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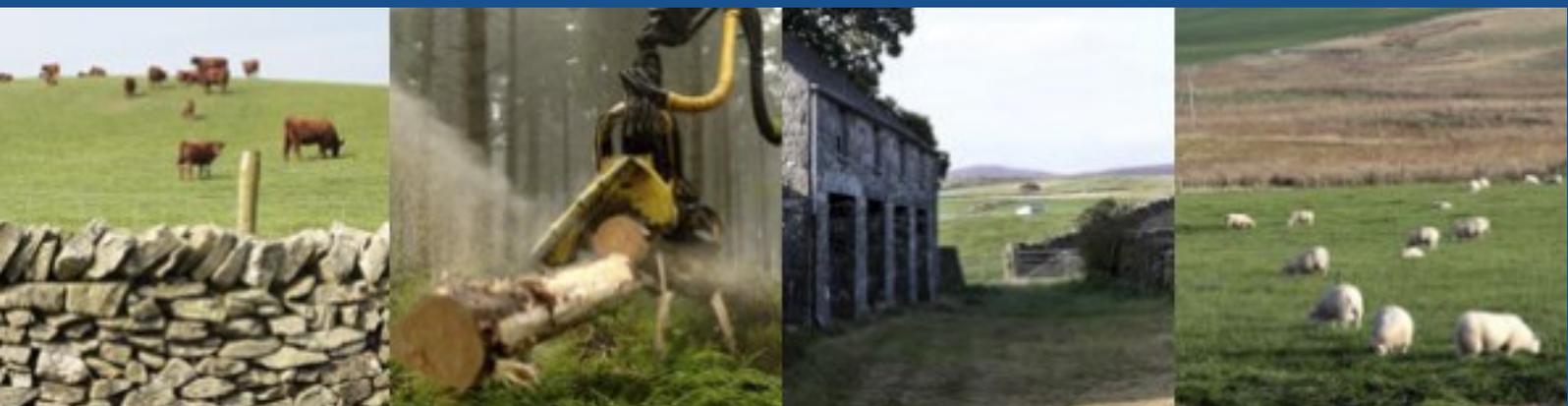
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Glastir

Glastir Woodland Creation 2015 Rules Booklet

Version 1 June 2015

Wales Rural Development Programme 2014-2020



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Key Messages

- This scheme provides financial support for new planting, fencing and in some circumstances, annual maintenance and premium payments.
- Financial support is also available for planting trees in areas that continue to be grazed as part of an Agroforestry system i.e. combining agriculture and forestry. See Section C for full details.
- You may be eligible to use land taken out of agricultural production for new planting under Glastir Woodland Creation grants to support claims on the Basic Payment Scheme (BPS) **provided** the land was used to claim Single Payment Scheme (SPS) in 2008 and you are in receipt of Woodland Creation maintenance and premium payments
- Field parcels established with scattered trees under an Agroforestry system may continue to be eligible for Basic Payment. A deduction will need to be made for the area of the trees in line with the BPS rules
- The Glastir Woodland Creation expression of interest has been developed digitally and is available through the RPW Online service. You will need a Customer Reference Number (CRN) and an RPW Online Activation Code before you can access the Glastir Woodland Creation Expression of Interest. For further information on submitting an Expression of Interest please refer to Section D of this booklet.
- This Expression of Interest closes at **midnight 17 July 2015**.
- You should read this Booklet and the How to Complete Guidance before you submit your online expression of interest.
- You should ensure that you can meet all the eligibility criteria for the full contractual period (see section C for details). The term of the contract is generally 13 years (1 year of tree planting followed by 12 years of maintenance).
- Following planting, you may be eligible to claim 12 years maintenance and premium payments. 5 years maintenance payments are available through the Agro forestry system.
- You will need to complete a Glastir Woodland Creation plan which must comply with UK Forestry Standard – the preparation of the plan may be grant aided provided the plan has been approved. You must use an approved woodland planner to produce a Woodland Creation Plan. A list of woodland planners will be provided to you if your Expression of Interest is successful.
- The minimum area of new planting is 0.25 ha and the minimum individual block is 0.1 ha. See Section C for full details.
- Subject to budgetary provision, several Expressions of Interest windows will be available each year during the 2014 -2020 Rural Development Programme period

- Details of the opening and closing dates for each Expression of Interest will be made available on the RPW online service, via Gwlad online (www.gwladonline.org) and on the Welsh Government website (www.wales.gov.uk)

STATE AID

1. Grants provided under this scheme are aid which fall within the scope of the State Aid frameworks because Articles 107, 108 and 109 Treaty for the Functioning of the European Union (TFEU) apply to support given for rural development under the Welsh Government Rural Communities – Rural Development Programme for Wales 2014-2020 (ref: SA 43466).
2. From 01 July 2016 the State Aid Transparency requirements set out in article 9 of Commission Regulation (EU) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union require any individual awards of aid above a €500,000 threshold (for Agriculture) to be reported directly to the European Commission on a 6 monthly basis. The information will be published via the Welsh Government and European Commission Transparency Websites.
3. Grant provided under the following options in this scheme is compliant aid because it respects the conditions set out in Article 32, 33 and 35 of Commission Regulation (EU) No 702/2014 (Agriculture Block Exemption Regulation).
 - Enhanced Mixed Woodland Glastir Option 803
 - Native woodland Biodiversity Glastir Option 801
 - Native Woodland Carbon – Glastir Option 802
 - Fencing – Glastir Option 595
 - Agroforestry – Scattered Trees Glastir Option 804
 - Woodland Creation Plan Grant

Section A - Introduction

This booklet is for land managers, including farmers, who intend to submit an Expression of Interest for Glastir Woodland Creation for works to be completed **by 31 March 2016**. The details contained within this booklet are not exhaustive and may be updated.

