Afforestation Scheme

Forest Service

February 2011

Afforestation Grant and Premium Scheme

1. General Outline and Legal Basis

a) Ireland recognises that economic, social, environmental and recreational benefits can accrue from a vibrant forestry estate. As Ireland's forest cover is, at 10%, one of the lowest in Europe, the Afforestation Grant and Premium Scheme provides a package to encourage planting of forests by compensating forest owners towards the costs of forestry establishment and for the income foregone during the maturation of the timber crop.

b) This document represents the administrative provisions for the implementation of the Afforestation Grant and Premium Scheme in Ireland as approved under the National Development Plan 2007 to 2013.

c) All woodland and woodland activities are subject to the provisions of the Forestry Act, 1946, as may, from time to time, be amended or replaced.

d) The Scheme provides planting and establishment grants as well as annual premiums for new afforestation projects that are compliant with national and EU legislation, operational and environmental guidelines. The scheme is open to farmers and non-farmers.

e) Plantations established under this Scheme must meet full silvicultural standards and must be managed as a commercial crop for the realisation of a profit.

2. General Provisions

a) The Scheme is administered by the Department of Agriculture, Fisheries and Food and operates throughout the State.
b) The Exchequer funds the Scheme.
c) The Scheme operates from 1st January 2007 for a period to be determined by the Minister for Agriculture, Fisheries and Food.
d) Participation in the Scheme is voluntary.

3. Objectives of Scheme

The objectives of the Scheme include:

- To increase the area under forest in Ireland to contribute towards climate change mitigation;
- To produce a commercial crop of timber;
- To provide a sustainable source of wood biomass for energy purposes;
- To provide a sustainable basis for development of the rural economy;
- To increase the area of purpose-designed recreational and amenity forests;
- To improve water quality through riparian planting;
- To increase overall biodiversity by providing woodland habitat which is under-represented in the complex of habitat types.

4. Eligibility

In order to qualify for Afforestation grants and premiums applicants must own, lease or be in joint management of the lands proposed for planting. Applicants must provide documentary evidence of ownership, leasing or joint management, as detailed in Chapter 4 of the Forestry Schemes Manual.

b) Plantations established and maintained in accordance with the Scheme will be eligible for the payment of an annual premium for a period of up to 20 years. The premium may be claimed following afforestation of the land in accordance with the terms of the Pre-Planting Approval.

i) Two rates of premium are available:
   (1) The farmer rate applies to applicants who fulfil the qualification conditions set out in sub-paragraph (d) of this paragraph and is payable for a period of 20 years.
   (2) The non-farmer rate applies to applicants who do not meet all of these conditions and is payable for a period of 15 years.

ii) All Applicants must:
   (1) Be over 18 years of age and
   (2) Hold a Personal Public Service Number.

c) An applicant for the farmer rate of premium must supply evidence of farming activity in the one of the following forms:

i) An active REPS registration number, Herd number or registration under the Bovine Tuberculosis Eradication Scheme or another Department of Agriculture and Food Scheme. For the purposes of the sub-paragraph, an 'active' registration means an applicant has been a beneficiary under the particular scheme in the year of the forestry plantation's completion or in one of the three preceding years.

OR

ii) Documentary evidence that at least 25% of an applicant's income was derived from farming in the State in the year of the forestry plantation's completion or in one of the three preceding years, drawn up in accordance with sub-paragraph d) of this paragraph.

d) Documentary evidence of farming income, calculated in accordance with sub-paragraph e), must be supplied in one of the following forms:

i) A tax assessment showing that farming income amounted to at least 25% of total income

OR

ii) An income assessment and declaration form, TF1, completed and stamped by the local Teagasc Land Use Advisor or TF2 completed and

stamped by an agricultural consultant who is a member of the Agricultural Consultants Association, demonstrating that at least 25% of total income is derived from farming.

e) The following conditions attach to calculating income for qualification for the farmer rate of premium:

i) The income of the applicant only is to be used in the calculation. A spouse's income is not to be included in the calculation unless the application for premium is made in both names.
ii) Farming income includes agricultural aids, premiums and subsidies.
iii) Farmer forest premiums may be included as farming income provided the applicant has other farming income.
iv) Land letting on the less than 11-month basis (conacre) may be included as farming income provided the applicant has other farming income.
v) All Social Welfare payments, pensions/disability benefits, are excluded from gross income.

f) An applicant who has already been assessed and qualified as a farmer under the existing scheme or the RDP Afforestation Scheme 2000 – 2006 or the CAP Premium Scheme 1993 – 1999 or the Farmer Premium Scheme 1989-1992, does not have to be re-assessed in respect of applications for new plantations under the Scheme.

g) An applicant who has participated in the Farm Retirement Scheme cannot be classified as a farmer in respect of a plantation completed after the date of retirement (unless all payments received under that scheme have been repaid to the Department and the conditions outlined above are met).

h) An applicant who is not resident in the State is not eligible for payment of the Farmer rate premium.

i) The provisions of this paragraph replace Chapter 3 (Premium Payment Considerations) of the Forestry Schemes Manual in respect of applications made under this Scheme.

5. **Grant and Premium Rates**

a) Grant assistance is available in respect of costs incurred in the establishment of a plantation. Application for the 1st Instalment Grant may be made following planting. Application may be made for the 2nd Instalment Grant when the woodland is established i.e. 4 years after planting, subject to satisfactory establishment and maintenance of the plantation.

b) Forestry premiums provide forestry owners with an annual income stream from their woodland. The premium is calculated according to farmer status of the applicant, land status (i.e. enclosed or unenclosed), tree species, as well as farm and plantation size. Payment is subject to satisfactory establishment and maintenance of the plantation.

c) Annex 1sets out the grant and premium rates payable from 1 January 2009. The Minister reserves the right to alter these rates from time to time.

d) For audit purposes, recipients of grant aid under this Scheme will be required to retain invoices relating to work undertaken for a period of 6 years.

