



INFORMATION FOR WOODLAND OWNERS - DISEASE MANAGEMENT MEASURES FOR *PHYTOPHTHORA RAMORUM* INFECTED LARCH WOODLANDS IN SCOTLAND

Introduction

We are introducing this package of measures to assist all private woodland owners in Scotland where they have been served with a Statutory Plant Health Notice (SPHN) because of the discovery of larch trees infected with *Phytophthora ramorum*.

Owners who have been served a SPHN for the removal or killing of larch trees since 1st July 2011 will be eligible and the package will run to 30th June 2014.

The spread of *Phytophthora ramorum* is being monitored closely and the details of this support may be subject to review and change at any time.

Background

Phytophthora ramorum (*Pr*) is a fungus-like pathogen first detected in the UK in 2002 but not seen in Scotland outside the nursery trade until 2007.

Its global host range is wide (>130 plant species) and until 2009 was mostly found to be infecting shrub species such as Rhododendrons (particularly *R. ponticum*), Viburnum, Pieris etc.

As it has caused significant damage to oak trees in parts of the USA, it is also referred to as Sudden Oak Death, but this is a misnomer in the UK, where it has only very rarely affected our native oak. Several other tree species, including some conifers, are susceptible.

In the UK, the trees on which the the pathogen is known to sporulate (reproduce) are sweet chestnut, ash, holm oak and Japanese larch. The latter is particularly vulnerable and experience to-date has shown that they will die quickly when infected.

Pr was first detected on Japanese larch in south west England in 2009 and some 3,000 ha of larch are now known to be infected in the UK.

There are currently 7 confirmed locations with larch infections (currently all Japanese larch) in Scotland, amounting to some 60 ha (out of 65,000 ha) but we suspect further infections are likely to be found in 2012. As the pathogen sporulates prolifically on Japanese larch this poses a significant threat to woodlands and the wider environment, particularly in those parts of Scotland where the climate is not only suitable (mainly the west) but host plants are also common.

The Scottish Government is currently funding a 3-year study, which started in August 2009, to examine the behaviour of the pathogen in Scottish habitats and this will help develop management strategies for gardens and any heathland outbreaks, should they occur in Scotland.



Serving a Statutory Plant Health Notice (SPHN)

When a woodland has been identified as infected, Forestry Commission Scotland will serve notice using powers under the Plant Health (Forestry) Order 2005. This Notice will normally be served on the woodland owner.

The woodland owner is then legally bound to undertake the actions defined in the SPHN.

Forestry Commission Scotland Conservancy staff will liaise with you to discuss the requirements of the SPHN and the timetable to be followed.

Time is of the essence in responding to the requirements of SPHNs. Killing infected larch trees and those around them and applying the specified biosecurity measures will be the minimum requirement under the Notice.

Once you have completed this minimum requirement you will have the choice of:

- leaving the killed¹ trees on site; or
- converting those trees into roundwood products and selling them to processing facilities licensed to handle Phytophthora-affected wood. This may allow you to recover some income from sale to offset the costs of meeting the requirements of the SPHN. It is also a valid way of removing the killed trees from the site even if it would not make a profit.

All the road movement of timber from site and its subsequent processing has to be operated under the Phytophthora Licence System.

Grant Support

The grant support package offers grants to woodland owners for both:

- Agent Services - provision of services from suitably qualified agents – three levels of grant are available depending on the type of service required; and
- Tree clearance/tree killing - removal of immature and inaccessible/uneconomic larch and, in certain circumstances, the killing of larch where it can be shown, to FCS's reasonable satisfaction that removal would not otherwise be feasible within the deadline required by the SPHN.

Funding is only available for the net area of infected larch (and surrounding trees) served with a SPHN. It will not be available for other tree or shrub species unless necessary on sites to allow safe clearance of the larch within the SPHN area.

¹ Trees are usually killed by felling them but, in certain cases, killing by ring-barking (combined with herbicide injection) could be acceptable.



Agent Services

A woodland owner can decide to engage the assistance of an agent to help manage the process depending on the owners' situation and wishes. The agent must be one chosen from the approved list provided by Forestry Commission Scotland (FCS).

This will contain the names of those agents who have been successful with their pre-qualification questionnaire and are therefore suitably qualified and experienced to give advice and organise the work required.

