



Cronfa Amaethyddol Ewrop ar
gyfer Datblygu Gwledig:
Ewrop yn Buddsoddi mewn Ardaloedd Gwledig
European Agricultural Fund for
Rural Development:
Europe Investing in Rural Areas



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Glastir

Terms & Conditions for the Registration of Glastir Woodland Management Planners

Welsh Government Rural Communities – Rural Development Programme for Wales 2014-2020



Introduction

- a) This document sets out the terms and conditions applied by the Welsh Government for registration as a Registered Glastir Woodland Management Planner.
- b) An Applicant to the Glastir Woodlands schemes must, unless expressly stated otherwise, use a Registered Glastir Woodland Management Planner to plan, prepare and submit the Forest Management Plan or Glastir Woodland Creation Plan required to access funding under Glastir Woodlands schemes. The Registered Glastir Woodland Management Planner plays a critical role in the delivery of the Glastir Woodlands schemes in partnership with the landowner and/or tenant, their authorised agent and the Welsh Government.
- c) The Welsh Government relies upon the maintenance of the very high standards already achieved by the private sector in delivering on previous programmes. This document seeks to ensure that these high professional standards are reflected in the requirements for registration and that performance which falls short of this can be dealt with in a manner that protects these standards.
- d) These terms and conditions may be reviewed from time to time in the light of experience. The Welsh Government confirms its policy of ongoing consultation and also looks forward to continuing the practice of formal regular meetings with industry representatives where items of mutual interest and/or concern, including the implementation of these terms and conditions, may be raised and discussed.

1. Definitions

Please see Annex I for a full list of definitions relevant to this document.

2. Register of Glastir Woodland Management Planners

1. The Welsh Government will maintain a Register of Glastir Woodland Management Planners (“the Register”) eligible to prepare and submit Management Plans under the Glastir Woodlands schemes on behalf of Applicants. Only Registered Glastir Woodland Management Planners will be eligible to prepare and submit applications on behalf of Applicants for Glastir Woodlands schemes, unless expressly stated otherwise in the relevant scheme document.
2. Application for inclusion of an individual on the Register must be made on the form at Annex II. A company cannot apply for inclusion on the Register, but may apply to have individual employees placed on the Register, subject to paragraphs 6 and 7 of this section.
3. An application to be a Registered Glastir Woodland Management Planner may only be made by an individual who is an Associate or Professional Member of the Institute of

Chartered Foresters (ICF) or a similar Professional Body, such as the Royal Institution of Chartered Surveyors (RICS) or the Chartered Institute of Ecology and Environmental Management (CIEEM), or they must hold a qualification in forestry acceptable to the Welsh Ministers. If the individual holds an associate membership or equivalent which does not confer full chartered status, they can remain on the Registered Glastir Woodland Planner list with that status for up to 3 years, after which time they must either obtain full professional membership or they may be removed from the list. At the discretion of the Welsh Government and before the third year is reached, where an associate member has enrolled for the soonest next board to be assessed for professional chartered status by the professional body, a grace period from the third year elapsing and the result of the board being known will be permitted.

4. Registered Glastir Woodland Management Planners must hold a valid certificate of Professional Indemnity Insurance with a minimum insured value of £500,000. A current Professional Indemnity Insurance Policy to the value of the amount specified above must be held for the duration of the Registration. A Registered Glastir Woodland Management Planner is not relieved, however, from the responsibility to ensure that they hold adequate insurance to indemnify the work being undertaken.
5. Registration as a Registered Glastir Woodland Management Planner shall be valid from the date of written confirmation by the Welsh Government until advised further.
6. Where a company employee is a Registered Glastir Woodland Management Planner, the company shall be responsible for its employees' obligations and their compliance with the Terms and Conditions of this document.
7. Where a Registered Glastir Woodland Management Planner transfers employment from one company to another, a new application must be made by the company to which the Registered Glastir Woodland Management Planner has transferred.

