

Notes / Action Points From The Meeting of the Applicants Focus Group (AFG), Held at the Novotel Hotel, Birmingham 30th October 2007.

Present:

Richard Britton (FC chair), Andrew Smith (FC), Craig Harrison (FC), Richard Sochacki (ConFor), Judith Webb (ConFor), Tim Shardlow (ICF), Neville Elstone (ICF), John Jackson (RFS), John Lockhart (RICS), John Morris (SWA), Mike Seville (CLA), Paul Nolan (Community Forests), John Blessington (LA's), Steve Hunt (FC), Simon Pryor and Paul Johnston (FC).

Apologies:

Andy Sharkey (Wildlife and Countryside link), Andrea Graham (NFU) and Matthew Biddle (FCA)

Item 1 Welcome and introductions:

Richard Britton welcomed everyone to the meeting, especially the new group members. For their benefit, Richard gave a brief background to the Applicants Focus Group and format for the day.

Item 2 Matters arising from previous meeting (2nd May 2007):

Action Point	Progress
1. AFG Minutes published on the FC web site	The web page had been published within the general customer relations' area and includes a summary of the AFG. The group agreed to the process that ensured the AFG final draft minutes (with associated papers linked within the minutes) are published within 1 month of the meeting and formally signed off at the next meeting. Action 1: Draft minutes to be sent to group members within one week of the meeting. Members to respond within two weeks. Publication of the final draft minutes and papers within one month of the meeting. Minutes to be finally approved at following AFG meeting.
2. GLOS reporting	Remains open as a standing action.
3. GLOS development	Andrew will continue feeding views of AFG members to GLOS Programme board – ongoing. Acknowledged that there were still major concerns, especially with regards to reliability of the system. FC needs to continue liaising with pilot users.
Minutes 2 nd May	Members raised the over use of acronyms in minutes and papers, especially for new group members. Action 2: FC to produce a list of standard acronyms used, for members. A similar Grants & Regulations related

	list will be produced on the relevant web pages
Minutes 2 nd May	An action point from the previous meeting (12 th October 2006) was identified as still outstanding. Action 3: Invite FC Head of Development Group (Alison Field) to future AFG meeting.
4. Issuing provisional contracts	On the agenda for this meeting.
5. RLR on LIS	On the agenda for this meeting
6. Land registration	On the agenda for this meeting
7. EWGS Terms and conditions	On the agenda for this meeting
8. Remittance advice notes	Work is ongoing with remittance advice notes received by customers, the plan being to provide scheme number, name, breakdown of grant payment and any deductions made (e.g. set aside). The role of agents is also progressing. The aim is to set out the agent roles at the beginning of the application process, which the owner simply signs off at contract approval stage.
9. MOGAL and E-business	On the agenda for this meeting
10. EPS	On the agenda for this meeting
11. EPS presentation	On the agenda for this meeting
12. EPS draft guidance	On the agenda for this meeting
13. Red Band Needle Blight	Craig gave an update on Red Band Needle Blight. There had been some misunderstanding re interpretation of guidance, but this had now been clarified. There was no outright ban on planting CP and each case should be considered on its own merits. Schemes including a significant proportion of CP that we felt would be highly susceptible may be refused. Regions should submit such cases to National Office input before a final decision is reached; to date no referrals have happened, though a few applicants are still proposing small proportions of CP within a scheme. Action 4: National G & R team to ask Forest Research to update the species susceptibility paper.
14. FC staff availability to assist private sector source other funding streams.	Richard confirmed that FC staff resource would be available to assist the private sector to access funds for building up capacity, mainly targeted at helping with access to RDPE Axis 1 opportunities.. However FC were currently concentrating on the "Woodfuel initiative", especially in the SE, East and SW Regions, where the RDAs had shown strong interest. FC will shortly be advertising for a National lead for this project, in order to take this forward. Group members were pleased at the current impetus. Recent moves of FC staff into local RDA teams, should help to highlight further opportunities. AFG members requested that any future initiatives aimed at supporting small businesses to expand must be simple to apply for. We need to source

	under used funds from existing mechanisms to ensure that this funding does not get lost.
Minutes 2 nd May	Further action point from previous meeting (12 th October 2006) identified as still outstanding. Felt that co-ordination between FC G & R team, Forest Research and Programme Group still needed addressing. Action 5: Neville Elstone, with colleagues assistance where appropriate, to draft a paper for the next AFG.

Item 3 AFG Terms of Reference (ToR) and Operation. (Paper 8)

The ToR was introduced by Richard and had been amended to take account of the broader remit of the group.

Group members noted that some members were identified as representing the Woodland Trust and Royal Society for Protection of Birds, when in fact they attended on behalf of the “Wildlife and Countryside Link”. The assumption was that the ToR referred to EWGS only. This should be expanded to include opportunities to highlight other funding routes, such as RDPE Axis 1,3 and Leader, but Axis 2 (EWGS) and Regulatory issues would remain the focus. The current ToR should be widened in order to accommodate discussion on other topical subjects.

