



WOODLANDS GRANT SCHEME 2021

Index

Paragraph	Page
PART 1 – INTRODUCTORY	3
1 Title	3
2 Commencement	3
3 Interpretation.....	3
PART 2 – ASSISTANCE BY WAY OF GRANT	4
4 Grants to be made.....	4
PART 3 – ELIGIBILITY	5
5 Eligible applicants.....	5
PART 4 – APPLICATIONS AND CONDITIONS	5
6 Application for a grant.....	5
7 Consideration of applications	6
8 Conditions of a grant.....	6
9 Destruction of relevant trees	7
PART 5 – WITHOLDING ETC. OF GRANTS	7
10 Breach of obligations	7
11 Department's powers.....	8
12 Recovery of financial assistance	8
PART 6 – REVIEW OF DECISION	9
13 Review of decision.....	9
PART 7 – INFORMATION	9
14 Information.....	9
15 Record keeping	9
PART 8 – ENTRY AND INSPECTION	10
16 Obligation to permit entry and inspection for the purposes of the Scheme	10
17 Offences.....	10

PART 9 – GUIDANCE	11
18 Guidance.....	11
SCHEDULE	13
FORM OF APPLICATION	13

Consultation draft



Statutory Document No. 20XX/XXXX



Financial Provisions and Currency Act 2011

WOODLANDS GRANT SCHEME 2021

Approved by Tynwald:

Coming into Operation:

[TBC]

The Department of Environment, Food and Agriculture, with the concurrence of the Treasury¹, makes the following Scheme under section 3 of the Financial Provisions and Currency Act 2011.

PART 1 – INTRODUCTORY

1 Title

This Scheme is the Woodlands Grant Scheme 2021.

2 Commencement

If approved by Tynwald, this Order comes into operation on [TBC]².

3 Interpretation

In this Scheme —

“**advance expenditure payment**” means the amount of money granted under this Scheme to a beneficiary for a woodlands project, before that woodlands project has commenced, in respect of materials or otherwise required for the purpose of carrying out tree planting and maintenance;

“**application**” means an application for a woodlands grant;

“**approved**” in relation to any payment means approved by the Department under paragraph 7 (consideration of applications);

“**authorised person**” means any person authorised by the Department either generally or specifically for the purposes of the Scheme;

¹ Treasury concurrence is required under section 3(2)(b) of the Financial Provisions and Currency Act 2011 and section 10 of the Treasury Act 1985.

² Tynwald approval is required under section 3(7) of the Financial Provisions and Currency Act 2011.

“**beneficiary**” means an eligible applicant who has been paid a woodlands grant or whose application has been accepted by the Department;

“**carbon sequestration**” means the long-term storage of carbon which acts to prevent it from being emitted or remaining in the atmosphere;

“**Department**” means the Department of Environment, Food and Agriculture;

“**eligible applicant**” means a person or company who is eligible to apply for a woodlands grant by virtue of paragraph 5 (eligible applicants);

“**existing woodland**” means land on which trees are grown, whether or not commercially, prior to an application being submitted to the Department under this Scheme;

“**new woodland payment**” means the amount of money granted under this Scheme to a beneficiary for a woodlands project;

“**relevant tree**” means a tree planted or maintained with the benefit of a woodlands grant;

“**required period**” is the period ending on the 31 December, 30 years after the beneficiary receives a payment of a woodlands grant;

“**woodlands grant**” means the payment for a woodlands project referred to in paragraph 4 and comprising the aggregate of any —

- (a) advance expenditure payment;
- (b) new woodland payment; and
- (c) such additional payment as the Department may deem reasonable; and

“**woodlands project**” means a project covering between 0.2 and 10 hectares of land in a single portion and consisting of tree planting and maintenance outside of existing woodland, for the purpose of carbon sequestration.

PART 2 — ASSISTANCE BY WAY OF GRANT

4 Grants to be made

- (1) Subject to the provisions of this Scheme, the Department may make a woodlands grant to an eligible applicant towards the cost of planting and maintaining trees for the purpose of carbon sequestration.
- (2) The Department may determine in each financial year the total amount of woodlands grant payable —
 - (a) in the Island;
 - (b) to specific areas of the Island as determined by the Department; or
 - (c) for specific activities as defined by the Department.

PART 3 – ELIGIBILITY

5 Eligible applicants

- (1) Subject to the provisions of this Scheme, an eligible applicant for a woodlands grant is –
 - (a) an individual resident in the Island for tax purposes or a company registered and with a place of business in the Island; and
 - (b) the owner of the land or have the owner's written permission to plant and maintain trees on that land for the required period.
- (2) Despite subparagraph (1), an applicant is not eligible for a woodlands grant if the application –
 - (a) is for a woodlands project situated on land that is the subject of a grant made under the Agricultural Development Scheme 2019³; and
 - (b) is made within the same financial year that a grant under the Agricultural Development Scheme 2019 was made.
- (3) Despite subparagraph (1), an applicant is not eligible for a woodlands grant if the application is for a woodlands project that involves tree planting or maintenance that has already been carried out with the benefit of a woodlands grant, or a grant under a previous scheme having the same purpose, unless it appears to the Department that it is reasonable for funding to be provided under this Scheme.
- (4) Despite subparagraph (1), an applicant is not eligible for a woodlands grant if the applicant does not have all necessary planning permissions required for the woodlands project that is the subject of the application.