This scheme also supports the commitment of woodland expansion set out in Woodland for Wales (WfW), the Welsh Government's Woodland Strategy.

The Welsh Government is committed to planting more trees in Wales through the Glastir Woodland Creation scheme to deliver a wide range of benefits:-

- Provide shelter for stock and buildings from severe weather
- Control livestock movement by fencing out and planting inaccessible areas e.g steep dingles
- Grow a sustainable supply of fuelwood and timber e.g. for construction and fencing
- Establish habitats for wildlife
- Reduce the risk of downstream flooding and siltation in watercourses
- Screen out noise pollution e.g. from roads and railways

You will need to engage a Woodland Planner to prepare a Glastir Woodland Creation Plan which complies with the UK Forest Standard. This plan will set out your objectives when creating the woodland and how the woodland creation supports Welsh Government's objectives and delivers value for money.

The Glastir Woodland Creation scheme has introduced new opportunities to enable the establishment of agroforestry systems. See Section C for details

It is important however that if you are taking up new options such as agroforestry, you are able to show how you plan to introduce this system through your woodland creation plan for the benefit of the farm. In particular, agroforestry will only be supported where there is a clear intention to maintain the system in the long term, to continue integrated agricultural and forestry practices with active use of the land for grazing for the full duration of your contractual commitment.

Glastir Woodland Creation is jointly funded by the Welsh Government and the European Commission as part of the Rural Development Programme for Wales for 2014 to 2020.

Glastir Woodland Creation is governed by the Rural Development Programmes (Wales) Regulations 2014 SI No. 3222 (W. 327) which applies to the Rural Development Programmes, Council Regulations (EU) No. 1305/2013, 1303/2013 and (EU) No. 1306/2013, Commission Regulation (EU) No. 808/2014 and (EU) No. 809/2014 and Commission Delegated Regulation (EU) 640/2014 and 807/2014 (all as amended from time to time). Copies of these Regulations are on the Welsh Government web site at www.wales.gov.uk or copies can be requested from the Rural Payments Wales Customer Contact Centre.

Section B – Eligibility

To be eligible for Glastir Woodland Creation you must:-

- Have registered as a customer with Rural Payments Wales and have been issued with a Customer Reference Number (CRN). You must have registered your land with the Rural Payments Wales Land Parcel Identification System (LPIS). You do not need to be a farmer to do this.
- Have a minimum of 0.25 hectares of eligible land.
- Be the sole claimant of European Aid schemes (e.g. Basic Payment Scheme and Glastir) on the land.
- Have management control over the land for the duration of the contract and the full commitment period.
- Be a public or private land holder, municipality or an association including community groups planting on publicly owned land.

Land eligibility requirements

To be eligible for a Glastir Woodland Creation Contract, the land must:

- Consist of field parcels that are 0.1ha or greater in area and be located in Wales – note that the term field parcel does not imply that this must be agricultural land.
- Not be existing woodland
- Not be used, for the duration of the woodland creation contract, to grow Christmas trees or a short rotation biomass crop. Christmas trees may not be used as a nurse crop. Short rotation means less than 8 years.
- If it is an agroforestry option the land must continue to be grazed, for the duration of the contract and commitment.
- Have received all necessary consents from relevant organisations e.g. NRW, CADW in order to plant on designated sites in compliance with the UK Forest Standard.

Sources of other funding

If you are receiving payment from any other source for the works that are required under Glastir Woodland Creation, this would be considered as double funding. This may include payments for activities from the Nature Fund.

Please note that it is your responsibility to ensure you do not enter into a Glastir Woodland Creation contract which overlaps with any other agreement and that there is no conflict of requirements between schemes. If it is established that you are or have received funding

from another source for commitments under Glastir Woodland Creation, this could result in financial penalties, the recovery of payments and possible termination of your Contract.

Woodland Carbon Code

Tree planting can remove carbon dioxide from the atmosphere. The Woodland Carbon Code promotes carbon trading and trees planted under the Glastir Woodland Creation scheme may be eligible as a woodland carbon project. The woodland carbon code requires those who list woodland carbon units for trading to demonstrate that the carbon funding sought is necessary additional funding for the woodland creation project. This “additionality test” ensures that there is not an issue of double funding and provided that the test is satisfied, there will not be double funding.

All projects which apply to Glastir for the Native Woodland – Carbon option must register their proposal with the Woodland Carbon Code. You must do this before your first claim. Further information can be found at www.forestry.gov.uk/carboncode. Registration with the code is the first step towards full validation and verification of woodland carbon units generated by the project. Taking this first step involves calculating the amount of carbon that the project will sequester over its lifetime.

