

Applicants Focus Group Meeting
National Conference Centre, Birmingham
19th May 2016

Group Members Present:

Lawrence Weston, Brian Fraser, Caroline Harrison, Matthew Willetts, Claire Robinson, Mike Seville, Andy Shirley-Priest, John Blessington, Richard Sochacki, Matt Taylor, Graham Garrett, Kevin May, Sam Neck, Joe Watts (Chair).

Non-members Present:

Jessica Curzon, Matthew Woodcock, Alec Rhodes, Mike Render, Penny Oliver, Richard Britton, Rob Green.

Apologies:

Chris McGloin, Elizabeth Stockwell, Eddie Husband, Neville Elstone, Julian Ohlsen, Paula Reading, John Lockhart, Nick Phillips, Kate Hawley.

Notes:

Si James.

Actions from the Meeting

Action number	Owner	Action	Response (for November Meeting)
1	Rob Gazzard	UKFS compliance item at November meeting	
2	Sam Neck	Check and clarify transfer/succession requirements in relation to CS and legacy schemes.	
3	Rob Green	Regs Review – Clarify consultation thresholds for EIAs, reference question from Rob Green.	
4	AFG members	Advise Kevin May regarding CS mapping issues to evidence concerns raised	
5	FC	Consider request to identify the professional standing of applicants (Forestry/Non-forestry agents)	
6	KM	Provide a response to concerns around the recipients of agreements/claims. (Agents/main agreement holders)	
7	KM	What is the update frequency of AW LIS Layers	
8	KM SJ	FC to consider providing more agenda time on specific discussion.	
9	KH	FC to feedback on CS outcome reporting protocols	
10	SN	Consider use of NFU communications to update members on annual claim requirements	

1. Welcome and Introductions

2. Previous actions (see below) and briefing paper (KM)

Action Number	Owner	Action	Response
1.	Sam Neck/ Martin Froment	To liaise on guidance relating to photographic evidence requirements for CS and legacy grants to ensure they are consistent.	Closed Ref. Forestry Commission Operations Note 039
2.	Kevin May	Distribute the leaflet 'The economic case for woodland management' and the FC response given to Andrew regarding the paper	Closed See Appendix 1 of November meeting notes.
3.	All	Please send feedback to questions on CS 2015 to Miriam for it to be taken into consideration for CS planning 2016	Closed Received from Caroline Harrison and Julian Ohlsen. Closed
4.	All/Alec Rhodes	Group to send comments to Alec on the 'Forestry Innovation fund' by 20/11/15	Closed
5.	Steve Scott	Share the digest on the activities of all the LEPs with the AFG	Closed See Appendix 2 of November meeting notes.
6.	Alec Rhodes	To arrange a workshop with AFG members to look at longer-term proposals to change how we regulate	Closed - workshop held 19 th January 2016

November notes agreed. Noting need to cover UKFS compliance (next meeting) and Earned recognition (agenda item 3).

Finance Paper

Ref: page 2 and 3 of the Briefing paper v2 (Paper 1)

Error correction: Please note 15/16 Forecast now reads 16/17 Forecast. The figures have remained unchanged.

Comments:

Concerns raised regarding transfer of obligations and clarity of the rules for legacy and current schemes. It was mentioned that the CS manual is incorrect as NE applies the same rules to legacy and current. It is likely that the disparity is due to NE changes and European changes not affecting FC.

Action: FC to check if there is a difference, explain findings and give clear guidance. The debate continued to include the subject of Penalties and the explanations provided

in the Stewardship manual, it was suggested that 10% is not mentioned. Check manual.

Section **7.3.13** of Higher Tier Manual (2016 version), page 81 of CS Manual 2015 version and section **7.4.8** of CS Woodland Creation Manual 2016.

3. Regulations Review: KM/SN/AR Ref: Presentation 2.

KM set the context. Following workshop in January FC have made the distinction between "deliverable" and "for development" using criteria of IT and legal dependencies.

Feedback sought to inform approaches.

For Delivery now:

Service Standard for Management Plan Approvals

National roll out only after pilot, FC recognise that we must test before release. Concerns raised over approval criteria and failing the 28 days. FC will encourage ways of working of early site visits before formal submission for approval. Sector would like clarity on who needs to instigate a site visit. Site visit may not always be required but is recommended. FC acknowledges need to be careful with terminology, site visits are advised, ultimate decision is with owner, but submission without a visit may not support quick approvals. Concerns were raised regarding WO capacity.

