

Briefing Note

1 Actions From Last Meeting (November 2012)

Action 1. AFG members to submit any relevant questions to Steve Hunt, at least three weeks prior to meeting date. Steve to co-ordinate responses and send out with meeting papers.	Completed. No questions received prior to this meeting
Action 2. Mike Wood to raise issue over compensatory planting with Steve Hunt	Not taken forward
Action 3. Poppy Saunders to feed thoughts and concerns from the AFG back to Dominic Driver in relation to the Independent Panel review.	Completed
Action 4. Poppy Saunders to seek clarity from Dominic Driver re the future of the National Forestry Stakeholder Forum.	Stakeholder Forum is set to continue. Defra will be sending out invitations for the next meeting, which is being scheduled some time in June.
Action 5. AFG Members to raise any issues and concerns with regards Earned Recognition and forward these to either Nigel Hobday to co-ordinate responses and feeding in to the ER working group meetings, or through their industry representatives (Caroline Harrison, Mike Seville, Julian Ohlsen or John Lockhart).	Completed
Action 6. Nigel Hobday to advise the AFG of proposals as a result of the next ER working group meeting, so that members can provide feed back.	AFG members who sit on the ER working group are aware of the responses being fed into the final report.
Action 7. Nigel Hobday to circulate copies of the previous ER meeting notes to AFG members as soon as possible, for information.	Completed
Action 8. Steve Hunt to distribute names of those members external to FC that sit on the various working groups, so that members are able to pass their views / issues on.	See main text of this briefing paper
Action 9. Poppy Saunders to make enquiries as to when Forestry would be removed from the Gangmasters Licensing legislation and advise AFG members accordingly.	See main text of this briefing paper
Action 10. AFG Members to provide feedback to Rob Gazzard on the Wildfire presentation.	No feedback received
Action 11. Steve Hunt to distribute a list of admin staff and dates due to be leaving the	Completed.

FC so that customers can express their thanks directly to the individuals they have regular contact with.	
Action 12. Poppy Saunders to provide links for information identifying further Plant Health threats that are lurking around GB's borders.	Completed. See below: http://www.forestry.gov.uk/readreport http://www.forestry.gov.uk/fr/INFD-5STC8A#treehealth http://www.forestry.gov.uk/fr/INFD-7XRF9
Action 13. AFG Members to provide feedback to Poppy Saunders in the event that grant administration appears to be delayed as a result of Chalara management.	No feedback received

2 Finance Update

Budget	Scheme	Grant Type	2009/10 Spend	2010/11 Spend	2011/12 Spend	2012/13 Spend	2013/14 Plan	2014/15 Plan
RDPE	WGS		1,689	1,003	386	102	50	0
		FWS/FWPS	9,279	9,941	8,537	8,552	7,420	6,990
	EWGS	WAG	38	57	57	38	98	97
		WPG	158	449	723	796	883	1,000
		WMG	2,005	2,242	1,902	1,789	1,800	1,700
		WIG	4,455	7,116	11,989	9,840	8,707	8,500
		WRG	-	1,031	1,502	2,247	2,479	2,700
		WCG	2,518	4,050	5,355	6,756	7,000	7,500
		FWP	1,158	1,621	1,496	1,933	2,863	3,000
		Woodfuel	-	-	-	313	3,437	6,250
EWGS Total		10,332	16,566	23,024	23,712	27,267	30,747	
RDPE Total		21,300	27,510	31,947	32,366	34,737	37,737	
Headroom against Plan at 31/03/13 (excl Woodfuel)			-	-	-	-	3,331	16,190
Total Commitments at 31/03/13 (gross of Fallout)			-	-	-	-	38,351	17,168
Overall Fallout predicted			-	-	-	-	18%	18%
Non RDPE	WGS/Old Schemes		1,491	323	122	32	43	43
	EWGS	WMG	156	231	292	449	507	507
		Forest School	137	126	34	12	-	-
		WRG	1,146	472	141	52	-	-
EWGS Total		1,439	829	467	513	507	507	
Non RDPE Total		2,930	1,152	589	545	550	550	
Grand Total		24,230	28,662	32,536	32,911	35,287	38,287	

3 Operation Notes 30 and 31 - Chalara

AFG members were distributed with draft copies of both of these Operations Notes for information and comment. These have now been finalised and can be viewed on our Web Site.

Operations Note 30 "How Chalara May Affect Your Grant" can be viewed [here](#).

Operations Note 31 "Plant Health WIG" can be viewed [here](#).