A list of approved agents for woodland owners in Scotland will be maintained on the FCS website at: <http://www.forestry.gov.uk/scotland>

Payment by FCS to landowners for agent services will be at the following flat rates:

Agent Services	Flat rate
Advisory: Advice and information only	£200
Compliance: Advisory visit + organising work to meet minimum requirement of SPHN	£500
Harvesting and Marketing: Advisory visit + full service to achieve SPHN requirements and organisation and supervision of extraction, transport and sale of timber in accordance with Health and Safety and road haulage. Timber processing licence procedures.	£1,000

(NB only 1 level of service can be paid to a landowner for 1 SPHN)

Further explanation of the tier of agent services is given in Annex 1

The owner will be paid by Forestry Commission Scotland upon successful completion of the specified services. You will be responsible for paying for the work organised by the agent. It is also your responsibility to ensure the biosecurity measures prescribed in the SPHN are adhered to by all parties.

Forestry Commission Scotland will not get involved in discussions or disputes between responsible persons, agents and contractors except in so far as to ensure compliance with the SPHN.

It is recommended that you arrange an appropriate contract with your nominated agent for the services and the clearance work to be provided.



Tree clearance/killing

Clearance or killing of immature and inaccessible/uneconomic larch	Rate per net ha of infected larch
Clearance of larch crops less than 26 years of age where such action can be undertaken safely by clearing saw. (See Note 1)	£600
Clearance of larch crops less than 26 years of age by other mechanised equipment. (See Note 1)	£1,200
Felling-to-waste of infected larch or inaccessible/uneconomic larch greater than 26 years of age or the killing of such trees where it can be shown, to FCS's reasonable satisfaction, that removal would not otherwise be feasible within the deadline required by the SPHN. (see Note 2)	£1,200

Note 1: The clearance rates for immature larch crops (i.e. < 26 years of age) are available on the basis that any timber products subsequently recovered from the sites are dealt with in accordance with road haulage /timber processing license requirements.

Note 2: Where a qualified agent can demonstrate to FCS's reasonable satisfaction that access or other site constraints prevent the removal of coupes containing infected larch (>26 years of age) being undertaken at or above break-even, or in certain cases, where it can be shown that removal would not otherwise be feasible within the deadline required by the SPHN. If such felling would predispose adjacent uninfected crops to windthrow, ring-barking (combined with chemical injection) to kill standing trees would be an acceptable alternative provided public safety was not compromised.

Replanting of Cleared Area

This grant funding is subject to you agreeing to replant the woodland area that is cleared. Separate grant funding is available through Scotland Rural Development Programme (see section entitled 'Eligibility for Grants from Scotland Rural Development Programme (SRDP) on page 5)

Role of Local Conservancy Staff

Local Conservancy staff will liaise with you to:

- discuss the terms of the SPHN (ie what work is to be done and the date by which work is to be complete),
- agree area to be cleared
- discuss the *Phytophthora ramorum* support package

Whilst FCS Conservancy staff will also be available to give general advice and help on issues such as felling licence requirements and other forestry grants, their first priority will be to ensure that the requirements of the SPHN are met.



How to apply to become an Approved Agent

Agents must complete the pre-qualification Questionnaire at Annex 4 and send this to Gordon Inglis, Grants and Regulations, Forestry Commission Scotland, 231 Corstorphine Road, Edinburgh EH12 7AT. An electronic copy of the questionnaire is available on our website and this can be emailed to Gordon Inglis at gordon.inglis@forestry.gsi.gov.uk.

A List of Approved Agents is available on our web site.

Claiming Grant Payments

Grants for Agent Services and removal of immature and inaccessible/ uneconomic larch can be claimed once the work has been completed to the full requirements of the SPHN. **Grant funding must be paid to the landowner although an 'Approved Agent' may claim on a landowners behalf.**

Claims will be paid within 30 days of receiving a valid claim. A claim form is available on our web site. Supporting evidence as described in Annex 1 is required with your claim.

State Aids

The above grants will be paid under 'State Aid' de minimis rules. It is a condition of State Aid – 'de minimis' funding that the €200,000 (about £176,000) ceiling is not breached over a 3 years fiscal period. You must declare to us any de minimis aid received during the previous 3 years. The rules relating to "de-minimis aid" are contained in EC Regulation 1998/2006.