Section C – Glastir Woodland Creation Grants

Capital Works

If you are successfully selected for Glastir Woodland Creation you will be required to complete a Glastir Woodland Creation Plan that complies with UK Forest Standard ([Forestry Commission – UK Forestry Standard and Guidelines](#)). The Woodland Creation Plan will be approved by Welsh Government. Following approval of the plan, eligible Capital Works items listed in the plan can be included in a Glastir Woodland Creation Contract. This section details the capital works items, maintenance and premium payments available under Glastir Woodland Creation.

- Capital Works, Establishment grants for planting trees. The grants are claimed by the contract holder following planting. See Table 1 for details of woodland categories and grants.
- Fencing grant rates of £3.48/metre which meet with the Glastir technical fencing specification are available. This is for full stock exclusion of a new planting area. You can upgrade to deer or rabbit fencing at your own cost but this must be in addition to the standard stock fence.
- Please note: Areas afforested under Glastir Woodland Creation may be eligible for Basic payment scheme (BPS) for the duration of the contractual commitment provided it was used to claim Single Payment Scheme (SPS) in 2008 and you are in receipt of Woodland Creation maintenance and premium payments. There are specific crop codes to be used when claiming BPS under these circumstances. You should refer to the SAF rules booklet for full details. It will only remain eligible for BPS whilst the area remains within an agri-environment scheme and you are in receipt of the maintenance and premium payments.

Agroforestry Grant

- Agroforestry can be described as an integrated approach to land management, where trees and agriculture co-exist to provide multiple benefits.
- Welsh Government is committed to providing a flexible range of options for farm woodlands. Glastir Woodland creation makes a start by providing greater flexibility for woodland design to allow shelterbelts and small groups of trees down to 0.1ha in an individual block. We are complementing this by offering a single agroforestry option in this Expression of Interest. This will provide for establishing 80 scattered trees per hectare on permanent grassland which is also grazed at least at typical stocking levels for the land in question throughout the period of the contract. The stocking levels will be defined within your contract. This is in line with our phased introduction of Glastir

Woodlands. Additional options may be introduced in future rounds if our experience of developing agreements with this initial option is successful.

- If you are applying for an agroforestry grant you will need to demonstrate through the woodland creation plan that your proposal is sound, and that it is integrated into your agricultural business in the long term.
- See Table 1 for the Agroforestry grant specification. The land must be permanent pasture land and continue to be grazed. A crop of silage or hay can also be taken from the land. The agroforestry option is intended to support the establishment of a new agricultural system – it is not just a tree planting grant.
- The grant rate shown is based on planting, individually fencing and protecting the required number of individual trees and maintaining these so that they become fully established whilst also maintaining agricultural activity on the area for the full contract period.
- Premium payment is not payable on these areas because they will remain in agricultural production and the trees must be fully established as an agroforestry system in five years following initial planting.
- The area under agroforestry must be retained for five years after the year in which the trees are established.
- There will be a requirement to keep a stocking diary to record the grazing undertaken each year.
- The land planted under the Agro-Forestry measure will remain subject to cross compliance regulations. This includes maintaining the land in good agricultural and environmental condition. Any breach of Cross compliance will be subject to a penalty.

The field parcels established with scattered trees under the Agroforestry may continue to be eligible for Basic Payment with a deduction for the area of the trees which are fenced off provided that this means that including any pre-existing trees, there are less than 100 scattered trees over the parcel. You should refer to the SAF guidance booklet for details of how to assess parcels with trees.

TABLE 1 WOODLAND CATEGORY, SPECIFICATIONS AND GRANT RATES FOR GLASTIR WOODLAND CREATION

Woodland Category	Glastir Capital Works No.	Specification	New planting payment £ per ha	Annual Maintenance payment £ per ha	Annual Premium Payment £ per ha
Enhanced Mixed Woodland	803	<ul style="list-style-type: none"> • Minimum of 5 major species (at least 10% of each) • Minimum of 25% broadleaves inclusive of woody shrub element • Maximum 10% woody shrub element • No more than 50% of a single species • Stocking density 2,500/ha 	3,600	60 (Years 2-12)	350
Native Woodland - Carbon	802	<ul style="list-style-type: none"> • Native species mixture • Suitable provenance planting stock* • Maximum 20% woody shrubs allowed • Stocking density 2,500/ha <p>It is a requirement you register your new planting scheme with the Woodland Carbon code.</p>	4,500	60 (Years 2-12)	350
Native Woodland - Biodiversity	801	<ul style="list-style-type: none"> • Native species - mix should be site native and largely conform to Habit Action Plan types (for example upland oak, lowland mixed deciduous woods) however local conditions may necessitate some variation from these. • Suitable provenance planting stock* • Maximum 20% woody shrubs allowed • Clumped distribution of species with variable spacing • Stocking density 1,600/ha 	3,000	60 (Years 2-12)	350
Agroforestry – scattered trees	804	<ul style="list-style-type: none"> • 80 trees per hectare • Not eligible for fencing grant • Not eligible for Premium payment 	1,600	30 (Years 2-6)	N/A
Fencing	595	Post and wire fencing and stock netting	3.48/metre		

Notes on Table 1

- All trees must be selected for suitability to the site conditions. There should be no planting of larch or other species at immediate risk of disease.
- Indications from Research are that the use of locally native provenance alone may not be resilient enough to cope with predicated climate change. Guidance is being developed on widening the genetic material used within a species.
- No more than 10% alder should be planted in riparian areas because of its ability to contribute to acidification through nitrogen fixation and nitrate release.
- New planting guidance will be on the Welsh Government website www.wales.gov.uk

Premium Payment

Premium payment is an area based payment which is intended to compensate for the income foregone for the stock exclusion of agricultural land. A payment of £350/ha is available for 12 years. It is not available under Agro Forestry.