PART 4 – APPLICATIONS AND CONDITIONS

6 Application for a grant

- (1) An application for a woodlands grant must –
 - (a) be submitted by an eligible applicant;
 - (b) contain any information requested by the Department as set out in the Schedule; and
 - (c) be accompanied by such documentation and other information as the Department may reasonably require.
- (2) An application is properly made only when all the documentation and information required by the Department have been provided and are factually correct.

³ SD 2019/0466.

- (3) The approval by the Department of an application is conditional upon the correctness of the information supplied in the application.

7 Consideration of applications

- (1) The Department must consider every application that has been properly made and must inform the eligible applicant of its decision in writing.
- (2) The Department may, as it thinks fit –
 - (a) defer a decision regarding any application until the applicant has provided to the Department any further information that the Department may reasonably request;
 - (b) refuse to approve any application;
 - (c) approve advance expenditure payment in whole or in part for the purposes of a woodlands grant;
 - (d) approve new woodland payment in whole or in part for the purposes of a woodlands grant;
 - (e) approve such additional payment as the Department may deem reasonable for the purposes of a woodlands grant.
- (3) The Department may refuse an application solely on the grounds that to approve that application would result in the amount determined under paragraph 4(2) (grants to be made) being exceeded.
- (4) No monies are payable in respect of tree planting or maintenance, or any work in connection with tree planting or maintenance, if an application is refused by the Department.
- (5) If the Department approves an application the Department must send the eligible applicant an authorisation notice stating that the woodlands project may commence.
- (6) Any approval of an application may be varied or withdrawn by the Department with the written consent of the eligible applicant.

8 Conditions of a grant

- (1) Any approval of a woodlands grant may be made subject to such conditions that the Department thinks fit.
- (2) Without prejudice to the generality of subparagraph (1), the Department may specify –
 - (a) the date on which the woodlands project is to commence;
 - (b) the date or circumstances on which a payment of a woodlands grant, either in whole or in part, is to be paid.

9 Destruction of relevant trees

- (1) Beneficiaries must not destroy a relevant tree during the required period except with the permission of the Department and in compliance with any other relevant legislation.
- (2) A request by the beneficiary to destroy a relevant tree during the required period must be submitted in writing to the Department.
- (3) The request mentioned in subparagraph (2) must contain such information as the Department may specify.
- (4) The Department must grant or refuse permission to destroy a relevant tree within 3 months of receiving the request mentioned in subparagraph (2), subject to such conditions as it may reasonably require.
- (5) If a relevant tree is accidentally destroyed during the required period –
 - (a) the beneficiary must immediately notify the Department and provide such further information as the Department may reasonably require;
 - (b) the Department may exercise the powers in paragraph 11 (Department's powers).

PART 5 – WITHHOLDING ETC. OF GRANTS

10 Breach of obligations

- (1) If –
 - (a) any information furnished to the Department by the eligible applicant or the beneficiary (as the case may be) is false, incomplete or misleading;
 - (b) the eligible applicant or the beneficiary (as the case may be) is in breach of any requirement to which the eligible applicant or the beneficiary is subject under this Scheme;
 - (c) the Department considers that the woodlands project appears not to have been carried out satisfactorily;
 - (d) the whole or part of any woodlands grant provided duplicates any other financial assistance paid or to be paid out of public funds,the Department may exercise the powers in paragraph 11 (Department's powers).
- (2) For the purposes of subparagraph (1)(d), the woodlands grant duplicates other financial assistance if it is, or would be, for the same purposes as that financial assistance.
- (3) Where –

- (a) a beneficiary has transferred land to which the approval relates to another person (“the transferee”);
 - (b) the transferee has given an undertaking to the Department to assume the conditions of the approval for the transferred land in place of the beneficiary; and
 - (c) the Department has accepted that undertaking,
- the beneficiary is released from the conditions of the approval for the transferred land other than in respect of any breach or other matter occurring before the acceptance by the Department of the transferee’s undertaking.

11 Department’s powers

- (1) The powers conferred on the Department by paragraph 10 (breach of obligations) are –
 - (a) the power to withhold the whole or any part of a woodlands grant payable to the beneficiary;
 - (b) the power to suspend or terminate the payment of a woodlands grant to the beneficiary;
 - (c) the power to recover on demand the whole or any part of a woodlands grant already paid to the beneficiary.
- (2) Before taking the steps specified in subparagraph (1) the Department must –
 - (a) give the beneficiary a written explanation of the reasons for the steps proposed to be taken;
 - (b) afford the beneficiary an opportunity to make written representations within such time as the Department considers reasonable; and
 - (c) consider such representations.
- (3) The Department must notify the beneficiary of its decision to exercise any of its powers under subparagraph (1).

12 Recovery of financial assistance

- (1) In any case where an amount falls to be paid to the Department by virtue of any action taken under this Scheme, it is recoverable as a debt due to the Department.
- (2) Recovery under paragraph 11(1)(c) (Department’s powers) is in addition to any other action the Department may take.