Eligibility for Grants from Scotland Rural Development Programme (SRDP)

Sustainable Management of Forest Restructuring Felling (SMF: RF) – For the SPHN area, this will only be available where clearance/tree killing support measures, are not applicable. A Rural Priorities RF contract would normally need to be in place before felling takes place. Due to the urgent nature of SPHN we will waive this requirement but owners are expected to action an SRDP application immediately. (See Q&A for areas outside SPHN and requirement for Forest Plan/Management Plan)

Woodland Improvement Grant Restructuring Regeneration - Owners of infected larch woodland may apply for grants to replant the cleared area. This grant support is available as Restructuring Regeneration grants within SRDP Rural Priorities. (See Q&A for on requirement for Forest Plan/Management Plan)

<http://www.scotland.gov.uk/Topics/farmingrural/SRDP>

NB If you are eligible and apply for tree clearance funding then you will not be eligible for Woodland Improvement Grants for tree felling and/or removal operations.

General Enquiries Scotland

Any general enquiries regarding funding support or other matters regarding the Phytophthora outbreak in Scotland should be directed to your local Conservancy office – see Annex 5 for contact details.



Agent Services

Annex 1

The following gives a description of the three levels of service that can be expected from approved agents. Please remember that only 1 type of service is allowed per SPHN.

Advisory: Advice and information only

The agent will visit the owner to discuss his/her minimum obligations under the SPHN. The advice will include the options for taking the support payment for clearing or killing immature/inaccessible/uneconomic larch, and the recovery and marketing of wood through the road haulage and timber processing licence system (see: www.forestry.gov.uk/website/forestry.nsf/byunique/infid-849e4r).

After this visit the owner can make the choice of organising the work themselves or using the other levels of service from the approved agent.

Advice on:

- The requirement of the SPHN;
- The clearance payments, what they are and what they apply to;
- The realistic options for undertaking the work and the likely costs to the landowner.
- Approved Agent to supply written confirmation of the service provided to accompany grant claim.

Compliance: Advisory visit + organising work to meet minimum requirement of the SPHN.

In addition to the advisory visit, the agent will organise and supervise contracts for work to meet the minimum requirements of the Plant Health Notice.

If the landowner decides to retain the agent, after initial advice, to organise the clearance work, the agent will provide the following additional services as quickly as possible:

- Making an application for the *Phytophthora ramorum* grant funding;
- The sourcing and contracting of competent and trained resource to undertake the work;
- Agreeing costs, in writing, with you before work takes place;
- Supervision of the work including ensuring that Health and Safety measures are met;
- Assistance to claim the *Phytophthora ramorum* grant funding.
- Written confirmation of the services provided to accompany grant claim.



Harvesting and Marketing: Advisory visit + full service to achieve SPHN requirements and organisation and supervision of extraction, transport and sale of timber in accordance with Health and Safety and road haulage/timber processing licence procedures.