To be eligible to claim Premium Payment, you must submit an annual online Single Application Form via RPW online and claim against each eligible field parcel included within your contract

Maintenance Payment

Maintenance payment is payment to maintain new planting for the duration of the 12 year contractual period. A payment of £60/ha is available for 12 years. This payment is for 5 years under Agro Forestry and is not available on publically owned land. Maintenance includes weeding and the replacement of dead trees and regular inspection. There will be a requirement to keep an activity diary to record the maintenance undertaken each year.

We expect you to maintain the trees you have planted in accordance with normal sustainable forest management practices. You must protect the trees you have planted against damage and that includes damaged caused by competition from weeds, insect pests and grazing animals such as rabbits, hares and sheep. The maintenance grant is based on periodic weeding and replacement of dead trees with new ones. When we inspect your trees we will expect to find that they have been properly established. They should make reasonable height growth each year so that by five years old they are 5 to 6 feet (1.5 to 1.8m) tall or higher. There should be a weed free area around the base of each tree – this is particularly important in the early years, and the trees should be a healthy (green) colour with vigorous growth. There should be no browsing damage and no evidence that the area protected from grazing has been used by livestock. Trees which fail to thrive should be replaced. Advice about looking after your trees is available on the Welsh Government Website and from Welsh Government's Farming Connect service and the Forest Management Planner will provide you with advice when drawing up your plan.

Minimum size of new planting

- The minimum area of new planting is 0.25 ha with a minimum individual block of trees of 0.1 ha.
- There is no fixed minimum width but the trees must be fenced and protected from browsing and the design of the woodland must be consistent with UKFS.
- There is no limit on the maximum size of new planting.

Stock exclusion

Where stock exclusion is a requirement, the area of new planting must remain free from livestock for the full duration of your Glastir Woodland Creation contractual commitment.

Open Space

Scattered and un-mappable open ground (i.e. less than 0.1ha) can be included within the planting area up to a total of 15% of the total area. Areas of unplanted and open ground of 0.1ha or over must be mapped and excluded from the grant aided area within your woodland creation. This needs to be noted on the Woodland Creation Plan. You will need to reduce the tree spacing in parts of the site to account for un-plantable ground to ensure the required number of trees in the contract are planted (see Table 2).

Table 2 – Spacing distances for varying percentages of open space Stocking density of 2,500 stems per hectare (Native Carbon mixture & Enhanced Mixed woodland)

% open space	spacing m x m	Stems/ha in net area
0%	2.00	2,500
5%	1.95	2,631
10%	1.90	2,777
15%	1.84	2,941

Table 3 Stocking density of 1,600 stems per hectare (Native Woodlands – Biodiversity)

% open space	spacing m x m	Stems/ha in net area
0%	2.50	1600
5%	2.44	1684
10%	2.37	1778
15%	2.30	1882

Existing scattered trees and shrubs

Existing scattered trees and shrubs have a high environmental value and should not be cleared for new planting but should be incorporated in the planting design. Shrub and scattered trees e.g. trees need to be mapped out in the same way as open ground if the area is more than 0.1 ha.

Section D – How to Apply

Making an Expression of Interest

The Glastir Woodland Creation Expression of Interest is available through the RPW Online service only.

If you are acting as an agent on behalf of a client, you will need to register as a Rural Payments Wales agent. If you have yet to do this you are advised to complete and return an Agent / Farming Union Customer Details (Wales) form immediately. This form is available on www.wales.gov.uk/rpwonline. Upon receipt of the form, we will send you an Agent Customer Reference Number (Agent CRN) and an RPW Online Activation Code. You will also need to complete an Association Authorisation Form to agree roles with your client. This form is available from www.wales.gov.uk/rpwonline

If you are acting on your own behalf and do not have a CRN or RPW Online Activation Code, you should contact the Customer Contact Centre on 0300 062 5004 **immediately**.

If you are already registered with RPW Online, access to the Glastir Woodland Creation Expression of Interest will be available via the 'Applications and Claims' Screen.

Expressions of Interest for a Glastir Woodland Creation contract closes at **midnight 17 July 2015**.

Guidance on completing your Glastir Woodland Creation Expression of Interest online is available from www.wales.gov.uk/rpwonline. If you need additional help to complete your online Expression of Interest, or are unable to complete this online, you should contact the Customer Contact Centre **as soon as possible** to discuss the digital support available to you.