3. Standards and Policies

1. A Registered Glastir Woodland Management Planner is expected to provide an Applicant with a service and Management Plan which demonstrates expertise, care and diligence in conformity with the following Forestry Standards and policies:
 - a) Institute of Chartered Foresters – Code of Conduct, Professional Values and Rules for professional conduct and practice
 - b) The Royal Institution of Chartered Surveyors - Rules of Conduct for Members and Firms
 - c) The Chartered Institute of Ecology and Environmental Management - Code of Professional Conduct ('the Code')
 - d) UK Forestry Standard (UKFS)
 - e) Woodlands for Wales – the Welsh Government's Strategy for Woodlands and Trees

- f) All Glastir Woodland Restoration, Glastir Woodland Creation and Glastir Woodland Management documentation (or 'guidance')
2. At the time of preparing a Management Plan for approval, a Registered Glastir Woodland Management Planner must be satisfied that, where applicable, any work undertaken meets, or continues to meet, the requirements of the particular scheme and the UKFS, and that all documentation has been prepared with proper care and diligence, with due regard to the requirements of the scheme.
 3. If the Registered Glastir Woodland Management Planner fails to comply with the relevant requirements of the UKFS without valid explanation, or provides incorrect or insufficient advice or information for Approval of the Management Plan, the Welsh Government will not accept any responsibility if that Management Plan is rejected, nor fund any further work required to ensure that the Management Plan is accepted.
 4. In the event of an Applicant being refused a grant payment under a Glastir Woodlands scheme as a result of failure of the Registered Glastir Woodland Management Planner to comply with the UKFS or having given advice contrary to the UKFS, the Registered Glastir Woodland Management Planner must rectify matters to the satisfaction of the Welsh Government. If, in the opinion of the Welsh Ministers, the Registered Glastir Woodland Management Planner negligently ignores or fails to comply with the UKFS or has negligently given advice contrary to the UKFS, the Registered Glastir Woodland Management Planner agrees to indemnify the Welsh Ministers against any further claims from that Applicant for grant or premium payments, losses or damages howsoever arising.
 5. The Welsh Government and partner organisations involved in the delivery of Glastir Woodlands schemes, such as Natural Resources Wales, Cadw and the Welsh Archaeological Trusts, will, as appropriate, facilitate and encourage Continued Professional Development for Registered Glastir Woodland Management Planners through field days and specific training events to address any significant technical issues. All relevant technical circulars will be sent to Registered Glastir Woodland Management Planners. Registered Glastir Woodland Management Planners will be required to attend mandatory training days, unless prior notice as to your unavailability is accepted by the Welsh Government.

4. Application of Sanctions

1. All Management Plans will be assessed against the UKFS and Glastir Woodlands scheme rules. The assessment will include administrative checks and may include site visits to verify compliance with the UKFS and Glastir Woodlands scheme rules. The following list is not exhaustive, but examples of activities which would result in a sanction under this section include:
 - provision of false, falsified or misleading information or declarations, or withholding of essential information, which may lead to an Approval being granted, or a grant being paid, inappropriately by the Welsh Ministers;
 - negligence or lack of regard for the UKFS and Woodlands for Wales
 - failing to adhere to or follow the Terms and Conditions for the Registration of Glastir Woodland Management Planners and Glastir Woodlands scheme rules (including all Glastir Woodland Restoration, Glastir Woodland Creation and Glastir Woodland Management documentation due to negligence or lack of regard;
 - negligent action, contrary to the respective professional body code of conduct, the UKFS, Glastir Woodland scheme rules and these Terms & Conditions;
 - failure to attend training events, as requested, and without prior agreement to not attend;
 - failure to maintain Continuous Personal Development, as per the membership terms of your professional body
 - Discourteous or aggressive behaviour to Welsh Government and Natural Resources Wales staff and members of the public.
2. Where the Welsh Government considers a sanction warrants it, the Registered Glastir Woodland Management Planner will be given a formal written warning if the Registered Glastir Woodland Management Planner neglects or has lack of regard for their respective code of conduct, the UKFS, Glastir Woodlands scheme rules and these Terms & Conditions. Such a warning may require the Registered Glastir Woodland Management Planner to undertake reasonable specified actions to address the Welsh Government's concerns or objections.
3. Should further sanctions be necessary, the Registered Glastir Woodland Management Planner will be removed from the list of Registered Glastir Woodland Management Planners immediately and paragraphs 6, 7, 8, 9 and 10 will apply.

4. Where the Welsh Government considers a Registered Glastir Woodland Management Planner has carried out a sufficiently severe breach of these terms and conditions, the Registered Glastir Woodland Management Planner will be removed from the list immediately.
5. Where fraud is suspected, a Fraud Risk Evaluation Panel will be convened to investigate the matter.
6. Any decision to impose sanctions under this section will be taken at Senior Welsh Government Officer level.
7. The Registered Glastir Woodland Management Planner will be advised in writing, given an opportunity to respond and afforded the opportunity of a meeting with the Welsh Government to discuss the issue. Following consideration of any representation made by the Registered Glastir Woodland Management Planner, the Welsh Government will determine whether to confirm or vary the sanction. In all cases, provision will exist for formal Appeal, without prejudice, to the right of legal redress.
8. In circumstances where the Registered Glastir Woodland Management Planner is suspended or removed from the Register, all Management Plans being worked on at the time of suspension must be sent to the Welsh Government.
9. The above sanctions may be applied in addition to any penalties applicable under the individual Glastir Woodlands schemes.
10. The Applicant(s) may be informed of any sanctions imposed on a Registered Glastir Woodland Management Planner by the Welsh Government.