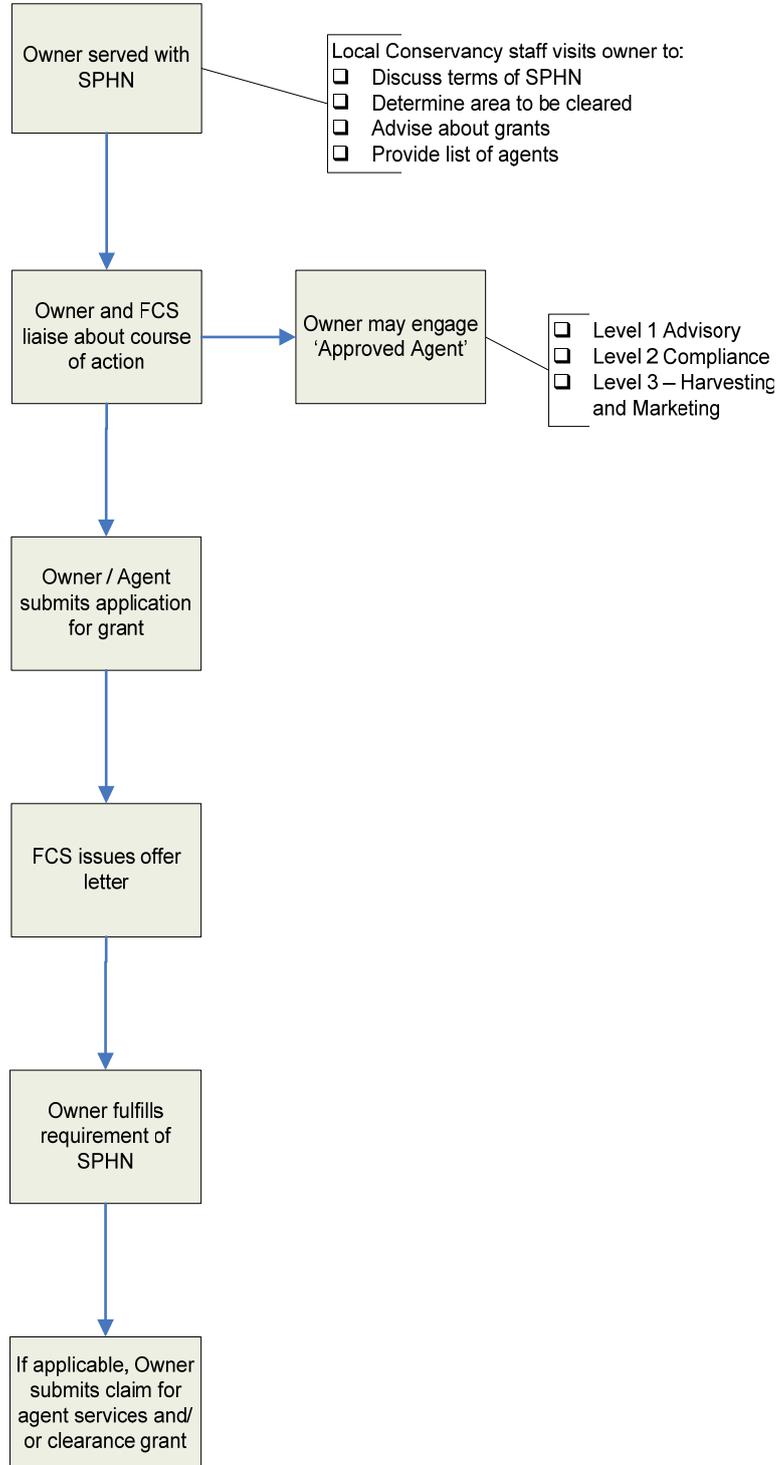
Where the trees to be cut and their location offer an opportunity to recover marketable produce then you have the choice to do so. In this case, the agent will provide the following services

- Making an application for the *Phytophthora ramorum* grant funding;
- The sourcing and contracting of competent and trained resource to undertake the work;
- Agreeing costs, in writing, with you before work takes place;
- Supervision of the work including ensuring that Health and Safety measures are met;
- The measuring and marketing of produce;
- Organising licences for haulage and secure despatch;
- Chasing timely payment for you.
- Assistance to claim the *Phytophthora ramorum* grant funding.
- Written confirmation of the services provided to accompany grant claim.



Flow Diagram

Annex 2





Questions and Answers

Annex 3

Hygiene precautions

Q1. What are the hygiene precautions/biosecurity measures for woodlands infected with *Phytophthora ramorum*?

Best practice for general hygiene precautions is set out on our web site at <http://www.forestry.gov.uk/website/forestry.nsf/byunique/infid-868egu>

This includes:

1. Any operator who, during the course of any forest operation, comes into contact with infected larch or rhododendron should ensure that before leaving the site, footwear, tools, equipment, plant and machinery are free from any soil and plant debris. Because this is common practice when moving machinery from site to site via main roads, it is suggested that it is also extended to all movements of plant, machinery tools and equipment **within** the forest boundary. This should be achieved by simple brushing to remove as much soil and plant debris as is reasonably practicable.
2. In areas where either *P. ramorum* or *P. kernoviae* is detected, measures will be imposed by the serving of a statutory Plant Health Notice, and these will include, in addition to the above measures, disinfection with an appropriate fungicide.

Licence System and Movement of Timber

Q2. What are the rules for moving timber from woodland sites infected with *Phytophthora ramorum*.

Anyone wishing to move *Phytophthora*-affected wood from a forest site (or subsequently move the affected material from a mill or processing site) must first apply for and be issued with a Movement Licence. *Phytophthora*-affected wood may only be moved to a facility that holds a valid Processing Licence.

Anyone wishing to mill or process *Phytophthora*-affected wood must apply for and be issued with a Processing Licence before they can accept it into their facility. Further information is available at <http://www.forestry.gov.uk/website/forestry.nsf/byunique/infid-849e4r>

Felling Licence Regulations

Q3. What are the Felling Licence rules for woodland areas served with a SPHN?

