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Objective

This procedure aims to describe the steps the companies have to follow before any new plantation establishment. The intention is that new planting will be transparent and will not negatively impact forest, High Conservation Values, High Carbon Stocks, fragile and marginal soils or local people's lands in compliance with regulations and best practices.

Application Domain

This procedure applies to all Siat concessions subjected to land clearing or new palm oil planting establishment. Including replanting of old abandoned plantations.

Responsibilities

MD is responsible for the good application of the Policy.
GSM is responsible for the revision of the SOP.
Other responsible are indicated between [XXX] for each steps. Refer to last page for the summary table.

References (not exhaustive)

Regulations

NIGERIA REGULATION: *Land - Land Use Act; Environmental Impact Assessment Decree; National Policy on Environment; Environmental Impact Assessment Act; Control of Bush/Forest Fire and Open Burning Regulations.*

GHANA REGULATION: *Environmental Assessment Regulations; EPA Act Environmental Protection; Land Use and Spatial planning Act; Riparian Buffer Zone Policy; Environmental Assessment Regulations.*

EUDR: *European regulation on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation.*

Requested by customers

RSPO: *New Planting Procedure 2020 and 2025; P&C 2018 and P&C 2024; Certification System 2024; GHG Assessment procedure for new planting; FPIC Guidance 2015.*

VDF: *Verification Deforestation Free.*

NDPE: *No Deforestation, No Peat, No Exploitation.*

Requested by funders

IFC: *International Performance Corporation, e.g. Performance standard 5, Land Acquisition and Involuntary Resettlement; Performance standard 6, Biodiversity Conservation and Sustainable Management of Living Natural Resources.*

Remarks – Important notes

- There shall be no land preparation by burning, other than in specific situations formally validated by GSM.
- Procedure shall be applied to all the development permits.
- This procedure will not mention agronomic feasibility studies necessary before establishing plantations.
- Completion of the NPP does not necessarily mean that legal requirements are met.
- No conversion should be possible for any land that could have been identified as non plantable in any step of this procedure (e.g. HCV, disputed land, HCS, Fragile soil...).
- All subsidiaries are subjected to the NPP requirement whether certified or not.
- If land clearing is actively occurring at the time of new land acquisition, operations must cease completely and this procedure shall be followed.
- Planting and any associated development (such as road development) shall only begin once this procedure is completed and required approvals are granted (e.g. RSPO NPP, ESIA permit).
- Assessments (e.g. ESIA, HCV-HCSA, GHG) should be less than 3 years or should be reviewed at the time of land clearing.
- Studies shall clearly indicate the location of land and the surface area covered (ha).
Boundaries shall be delineated as soon as possible, with boundary pillars installed (if missing) and georeferenced.
- LUCA must be current at the time of NPP, less than 1 year.
- Smallholder's plantations should comply with this procedure (when certification responsibility belongs to the company).
- Other plantations than oil palm inside the boundaries of the CofO should comply with the procedure.



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Abbreviations and Acronyms

ALS	Assessor Licensing Scheme (HCVRN)	HCV	High Conservation Value
CAO	Chief Administrative Officer	HCVRN	High Conservation Value Resource Network
CAP	Chapter	HSE	Health, Safety and Environment
CB	Certification Body	IFC	International Finance Corporation
C&P	Community & Partnerships	IMM	Impact Mitigation Monitoring
CofO	Certificate of Occupancy	LC	Legal Counsel
COO	Chief Operating Officer	LFN	Laws of the Federation of Nigeria
EIA	Environmental Impact Assessment	LI	Legislative Instrument (Ghana)
EIS	Environmental Impact Statement	LUC	Land Use Change
EMP	Environmental Management Plan	LUCA	Land Use Change Analysis
EPA	Environmental Protection Agency	MD	Managing Director
ESIA	Environmental and Social Impact Assessment	NDPE	No Deforestation, No Peat, No Exploitation
EUDR	European Union Deforestation Regulation	NPP	New Planting Procedure
FPIC	Free, Prior and Informed Consent	P&C	Principles and Criteria (RSPO)
FMenv	Federal Ministry of Environment	RSPO	Roundtable on Sustainable Palm Oil
GHG	Greenhouse Gas	SIA	Social Impact Assessment
GSM	Group Sustainability Management	SOP	Standard Operating Procedure
ha	hectare(s)	VDF	Verification Deforestation Free
HCS	High Carbon Stock	GPS	Global Positioning System
HCSA	High Carbon Stock Assessment		