6. Conditions of Aid

Payments shall be made in respect of applicants who make a valid application, prepared by a registered forester and have established their plantation in accordance with the stipulations of their pre-planting approval in compliance with:

i. All relevant EU requirements and national legislation for the time being in force,
ii. The terms and conditions of this Scheme as set out in this document and the application forms.
iii. The requirements set down in the Forestry Schemes Manual;
iv. The Forest Service Code of Best Forest Practice - Ireland;
v. The principles of Sustainable Forest Management; and
vi. The Forest Service Environmental Guidelines.

7. Application Procedure

The relevant application forms, as described in this paragraph, are available from the Forest Service, Johnstown Castle Estate, Co. Wexford. Lo-call 1890 200 223 or email forestservice@agriculture.gov.ie.
The appropriate application form, any supporting documentation and maps must be submitted to the Forest Service for processing.

- **Form 1 - Application for Preplanting Technical Approval**
  Application for technical approval to plant under the Afforestation Scheme must be made using the Application for Preplanting Approval - Form 1. The applicant and a Registered Forester must complete the application. The application form sets out the requirements to be met to make a valid application.

  If financial aid is available, applicants will receive a financial approval and will be required to confirm that planting will take place imminently via a Form 1a.

- **Form 1 a– Application for Financial Approval for imminent planting**
  On receipt of a 14 day financial approval authorisation, foresters must submit a Form 1a where planting is deemed to be imminent and arrangements have been put in place to allow for such. Failure to lodge Form 1b (notice of substantial commencement) within 14 days of the issuing of financial approval will lead to the withdrawal of the funding reservation and preclusion from submission of a further Form 1a for the Contract for four months. Your attention is therefore drawn to the agreed conditions and penalty provisions as set out in Annex 5.

- **Form 1 b- Notice of substantial commencement within 14 days**

- **Form 1 c –Notice of completion of planting by expiry date in technical approval**

- **Form 2 - Application for 1st Instalment Grant and 1st Premium**
  Application for payment of the 1st Instalment Grant and 1st Premium must be made using 'Form 2'. The applicant and a Registered Forester must complete the application. The application form sets out the requirements to be met to make a valid application.

- **Form 3 - Application for 2nd Instalment Grant**
  The 2nd Instalment Grant may be claimed for payment 4 years after the completion date of the plantation. Application for payment of the 2nd Instalment Grant must be made using 'Form 3'. The applicant and a Registered Forester must complete the application. The application form sets out the requirements to be met to make a valid application.

- **Form 4 - Application for Subsequent Premium Payments**
  Application for all premiums subsequent to the 1st premium is made using Form 4. The Forest Service issues these forms to eligible forest owners on an

annual basis. The application form sets out the requirements to be met to make a valid application.

8. Environmental Considerations.

a) In accordance with SI No. 558 of 2010, all applications for afforestation are subject to an Environmental Impact Assessment (EIA) screening process undertaken by the Minister. The screening determines whether an application requires an EIA.

b) An Environmental Impact Statement (EIS) must accompany applications for the afforestation of areas of 50 hectares or more.

c) An Environmental Impact Statement (EIS) must accompany applications for the afforestation of areas less than 50 hectares where a proposed development is deemed by the Minister as likely to have a significant environmental impact.

9. Consultations and Public Notification Procedure

a) Where Pre-Planting Approval is being sought, all proposed plantations are notified by the Forest Service to the public by way of notice in an appropriate provincial newspaper or on the Department's website as appropriate, detailing the Townland, DED and area of the proposed plantation.

b) Chapter 11 of the Forestry Schemes Manual, entitled "Environmental Protection and Controls Consultation Process" continues to apply under this Scheme. That chapter sets out the environmental standards governing forestry and the consultative process undertaken when an application for a Pre-Planting Approval is made. Members of the public may make a submission or observation that must be taken into account by the Department in reaching a decision on the application.

10. Pre-Planting Approval.

A pre-planting approval issued under this Scheme may be subject to additional conditions as laid down by the Minister. It is the responsibility of the applicant to ensure that the plantation is compliant with the requirements of the scheme.

11. Silvicultural Standards

An applicant must comply with the Plantation Rules as set down at Annex 2.

12. Land Use Reconciliation Requirements

a) Applicants for grant or premium aid under this Scheme must ensure that the afforested land is not the subject of a claim under another area-based scheme administered by the Department.

b) Adjustments, reductions in payments and/or penalties may be imposed by the Minister where an application exceeds the area permitted for a plantation and/or overlaps with an area the subject of a claim under an alternative Department area-based scheme.

13. **Good Practice**

Good forestry practice is mandatory and applies across all operations of the Scheme. Conditions for good forestry practice are published in the Code of Best Forest Practice – Ireland.

14. Payment

The Department may pay grants and premiums to Applicants via Electronic Fund Transfer (EFT). Applicants may mandate the payment of grants to an alternative payee using a mandate document that satisfies the requirements of the Minister and as set out in Appendix 2 of the Forestry Schemes Manual.

15. Penalties

a) Failure to comply with the terms and conditions of the Scheme, incorporating The Code of Best Forest Practice – Ireland, and the current suite of Environmental Guidelines may result in an appropriate penalty/sanction being applied.

b) Monetary penalties, which shall apply to certain specific breaches of the Scheme, are set out in Annex 3 but other breaches of the Scheme not specified in Annex 3 may also incur a penalty.

c) Overclaims may also result in the imposition of a penalty in accordance with the provisions of EU Council Regulation (EC) 796/04 and EU Council Regulation (EC) 817/04, or as may be amended from time to time.

d) Penalties may include the repayment of a 1st Instalment Grant, 2nd Instalment Grant and/or Annual Premium(s).

e) Monetary penalties shall include interest payable at the rate provided for under SI No. 13/2006. Interest shall be calculated for the period elapsing between a date specified in a notification to the applicant of the repayment obligation and either repayment or recovery by deduction.

f) Penalty amounts may be deducted from future payments due to the Applicant under the Forestry Schemes or from payments due under other schemes administered by the Department. Where monetary penalties are not paid or recovered within the period requested, the Department may take whatever action is deemed necessary for their recovery.

g) The principle of proportionality will apply. Penalties, which in the opinion of the Minister are proportionate to the alleged breach of the Scheme, may be imposed.

h) The imposition of a penalty shall not relieve an Applicant of an obligation to comply with an instruction from the Minister to undertake remedial works in respect of a plantation.

i) At the Minister's discretion, these penalties may be applied at plot level, GPC level or plantation level.