Action 6: Steve Hunt to amend the ToR as appropriate.

Item 4 Rural Development Plan for England – programme and EWGS updates. (Paper 9)

Andrew Smith apologised for the late circulation of the paper, explaining the situation is very fluid and changing daily. 124 queries had been raised by the EU on the programme submission, of which 8 related to EWGS; all had been addressed. Defra hope to get the plan onto the EC Rural Development Committee meeting in November for approval. If this happens we are hopeful that FC will be in a position to start signing contracts at the beginning of January.

In the meantime FC are seeking permission to produce provisional contracts for WCG and SSSI WIG grants, as these are both time critical. Defra plan to make a submission to the Permanent Secretary by the end of the week and would hope for approval by Monday 5th November.

Andrew highlighted the way funding of the EWGS grants was being changed between EU and state aid. WRG is completely state-aided as will Public Access Management grant. Rural Development Regulation changes are likely to have a major impact on farm woodlands. Changes to the definitions of “farmer” and “non-farmer”, and the capping of payments to 150 Euros/Ha/yr for the latter, may have a major impact on the area of potential new planting being undertaken by hobby farmers or those whose main employment is elsewhere from the farm. FC had requested a State Aid to “top up” these payments, but this is very unlikely to be approved by the EC. This raised great concern among group members - the changes could significantly affect many applicants including the current round of schemes, affecting the viability of many. The issue is likely to hinge on the definition of farmer/non-farmer

from an EU/RPA perspective. Members stressed the need for clarity and simplicity when establishing these definitions (maybe as simple as “anyone in receipt of SPS payment”).

Action 7: FC need to clarify with RPA “internal” agreement of “farmer” and “non-farmer” definitions, including “agricultural income”.

Action 8: AFG members to feed back to FC as soon as possible issues that they would wish raised with RPA during discussions.

Action 9: Once agreed, FC to issue guidance to owners and agents as soon as possible in order that they can fully consider what effect this may have on current applications.

Andrew had provided a set of grant figures similar to those supplied to Confor for consideration.

The issue of partnership funding was raised and Andrew confirmed that the current level of funding would continue for the time being.

Action 10: Group members to review figures in their own time and raise issues at the next meeting.

The current situation with customer and land registration was discussed. Andrew highlighted the fact that FC will most likely be required to ask for SBI numbers from all claimants of grant, as from 1st April 2008. Concerns were raised about the likely pressures on RPA if all owners decided to register at the same time. Generally it was felt that many, apart from small woodland owners, were likely to be registered already. Andrew raised the technical problem with maps to help owners identify what areas are registered; the maps may not show all the registered land. AFG members felt in the mean time that any map would be better than no map! FC is still aiming to encourage owners to register land and ownership by the 1st April 2008.

Action 11: FC to identify the best way forward with regards to the mapping issue. FC plans to re-affirm to customers the necessity to register land and ownership prior to the 1st April 2008. Identify how best this can be achieved and implement ASAP.

The introduction of cross checking may result in owners or agents being contacted by WO's where there appears to be a conflict and potential double funding issue.

Item 5 EWGS Terms and Conditions (T's & C's). [\(Paper 10\)](#)

Craig introduced this paper. Due to lack of time the discussion focussed on consultation and the issue of provisional contract T&Cs.

The group agreed with the consultation proposals on the basis that AFG members would highlight the exercise to appropriate members of their organisations

Action 12: Craig to publish a T&Cs consultation webpage and inform AFG members. AFG members to refer colleagues to it and collate responses for Craig

The group noted the change in “Transfer of Obligations” procedures. Craig explained the Operations Note that was published in 2006 and national email alerts that have been sent. The change does not appear to have been picked up by many applicants and the FC will continue to raise awareness.

Action 13: Craig to draft a 250-word editorial for the Law Gazette which would also be available to members to distribute through their separate organisations.

It was agreed that if provisional contracts were given the go ahead, draft T & Cs’ could be used. The provisional contracts would retain the ‘draft T & Cs’ even if the finalised ones were different. Further issues discussed involving Force Majeure, changes to the way reclaims are assessed and future penalty regimes, which will all be picked up in the consultation / redrafting process.

Item 6 *GLOS/Farm Woodlands/Paying agency update.* (Paper 11)

Andrew introduced this paper, giving a brief update on where the FC is with FWS and FWPS payments, along with the issues that processing had raised. Still some uncertainty as to how many claims will be paid. Andrew identified an issue regarding problems with printing remittance advice notes at the same time that payments were made and FC concern that this might cause concern. Discussion as to whether this would be an issue or not.

Action 14: FC to continue paying claims as a priority, and to follow these up with remittance advice notes as soon as the system would allow. FC to send an e-mail alert to owners and agents where possible, warning them that payments are due shortly.

