<ul style="list-style-type: none">• Applications on or adjacent (within 500 m) to Scheduled Ancient Monuments
National Park Authorities	<ul style="list-style-type: none">• Planting proposals of 5 hectares or more within a National Park boundary• Felling proposals that affect trees subject to a Tree Preservation Order or that are in a Conservation Area within a National Park boundary
Environment Agency	<ul style="list-style-type: none">• Planting and felling proposals of 10 hectares or more
Local Authorities	<ul style="list-style-type: none">• Planting proposals of 10 hectares or more• Felling proposals that affect trees subject to a Tree Preservation Order or that are in a Conservation Area
The Department for Environment, Planning and Countryside	<ul style="list-style-type: none">• Applications within Environmentally Sensitive Areas• All new planting of 20 hectares or more

Stakeholder identification diagram used for Management Plans



How FCW resolves difficult cases

When FCW support an application but a statutory consultee raises a serious objection to any part of it, FCW will enter into a formal consultation process (28 days) with the objector to see if agreement can be reached about how the proposals might proceed. Nearly all conflicts are resolved satisfactorily at this stage. However, in the rare occasions when this is not possible, FCW will refer the application to an advisory committee. In Wales the committee takes the form of a sub-committee of the Woodland Strategy Advisory Panel [WSAP]. The sub-committee will comprise a chairperson and at least two other members selected to provide a 'balanced' committee of interests and expertise.

The sub-committee will invite the interested parties to a meeting at which they can give their views. The chairperson offers the parties the opportunity to explore a compromise that would reconcile the differences in view, or suggests other ways in which reconciliation may be achieved.

The committee will make public their recommendation about the case by issuing a news release. Their recommendations will then be given to the Forestry Commissioners.

How the Forestry Commissioners will consider the case

If the Commissioners decide to refuse the application they will inform the applicant. However, if they think that an application should be approved, and therefore **disagree** with an objection from a statutory consultee, they will ask the relevant Forestry Minister for their views before making a decision. In order to reach a decision the Minister may take advice from a Reference Panel. Once the Minister has reached a decision, he will direct the Forestry Commissioners to accept or reject the application. The Forestry Commissioners will explain the reasons for the decision to the applicant and set out the views of the Forestry Minister.

Appeals and applying again after a refusal

Appeals by Applicants for grant aid

There is no legal right of appeal against a refusal to approve an application for grant. However, Applicants who are unhappy about such a decision can contact the relevant Forestry Minister for Wales. The Minister may ask the Commissioners to reconsider their decision

Applying again after a refusal for grant aid

If FCW refuse an application for grant aid, this decision stands for five years. However, we will consider another application during this period if it contains proposals that are significantly different or if there has been a change of circumstances. The whole plan will need to be re-submitted.

Appeals by an Applicant for a felling licence

A different procedure applies to appeals against decisions about a felling licence application. You can only appeal if you have been refused a licence twice for the same area and work proposals and your applications have been made more than three years apart.

Applying again after a refusal for a felling licence

If FCW refuse a felling licence, we will not reconsider the same application for three years. However, we may consider another application if the proposals are significantly different or if there has been a change of circumstances.