16. Appeals

a) An Applicant or his/her contractor may appeal a decision of the Minister's regarding an application for a Pre-Approval, a Grant, a Premium or a penalty. An objector, who has objected to a Pre-Planting Approval, may also appeal the Minister's decision on an Approval.
b) A Forest Service Appeals Committee hears all appeals made. Appeals should be lodged in writing to the Department's offices at Johnstown Castle Estate, Co. Wexford.

17. Change of ownership

The Forest Service must be notified if ownership of a grant-aided plantation changes during the term of the scheme. The procedures on sale / transfer and inheritance are set out in the Change of Ownership Guide (on the website under Forest Service General Information). After a change of ownership, new applicants must submit all necessary documentation as early as possible and, in every case, at least a year before expiry of the term of the scheme.

18. Joint management Consent

The owner of the lands may give permission to an immediate family member who is jointly managing the lands to claim the afforestation grant and premiums. A joint management arrangement must be between **immediate family members**, namely, husband and wife, sons, daughters, parents, brothers and sisters. Joint management consent forms are available at Appendix 11 of the Forestry Schemes Manual (on the website under Forestry Publications).

19. Management Plans

a) For plantations which are 10 ha or greater or where 5ha or more broadleaves have been planted, applicants at 2nd Instalment Grant (Form 3) stage must submit a Plantation 1st Management Plan. The plan should detail the management proposed for the plantation between year 4 and year 10. Payment of the 5th Premium and subsequent Premiums may be conditional on the receipt of this Plan.
b) When plantations are 10 years old, a Plantation 2nd Management Plan must be submitted detailing the management proposed for the plantation between year 11 and year 20. Payment of the 11th Premium and subsequent Premiums may be conditional on the receipt of this Plan.

20. Right of Entry

The Minister reserves the right to carry out inspections at reasonable times on any land receiving grant aid under this scheme or any other forest-related schemes. The Applicant is obliged to ensure that, where required, adequate inspection paths through the plantation are provided.

21. Responsibility for Forest Management

a) Responsibility for the successful establishment and management of forests rests with the Applicant. Where an Applicant contracts the services of a third party to undertake the establishment and/ or management of the forest, it is the Applicant's responsibility to ensure that the third party contracted has sufficient insurances to indemnify the work undertaken.

b) The inspection of a plantation by the Minister shall not relieve the Applicant of responsibility for the success of the plantation as described in the sub-paragraph above.

22. Insurance of Plantations

Applicants should ensure that their plantation has adequate insurance cover against damage from, *inter alia*, fire and wind. In the event of plant losses, it is a condition of grant aid that losses will be replaced within the following two growing seasons.

23. **Failure to abide by the terms and conditions of the scheme**

a) Where, for the purposes of obtaining payment under this Scheme, the applicant knowingly makes a false or misleading statement or withholds essential information, his/her participation in the Scheme may be terminated and all or part of the aid paid shall be reimbursed.

b) Where an Applicant fails to abide by the terms and conditions of the Scheme or is there is any material change in the circumstances of the applicant which would be in conflict with the letter or the spirit of the Scheme, his/her participation in the Scheme may be terminated and all or part of the aid paid shall be reimbursed.

c) The obtaining of aid under the Scheme by fraudulent means by the applicant or others acting alone or together may render such persons liable to prosecution.

24. Review of Financial Aids

The Minister reserves the right to vary, where occasion so demands, the amount of financial aid wherever specified in the Scheme subject at all times to the provisions of any relevant European Union legislation.

25. Procedures

The Minister reserves the right to alter from time to time the procedures to be followed in the operation of this Scheme.

26. Tax Clearance Requirement

a) General:

It is a condition of grant aid of this Scheme that all grant-aided activities shall be conducted in compliance with the laws of the State relating, *inter alia*, to tax and employment.

b) Tax Clearance:

Payment of financial aid as provided for in this Scheme may be subject to the condition that a tax clearance certificate from the Revenue Commissioners be furnished before a payment is issued.

c**)** Value Added Tax:

Applicants and their Agents shall comply with all requirements of VAT law. All grants paid under the Fixed Grant Scheme are exclusive of VAT.

27. Information and Data Protection

The Minister reserves the right to make information available to the public regarding the areas covered by the Scheme including the number of participants, farms, historical and archaeological sites, hectares covered etc. while continuing to observe the terms of the Data Protection Act.

28. Further Conditions

The Minister may at any time lay down further conditions under this Scheme.

Annex 1

Grant and Premiums Payable

General:
The rates of Grant and Premium payable are determined by the category of the planted lands, the tree species and area planted. Land Categories and GPCs are defined below.

Land Categories:

1. **Unenclosed Land** means land that was never improved and enclosed by man-made boundaries for agricultural use other than extensive grazing.

2. **Enclosed and Improved Land** means land that was enclosed and improved for agricultural use by cultivation, manuring or both, and which is completely surrounded by man-made boundaries and usually shown as such in Ordnance Survey maps of scale 6 inches to 1 mile (1:10560).

Species Composition in Grant and Premium Categories:

To be eligible for grant aid each plot within a plantation **must** conform to one of the following Grant/Premium Categories (GPC's).

GPC 1 - Unenclosed land
All approved broadleaves and conifers planted on unenclosed land receive the unenclosed grant and premium rates.

The amount of unenclosed land in any application for financial approval cannot exceed 20% of the total area. This also applies to the Native Woodland Establishment Scheme.