Selection

Welsh Government will use geographical information to assign a score to each application received in this Expression of Interest. The score will be derived on the basis of the field parcel boundaries which are included in your expression of interest. This is because the layout and design of the woodland cannot be determined finally until after a woodland creation plan is drawn up later in the process. Each parcel will be assessed against a range of map layers which represent the opportunities that woodland creation will bring. A .pdf map showing the ramped potential score for woodland creation will be made available online. The scoring layers will be amended from time to time to reflect new information that becomes available about woodland creation opportunities and as the evidence that makes up the layers is refined

Details of the expressions of interest available will be publicised in Gwlad online (www.gwladonline.org) and on the Welsh Government website (www.wales.gov.uk). You should check these regularly and read the information on our website in conjunction with the content of this guidance.

Submitting an application – the Woodland Creation Plan Process

Once the selection process has been completed, a letter will be sent to you confirming whether you have been selected for this round of Glastir Woodland Creation. It is possible that you may be placed on a reserve list. If your Expression of Interest has not been successful, you will be notified by letter via your RPW online account with the reason for non selection.

You will need to engage a qualified woodland planner who is on the list of approved planners to complete a Glastir Woodland Creation plan. This service will be grant aided by Welsh Government provided your Woodland Creation Plan is approved. The woodland planner will write the Glastir Woodland Creation plan, which sets out the process of assessment, planning and implementation of a new woodland, including a new agroforestry system, in accordance with the UK Forest Standard. A list of approved woodland planners will be available on (www.wales.gov.uk/environmentandcountryside)

You will be provided with a digital map in pdf format outlining field parcels included in your Expression of Interest and a Woodland Creation Plan template which your woodland planner will need to use in compiling your plan. The Glastir Woodland Creation plan templates and guidance and mapping guidance will be available on RPW online. We are unable to accept alternative plan templates and maps and if submitted will render your application ineligible.

During the Rural Development Programme period (2014-2020), you can apply for two Glastir Woodland Creation plans under one Customer Reference Number. We also intend to fund one Glastir Woodland Management Plan when the Glastir Woodland Management Scheme is launched.

If your CRN covers a very large holding which is widely geographically spread, we may agree to fund management plans for separate properties within your holding. You will need to contact Welsh Government via the Customer Contact Centre on 0300 0625004 or rpwonline@wales.gsi.gov.uk to agree this in advance.

Consultation

The Glastir Woodland Creation plan needs to conform to the requirements set out in the UK Forest Standard. The woodland planner will need to gather information from other organisations and members of the public who have an interest in the woodland creation plan. This will include neighbours, interested parties and statutory bodies. For larger schemes a greater degree of consultation will be necessary. Welsh Government will not consult third parties directly, we expect you to ensure that the woodland planner does this on your behalf. The planner must include a report about the public consultation that has been carried out as part of the woodland creation plan.

The woodland planner will be required to seek consents from relevant organisations when planting within a designated site such as a Site of Special Scientific Interest (SSSI) or Scheduled Ancient Monument (SAM).

You may also need to obtain other consents if your application would have an impact on a protected species, or water body.

Environmental Impact Assessment (EIA)

The Environmental Impact Assessment (Forestry) (England and Wales) 1999 regulations provide that creation of new woodland, known in the regulations as afforestation, may if it could have a significant impact on the environment, require the consent of Natural Resources Wales before it can go ahead. The purpose of this legal requirement is to make sure that where appropriate an Environmental Assessment of the proposed planting is carried out. The regulations set out certain thresholds below which planting would not normally have a significant impact but it is the landowner's responsibility to obtain formal consent from Natural Resources Wales (NRW) if it is required.

The easiest way to make sure that you have got the appropriate consent is to ask NRW to give their opinion about a proposal. To make this process easier, Welsh Government will automatically inform NRW about your Expression of Interest if it is selected. NRW may then contact you or your agent or management planner directly to ask for more information before giving their formal opinion. We will not approve a plan until the EIA screening process by NRW has been completed.

To ensure RDP funds can be managed effectively, the Welsh Government will expect the Woodland Creation plan to be developed and submitted to a GWC verifier within a timescale that ensures that planting can be carried out in the next planting season. For this round of Expression of interest the deadline for submitting the plan is notified in the selection letter.

Submitting your Woodland Creation Plan and Supporting documents

Your completed Woodland Creation Plan, annotated digital map and any supporting documents must be submitted to the Welsh Government by the date specified in the selection letter via your RPW Online account.

Verification of your Woodland Creation Plan

The completed Woodland Creation plan will be verified by Natural Resources Wales. The Woodland Creation plan must:-

- Comply with the UK Forest Standard - <http://www.forestry.gov.uk/ukfs>
- Demonstrate value for money
- Follow Glastir Woodlands scheme rules

If the Woodland Creation plan does not comply with these requirements, the verifier will return the plan to the management planner until it is compliant.

Offer of Contract

Once your Glastir Woodland Creation plan has been verified you will be notified of the outcome and if acceptable you will be offered a Glastir Woodland Creation contract. The Welsh Government will send you a paper copy of your contract and contract map including the full terms and conditions. You will need to sign, witness and return your acceptance within 14 days of your offer notification. Any acceptance received after this date cannot be accepted and the offer of a Glastir Woodland Creation contract will be withdrawn.

If, after being selected, you decide not to proceed with your application or fail to return the signed contract within the time permitted, you will not be able to apply for Glastir Woodland Creation for a further 2 years.