Clause/Intention	Preferred verbal form	Alternate verbal forms
Requirement	Shall	Is required to / Has to
	Shall not	Is not allowed to / don't
Recommendation	Should	It is recommended that
	Should not	It is not recommended that
Permission	May	Is permitted/allowed to
	May not	Is not permitted/allowed to
Possibility/Capability	Can	Is able to
	Cannot	Is not able to
External Constraints	Must	-
	Must not	-



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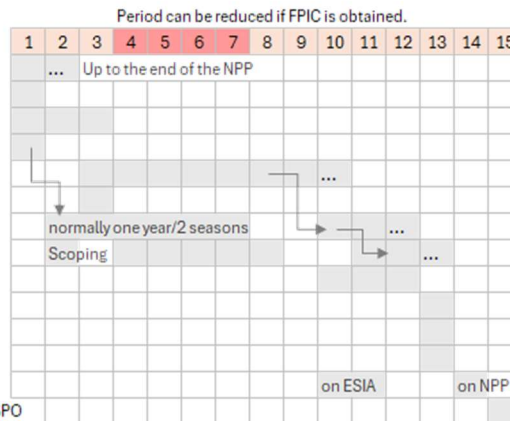
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Mechanism

- 1) Definition of a proposed new oil palm development
- 2) Stakeholder engagement and FPIC process initiated
- 3) Conduct assessments: ESIA, HCV assessment, LUC analysis, soil suitability and topographic survey and GHG assessment (including Carbon assessment)
- 4) Development of management plans
- 5) Reporting and verification of NPP report
- 6) Public notification and comment period
- 7) Resolution and completion (if any)

<u>Organisation</u>	•Managers, Sociologist and logistic available
<u>Legality</u>	• CofO ready and consistent with maps
<u>Mapping</u>	• Maps and shapefiles (land survey)
<u>FPIC</u>	• Community give approval for assessment to be conducted • Full consent received and documented
<u>Plan</u>	• Development plan (forecast)
<u>Assessments</u>	• ESIA (assessment then approval) • HCV-HCSA (then approval)
<u>Reporting</u>	• LUCA (Land Use Change for uncleared areas) • Calculation of GHG for NPP • Reporting NPP
<u>Verification</u>	• Field verification by a CB - NPP approved by CB
<u>Approval</u>	• Community consultation ESIA and NPP • Approval - ESIA approved by Fmenv and NPP approved by RSPO



Internal resources	External resources	Legal	RSPO	Certification Body
X		X		
X	X	X		
X		X		
X	X			
	X	X		
	X			
X				
X				
				X
X	X			
	X	X		

Procedure

After all legal aspects of new land acquisition are addressed, Siat must complete the following activities before any land clearing and any new plantation is established on the land. Responsibility is indicated for each point.

License to operate [MD; C&P]

- Get CofO or equivalent document.
- Documented permission of local communities for assessments to be conducted on land for which they have legal, customary and/or user rights.

Planning of the planting [MD; Surveyor; C&P]

Map and delineate the area with coordinates according to the land acquisition document following boundary pillars.

ESIA - Approved Environmental and Social Impact Assessment ≤ 3 years [HSE; C&P]

- Done by an accredited independent expert.
- For any new land acquisition and prior to any land conversion, Siat subsidiary proceeds to get an environmental and social impact assessment done by an accredited body and verified by the authority in charge so as to obtain a legal environmental permit for operations.
- Assessment also includes: stakeholder consultation, soil suitability, public consultations, FMenu field verification.