GPC 2 - Sitka spruce/ Lodgepole Pine
This plot is made up of Sitka spruce or lodgepole pine. For landscape purposes, it is advisable to introduce a small number of other species into this plot. This plot on its own as a plantation is not eligible for grant aid because it does not comply with plantation rules 1 and 2.

GPC 3 - 10% diverse mix
This plot is made up of an intimate mix of Sitka spruce or lodgepole pine and a suitable diverse conifer other than Japanese larch (see Table 10 Forestry Schemes Manual). The diverse conifer content must be at least 10%. This 10% mix can be made up of trees intimately mixed through the plantation, trees planted in groups through the plantation or a combination of both where silviculturally compatible with the main species. The diverse conifer species in this intimate mix may be substituted by suitable broadleaves, including birch, planted in groups where soils are suitable. Broadleaves adjacent to roads and watercourses may also form part of this 10%.

GPC 4 – Diverse
This plot is made up of acceptable conifer species other than Sitka Spruce and Lodgepole Pine.

GPC 5 - Broadleaf (Non Oak/Beech)
This plot is made up of acceptable broadleaves other than Oak and Beech.

GPC 6 - Oak
This plot is made up of pure oak. Oak to be planted pure at a stocking rate of 3300 stems per hectare on all sites and at a spacing of 2 x 1.5 metres. On large sites where additional shelter is required a nurse species may be introduced as long as there are at least 10 lines of oak between each nurse. Other patterns will be considered on case by case basis. All nurse species must be planted at a spacing of 2 x 1.5 metres. If a nurse species is introduced the overall stocking of trees must not fall below 3300 stems per hectare. For species diversity on pure sites, up to 5% of planted trees may contain other species intimately mixed or planted in groups.

GPC 7 – Beech
The same requirements for oak apply to beech as described for GPC 6.

GPC8 - Alder
This plot is made up of pure alder. For species diversity on pure sites, up to 5% of planted trees may contain other species intimately mixed or planted in groups.

Table 1: Fixed Grant Rates
Applies to sites with completion dates on or after 01.01.11

GPC	1st Grant €/ha	2nd Grant €/ha	Total €/ha	Additional Fencing Allocation €/ha (IS436)	(Alternative Fencing Allocation €/ha (Non IS436)	Total Available Funding €/ha
1-Unenclosed	1500	500	2000	400	350	2400
2-Sitka spruce / lodgepole pine	2200	700	2900	400	350	3300
3-10% Diverse	2250	750	3000	400	350	3400
4-Diverse	2500	800	3300	400	350	3700
5-Broadleaves	3600	1100	4700	500	450	5200
6-Oak*	3800	1200	5000	500	450	5500
7-Beech*	3800	1200	5000	500	450	5500
8-Alder*	2400	800	3200	500	450	3700

*includes specification changes

The afforestation grant is available as a fixed grant in respect of costs incurred in the establishment of a plantation. It is payable in two fixed grants as outlined above **plus** an allowance for fencing (maximum outlined above and below for deer fencing) payable at 1st instalment stage.

Deer Fencing Maximum Allocation:

- 'Upgrade to deer' fencing:
  - €975/ha for all GPCs (non IS436)
  - €975/ha for all GPCs (IS436)

- 'New deer, deer/rabbit fencing':
  - €1,800/ha for all GPCs.
  - €1950/ha for all GPCs.

- All fencing claims will be capped at €50,000 on all plantations.

Table 2: Maximum Premium Levels.

GPC	Farmer	non Farmer
1-Unenclosed	155	126
2-Sitka spruce / lodgepole pine	369	181
3-10% Diverse	427	181
4-Diverse	454	181
5-Broadleaves	481	195
6-Oak	515	195
7-Beech	515	195
8-Alder	481	195

Annex 2

Plantation Rules

General:
Each plantation must comply with the Plantation Rules set out in this Annex as well as complying with Annex 3.

Rule 1 - 10% Broadleaves

Plantations on improved/enclosed land must contain a minimum of 10% broadleaves, site permitting.

This requirement may now be met by (1) plots of broadleaves and (2) additional broadleaves planted for landscape and environmental reasons, which includes any broadleaves planted in a GPC 3 plot used also to satisfy the 10% diverse requirement, or a combination of these.

Rule 2 - 10% Diverse conifers

a) Where conifers are planted, the conifers must contain a minimum of 10% diverse conifers (i.e. conifer species other than Sitka spruce or Lodgepole Pine).
b) In intimately mixed plots the diverse conifer species may be substituted by broadleaves from Table 7, Forestry Schemes Manual, and birch and rowan, planted in groups. These broadleaves must be silviculturally suited to the site. Broadleaves adjacent to roads and watercourses may also form part of this 10%.

Rule 3 - Areas of Biodiversity Enhancement (ABE)

Approximately 15% of a plantation must qualify as Area of Biodiversity Enhancement under this Scheme.

Detailed ABE requirements are set out in Chapter 7 of the Forestry Schemes Manual and the "Forest Biodiversity Guidelines".

In addition, the following requirement applies, as appropriate:

In the case of plantations proposed within a designated Hen Harrier SPA (or candidate SPA) in accordance with the management regime established for such areas, the allowance for ABE may be increased to 20% where the purpose is to leave as bare land areas of Heath-Bog habitat. The ABE requirement may be satisfied in full or part by this means, but in no case will the total ABE exceed 20%. In all cases, the land proposed for inclusion in this way must itself be of the required yield class to merit inclusion within a forest plantation.

The following apply in general to ABE's

1. ABE's are areas suitable for planting where the potential for a commercial forest crop is foregone for the purpose of retaining open spaces and habitats for biodiversity.

2. The area occupied by linear (e.g. hedgerows, public road setbacks etc.) or point features (e.g. archaeological sites) must be accurately assessed and this area must be noted on the biodiversity map. This area must be added to any plot sized ABE area to give a total ABE area.