FC appreciative of the comments as they are similar to the concerns we have internally. The pilot will be fully evaluated before any roll-out. AFG would like to tie grants to this process. FC see it as two distinct processes, only the regulatory part is in scope here. Service Standard needs to sort out minimum approval criteria required. Private sector needs easy and ready access to obtain information to put in to the plan. There was agreement on there being value in visits; however the high capacity requirement of repeat visits noted.

The group also suggested plans should be approved in principle, with acceptance to amend within 28 days, it should also be acknowledged the cost and time of the felling licence process

Parallel Consultation

Undertake consultation in parallel rather than in series. Speedier service can be achieved by undertaking some processes in parallel rather than series. FC will change “ways of working” to support initiating consultation processes in parallel with for example approving a Woodland Management Plan. General discussion around consultation, public register and tolerances. AFG members acknowledged that 80% of the time we will be better off following a parallel process and that the remaining 20% (when a further consultation may be necessary) will not take longer than currently. The point was made that it was the time taken of the end to end process from submission of a plan to final felling approval and final approval of the plan that was the ultimate measure of the performance of any system

FC says that there needs to be synergy between Service Standard and consultation. The AFG suggested 40 days, 28 days for consultation and 12 to sort the rest. FC were concerned we don't have control over that, hard to deliver consistency when we are reliant on consultees. AFG final comment was to establish a status for approval subject to consultation. The discussion was closed in order to keep to the agenda.

Deemed Approval, ref: presentation

Where restocking conditions on the felling licence application are supported by FC licence should be issued without the need for sending and return of letter. Where there is a variance then letter should go out but if not responded to within 14 days we issue licence on the basis of deemed approval. There was consensus to go ahead with this approach.

Areas of Regulatory Review – requiring further development

Statutory Consultation Timescales

Looking at scope for asserting existing consultation deadlines and where not in place establishing them.

John Blessington stated that we have timeframe obligations; TPO's are 8 weeks, so conflicted with the slide. AFG members questioned if this was legislation? John Blessington was referring to the Blue book. What is the trigger for TPO consultations? Local authorities are consulted by FC. AFG members raised concern that they adhere to timescales and some consultees don't. Members questioned if non-statutory consultees are really required, and highlighted their frustration that FC include more and more “unnecessary” consultees.

The AFG were concerned that the agenda did not allow sufficient time to allow sufficient contribution to this important subject. **Action:** AR to arrange an intermediate telecom ahead of the next meeting.

Thinning Licenses, ref: presentation

AFG member highlighted that the definition of thinning was very important. Why not offer deemed approval/service standard within 14 days and improve the IT system to allow this to be done. FC said it is important to get the system right before it is automated. There was a general consensus that this approach is 'good to go'.

IT Developments, ref: presentation

AFG members would like to utilise their own or have systems to produce digital maps – current position re CS is retrograde. Mapping issues run compliance risks for sector. **FC Felling Licence Database** is currently being upgraded which will ultimately support on line felling licence applications.

Public Register – within scope for development; The AFG were concerned that a more visible register will lead to more public consultation meetings. Some members were uncomfortable about allowing the potential removal of clearfelling from PR, this might provoke public concerns. A need to use the PR to support public understanding of the forestry sector.

Amending of EIA thresholds- AR

Likely going to consultation – now with Defra to consider next steps.

4. Statutory Plant Health Notice (SPHN): SJ

An explanation was given of the rationale for change that would allow enforcement of biosecurity measures through removing time bound expiry dates only lifting notices through an application process with FC.

Points raised:

- Wider consideration of SPHNs – have they been successful in limiting the spread of P.ramorum? Particularly if spores remain on site, was it worthwhile removing the larch given that there isn't a requirement to restock?
- Sweet chestnut on the same site - felling this under a non-expiring SPHN and having to treat the timber as infected without the same process linked to supply chains to deal with this as exists for larch
- Concern about process to review and lift SPHN at a future date, the notice would be perceived as a charge on the land. Impossible or very subjective to have this removed? Responsibility on the land owner to prove a negative i.e. infection/spores no longer present. Delays caused by FC administration.
- Call for wider consultation with the sector about the potential impact of extending the expiry date particularly in the South West
- Recommended consultation with Natural Resources Wales
- Level of risk for the land under an SPHN vs adjacent land that doesn't hold an SPHN
- Opposition from CLA regarding the value of a non-expiring notice and potential disengagement with land owners

JW concluded that some valuable points had been raised and, once the FC had reflected on these, that this topic would come back to the next meeting

5. Woodland Creation – Jess Curzon Defra

Defra Implementation Unit look at meeting the manifesto commitment of planting 11 Million trees

- What are the barriers to planting?
- How can we increase take-up?
- What are the opportunities?