PART 6 – REVIEW OF DECISION

13 Review of decision

- (1) Where the Department has –
 - (a) rejected an application;
 - (b) determined to pay a smaller woodlands grant than that applied for;
 - (c) refused permission to destroy a relevant tree under paragraph 9 (destruction of trees); or
 - (d) exercised any of its powers in paragraph 11 (Department's powers),

the applicant or the beneficiary (as the case may be) may request that the Department review its decision.

- (2) A request for a review must state the grounds on which the review is requested and be made in writing within one month of the date of notification of the decision.
- (3) The Department must appoint an officer of the Department (other than an officer involved in the original decision under paragraph 7 (consideration of applications) or the decision to exercise the powers in paragraph 11 (Department's powers) to review the decision and must notify the applicant or the beneficiary (as the case may be) of the outcome of that review.

PART 7 – INFORMATION

14 Information

- (1) A beneficiary must supply the Department with such information about any approved woodlands grant, and any work in connection with which such approved woodlands grant, as the Department reasonably may require.
- (2) Where the Department requires such information the beneficiary must give it to the Department within such period as the Department may reasonably determine.

15 Record keeping

- (1) A beneficiary ("B") must, subject to subparagraphs (2) and (3), keep any invoice, account or other document relating to any approved woodlands grant, or any work in connection with which such an approved woodlands grant, for the period of 6 years beginning with the day on which the last payment of an approved woodlands grant is made to B.
- (2) If in the normal course of business –

- (a) B transfers to another person the original of any document that B is required to keep under subparagraph (1); and
- (b) such a transfer occurs within the period specified in subparagraph (1),

it is sufficient compliance with that subparagraph for B to keep a copy of that document for that period.

- (3) Subparagraph (1) does not apply in any case where a document to which that subparagraph relates has been removed by any person lawfully authorised to remove it.

PART 8 — ENTRY AND INSPECTION

16 **Obligation to permit entry and inspection for the purposes of the Scheme**

- (1) An applicant must permit any authorised person (“P”), accompanied by such other persons acting under P’s instructions as appear to P to be necessary for the purpose, at all reasonable times and on production of evidence of P’s authority, if so required, to enter upon any part of the applicant’s land for the purposes of –
 - (a) inspecting all or any part of the land or equipment to which an application or approved woodlands grant relates;
 - (b) verifying the accuracy of any information provided by an applicant or beneficiary relating to an application or approved woodlands grant; or
 - (c) determining whether or not a beneficiary has complied with the terms of an approval.
- (2) An applicant must render all reasonable assistance to P in relation to the matters mentioned in subparagraph (1) and in particular must, at the request of P, accompany P in making an inspection of any land and identify any area of land to which the applicant’s application or undertaking relates.

17 **Offences**

A person who provides false, incomplete, or misleading information in connection with an application commits an offence.

Maximum penalty (summary) — a fine of level 5 on the standard scale.

PART 9 – GUIDANCE

18 Guidance

- (1) The Department may publish information to serve as guidance with respect to the manner in which powers are to be exercised under this Scheme.
- (2) That guidance may, in particular, cover –
 - (a) the criteria and conditions of eligibility for the payment of a woodlands grant;
 - (b) woodland types eligible or otherwise for support under the Scheme;
 - (c) woodland densities eligible or otherwise under the Scheme;
 - (d) variation in limits to approved advance expenditure payment for differing woodland types;
 - (e) variation in new woodland payment for differing woodland types;
 - (f) the application process;
 - (g) the payment process, including payment timings;
 - (h) the review process;
 - (i) the terms and conditions for the Scheme.

MADE

GEOFFREY BOOT

Minister for Environment, Food and Agriculture

SCHEDULE

[Paragraph 6]

FORM OF APPLICATION

The Department may request the following particulars in respect of an application —

- (a) general information (such as the name of applicant, date of birth, contact details, business details including tax reference number);
- (b) company registration number (if applicable);
- (c) assessment of labour requirement;
- (c) general description of the woodlands project, including location, status of applicant in respect of landholding (e.g. tenant, owner);
- (d) has any previous financial assistance in respect of this application been applied for under this or any other Government scheme;
- (e) planning consent number (if applicable);
- (f) planned advance expenditure; and
- (g) planting plan, including woodland type, number of trees to be planted, tree spacing, area to be planted and maintained;
- (h) declaration, including permission to publish names of Scheme recipients;
- (i) consent for the Department to obtain information from third parties concerning the applicant, including from the Treasury and Land Registry.

*EXPLANATORY NOTE**(This note is not part of the Scheme)*

This Scheme provides for grants to be made towards tree planting and maintenance for the purpose of carbon sequestration.

The Scheme sets out the eligibility criteria for a grant and how an application must be made. In addition, it provides for the Department to impose conditions on the award of a grant.

The Department may withhold, terminate or seek to recover a grant or a portion of that grant if any of the conditions of a grant are breached. The Scheme provides for inspections by the Department in order to determine compliance with any conditions.

The Scheme also creates an offence of providing false, incomplete or misleading information in connection with an application.