3. ABE's must be an integral part of the proposed forest area.

4. ABE's must be situated where they provide the best opportunity for enhancing the biodiversity within the forest area while also protecting watercourses and archaeological sites through the use of buffer and exclusion zones.

Existing forests (conifer and broadleaf) or parts of existing forests may not be used as ABE. To be deemed to be a forest it must have a minimum area of 0.1 hectare and a minimum width of 20m. Other tree covered areas with smaller dimensions to a forest may be included as ABE.

Rule 4 - Minimum Plantation Areas and Widths:

(a) Minimum Areas:

- A conifer plot must not be less than 0.25hectares.
- A broadleaf plot must be not less than 0.1 hectare in area.
- A conifer plantation must be not less that 1ha in total. Where a conifer plantation adjoins an existing forest, than a minimum plantation size of 0.25ha applies.
- A broadleaf plantation must be not less than 0.1ha.

(b) Minimum Widths:

The width of a conifer or broadleaf plantation or plot, excluding unplanted areas such as buffers along roads, rivers etc, shall be not less than 40 metres.

As an exception to this requirement, plantation or plots in the following categories may be submitted to the Forest Service for specific approval:

- Plantations or plots where 50% or more of the proposed plantation will measure 40 metres or more in width;
- Plantations or plots, adjoining an existing woodland that meets the minimum width requirement, where 50% or more of the proposed plantation will measure 30 metres or more in width;
- Plantations and plots where more than 50% of the proposed plantation will exceed a width of 30m for small (i.e. under 0.16ha) broadleaf areas.

Rule 5 - Species Selection

a) The tree species proposed for planting should be chosen according to the suitability of the species to site and soil.

b) A list of tree species acceptable for planting under the Scheme is as set down in Table 7 of Chapter 9 of the Forestry Schemes Manual.

c) A list of native trees and shrubs for planting under the scheme is as set down in the Native Woodland Manual (September 2005) available on the Department's website www.agriculture.gov.ie/forestservice

d) The other provisions of this Rule are as set down in Chapter 9 of the Forestry Schemes Manual.

Rule 6 - Stocking levels:

The required stocking levels are set down in paragraph 10 of Chapter 9 of the Forestry Schemes Manual and amended by circular 10/2010 i.e. oak and beech stocking is now 3,300 stems/ha and alder is 2,500 stems per hectare .

Rule 7 - General Site Requirements:

The site requirements relating to the definition of agricultural land; the capacity of a site to produce a commercially viable crop; site access etc are set down in Chapters 6, 7 and 9 of the Forestry Schemes Manual.

Rule 8 - Silvicultural Standards:

The Silvicultural Standards set down in Chapter 9 of the Forestry Schemes Manual continue to apply under this Scheme.

Rule 9 - Mapping:

Mapping standards as described in the Forestry Schemes Manual, iNet application manuals and supplementary guidance notes continue to apply under this Scheme.

Revised mapping standards will be published shortly with an implementation date of 1st June 2011.

Annex 3

Penalties

ADMINISTRATIVE PENALTIES

Penalty as % of Afforestation Grant

Failure to exclude areas which are ineligible for aid

-Unplanted areas	up to 20%
-ESB lines	up to 20%
-Gas mains	up to 20%

Failure to identify unenclosed and enclosed area correctly	up to 20%

Failure to comply with environmental guidelines	up to 100%

Failure to comply with specific supplementary Environmental conditions	up to 25 %

-Water/fisheries	up to 25%
-Freshwater Pearl Mussel Requirements	up to 25%
-NHA's/SAC's	up to 25%
-Sites and monuments	up to 25%
-Scenic areas	up to 25%
-Distance from roads/dwellings	up to 25%
-Other	up to 25%

Failure to comply with conditions/governing

-Chemical application	up to 20%
-Fertiliser application	up to 20%
-Disposal of waste/rubbish	up to 20%
-Hazardous fencing	up to 20%
-Mounding	up to 20%
-Silt traps	up to 20%

Incorrect species selection	up to 100% or replacement

Failure to maintain plantation	***as % of 2nd Instalment Grant***
-At first inspection	up to 20%
-At second inspection	up to 100%

Failure to maintain fences beyond	***as % of Annual Premium***
The 2nd instalment stage	up to 20%

Domestic Stock damage	up to 20%

Failure to control invasive scrub/furze past 2nd instalment stage up to 20%

Dumping up to 10%

Over-declaration of area by less than 3%, based on the net area (provided that does not exceed 2 ha):

No penalty, the system area is used for payment.

Over-declaration of area by 3% or more but less than 20%:

Grant and Premium is reduced by (difference between the claimed and the net area)*2

Over-declaration of area by 20% or greater:

No Grant or Premium paid for the year in question. Subsequent premiums based on reduced area.

Over-claim of area as a result of serious negligence:

No Grant or Premium paid for the year in question.

Over-claim of area made intentionally:

No Grant or Premium is paid for the year in question. No premium is paid in the following year also.

Annex 4

Definitions

For the purposes of this scheme:

- **'Applicant'** means a person who has applied for Approval under the Scheme or has planted woodland following an Approval under the Scheme;
- **'Approval**' means an Afforestation Scheme Pre-Planting Approval granted by the Minister;
- '**Application, Pre-Planting Approval – Form 1'** shall mean an application for the Minister's approval to establish a forestry plantation under the terms of all current legislation, guidelines and the conditions of this scheme.
- '**Application – 1st Instalment Grant – Form 2'** shall mean an application to receive a 1st instalment establishment grant and 1st annual premium following the establishment of a forestry plantation within the terms of the Pre-planting approval.
- '**Application – Second Instalment Grant – Form 3'** shall mean the 2nd instalment establishment grant, due for payment 4 years after the completion date of the plantation.
- **'Application - Annual Premium– Form 4'** shall mean the subsequent premium application to be submitted annually to the Forest Service.
- '**Registered Forester'** shall mean a qualified person named on the Register of Foresters and Forestry Companies, available from the Department.
- **'Code of Best Forest Practice'** is a Department listing of all forestry operations and the manner in which they should be carried out to ensure the implementation of Sustainable Forest Management in Ireland, as agreed at the Third Ministerial Conference on the Protection of Forests in Europe, Lisbon, 1998.
- **'Completion Date'** shall mean the date the afforestation works are completed, (as verified by the Forestry Inspector).
- '**Department**' shall mean the Department of Agriculture, Fisheries and Food
- **'Environmental Impact Assessment (EIA)'** means the process of examining the environmental effects a proposed development, if carried out, would have on the environment.
- '**Farm**' or '**Holding**' shall mean all the land parcel production units in the State (owned, leased or rented) that are under the control of the applicant.
- '**Farmer'** shall mean an agricultural producer who owns, leases or is in joint management of at least 3 hectares of an agricultural holding, and shall include any person, group of persons or partnership, engaged in farming in the State. Evidence of farming activity is required as described at paragraph 5 (Eligibility);
- '**Farming**' shall include dairy farming, livestock production, the cultivation of grass and tillage crops and the growing of horticultural crops.
- **'Forest Service Environmental Guidelines'** means the following publications of the Forest Service, as amended from time to time: 'Forestry and Water Quality Guidelines'; 'Forestry and Landscape Guidelines'; 'Forestry and Archaeology Guidelines', 'Forest Biodiversity Guidelines'; 'Forest Harvesting and the Environment Guidelines'; and 'Forestry and Aerial Fertilisation Guidelines'; and 'Forestry and Forest Protection Guidelines'. The Minister may, from time to time, add further guidelines to this definition.

- **'Forestry Schemes Manual'** means the schemes manual published by the Stationary Office on behalf of the Department; and which, from time to time, may be amended or replaced.
- **'GPC'** means the Grant and Premium Category of species planted.
- '**Immediate Family Member'** shall mean Spouse, Parent, Brother, Sister, Son or Daughter.
- **'Joint Management Consent'** shall mean consent submitted by the owner of specific lands consenting to the payment of grants and/or premiums to an immediate family member who jointly manages the plantation.
- '**Lease**' shall mean a term of years absolute in possession for at least 40 years from the commencement date of the commitment under the Scheme.
- '**Minister'** shall mean the Minister for Agriculture, Fisheries and Food.
- **'Plantation'** means a plot or number of plots on the same holding, planted in a single planting season and the subject of a single application
- **'Plot'** means an area of one species or a species mix.
- **'Premium'** means a payment to the Applicant to compensate for income foregone from the afforestation of his/her land.
- '**The Forest Service'** shall mean the Forestry Division of the Department of Agriculture, Fisheries and Food.
- '**Scheme'** shall mean the Afforestation Grant and Premium Scheme, 2007.
- **'Sustainable Forest Management'** means the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economical and social functions, at local, national and global levels and that does not cause damage to other ecosystems.

Annex 5

Financial Approval Procedures

In the current financial climate all expenditure under the afforestation schemes will have to be subject to the most stringent control. The following procedures will apply in respect of financial approvals issuing as and from 26th October 2010.

In addition to the current Forms 1 and 2, new Forms 1a, 1b and 1c will become operational from 26th October 2010 and applications from that date will only be accepted where these adhere to this new system. As currently, the lodgement of a Form 1 will, if successful, result in a time bound technical approval.

The new forms will then be utilised to provide for (1a) applications for financial approval for imminent planting (1b) notice of substantial commencement within 14 days and (1c) notice of completion of planting by expiry date in technical approval.

Form 2 will then follow as normal.

This new system has been developed and designed in close co-operation with the forest industry and it is designed to facilitate the targeting of limited funding towards establishment projects which are most likely to result in new planting.

The new system is grounded by a 14 day financial approval authorisation and foresters should **only** submit Form 1a where planting is deemed to be imminent and arrangements have been put in place to allow for such. Failure to lodge Form 1b (notice of substantial commencement) within 14 days of the issuing of financial approval will lead to the withdrawal of the funding reservation and preclusion from submission of a further Form 1a for the Contract for four months. Your attention is therefore drawn to the agreed conditions and penalty provisions etc. set out on the forms.

Copies of Forms 1a, 1b and 1c are attached.
Forms 1b and 1c are available to download from the Department's website before the operational date.

FOREST SERVICE
Department of Agriculture, Fisheries and Food
AFFORESTATION, FEPS, NATIVE WOODLAND ESTABLISHMENT SCHEMES

FORM 1(a): Notice of Imminent planting (within 14 days)
and application to reserve funding for financial approval

Please complete in **BLOCK CAPITALS**

1.	**Establishment Scheme – AFFORESTATION, FEPS, NWE**	
2.	**Contract Number**	
3.	**Name of: (please tick relevant option)** ☐ **Registered Owner** ☐ **Person entitled to be Registered as Owner** ☐ **Lessee**	
4.	**Address of: (please tick relevant option)** ☐ **Registered Owner** ☐ **Person entitled to be Registered as Owner** ☐ **Lessee**	
5.	**Email address of: (please tick relevant option)** ☐ **Registered Owner** ☐ **Person entitled to be Registered as Owner** ☐ **Lessee**	
6.	**Name of Forestry Company and Individual Forester**	
7.	**Address of Forestry Company and/or Individual Forester**	
8.	**Email address of Forestry Company and/or Individual Forester**	
9.	**Fax Number of Forestry Company and/or Individual Forester**	
10.	**County and Townland where establishment is proposed**	
11.	**Technical Approval Area (Ha) and Expiry Date**	
12.	**Date Substantial Commencement of Planting is scheduled**	
13.	**Expected Completion Date of Planting**	

Signed by Registered Owner/Person Entitled to be Registered Owner/Lessee:

_____ **Date:** _____

Signed on behalf of Forestry Company by Authorised Forester and/or Individual Forester:

_____ **Date:** _____

GENERAL CONDITIONS

The Forest Service seeks to ensure best use of available funds in meeting Government planting objectives. Up to date accurate information on actual commitments is vital in order to target funding at imminent planting projects. The Forest Service only allocates funds to applicants where financial approval has issued and planting is then confirmed as having substantially commenced within 14 days of the issuing of such financial approval.