If you decide to withdraw from the contract prior to the end of the contractual commitment, which is the end date on your contract, that will normally be 12 years following the year in which the capital works are fully completed, you will be required to repay all of the monies you have received under the Glastir Woodland Creation contract with interest. Furthermore you will not be able to apply for a further 2 years.

Starting Work

If you start work before signing the Glastir Woodland Creation contract, the Welsh Government will either reject the work started or terminate the contract and recover any payments made. An example of starting work is commencing planting without written consent from the Welsh Government.

Claiming Payment

Woodland Creation Plan fees

When the plan has been approved, you will be notified that you are now eligible for grant support for the costs of fees incurred for the Glastir Woodland Creation Plan. The grant will be paid to you and you will need to pay your management planner.

The fee for a verified Woodland Creation plan is £800.00

New Planting Claim

New Planting Capital works payments under Glastir Woodland Creation are paid at a standard cost rate. Capital Works claims are not claimed on the Single Application Form. To claim for Capital works completed by **31 March 2016** you must claim on a Glastir Woodland Creation Capital Works claim form which will be available via RPW online by **30 April 2016**. If you have not claimed your payment by 31 March 2016, you will be required to submit a declaration of the completion of the work by 31 March 2016.

Maintenance and Premium Payment Claims

These payments are area based payment and must be claimed annually on the Single Application Form (SAF). You will be eligible to claim your first Maintenance and Premium Payment, subject to eligibility, in the first calendar year following the year planting and payment. The annual deadline for submitting a SAF is 15 May and will be available via RPW online.

Subject to the publication of the new Rural Development European Commission Regulations and any changes needed to the Rural Development Programme 2014-2020 as a result of regulatory changes, the Glastir Woodland Creation contract may be terminated at the end of 2020, or at any time. If this happens we will not reclaim money already paid but may not make any further payments, or may make further payments including for work you have already carried out but which we have not yet paid for, at a different rate of grant.

Derogations

In certain circumstances, it may be possible for a derogation to be granted to adjust the term of your contract where you are able to provide satisfactory evidence that you are unable to complete all or part of the work. You will need to submit derogation in writing to Welsh Government by **1st December annually** or as soon as an issue arises which prevents the planting from occurring and before the specified period for planting has expired. You need to provide evidence in support of your derogation request.

Section E – Contract Amendments

Transferring or Selling Land under Contract

When you sign your Glastir Woodland Creation Contract you are making a commitment for 13 years, 6 years in the case of Agro forestry. If you subsequently sell or transfer all or part of your land during the 13 or 6 years commitment period, you may be subject to financial penalties and / or having to repay money you have already received.

The transfer of a Glastir Woodland Creation Contract to a new occupier is subject to approval by the Welsh Government. Where the prospective new occupier decides to take over the Glastir Woodland Creation commitment from you and the land continues to meet the minimum eligibility criteria, the new occupier must continue with the commitment on the land transferred for the remainder of the contract period. The prospective occupier should be made aware of the Glastir Woodland Creation commitment in advance of agreeing to the transfer of the land in question.

Following the sale or transfer of part of your land, any land which you retain and is the subject of the original Glastir Woodland Creation Contract must continue to meet the minimum eligibility criteria. In the event that this does not happen, you will be required to repay all of the payments made in respect of that land with interest. If you transfer or sell any land which forms part of your Glastir Woodland Creation Contract then you must notify the Welsh Government in writing within 30 calendar days of the event. Failure to notify the Welsh Government within this period is likely to result in a penalty.

In the event that you transfer and sell any land under a contract and the Welsh Government considers that the objectives of Glastir Woodland Creation have been undermined as a consequence, the contract may be terminated and all payments made recovered with interest.

Land Changes

You will be required to inform the Welsh Government of changes to land parcels within 30 days of the change.

These changes include:

- Parcels which have been permanently divided.
- Parcels which have been permanently amalgamated.
- Parcels which have new boundaries.
- Parcels which have changes to their permanent features.

You will also be required to inform the Welsh Government of changes to land occupation

including changes of ownership and any tenancy agreements within the 30 days.

To notify the Welsh Government of these changes you will need to submit a *Field Maintenance (FM) Application Form* within 30 days of the change.

Legislation Changes (Including Changes in Interpretation)

European Regulations may change from time to time and you will be required to abide by any changes imposed following notification from the Welsh Government.

Changes to Scheme Rules

We may need to make changes to your contract. For example, we may need to update the management conditions to take account of the latest scientific advice, amend scheme rules to take account of any changes within the Wales Rural Development Programme or revise payment rates. We will publicise changes in Gwlad, on the Welsh Government website (www.wales.gov.uk) and where necessary write to you.

Section F – Inspections and Record Keeping

The Welsh Government must enforce the Glastir Woodland Creation rules. Inspections will include on site farm inspections and the use of Global Positioning Systems, aerial photography and the use of satellite imagery.

Inspections

Inspecting officers will need to verify the Capital Works on your holding and check the land details and the accuracy of any relevant documentation and record keeping.