4 Habitats Directive - European Protected Species (EPS)

Since 1994 subsequent amendments have increased the protection afforded to EPS and removed the 'incidental result' defence under which many forestry operations were carried out. The current 'Interim Guidance' has been around since 2007 with the most recent amendments coming into force on 1st April 2010.

In summary it is an offence to:

- (a) *Deliberately capture, injure or kill any wild animal of a European protected species*
- (b) *Deliberately disturb wild animals of any such species¹*
- (c) *Deliberately take or destroy the eggs of such an animal, or*
- (d) *Damage or destroy a breeding site or resting place of such an animal*

Note: (a) & (c) are considered 'harm', b = 'disturbance' and d = 'damage'.

Causing 'damage', even when the animal is not present, is an absolute offence! Whereas 'disturbance' or 'harm' is only considered an offence when caused deliberately. 'Deliberate' is interpreted as being somewhat wider than just intentional and could be thought of as including an element of recklessness.

There are 5 sets of Good Practice guidance for routine woodland operations which should maintain and improve habitat for EPS and minimise the risk of harming and disturbing animals or damaging their breeding sites or resting places. Forest Research has carried out a review of evidence and made suggested amendments to the guidance. FC will be seeking comment from Defra Legal, Public Forest Estate specialists and independent species specialists and are due to republish the Guidance once that is complete. These will replace the current draft documents that have been on our web site since 2007! The

¹ For the purposes of (b) disturbance of animals includes in particular any disturbance which is likely:-

(1) to impair their ability:

(i) to survive, to breed or reproduce, or to rear or nurture their young or,

(ii) in the case of animals of a hibernating or, migratory species, to hibernate or migrate or,

(2) to affect significantly the local distribution or abundance of the species to which they belong.

context remains the same as the original intention which is if you follow this good practice, and carry out operations as described, we would not expect you to require a protected species licence.

5 Birds Directive - FC Woodland Management Guidelines for Birds

New regulations came into force in August 2012 on the provision of habitat for wild birds in the United Kingdom. The new regulations mean that the Forestry Commission has to take steps as it considers appropriate to preserve, maintain or re-establish bird habitat. In considering what steps to take the FC must take account of economic and recreational requirements. Government has stated that these new duties are closely aligned with functions the FC already carries out under existing obligations and duties. Consequently, they consider that the new obligations will not constitute a significant new burden on the FC, although they accept that they will introduce new factors for consideration when carrying out functions. Guidance will become available during 2013 to help with this.

What this means for you.

Until more detailed guidance is available from the Secretary of State FC staff will need you to:

- ensure that wild bird habitat is considered in the production of woodland management plans,
- consider whether felling licence applications will result in the deterioration of habitats for wild birds,
- if determining whether an Environmental Impact Assessment is required, consider the impact on the preservation, maintenance or re-establishment of sufficient diversity and area of wild bird habitat?

FC and Natural England met during March 2013 to discuss the Birds Directive. The current view is that existing FC woodland management guidance on woodland birds is broadly fit for purpose.

6 Members of 'Earned Recognition' working group

AFG members requested a full list of those sitting on the ER working group. They are:

Alan Betts	alan.betts@forestry.gsi.gov.uk
Caroline Harrison	caroline.harrison@confor.org.uk
Peter Fox	peter.fox@forestry.gsi.gov.uk
Andy Hall	andy.hall@forestry.gsi.gov.uk
Nigel Hobday	nigel.hobday@forestry.gsi.gov.uk
John Lockhart	john.lockhart@lockhart-garrett.co.uk
Julian Ohlsen	julian.ohlsen@upm-kymmene.com
Kevin May	Kevin.may@forestry.gsi.gov.uk
Mike Seville	mike.seville@cla.org.uk
Neville Elstone	Neville@cumbriawoodlands.co.uk

Phil Tidey
Mike Render

philtidey@smallwoods.org.uk
mike.render@forestry.gsi.gov.uk

7 Gangmasters' licensing

There is an Action for me to update you all on the progress towards Forestry being removed from the Gangmasters Licensing Act.

In May we are expecting DEFRA to publish an update on their progress in implementing their Forestry Regulation Task Force commitments, so more detail is likely to be available then.

As you know, in November 2012 the Government committed to remove Forestry from the remit of the Gangmasters Licensing Act. In spring 2013 I believe DEFRA will launch a consultation regarding the legislative change which would be necessary to accomplish this change in scope of the Act. I understand your concern that this is moving at a slow pace. However, it may take some time before this change is completed: in my experience, from the point of launch of consultation, legislative change can take as long as 18 months and progress is heavily dependent on getting Parliamentary time scheduled in for debating the changes.