PROCEDURES AND SCHEDULING

The following procedures and scheduling of form submission by the Applicant and Forester, applies to the completion, signature and transmission of Forms 1 (a), 1(b) and 1(c) to the Forest Service in a timely manner.

- Applicant, with valid technical approval, informs his Forester that Applicant wishes to proceed with planting.
- Forester and Applicant complete and sign Form 1(a) - Notice of Imminent Planting and Application for Financial Approval.
- Forester notifies Forest Service by transmitting signed copy of Form 1(a) by email (scanning form with signatures) or fax which sets out that Applicant and Forester are ready to proceed with planting within 14 days of the date of signature on the Form 1(a).
- Forest Service issues 14 day financial approval commencement letter to Applicant with emailed copy to Forester. Financial approval will also set out completion expiry date to be adhered to.
- Within 14 days of the date of issue of the financial approval (Wednesday is set issuing day), and after substantial works have commenced on site, Applicant and Forester both complete and sign Form 1(b) – Notice of Substantial Commencement.
- Forester notifies Forest Service by transmitting signed copy of Form 1(b) by email (scanning with signatures) or fax confirming that substantial commencement has occurred and that the project will be completed within 3 months of the date of form 1(b) being submitted.
- Form 1(c) – Notice of Completion of Planting – is completed, signed and submitted to the Forest Service by the Forester as soon as the project has finalised.
- Forester notifies Forest Service by transmitting signed copy of Form 1(c) by email (scanning with signatures) or fax within 14 days of the completion of planting and within 3 months of the date of form 1(b) being submitted.

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NOTIFICATION OF MATERIAL CHANGE

- If any event or circumstances occur subsequent to submitting a Form 1(b) that materially affect the ability of the site, or a significant part of it, to be completed by the specified date then the Forester will notify the Forest Service of these changes within 14 days of he becoming aware of these changes. These cases will be dealt with on a case by case basis.

PENALTIES

- Regarding withdrawal of Form 1(a), this will only be considered where exceptional circumstances arise. The applicant and forester can apply in writing to the Forest Service to withdraw their application to reserve funding but this will only be facilitated if the Forest Service receives the withdrawal application within the 14 day financial approval period. Every application for withdrawal must be accompanied by a written explanation and be signed by the applicant and the forester. Generally, in such situations, submission of a 2nd Form 1(a) for the same Contract Number will only be accepted by the Forest Service following the passage of 1 calendar month from the date of granting of the withdrawal. The Forest Service will have discretion to waive this 1 month period in force meajure cases

- If the Forester does not transmit a Form 1(b) within 14 days of submitting a Form 1(a) the financial approval will no longer be reserved for that Contract Number and the Applicant/Forester will be precluded from submitting a further Form 1(a) for that Contact Number, for a period of 4 months from date of submission and receipt of the original Form1(a).

- If a Forester transmits a Form 1(b) within the 14 day period and it is subsequently discovered that substantial commencement work did not occur within that period, financial approval will be withdrawn and the Applicant/Forester will be precluded from submitting a further Form 1(a) for that Contract Number, for 6 months from date of submission and receipt of the original Form 1(a).

APPEALS

- This decision may be appealed by the Applicant/Forester to the Appeals Unit of the Forest Service whose decision will be final in the matter.

FOREST SERVICE
Department of Agriculture, Fisheries and Food
AFFORESTATION, FEPS, NATIVE WOODLAND ESTABLISHMENT SCHEMES

FORM 1(b): Notice of Substantial Commencement within 14 days of granting reservation of funding for financial approval

Please complete in **BLOCK CAPITALS**

1.	**Establishment Scheme – AFFORESTATION, FEPS, NWE**	
2.	**Contract Number**	
3.	**Name of: (please tick relevant option)** **☐ Registered Owner** **☐ Person entitled to be Registered as Owner** **☐ Lessee**	
4.	**Address of: (please tick relevant option)** **☐ Registered Owner** **☐ Person entitled to be Registered as Owner** **☐ Lessee**	
5.	**Email address of: (please tick relevant option)** **☐ Registered Owner** **☐ Person entitled to be Registered as Owner** **☐ Lessee**	
6.	**Name of Forestry Company and Individual Forester**	
7.	**Address of Forestry Company and/or Individual Forester**	
8.	**Email address of Forestry Company and/or Individual Forester**	
9.	**Fax Number of Forestry Company and/or Individual Forester**	
10.	**County and Townland where establishment is proposed**	
11.	**Technical Approval Area (Ha) and Expiry Date**	
12.	**Estimated Area (Ha) subject of substantial commencement**	
13.	**Date Substantial Commencement of Planting is scheduled**	
14.	**Expected Completion Date of Planting**	

Signed by Registered Owner/Person Entitled to be Registered Owner/Lessee:

_____ Date: _____

Signed on behalf of Forestry Company by Authorised Forester and/or Individual Forester:

_____ Date: _____

GENERAL CONDITIONS

The Forest Service seeks to ensure best use of available funds in meeting Government planting objectives. Up to date accurate information on actual commitments is vital in order to target funding at imminent planting projects. The Forest Service only allocates funds to applicants where financial approval has issued and planting is then confirmed as having substantially commenced within 14 days of the issuing of such financial approval.

PROCEDURES AND SCHEDULING

The following procedures and scheduling of form submission by the Applicant and Forester, applies to the completion, signature and transmission of Forms 1 (a), 1(b) and 1(c) to the Forest Service in a timely manner.