Inspections will be spread over the year and will cover all the commitments and obligations which can be checked at the time of the visit. The Welsh Government and the specialist control bodies will try to ensure that visits cause you the minimum of disruption but some checks require inspections to be unannounced, which means it may not be possible to give you notice of a visit. Inspections may occur more than once during a calendar year.

If you refuse to allow an inspection, or obstruct an inspector or fail to give reasonable assistance, you will lose your payment and may be prosecuted.

Record keeping

You must keep all records and information you need to evidence that you have provided complete and accurate information and have complied with your undertakings.

You will also be required to:

- Supply to the Welsh Government any information about your Glastir Woodland Creation Contract and supply that information within the period determined by the Welsh Government.
- Make available to the Welsh Government, its authorised persons or its agents, records, accounts, receipts and other information including access to computer data relating to your Glastir Woodland Creation Contract. Permit the Welsh Government to remove any such document or record to take copies or extracts from them.

Section G – Penalties

Penalties are applied where there has been a breach of the Glastir rules or Capital Works requirements.

Under Declaration

Failure to declare all the agricultural land/areas on your holding on the Single Application Form (including all owned and rented in land and not just that on which you are entering into Glastir e.g. woodland/forestry, tracks, yards, hardstandings, etc.), may result in your Rural Development and Basic Payment Scheme payments being reduced.

Over Declaration

Over Declaration penalties will be applied where the area declared for Glastir on the Single Application Form (SAF) is more than the determined area. Penalties are calculated using areas declared on the SAF which receive the same rate of aid (referred to as crop groups).

Breaches of Contract

Breaches of contract may be identified from administrative checks or on-the-spot inspections and you will be notified in writing if breaches are found. Where breaches of contract are discovered appropriate levels of reductions and/or exclusions will be determined according to the level of severity, extent, duration, reoccurrence of the breach and will also be applied to previous year's payments.

Where we consider a breach to be so serious that it cannot be rectified, this may result in the termination of your Contract. In serious circumstances this may also result in you being prohibited from entering another Rural Development scheme, for up to two years.

The breaches are assessed against verifiable standards relating to the scheme commitments and a penalty matrix is used to determine the level of penalty to be applied. You can view both the verifiable standards and the penalty matrix on the Welsh Government's website (www.wales.gov.uk)

Capital Works Penalties

If you claim for non area related payments, for example capital works, and the Welsh Government determine that part or all of the costs claimed are ineligible, non payment will be made for the ineligible costs. If the amount of ineligible costs is determined to be more than 10% of the eligible costs, an amount equivalent to the value of ineligible costs will be deducted from your payment.

Where false claims are made, or the land owner fails to provide the necessary information, this will result in the exclusion of payment, in the year of the finding and any amounts already paid that year will be recovered. In addition, you will be excluded from receiving support under any Rural Development Agri-environment and Forestry scheme in both the year of the finding and in the following calendar year.

Breach of Cross Compliance

You will be responsible for meeting the full Cross Compliance requirements for the full calendar year. If you fail to meet the Statutory Management Requirements or Good Agricultural and Environment Conditions requirements whether negligently or intentionally you could lose some or all of your Glastir payment, for one or more years. In determining these reductions and exclusions, account will be taken of the extent, severity, permanence and reoccurrence of the non-compliance.

Section H – Appeals Procedure

The appeals process in Wales allows you access to an independent appeals procedure if you feel that the Welsh Government did not reach the correct decision according to the rules for Glastir.

The appeals process consists of two stages:

- Stage 1: review by the head of the Divisional Office
- Stage 2: review by an Independent Appeals Panel (if you are dissatisfied with the Stage 1 response). The Independent Panel make recommendations to the Deputy Minister for Agriculture for Farming and Food who then takes the final decision.

The appeals process is concluded after the Minister's decision has been issued. There is no charge for Stage 1 of the process but there is a charge at Stage 2 - £50 for a written hearing or £100 for an oral hearing. These charges are repaid in full if the Stage 2 appeal is either partially or fully successful.

You must appeal to the Customer Contact Centre within 60 days of receiving a decision, which may affect your payments.

Further details of the appeals process can be obtained from the Customer Contact Centre.

Complaints Procedure

Complaints will be dealt with under the Welsh Government's Code of Practice on Complaints. Further advice on how to make a complaint can be obtained from your Customer Contact Centre.

In addition you can write to any Member of the National Assembly for Wales about your complaint and you may also choose to contact:

Public Services Ombudsman for Wales,
1 Ffordd y Hen Gae,
Pencoed,
CF35 5LJ

Section I – Data Protection Act 1998: Fair Processing Notice

This notice informs you about the Welsh Government's use of the information provided on the Glastir expression of interest or any other document used in connection with your expression of interest for entry into the Glastir schemes, or which is created or obtained in connection with your expression of interest. The Welsh Government's use of the information will include sharing some information with other agencies and public bodies, and making some information available to the public.

The information will primarily be used for the purpose of processing and determining your expression of interest for Glastir Woodland Creation. However, the Welsh Government (or its agents) may also make use of the information supplied for other purposes, which will include those connected with its functions and duties under the Common Agricultural Policy of the European Community and with its statutory environmental obligations.