The normal felling licence rules do not apply to woodland areas served with a SPHN. A felling licence is required for any areas for felling outside the SPHN. Further details on felling licences are given at <http://www.forestry.gov.uk/website/forestry.nsf/byunique/infid-5zgksj>

Agent Services

Q4. Do the grants for agent services apply to woodland owners who have a resident woodland manager or contracted agent?

Yes. Woodland owners with an in house woodland manager would be eligible for the tier of agent services. However, the woodland manager would require to complete the agent questionnaire and be approved by FCS.



Grant Payments

Q5. Does the landowner/beneficiary or their agent get the grant funding?

The grant funding must go to the landowner/beneficiary. An Approved Agent can act on a landowner/beneficiary behalf to apply for grant funding and to claim the grant funding. To do this the agent must submit a letter of authority to this effect from the landowner/beneficiary.

Scotland Rural Development Grants

Q6. Are infected larch woodlands eligible for Sustainable Management Forest Restructuring Felling (SMF RF) grants?

Restructuring Felling (SMF RF) grants will only be available where tree clearance/tree killing support measures have not been provided (see below regarding requirement for Forest Plans/Management Plans).

Q7. Are infected larch woodlands eligible for Sustainable Management Forest Restructuring Regeneration (SMF RR) grants?

Yes, areas of infected larch woodland that are felled would be eligible for SMF RF. Grants are available through the normal SRDP Rural Priorities mechanism. However, the choice of species for replanting affected sites is an important issue and larch species will not be eligible for grant aid. Guidance on replanting is given at [http://www.forestry.gov.uk/pdf/FCReplantingrecommendations.pdf/\\$FILE/FCReplantingrecommendations.pdf](http://www.forestry.gov.uk/pdf/FCReplantingrecommendations.pdf/$FILE/FCReplantingrecommendations.pdf) (also see below regarding requirement for Forest Plans/Management Plans).

Q8. What are the rules regarding the requirement for Forest Plans/Management Plans

To be eligible to apply for either SMF Restructuring Felling or WIG Restructuring Regeneration Options, the normal requirement is that from 4 April 2012 you must have an approved Forest Plan or a suitable alternative plan (eg UKWAS) for woodlands over 100 ha or a management plan if the woodland area is below 100ha.

Where a Forest Plan/Management Plan or suitable alternative plan does not exist then the following rules apply:

- **SMF Restructuring Felling**

Areas within SPHN (and any associated areas outside the SPHN) - to preserve eligibility for SMF RF payments it will be sufficient to have;

> submitted a Proposal for Rural Priorities' WIG – Long Term Forest Planning grant, a suitable alternative plan (EG UKWAS), or produce a management plan if the woodland area is below 100ha before felling commences, and

> submitted a Proposal for SMF RF - before clearance work starts.

Before any claim can be paid a RP Restructuring Felling contract and an approved Forest Plan must be in place.

- **WIG Restructuring Regeneration**

Areas within and outside SPHN - For woodlands over 100 ha, WIG Restructuring Regeneration grants can only be applied for once the Forest Plan has been approved. For woodlands less than 100 ha, a management plan in accordance with the FCS management plan template must be submitted with the WIG RR application.

[In certain circumstance, eg woodland with only SPHN activity the requirement for a Forest Plan may be waived and the FCS management plan template will suffice. This must be agreed with your local Conservancy Office]



Q9. Will grant paid for clearance/tree killing be reclaimed if timber is subsequently recovered from the site?

No – provided such timber has been transported and processed in accordance with the appropriate Licence system.

Q10. Is there any support for clearing infected *R. ponticum* within SPHNs?

All *R. ponticum* within 20m of infected *R.p* in the SPHN area will need to be cleared at the owner's expense. Other *R. p* within the SPHN will need to be cleared may apply for grant aid through SRDP Rural Priorities.

State Aids

Q11. How does the State Aid *de minimis* ceiling apply?

The State Aid *de minimis* applies to the cumulative total of all *de minimis* payments received by the owner. Grants paid through existing SRDP measures do not fall into that bracket.