The Government could use mechanisms such as a Legislative Reform Order <http://www.legislation.gov.uk/ukpga/2006/51/contents> which can enact legislative change more swiftly, but these mechanisms are only likely to be successfully deployed where there are no contentious issues with the proposals.

Until legislative changes are complete, the Gangmasters Licensing Act remains in effect and Gangmasters Licensing Authority must enforce the legislation as it stands. The GLA appear to have gone as far as they can to minimise the burden on Forestry businesses through their Forestry Pilot http://www.confor.org.uk/Upload/Documents/22_GLABriefforestryupdateDec12.pdf which means that Forestry-only businesses still need to register but will not be charged and their registrations will be automatically renewed without charged. 'Mixed' businesses still have to pay fees because of their non-Forestry related activities.

Please do encourage your networks to engage with the consultation when it is launched in spring this year.

Poppy

8 EU Timber Regulation

The Timber and Timber Products (Placing on the Market) Regulations 2013, came into being on 3rd March 2013. This statutory instrument enforces the EU Timber Regulations which prohibit the placing of illegally harvested timber and timber products on the EU

market and require those first placing (known as 'the operator'), timber and timber products on the EU market to exercise due diligence, using a risk-based approach to ensure that they do not place illegally harvested timber or timber products on the EU market. Those who trade in timber and timber products after they have been placed on the EU market are required to keep specific information to enable such products to be traced.

Standing timber is not included so the 'operator' responsible is the person who first places home grown harvested material onto the market (usually the timber buyer, but may also be a forest owner, where they harvest the standing material and then sell cut material to merchants). This will also apply to importers of timber into the EU for the first time.

The home industry is recognised as extremely low risk, and as such FC England is working closely with National colleagues, ConFor and the National Measurements Office (NMO) – the department responsible for overseeing compliance under the regulation, to ensure that the legislation has a minimal impact on the home timber industry. We are currently looking at introducing some basic documentation that FCE will provide at the same time as a felling licence or approved grant scheme, enabling 'operators' to fully meet the requirements (based on self certification). A copy of this form is attached at the end of this briefing note (Please note that this normally fits on a double sided A4). FC will complete and sign section s 1 and 2 of the form as appropriate, whilst the remainder will be completed by the 'operator'. This should then be retained, along with copies of felling approval and any other relevant documentation, which will need to be produced in the event of any future inspection by the NMO.

Recently we have been looking at ways of reducing the amount of information required when applying for felling approval. Unfortunately this new legislation means individual species and volumes will have to be included in all applications for felling approval. We have put a proposal forward to NMO in an effort to minimise any impact. This has been accepted by NMO and as a result we are amending the guidance for felling licences and grant schemes, so that the information provided complies with the requirements of the EUTR. This option involves summarising information on the application as suggested in the example below:

A woodland with seven compartments, four of which are to be thinned and three of which are to be selectively felled. The woodland composition is 45% oak, 30% ash and 15% beech, along with some cherry, lime and field maple that make up the remaining 10% of the mixture.

The application would look like the following,

Cpt number / name	Species	Operation	Tree numbers	Volume m ³
1,2,3,4	Oak 45%, ash 30%, beech 15%, Mxd Broadleaves 10% (cherry, lime and field maple)	T	ETC	530
5,6,7	Oak 45%, ash 30%, beech 15%, Mxd Broadleaves 10% (cherry, lime and field maple)	SF		970

We have updated the stand alone felling licence application form, so that species information can be readily entered and have taken the opportunity to incorporate several other necessary changes. The new forms and guidance will be released shortly. We are currently also reviewing the EWGS application. The Felling licence form will be available as an electronic word document as well as a web based form.

We are working to agree the most practical method for including this information in an EWGS application and will advise applicants as soon as possible. This will require that volumes will need to be included in future EWGS application.