5. General Provisions

1. A Registered Glastir Woodland Management Planner will be expected to comply with all reasonable requirements relating to the proper completion and return of forms and documents and shall furnish, without undue delay, any information appropriate to the relevant Glastir woodland scheme sought from time to time by the Welsh Government, including access to records held by the Registered Glastir Woodland Management Planner or their employer.
2. The Welsh Government will not accept any responsibility for, or intervene in, any dispute between an Applicant and a Registered Glastir Woodland Management Planner, as these are private matters to be resolved between the two parties.
3. Registered Glastir Woodland Management Planners are expected to complete a minimum of three Glastir Management Plans annually to maintain their professional competence. However, there is no guarantee of the frequency or amount of work that they will be called upon to undertake. If a Management Plan is not completed within the required timescale,

it may need to be deferred or resubmitted. Any request to defer or resubmit a Management Plan that is not completed within the required timescale must be made in writing to the Welsh Ministers by the Registered Glastir Woodland Management Planner. Failure to comply with any aspect of this paragraph may result in the imposition of sanctions, as set out in part 5 above.

4. As part of the compilation of a Management Plan, the Registered Glastir Woodland Management Planner is responsible for obtaining all necessary Licences, for example, felling and European Protected Species licences, associated documents, such as an Environmental Impact Assessment, and consents, such as Ancient Monument consent, Registered Parks & Gardens consent, Notice of Intent for Sites of Special Scientific Interest, Ordinary Watercourse consent, General Permitted Development Order and Planning Permission within 25m of a highway.
5. Registered Glastir Woodland Management Planner will be expected to operate in line with best practice, including the use of all IT facilities, new administrative systems and on-line systems, as may be required by the Welsh Government.
6. It is a condition of registration that all grant-aided activities shall be conducted in compliance with the laws of England and Wales relating, inter alia, to tax and employment. A declaration of compliance in this regard may be required from a Registered Glastir Woodland Management Planner.
7. The Welsh Government reserves the right to delete, replace or amend these Terms and Conditions. The UKFS applicable to Glastir Woodlands schemes may also be amended from time to time. All Registered Glastir Woodland Management Planners will be notified in writing prior to any deletions, replacements or amendments taking effect and provided with reasonable notice of such changes.
8. The rights and remedies set out in this document shall not prejudice any rights or remedies available to the various parties at common law.
9. Either party may terminate a registration under these Terms and Conditions by written notice. The Welsh Government will inform a Registered Glastir Woodland Management Planner in writing in the event of their registration being terminated without their consent.
10. The Welsh Government may terminate a registration under these Terms and Conditions immediately in the event of the Registered Glastir Woodland Management Planner or their employer becoming insolvent or if insolvency, receivership or bankruptcy proceedings are commenced by, or against, the Registered Glastir Woodland Management Planner or their employer, or if an administrator is appointed, or if the Registered Glastir Woodland Management Planner assigns this agreement or any rights under this agreement without the prior written consent of Welsh Government.

6. Data Disclosure

Sharing Personal Data

The information you provide will be used to:

- publish the list of Registered Glastir Woodland Management Planners (including names, addresses, telephone numbers and e-mail addresses);
- confirm with the Institute of Chartered Foresters or other recognised professional body that the Registered Glastir Woodland Management Planner is a member of the professional body;
- enable the Welsh Government (or its agents) to process Management Plans and administer Glastir woodland schemes;
- allow partner organisations to fulfil their legal duties.

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 following legislation:

- Freedom of Information Act 2000
- Data Protection Act 1998
- Environmental Information Regulations 2004, and

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.

Definitions

‘Applicant’ means the person or entity so named in a Glastir Woodlands expression of interest or application.

‘Approval’ means the approval of the Management Plan following validation and verification checks by the Welsh Government or Natural Resources Wales.

‘European Union rules’ means the relevant law (including legislation) of the European Union and any law enacted by the United Kingdom or Welsh Ministers which is expressed to be for the purpose of implementing, or which does implement, the law of the European Union, which is in force for the time being, including any such law or legislation of the European Union which is adopted or comes into force in relation to Wales after the making of these Terms and Conditions.