National legal project permit [MD; HSE; C&P]

- Obtain legal documents related to the environment (other documentation may be required at the national and regional levels).
 - Ghana: Environmental permit by EPA (then submit EMP to obtain Environmental certificate).
 - Nigeria: Approval letter by the Federal Ministry of Environment including Environmental Impact Statement EIS and EIA certificate and then environmental permit.

FPIC - Free Prior Informed Consent and relevant stakeholder engagement [C&P]

- FPIC is the principle that a community has the right to give or withhold its consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use, prior to the development and establishment of oil palm plantations.
- Documents and evidence that should be available in appropriate forms and languages:
 - Participatory maps made together with the communities and validated by communities.



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- Copies and proof that the information has been provided to all affected groups of negotiated agreements, consultation and discussion.
- Evidence that the company has respected communities' decisions.
- Documented consent (e.g. FPIC letter).

If community land use overlaps with the project land, the company then starts negotiation with the communities for these specific areas, this usually leads to some form of compensation.

In case of social liability, evidence of adequate community engagement with social remediation plan is mandatory.

Fair compensations [MD; C&P; LC; Surveyor]

For farms and cultivated plots, including through the right to use (without land title), compensations are paid, recorded and integrated in the FPIC and the SIA. See also national regulations (e.g. Land valuation for Ghana). Records are kept of all evaluations and monetary transactions at the highest detailed level.

HCV - High Conservation Value Assessment \leq 3 years [HSE]

HCV done by an assessor accredited by: High Conservation Value Resource Network HCVRN Assessor Licensing Scheme ALS <https://www.hcvnetwork.org/als/assessors>.

HCV assessment is generally combined with the HCSA.

High conservation value areas are areas which have an especially high ecological or social value. In other words, HCV areas are more valuable in terms of biodiversity values, ecological values and importance for local people. High Conservation Value Assessment consists of identifying such areas prior any land conversion and proposing conservation and monitoring strategies for identified areas. HCV assessment could include carbon stock assessment and LUC. HCV assessment report must be submitted to the ALS quality control system and successfully pass before being submitted as part of the NPP. The HCV assessment will be approved only if grower has the right to use land.

HCV areas are classified according to their level of protection:

HCV 1. Globally, regionally or nationally significant concentrations of biodiversity values

HCV 1.1 Protected Areas ; HCV 1.2 Threatened and endangered species

HCV 1.3 Endemic species ;HCV 1.4 Critical temporal use

HCV 2. Globally, regionally or nationally significant large landscape level forests

HCV 3. Forest areas that are in or contain rare, threatened or endangered ecosystems

HCV 4. Forest areas that provide basic services of nature in critical situations

HCV 4.1 Forests critical to water catchments ; HCV 4.2 Forests critical to erosion control ;

HCV 4.3 Forests providing barriers to destructive fire

HCV 5. Forest areas fundamental to meeting basic needs of local communities

HCV 6. Forest areas critical to local communities' traditional cultural identity

HCSA – High Carbon stock assessment \leq 3 years [HSE; Surveyor]

Avoidance of land areas with High Carbon Stocks.

The methodology used to identify and protect forests with high carbon value by classifying land into categories that determine whether it can be developed or must be conserved.

Plantation expansion is prohibited in High Carbon Stock forests, limiting development to low-carbon degraded lands and requiring prior land-use assessments and integration with HCV and FPIC.

Estimation of soil, above and below ground carbon.

Verification of the FPIC.

GHG - Green House Gas assessment \leq 3 years [HSE; COO]

Identification of potential sources of GHG emissions during the project.

Mitigation plan for GHG emissions.

The GHG assessment should include Carbon stock assessment.

LUCA - Land Use Change analysis \leq 1 year [HSE; Surveyor]

Identification of the current cover of the land.

Information used for LUC are part of compensations data and carbon stock estimation.

LUC should be done with the HCV assessment but not necessarily by the HCV licensed auditor.

Soil suitability and topographic survey [CAO; Surveyor]



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Identify all areas of marginal and fragile soils, as well as areas too steep to plant and areas requiring precautionary practices. Riparian buffers are not to be planted. Survey could be included in the ESIA.