Points raised:

- CONFOR has replied to Jess and will provide further evidence, as a request has gone out to members. Caroline Harrison asked Jess to contact the reps she had suggested.
- There is a need to understand that tree planting is a big change to the economic model on land, annual income to cash crop. From year 10 there is no income.
- Investment case where an owner comes in to invest can be made, however agricultural land is more valuable than forestry.
- Customers need confidence that they don't need to do an EIA statement.
- Lack of confidence to plant B/L for commercial purposes. Creation grants don't cover costs, land availability is questionable. Adversely conifer diseases are a fear.
- Agri land better return than Forestry
- Concerns were raised regarding species restriction.
- Integrated policy with NP and flooding. Reduce owner obligation to plant making it clear where I can plant, too many battles.
- Brian Fraser - Targets not going to be met. Stable sustainable market. Need to change and listen as the nursery industry will disappear and move to continent
- Confor provided a reminder of the lack restocking support
- Concerns of the short application windows, unable to predict offer. FC asked for views on submission window applications
- AFG members say that they wasted window due to map errors, owners not attracted to planting. Solar 'farming' provided instant cash – land income returns clash.
- CS not meeting target – opportunity mapping should show where we can't plant
- NFU - Agri is much simpler compared to Forestry with their different rules that are laborious and act as barriers
- A need to educate owners – must include urban in grants

Round table request for points to make to Forestry Minister:

- Make grant easily available
- Reduce bureaucracy
- Amend legislation to allow policy change

- Face up to the problems in the uplands
- Plant to ensure market value
- “Proper” Forestry and market focused
- involve public to engage
- Speak to Mike Seville more fully
- True diversification, not just broadleaf

Action: SJ to circulate JC contact details for any further feedback.
Jess Curzon would like to thank the group for their feedback.

6. Woodland Creation Planning Grant: Alec Rhodes (on behalf of Paula Reading - Defra)

AFG comments:

- The planning grant was a refreshingly easy process
- LEP wouldn't approve application because they didn't know about it

FC will convey to Defra the need for better engagement with LEP's

7. Countryside Stewardship 2015, 2016 and 2017: KM/MW

CS 2015

FC communicated metrics of agreements from the 2015 application round.

Matt Taylor – explained to the group that he could not 'sell' CS as it is not viable financially – and provided the group with hard copies of examples of grant rates and costs of operations.

CS 2016

FC communicated improvements made and metrics of applications

Points raised:

- Having to wait for the application packs narrows the submission window (apply charter times)
- Frustration that the RPA maps are not to standard scale and are of “poor” quality
- A question was raised regarding: Of the mixed schemes how many were done by forestry agents? Are they being done by farm agents?
- AFG member highlighted concern over agreements being sent to the owner and not to the agent for woodland creation.
- FC stated importance of FC building good local relationships with Natural England Technical Services
- General concerns raised around different requirements for Agent Authority forms – FC are trying to rationalize use of AA forms – currently there are 2 versions, linked to woodlands, one for grant purposes on gov.uk and the other for felling licenses on the FC web-site
- FC stressed flexibility in relation to work requirements for WD2 woodland improvement – all appropriate prescriptions need to be undertaken but specific quantities would be discussed and agreed with WO's.

CS 2017

FC is looking to establish a position of static forms, guidance and manual.

Programme Modification – change requirements.

Action KM to seek AFG feedback on their requirements – mindful to managing expectations for change.

FC to work towards moving Woodland Planning Grant and Tree Health support from Glos and Admin Hubs to siti-agri and NE TS.

8. Standard Costs Working Group: MR

Ref: Briefing Note (paper 1)

Standard costs are reviewed regularly – FC working group is in place to support. Mike to communicate expansion of scope, linked to CS costs, to working group members. There was overall support for the working group scope to expand.

9. AOB

CR – CS annual claims all submitted? KM – 100% for CS; not the case for legacy.

All attendees thanked for positive and constructive feedback and dialogue across a range of topics.

Meeting Closed.