Approved Agent Pre-Qualification Questionnaire Annex 4

To be considered as a candidate for an 'Approved Agent' to deliver the Services relating to the treatment of areas affected by Phytophthora you must be able to meet all the requirements set out below and agree the declarations at the end. The form must be completed for an individual not a company or association.

In submitting this questionnaire you acknowledge that Forestry Commission Scotland may decide at its own discretion whether or not to designate you as an 'Approved Agent'.

<i>Please use block capitals in this section</i>	
Title (Mr, Mrs etc)	
Surname	
First name	
Company Name	
Business address	
Postcode	
Telephone	
Mobile	
Fax	
Email	



1. State your relevant academic qualifications

You must have a degree or a diploma in forestry or a closely related subject

2. State any current memberships of relevant professional bodies

You must have Institute of Chartered Forester status

3. Briefly state your personal history and experience of organising and managing contracts for the harvesting and marketing of timber.

You must be able to demonstrate that you have at least two years direct experience in organising forestry contracts and the practical aspects of harvesting and marketing timber. Also give an estimate of the volume of timber you personally brought to market in the last 12 months.



6. Declaration

You must be able to agree all of the following declarations:

I DECLARE THAT...

- If I have provided untruthful information in this questionnaire this may be taken to be an attempt to commit fraud and subsequently treated as such by Forestry Commission Scotland.
- I understand that there is no guarantee of work arising from being designated an 'Approved Agent'
- I am fully conversant with Health and Safety requirements as they relate to forest operations.
- I am fully conversant with the UK Forestry Standard and its requirements relating to woodland work.
- I am fully conversant with the *Phytophthora* information and licencing documents on the Forestry Commission website.
- I have Professional indemnity insurance and public liability insurance.
- I am happy to conduct this business relationship using email wherever possible.

Print Name:

Date:

When you have completed this Pre-Qualification Questionnaire send it to Gordon Inglis, Grants and Regulations, Forestry Commission Scotland, 231 Corstorphine Road, Edinburgh EH12 7AT or email Gordon Inglis at gordon.inglis@forestry.gsi.gov.uk



Terms

Submitting this questionnaire signifies your acceptance and understanding of the process and requirements.

If we have any queries with your questionnaire we will contact you within a few days of receipt.

You are expected to provide the services as detailed within "Information for Woodland Owners – Disease Management Measures for Phytophthora Ramorum Infected Larch Woodlands in Scotland". When we are content that you appear able to provide these services we will add you to the list of 'Approved Agents'

The list of 'Approved Agents' will only be used in relation to *Phytophthora* affected woodland.

Each landowner that has been served Notice to clear affected trees will be provided with the list as it stands at that time. They will have the opportunity to contact any 'Approved Agent' of their choice. We will not influence their decision.

If we are not content with your questionnaire, or do not wish to add you to the list of 'Approved Agents' we will tell you as soon as we can.

You may remove yourself from the list by contacting Gordon Inglis, Grants and Regulations, Forestry Commission Scotland, 231 Corstorphine Road, Edinburgh EH12 7AT, tel: 0131 314 6324 , Email gordon.inglis@forestry.gsi.gov.uk provided any work in progress at that time is completed.



Conservancy Office Contact Details

Annex 5

Highlands & Islands Conservancy

Woodlands, Fodderty Way

Dingwall

Ross-shire

IV15 9XB

01349 862144

(for Highland, Western Isles, Orkney Islands and Shetland Islands Councils)

Grampian Conservancy

Ordiquhill, Portsoy Road

Huntly

AB54 4SJ

01466 794542

(for City of Aberdeen, Aberdeenshire and Moray Councils)

Perth & Argyll Conservancy

Algo Business Centre

Perth

PH2 0NJ

01738 442830

(for City of Dundee, Perth & Kinross, Clackmannanshire, Stirling, and Argyll & Bute, Fife (part) Councils)

Central Scotland Conservancy

Bothwell House

Hamilton Business Park, Caird Park

Hamilton

ML3 0QA

01698 368530

(for North Ayrshire, Inverclyde, Renfrewshire, East Renfrewshire, North & South Lanarkshire, City of Glasgow, East & West Dunbartonshire, Falkirk, East, Mid- & West Lothian, City of Edinburgh, and Fife (part) Councils)

South Scotland Conservancy

55-57 Moffat Road

Dumfries

DG1 1NP

01387 272440

(for Scottish Borders, Dumfries & Galloway, South Ayrshire and East Ayrshire Councils)