Reasons for Sharing Personal Data

In particular, the information may be used for the following:

- Cross Compliance and cross checking between partner organisations to prevent breaches of the Agri-environment schemes each administer
- Administering applications
- The production and publication of maps showing the areas of land that have been brought into the agreements
- Compilation of reports of aggregated data to be made publicly available, via the Welsh Government Internet pages
- Preparation of summary statistical analyses (from which individuals cannot be identified)
- Informing decisions relating to policy changes and funding
- Identification of landowners/users in events of emergencies, e.g. disease control and breach control
- Protecting applicant's interest in land conservation and issues that may arise due to funding queries

- Disclosure to regulatory authorities, such as HM Revenue and Customs and the police, where it is in the public interest to do so
- Publication of certain information and responding to requests for information.
- Consent to be surveyed by WG and its agents

The Publication and Disclosure of Information

The information will be managed and used by the Welsh Government in accordance with its obligations and duties under the:

- Welsh Government's Code of Practice on Access to Information
- Freedom of Information Act 2000
- Data Protection Act 1998
- Environmental Information Regulations 2004, and
- Commission Regulation (EC) No 908/2014

Therefore, your information, including your personal information, may be the subject of a request by another member of the public. When responding to such requests the Welsh Government may be required to release information, including your personal information. Its response to such requests will be in accordance with the Welsh Government's Code of Practice on Access to Information.

The Code is published on the Internet at:

www.wales.gov.uk/publications

www.cymru.gov.uk/cyhoeddiadau

Commission Regulation 908/2014 Requires member states to publish details of the amounts paid to CAP beneficiaries (claimants). Payments will be published for all beneficiaries in receipt of more than €1,250 in a given year. Details will be published on 30th April each year on a searchable website and will include the business name, and municipality (nearest town) of the beneficiary with details of the amounts and schemes for which grants were paid. Beneficiaries who received less than €1,250 in total in that year will not be published. The information will be available on the DEFRA website at: <http://cap-payments.defra.gov.uk/>

Rights under the Data Protection Act 1998

The Data Protection Act 1998 gives individuals certain rights in respect of the personal data held on them. Whilst not intending to be exhaustive, examples of these rights include:

- The right for any personal data held about them to be processed fairly and lawfully
- The right to ask for and receive copies of the personal data that the Welsh Government holds about them, although the Welsh Government can sometimes withhold some data or not provide copies
- The right, in some circumstances, to prevent the Welsh Government processing personal data if doing so will cause damage or distress
- The right, in some circumstances, to have wrong data put right.

Individuals also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act 1998, to assess whether or not the processing of their personal data is likely to comply with the provisions of the Act.

The information will not go outside of the European Union area, unless there is due concern to do so (e.g. in the case of a disease outbreak). If it does, the Welsh Government will make sure that the information continues to be processed in accordance with the rules of the Data Protection Act 1998.

Seeking Further Information

For further information about the information collected and its use, any concerns about the accuracy of your personal data, or if you wish to exercise any of your rights under the Data Protection Act 1998, you should contact Rural Payments Wales Customer Contact Centre.

Section J – Contact Details

Welsh Government's website: www.wales.gov.uk/environmentandcountryside and bi-monthly Gwlad magazine www.gwladonline.org contain key information.

Contact details are as follows:

CUSTOMER CONTACT CENTRE

Rural Payments Wales

PO Box 1081

Cardiff

CF11 1SU

Tel: 0300 062 5004

Fax: 01286 662193

E-mail: rpwonline@wales.gsi.gov.uk

Other useful contacts:

For SSSI, NNR, SAC or SPA agreement land:

NATURAL RESOURCES WALES

c/o Customer Care Centre

Tŷ Cambria

29 Newport Rd

Cardiff

CF24 0TP

Tel: 0300 065 3000

General enquiries: 0300 065 3000 (Mon-Fri, 8am - 6pm)

General Enquiries: enquiries@naturalresourceswales.gov.uk

For Scheduled Ancient Monuments (SAMs) / registered parks and gardens:

CADW

Welsh Government

Plas Carew

Unit 5/7 Cefn Coed

Parc Nantgarw

Cardiff

CF15 7QQ

Tel: 01443 33 6000
Fax: 01443 33 6001
E-mail: Cadw@Wales.gsi.gov.uk

For unscheduled ancient monuments or historic features:

Clwyd-Powys Archaeological Trust

41 Broad Street
Welshpool
Powys
SY21 7RR
tel: 01938 553670
fax: 01938 552179
E-mail: trust@cpat.org.uk
www.cpat.org.uk

Glamorgan-Gwent Archaeological Trust

Heathfield House
Heathfield
Swansea
SA1 6EL
tel: 01792 655208
fax: 01792 474469
E-mail: enquiries@ggat.org.uk
www.ggat.org.uk

Dyfed Archaeological Trust

The Shire Hall, Carmarthen Street, Llandeilo,
Dyfed, SA19 6AF
Tel: 01558 823121
Fax: 01558 823133
E-mail: info@dyfedarchaeology.org.uk
www.dyfedarchaeology.org.uk

Gwynedd Archaeological Trust

Craig Beuno, Garth Road, Bangor, Gwynedd,
LL57 2RT
Tel: 01248 352535
Fax: 01248 370925
E-mail: gat@heneb.co.uk
www.heneb.co.uk