9 European Protected Species training

We are currently in the middle of delivering some EPS training for owners and agents. This follows a series of internal training events, which also include a number of police Wildlife and Crime officers. The external events are currently restricted to one per Forest services area, but depending on demand we will look to undertake further training events later on in the year, possibly September, following an evaluation of the success of the initial training. The events are chargeable (£50 per head) and are on a first come first served basis, with numbers strictly limited in an effort to ensure delivery of a high quality training event. The training is being delivered mainly by contracted species experts. A place on the course can be reserved by applying to the FC box office [here](#). The dates and locations for this training are:

Bovey Tracey 1st May

Dolphin Hotel, Station Road, Bovey Tracey, Devon, TQ13 9AL

Fineshade 20th May

Little Barn Conference Room, Fineshade Woods, Corby, Northants NN17 3BB

Hamsterly Forest 29th May

Dalby Visitor Centre, North Yorkshire, Dalby YO18 7LT

Alice Holt 5th June

Sports & Social Club, Alice Holt Forest, Bucks Horn Oak, Farnham, Surrey, GU10 4LS

Wyre Forest 11th June

Wyre Forest Visitor Centre, Callow Hill, Nr Kidderminster
Worcestershire, DY14 9XQ

There are still places available on the remaining events, although the Alice Holt training on 5th June has just one or two spaces remaining. The first event at Bovey Tracey was well received by those attending (19), although we accept that this event was organised with minimal notice.

EU Timber Regulation: Due Diligence for UK Grown Timber

This document is intended to meet the obligations placed on "operators", as defined under EU Timber Regulation (No 995/210), to undertake a risk assessment. It outlines the risk factors associated with timber grown in Great Britain (see overleaf) for the timber detailed below.

Evidence of Lawful Harvesting

1. Felling Licence Ref No (s)	Date Approved

OR

2. Forest Management Plan Ref No (s)	Date Approved

Signed

(on behalf of Forestry Commission)

Dated

OR

3. In the absence of felling license or forest plan:
Where the timber came from: Name &Address of Supplier/Land Owner:
Reason the timber does not derive from an approved felling licence or a forest plan:

Certification: If the timber is independently certified enter the certificate number below:

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Additional Risk Factors: If there are any factors (not covered overleaf) that indicate a risk that the timber could be illegally harvested, enter these below with an explanation of how that risk has been mitigated.

Factor	Means of Mitigation

Declaration by the operator: I declare that the timber referred to above is grown in Great Britain. I have identified any additional risk factors and the action taken to mitigate that risk, and I have no reason to believe that there are further risks of the timber being illegal.

Signed

Dated

The timber described overleaf was produced from GB forests where the following risk factors apply.

- 1 Illegality** - Forests in Great Britain are regulated by the Forestry Commission or *Natural Resources Wales*. The incidence of illegal felling is low, estimated at much less than 1% of the timber volume harvested.
- 2 Governance** - The UK is ranked highly for good governance in independent assessments, such as The Worldwide Governance Indicators project (funded by The World Bank). Moreover forestry proposals in the UK are available for comment and the UK is well served by bodies from civil-society that contribute specialist knowledge and opinion to the assessment of forestry proposals.
- 3 International Perspective** - There is no UN Security Council ban on timber exports from the UK and the UK is not associated with or designated as a source of 'conflict timber', both of which are key international indicators of illegality.
- 4 Forest Regulation** - The UK has specific forest laws (principally, The Forestry Act 1967) giving the Forestry Commission / Natural Resources Wales powers to regulate forestry activities in the UK, control felling, administer woodland grants and to manage its own estate. The Forestry Commission issued a revised UK Forestry Standard (UKFS) in 2011 which provides a benchmark against which forestry is regulated and is explicit in terms of legal requirements and the assurances of legality and sustainability that can be given by the process of forest regulation. The Forestry Commission/Natural Resources Wales are the competent authority with respect to Environmental Impact Assessment (Forestry) Regulations. The Forestry Commission reports on the sustainability of UK forests in the Global Forest Resources Assessment and Forest Europe indicators and compiles annual statistical information. These various sources of information indicate that forests in the UK are managed on a sustainable basis.
- 5 Endangered Timber Species** - There are no endangered timber species present in the UK.
- 6 Assessment of UK grown timber by the certification schemes** - The two major international certification schemes, FSC and PEFC, have assessed GB as being of low risk in terms of their "Controlled Wood" and "Avoidance of Controversial Sources" respectively. This allows up to 30% of non-certified GB grown timber to enter supply chains. Approximately 80% of timber coming to the market in the UK has been independently certified as coming from well managed forests. This is in addition to the regulatory processes outlined above

Notes for completion of form

If you are a landowner, harvesting and selling the trees, then complete this form and keep it with the felling licence/management plan (as appropriate) and details of the contract for sale of the timber.

If you are buying the timber 'standing' and harvesting the trees, then complete this form, ask for the felling licence/management plan reference (as appropriate), and keep this form with details of the contract for purchase of the timber.

If challenged, this documentation will help demonstrate compliance with the legislation.

It is important to keep a record for at least 5 years, as required by the legislation, of timber sales and purchases.