‘Glastir Woodland Management Planner’ means an individual who provides forestry services and has been accepted onto the Register of Glastir Woodland Management Planners thereby agreeing to adhere to the terms and conditions set out in this document.

‘Forestry Standards’ means all those standards listed in part 3.1.

‘Glastir woodland schemes’ means all Rural Development Plan woodland schemes of the Welsh Government including Glastir Woodland Management, Glastir Woodland Creation and Glastir Woodland Restoration.

‘Glastir Woodlands documents’ means all the documentation relating to the Glastir Woodlands schemes.

‘Management Plan’ – means the Forest Management Plan or Glastir Woodland Creation Plan relating to Glastir woodland schemes.

‘Welsh Ministers’ has the same meaning given by section 45(2) of the Government of Wales Act 2006.

‘Registered Glastir Woodland Management Planner’ means a person listed on the Welsh Government’s Register of Glastir Woodland Planners.

‘UK Forestry Standard (UKFS)’ means the Reference standard for sustainable forest management in the United Kingdom.

‘Welsh Government’ has the same meaning given by section 4 of the Wales Act 2014.

‘Woodlands for Wales – the strategy for woodlands and trees’ means the Welsh Government strategy which sets out the direction of Welsh forestry.

‘Senior Welsh Government Officer’ means a Welsh Government Officer of Grade MB1 or above.

**Application for admission to the Welsh Government
Register of Glastir Woodland Management Planners**

Name: _____

Address:

Tel: _____

Fax: _____

Mobile: _____

E-mail: _____

Employer Company Name (if applicable):

Address:

Tel: _____

Fax: _____

1. I am willing to work through the medium of Welsh and provide Management Plans in Welsh:

Please indicate with a cross which regions within Wales you are prepared to give advice within:							
County		County		County		County	
Blaenau Gwent	<input type="checkbox"/>	Conwy	<input type="checkbox"/>	Monmouthshire	<input type="checkbox"/>	Swansea	<input type="checkbox"/>
Bridgend	<input type="checkbox"/>	Denbighshire	<input type="checkbox"/>	Neath	<input type="checkbox"/>	Torfaen	<input type="checkbox"/>
Caerphilly	<input type="checkbox"/>	Flintshire	<input type="checkbox"/>	Newport	<input type="checkbox"/>	Vale of Glamorgan	<input type="checkbox"/>
Cardiff	<input type="checkbox"/>	Gwynedd	<input type="checkbox"/>	Pembrokeshire	<input type="checkbox"/>	Wrexham	<input type="checkbox"/>
Carmarthenshire	<input type="checkbox"/>	Isle of Anglesey	<input type="checkbox"/>	Powys	<input type="checkbox"/>		
Ceredigion	<input type="checkbox"/>	Merthyr Tydfil	<input type="checkbox"/>	Rhondda Cynon Taff	<input type="checkbox"/>		

1. I declare that I am:

a. Associate member of the Institute of Chartered Foresters:

How long have you been an Associate Member?

b. Full member of the Institute of Chartered Foresters:

c. Associate member of another Professional body:

Which Professional body?

How long have you been an Associate Member?

d. Full member of another Professional body:

Full Membership / Associate Membership Number:

I enclose proof that I am an Associate or Full Member of the Institute of Chartered Foresters (ICF) or a similar Professional Body, or hold a qualification in forestry e.g. qualification certificates.

3. I understand that the Welsh Government will seek confirmation from the Institute or Professional body or myself regarding my membership or Associated Membership.
4. A Certificate of Professional Indemnity Insurance insuring a minimum value of £500,000 is attached: (where the individual has insurance as a result of being employed by a company, the company certificate must be supplied):
5. I will forward renewal, or replacement, of this Certificate annually within thirty days of renewal, otherwise I will forfeit registration. In the event of cancellation or amendment of cover to below the required level, I will notify Welsh Government within seven working days.
6. I will comply with the Terms and Conditions of Registration of Management Planners including all Forestry Standards and all Glastir Woodlands rules scheme and documentation outlined therein.
7. I will attend training courses for Glastir woodlands schemes, where required:

Signature _____

Signed by (block capitals) _____

Date _____

Please return this form and all supporting documents to glastirtargetedelementqueries@gov.wales or post them to Welsh Government, Rural Payments Wales, Government Buildings, Penrallt, Caernarfon, Gwynedd LL55 1EP

Please mark all supporting documents with your name and Glastir Woodland Planner application.