Concerns were raised over the continuing problems faced by those attempting to apply for EWGS electronically. Problems included processing times, stability of the system, failure to print contracts, mapping and lack of email messages. FC confirmed that there was to be an increasing effort and further investment over the coming months to improve the stability of the system, but in the meantime registered GLOS users should continue to feedback any issues with examples to the FC.

Item 7 *ETWF Delivery Plan update.* (Paper 12)

Paul Johnston introduced this paper and outlined the background to the planning process. Paul emphasised that the plan was a medium term project and that things would evolve gradually, so there will not be any sudden changes in direction! The delivery plan would be used to help compile both the FC and NE corporate plans.

Identified that communications were one of the most important aspects of the plan and went on to outline why the AFG needed to be involved in the process, and what role he saw them fulfilling.

Action 15: Members to read through the paper and identify how best the FC can communicate with individuals from the represented organisations (web, email alert, letter etc.).

Members to contact Paul with any issues, concerns or requests for information. Relevant issues would then be fed back into the process for updating others.

Members made the point that communication was a two way process and that FC needed to have landowners fully on board. Wording was therefore crucial. There was a raised that following the three-day workshop that had been organised in Reading there was a need for feedback to participants to explain how the information has been used.

Action 16: Paul and Claire White (NE) to draft a briefing paper to go out to the forestry press / organisational papers, with links to the web pages if possible, updating people on the current situation.

Brief discussion regarding productive woodland management and the need to represent a good balance between the three Themes of the Strategy. Confident messages about how the Strategy recognises the need for a better economic basis to underpin woodland management would be welcomed in communications to landowners generally. Members felt that the current wood fuel initiatives were not integrated with the main forest strategy. This needs correcting in order to demonstrate commitment to real delivery.

Item 8 *European Protected Species.* (Papers 13)

Simon Pryor gave a PowerPoint presentation on the current situation, which had changed considerably from the position that had been outlined at the previous AFG meeting in May. Guidance had been significantly changed, but Simon stressed that this and all the other supporting information was still interim. The intention being to finalise all documentation by the end of March. Although the legislation came into being on the 21st August, FC and NE had agreed that there was a need for a six-month consolidation period during which no prosecutions were likely as the legislation settled in. Further guidance would be produced for FC staff and owners and agents over the coming weeks. Some training had already been undertaken for FC staff with further training being identified for the forest industry as a whole over the coming weeks. Dates would be advertised and invitations sent out in the coming week. Further on site training on individual EPS management would be organised early next year. Concern was raised that with all the effort being directed at the Habitats Regulations, owners stood the risk of falling foul of other legislation such as the Countryside and Wildlife Act.

It was identified that there was a distinct difference between the guidance being given to agriculture and forestry. This caused concern and should be raised / discussed at the training events. Similarly there were differences in the guidance being distributed in England and Wales, that cross border agents and owners needed to be aware of. Although there was a desire to have consistent guidance it was recognised that England's approach appeared to be more pragmatic and that efforts should be made to reconcile Wales' guidance with England rather than the other way around!

Members thanked Simon for his efforts and the amount of work that had been done in ensuring that the industry would not be over burdened with yet more legislation.

Action 17: FC to consider whether a “Certificate of Attendance” could be issued to those attending training in order to help demonstrate that owners and agents have been actively involved.

Action 18: FC to ensure that all forestry organisations are contacted, as well as individuals, to ensure that as many people as possible are aware of the upcoming training.

Item 9 UKFS and guidelines revision..

Craig introduced this paper for information purposes. He confirmed many of the guidelines were being reviewed internally at present. The Water Guidelines is not under review. A wider external consultation exercise is planned for 2008. Concern was raised that the guidelines may not be compatible with UKWAS and every effort should be made to ensure that this does not become the case.

Action 19: Any members with comments or views please contact John Vaughan from the Programme Group in FCE, Cambridge.

Item 9 AOB Tree Safety Management.

John Lockhart gave an update on this issue. RICS had highlighted a problem with tree safety, especially alongside roads and were working with AA and ICF on some interim guidance. Separately to this the FC had identified the issues and the Tree Safety Forum had recently had its second meeting.

Three main objectives have been identified:

- a) Seek to establish if there is an interest in the wide group of stakeholders in producing guidance on managing trees in a safe way.
- b) Commission research to establish the real level of risk (seen as small). Inform any guidance/principles.
- c) Look to organise workshop / seminar to raise awareness of the issue and support for a united approach by the end of the year if practicable.

Contacts are Sir Harry Studholme, or Rachel Edwards (FC Bristol) if anyone would like to feed into the process.

One further item of AOB was discussed prior to close of meeting. Christmas trees fell out-with grant aid through forestry and also SPS. Could FC consider any assistance? Andrew pointed out that Christmas trees were identified in the EU regulations as being not eligible for grant aid, so nothing could be done. He also pointed out that they were potentially the subject of the EIA regulations.

Date of next meeting – June Wells to contact members with possible dates for Spring and Autumn meetings in 2008.