

## CREATING ENGLAND'S COMMUNITY FORESTS

### SUBSIDY SCHEME 2026 – 2046

#### Background

1. Cheshire West and Chester Council (the "**Council**") declared a Climate Emergency in May 2019 and has adopted a policy to deliver borough-wide carbon neutrality by 2045 and council-specific neutrality by 2030. The Council supports increased woodland, recognising the benefits this can have in respect of tackling climate change, storing hundreds of thousands of tonnes of carbon, reducing flood risk and creating more places for nature to thrive.
2. The Council has been appointed as the accountable body for DEFRA's Trees for Climate ("**TFC**") programme. In this role it has entered into agreements under which delivery partners are entrusted to distribute TFC funding to eligible organisations. The names of the delivery partners can be found in the table at the end of the document. Although most awards of grant under the TFC will be outside the definition of 'subsidy' at Section 2(1) of the Subsidy Control Act 2022 (the "**Act**") it is recognised that in a few instances, the grants offered towards creating and establishing woodland may constitute subsidy.

This could include situations where:

- grants are provided towards woodland that will be the subject of access fees (whether by way of individual payments or membership);
- the funded trees, woodland shrubs or produce from these will be sold for commercial profit;

#### Scheme details

3. Gemma Davies, the Director of Economy and Housing, having considered the Subsidy Control principles in accordance with Chapter 1 of Part 2 of the Act and being of the view that the subsidies given under the scheme will be consistent with those principles makes the following subsidy scheme (the "**Scheme**") in accordance with Section 10(1) of the Act.
4. The Scheme is made on 13<sup>th</sup> April 2026 by the Council for the purpose of accelerating the planting / increasing the number of trees/woodland and shrubs within England in order to deliver benefits for the environment and the community.

## Definitions

5. In the Scheme the following definitions shall apply:
  - . "*Community Forest*" means any area identified as such at the date of the Subsidy Scheme being created ( <https://englandscommunityforests.org.uk/where-are-the-forests/> ) or which is established during the Term, including the area up to ten miles around the Forest boundary and the full extent of the Northern Forest(<https://thenorthernforest.org.uk/> );
  - . "*delivery partner*" means any organisation listed in the table at the end of this document for the Purpose and which has entered into a contract with the Council setting out the terms and conditions for the administration of awards to the recipients;
  - . "*enterprise*" has the meaning given by Section 7 of the Act;
  - . "*land*" has the meaning given by Section 205 of the Law of Property Act 1925;
  - . "*recipient*" is the beneficiary of the subsidy;
  - . "*saplings*" means any plant that can be expected to grow into a tree;
  - . "*tree*" means any plant with a single woody stem or trunk that is expected to achieve a height of at least 5 metres; and
  - . "*woodland shrubs*" means multi-stemmed woody plants which sprout from near ground level and form the layer below the main tree canopy (and which falls outside the definition of tree above).

## Conditions

6. The Scheme provides for the giving of subsidies by the Council and any delivery partner (each a "**Funder**") but only where the relevant Funder has reasonable grounds to conclude that the measure satisfies all of the following conditions.
7. The Scheme may be used for awards of subsidy legally committed by any Funder to a recipient between 13<sup>th</sup> April 2026 and 31 March 2046 (the "**Term**").
8. Subsidies may be awarded in the form of grants.
9. The maximum grant will be £7m to any one enterprise in any three year period.
10. Grants may be awarded towards the costs of:
  - . the purchase of land from a third party to be dedicated for use as a community forest for not less than 25 years;
  - . to purchase and plant saplings;
  - . to establish and nurture the growth of saplings, woodland shrubs and trees (including but not limited to the costs of fencing and other forms of protection);

- . commission services which support woodland establishment including inter alia :
  - landowner engagement and woodland design and consenting
  - contract management and delivery through third parties of the trees / woodland shrubs
  - directly manage tree / woodland shrub planting
  - directly managed and contracted woodland creation and establishment operations
  - opening up woods for visitors
  - building and maintaining visitor facilities (e.g. footpaths, cycleways etc.)
  - educational, health and community initiatives to ensure and enable establishment.
- 11. The trees and woodland shrubs planted will either :
  - a. remain in place for 15 years;
  - b. be replaced within the Community Forest within 12 months if trees or woodland are cutdown or land is disposed of.
- 12. The Scheme has a budget of £30m.
- 13. The Scheme shall not be used to award a subsidy which:
  - . is subject to EU State aid law, either because it falls within Article 10 of the Northern Ireland Protocol (as amended by the Windsor Framework) or Article 138 of the Withdrawal Agreement 2019;
  - . would relieve the beneficiary of any pre-existing legal commitment or where the recipient would undertake the activities in the absence of subsidy; or
  - . would, but for Section 30(1) of the Act, be subject to any of the prohibitions or any other requirement contained in Sections 15 to 29 of the Act.
- 14. The relevant Funder shall be responsible for ensuring that all transparency obligations are fulfilled with respect to each subsidy awarded under the Scheme. This shall include, where relevant, posting the required information on to the national Subsidy Database in line with the requirements of the Act.
- 15. The Scheme does not give cover to a subsidy which would be classed as a "Subsidy of Particular Interest" under the Act and any implementing Regulations including the Subsidy Control (Subsidies and Schemes of Interest or Particular Interest) Regulations 2022.
- 16. Where goods, works or services are obtained from third parties to deliver the TFC Programme, appropriate steps shall be taken to demonstrate to the Funder's satisfaction that the remuneration is at or below market rate.
- 17. Any party receiving subsidy under the Scheme is responsible for making its own independent assessment of compliance with the requirements of the conditions of the Scheme and the Act. The Council shall not be liable for any act or omission if a measure is found not to meet the terms of the Scheme.

18. Nothing written in the Scheme should be interpreted as providing any potential recipient of subsidy with any entitlement to subsidy. In choosing whether to apply the Scheme to a particular proposed award of subsidy the Council's interpretation and judgement shall be final. Neither the Council nor any delivery partner is not obliged to use the Scheme in awarding a subsidy or other award of financial assistance.

### Delivery Partners

Entity	Accountable Body if different
City of Trees	
Cumbria Community Forest	Community Forest Trust
Forest of Avon Trust	
Forest of Mercia	Forest of Mercia CIC
Humber Forest	East Riding
Tees Forest	Community Forest Trust
North East Community Forest	Newcastle City Council
Plymouth and South Devon Community Forest	Plymouth City Council
Thames Chase Community Forest	Thames Chase
The Forest of Marston Vale	
The Great Western Community Forest	Swindon Council
The Greenwood Community Forest	Nottinghamshire County Council
The Mersey Forest	Cheshire West and Chester
The White Rose Forest	Kirklees Council
The Woodland Trust	
National Trust	
Trust for Conservation Volunteers	