Integration of all recommendations into an action plan [GSM; HSE; C&P]

All recommendations issued from previous reports should be integrated into an action plan and implemented during the phase of land preparation, planting and exploitation. The sustainability department as well as the plantation management are in charge of monitoring the action plan. Eventual areas set aside should appear in the plantation map and management plan.

NPP Report [GSM; HSE; C&P]

Summary report of HCV, ESIA, GHG, soil and topography, LUC and management plan, in an RSPO form, approbation of the certification body.

Verification of the NPP report by an accredited RSPO CB [GSM; MD]

Document of NPP process, assessment and plan(s) are verified and approved by an accredited RSPO Certification Body without interest conflict.

Field verification is needed for high risk areas (near protected areas, HCVs present, local people with claims to land and resources).

Public Notification [HSE; C&P]

Inform all interested stakeholders that NPP is up for comment.

Publication by RSPO within 10 working days of reception on the RSPO website for at least 30 days.


Publication on local notice boards, in community areas, websites, local media etc.

If no comments are received and RSPO approval is granted, proceed with new plantings.

Different scenarios for new planting and understanding when NPP applies

Scenarios from 1 January 2010	NPP	Certification Body (CB) Verification	30-day Public Comment Period
Conversion from natural vegetation to oil palm or from forest plantations or agroforestry to oil palm. Including for undeveloped areas of any new acquisitions.	Yes	Yes	Yes
Conversion of abandoned agricultural land (undeveloped for > 3 years)	Yes	Yes	Yes
Conversion of existing agricultural land (including land under livestock ranches and agricultural crops) to oil palm. Including for any new acquisitions.	Yes	No	No, 30 –day notification only but no comment period
Replacing oil palm with a subsequent oil palm crop is considered as replanting and therefore not subject to the requirements of the NPP if the previous oil palm crop has not been abandoned for more than 3 years.	No	N/A	N/A
For new plantings within an RSPO-certified management unit	No , as this case will be audited during surveillance or re-certification audits**	N/A	N/A

** Means that all requirement has to be done but not sent and approved by RSPO

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Consequence matrix

Obligations	Consequence
License to operate	Delay in field assessment
Planning of the planting	Non completion of NPP report
ESIA	Project suspension, legal sanctions and fines
National legal project permit	Project suspension, legal sanctions and fines
FPIC - Free Prior Informed Consent and relevant stakeholder engagement	Demonstration, Loss of assets Land dispute Loss of access to sensitive buyers and financiers NGO campaigns and long-term reputational harm Non completion of HCV-HCSA
Fair compensations	Demonstration, loss of assets
HCV - High Conservation Value Assessment	Encroachment of conservation areas RSPO suspension Liability EUDR non-compliance Loss of access to sensitive buyers and financiers NGO campaigns and long-term reputational harm
HCSA – High Carbon stock assessment	Ibid
GHG - Green House Gas assessment	Non completion of NPP report
LUCA - Land Use Change analysis	Non completion of NPP report Liability
Soil suitability and topographic survey	Non completion of ESIA and NPP
Integration of all recommendations into an action plan	Non completion of NPP report
NPP Report	RSPO suspension Loss of access to RSPO-sensitive buyers and financiers
Verification of the NPP report by an accredited RSPO CB	RSPO suspension
Public Notification	RSPO suspension ESIA illegality Fines



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Responsibilities

	External support	MD	CAO	GSM	HSE	C&P	LC	Surveyor
Legal aspects of new land acquisition		X					X	
1. Planning of the planting			X			X		X
2. ESIA - Approved < 3 years	X				X	X		
3. National legal project permit	X	X			X	X		
4. FPIC						X		
5. Fair compensations	X	X	X			X	X	X
6. HCV-HCSA - Approved <3 years	X				X			
7. GHG < 3 years					X			
8. LUC				X				X
9. Soil suitability and topographic survey			X					
10. Action plan			X	X	X	X		
11. NPP Report	X			X	X	X		
12. Verification of the NPP by CB	X	X		X				
13. Public Notification	X				X	X		


Documents/Files/Appendices

Documents expected through the application of the procedure

- ESIA reports validated
- Proof of FPIC, for example: participatory land use map, etc.
- HCV-HCSA assessment reports
- GHG and carbon stock assessment reports with acknowledgement of RSPO
- Mitigation plan for GHG with acknowledgement of RSPO
- Land Use Cover Change Analysis
- Management plan
- NPP report review by certification body
- RSPO NPP approval

Filing

Sustainability NPP SOP

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ANNEX: Indicative schemes to obtain national project permit

Ghana

References

Environmental Protection Agency (EPA) Act 1994, (Act 490).
Environmental Assessment Regulations 1999, Legislative Instrument (LI) 1652.

Stages


- 1- Environmental Assessment Registration Form to EPA**
To be completed and submitted to EPA who will acknowledge and ask for complementary studies.
- 2- EIA Environmental Impact Assessment**
Done by an Accredited independent expert (e.g. SAL ; SEAMaiden; AY&A Consult ...)
- 3- Preliminary Environmental Assessment, public hearing and Environmental Impact Statement**
Could be required by EPA as complementary information.
In certain cases the EPA may be required under to hold a public hearing on the proposed project
- 4- Audit**
EPA may conduct an audit before issuing the permit.
- 5- Environmental Permit and Schedule to environmental permit**
After validation by EPA, they will delivered an environmental permit valid for three years.
A schedule with specific actions will be associated to the permit.
- 6- Monthly and Annual environmental report**
Must contain all data requested by EPA and send to them and/or record in the Akoben system.
- 7- Environmental Management Plan**
Must be submitted to EPA within 18 months after receiving the permit and renewed every three years.
- 8- Environmental Certificate**
Could be issue after EMP is in place. It has no expired date.

Other relevant documents or permits

Water use permit and Fire permit

Compensations

Compensation for acquired land is to be determined by the Land Valuation Board upon a claim of the company.

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Nigeria

References

Nigeria Land use Act of 1978: Land use Act, CAP 202, LFN 2005
Environmental Impact Assessment Act (EIA) CAP E12, LFN 2004
Environmental Impact Assessment Decree, No 86 of 1992
National Environmental Standards and Regulations Enforcement Agency (NESREA) Act, 2007

Stages

- 1- Obtain a valid legal document on land** (e.g. C of O, Lease agreement, deed of assignment)
Concession maps and survey map signed by the Surveyor General of the State.
- 2- Conduct Environmental and Social Impact Assessment ESIA**
To be done by an external expert and requires public consultations (e.g. Foremost Development Services...).
Appointing a consultant and application for EIA intention to the Federal Ministry of Environment.
EIA site verification by the Federal Ministry of Environment
Federal Ministry of Environment feedback and categorization of the project into category A, B or C.
Draft report submitted to the Ministry by consultant.
EIA Interim approval for least 3months if need be
EIA public display: On local newspaper, Ministry notice board, radio and television announcement.
- 3- EIA Approval**
Submit the draft to a panel review (government), then feedbacks and comments are incorporate into the final report.
Submit the final report to the Federal Ministry of Environment and State Ministry of Environment who will issue an EIA Approval. Provisional permit and final permit will now be issued but this can take time.
- 4- Environmental Management Plan**
Development of Environmental Management Plan and submission of Impact Mitigation Monitoring (IMM report) for some years based on Federal Ministry of Environment guideline; and follow up on it throughout the life span of the project.
- 5- EIA Certificate**
Issue of EIA certificate after satisfactorily completed IMM (This takes two to four years to get)
- 6- Conduct Biannual environmental audit report**
To be submitted to Federal Ministry of Environment and state ministry of environment.

Other relevant documents or permits

Environmental friendly certificate (depend of the state e.g. Delta Estate)
Environmental levy payment

Compensations

Evaluation of compensations should be done by an external expert.



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Estimated number of months needed to achieve NPP

★ Key milestone

... Continuous activity