- Applicant, with valid technical approval, informs his Forester that Applicant wishes to proceed with planting.
- Forester and Applicant complete and sign Form 1(a) - Notice of Imminent Planting and Application for Financial Approval.
- Forester notifies Forest Service by transmitting signed copy of Form 1(a) by email (scanning form with signatures) or fax which sets out that Applicant and Forester are ready to proceed with planting within 14 days of the date of signature on the Form 1(a).
- Forest Service issues 14 day financial approval commencement letter to Applicant with emailed copy to Forester. Financial approval will also set out completion expiry date to be adhered to.
- Within 14 days of the date of issue of the financial approval (Wednesday is set issuing day), and after substantial works have commenced on site, Applicant and Forester both complete and sign Form 1(b) – Notice of Substantial Commencement.
- Forester notifies Forest Service by transmitting signed copy of Form 1(b) by email (scanning with signatures) or fax confirming that substantial commencement has occurred and that the project will be completed within 3 months of the date of form 1(b) being submitted.
- Form 1(c) – Notice of Completion of Planting – is completed, signed and submitted to the Forest Service by the Forester as soon as the project has finalised.
- Forester notifies Forest Service by transmitting signed copy of Form 1(c) by email (scanning with signatures) or fax within 14 days of the completion of planting and within 3 months of the date of form 1(b) being submitted.

NOTIFICATION OF MATERIAL CHANGE

- If any event or circumstances occur subsequent to submitting a Form 1(b) that materially affect the ability of the site, or a significant part of it, to be completed by the specified date then the Forester will notify the Forest Service of these changes within 14 days of he becoming aware of these changes. These cases will be dealt with on a case by case basis.

PENALTIES

- Regarding withdrawal of Form 1(a), this will only be considered where exceptional circumstances arise. The applicant and forester can apply in writing to the Forest Service to withdraw their application to reserve funding but this will only be facilitated if the Forest Service receives the withdrawal application within the 14 day financial approval period. Every application for withdrawal must be accompanied by a written explanation and be signed by the applicant and the forester. Generally, in such situations, submission of a 2nd Form 1(a) for the same Contract Number will only be accepted by the Forest Service following the passage of 1 calendar month from the date of granting of the withdrawal. The Forest Service will have discretion to waive this 1 month period in force meajure cases

- If the Forester does not transmit a Form 1(b) within 14 days of submitting a Form 1(a) the financial approval will no longer be reserved for that Contract Number and the Applicant/Forester will be precluded from submitting a further Form 1(a) for that Contact Number, for a period of 4 months from date of submission and receipt of the original Form 1(a).

- If a Forester transmits a Form 1(b) within the 14 day period and it is subsequently discovered that substantial commencement work did not occur within that period, financial approval will be withdrawn and the Applicant/Forester will be precluded from submitting a further Form 1(a) for that Contract Number, for 6 months from date of submission and receipt of the original Form 1(a).

APPEALS

- This decision may be appealed by the Applicant/Forester to the Appeals Unit of the Forest Service whose decision will be final in the matter.

FOREST SERVICE
Department of Agriculture, Fisheries and Food
AFFORESTATION, FEPS, NATIVE WOODLAND ESTABLISHMENT SCHEMES

FORM 1(c): Notice of Completion of Planting

Please complete in **BLOCK CAPITALS**

1.	**Establishment Scheme – AFFORESTATION, FEPS, NWE**	
2.	**Contract Number**	
3.	**Name of: (please tick relevant option)** ☐ **Registered Owner** ☐ **Person entitled to be Registered as Owner** ☐ **Lessee**	
4.	**Address of: (please tick relevant option)** ☐ **Registered Owner** ☐ **Person entitled to be Registered as Owner** ☐ **Lessee**	
5.	**Email address of: (please tick relevant option)** ☐ **Registered Owner** ☐ **Person entitled to be Registered as Owner** ☐ **Lessee**	
6.	**Name of Forestry Company and Individual Forester**	
7.	**Address of Forestry Company and/or Individual Forester**	
8.	**Email address of Forestry Company and/or Individual Forester**	
9.	**Fax Number of Forestry Company and/or Individual Forester**	
10.	**County and Townland where establishment resulted**	
11.	**Technical Approval Area (Ha) and Expiry Date**	
12.	**Area (Ha) Planted**	
13.	**Commencement Date of Planting**	
14.	**Completion Date of Planting**	

Signed on behalf of Forestry Company by Authorised Forester and/or Individual Forester:

_____ **Date:** _____

GENERAL CONDITIONS

- **T**he Forest Service seeks to ensure best use of available funds in meeting Government planting objectives. Up to date accurate information on actual commitments is vital in order to target funding at imminent planting projects. The Forest Service only allocates funds to applicants where financial approval has issued and planting is then confirmed as having substantially commenced within 14 days of the issuing of such financial approval.

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- Within 14 days of the date of issue of the financial approval (Wednesday is set issuing day), and after substantial works have commenced on site, Applicant and Forester both complete and sign Form 1(b) – Notice of Substantial Commencement.
- Forester notifies Forest Service by transmitting signed copy of Form 1(b) by email (scanning with signatures) or fax confirming that substantial commencement has occurred and that the project will be completed within 3 months of the date of form 1(b) being submitted
- Form 1(c) – Notice of Completion of Planting – is completed, signed and submitted to the Forest Service by the Forester as soon as the project has finalised.
- Forester notifies Forest Service by transmitting signed copy of Form 1(c) by email (scanning with signatures) or fax within 14 days of the completion of planting and within 3 months of the date of form 1(b) being submitted.

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- If a Forester transmits a Form 1(b) within the 14 day period and it is subsequently discovered that substantial commencement work did not occur within that period, financial approval will be withdrawn and the Applicant/Forester will be precluded from submitting a further Form 1(a) for that Contract Number, for 6 months from date of submission and receipt of the original Form 1(a).

APPEALS

- This decision may be appealed by the Applicant/Forester to the Appeals Unit of the Forest Service whose decision will be final in the matter.

Afforestation Scheme Revision History

Recent Revision	Date	Title	Circulation
Circular 3/2011	10th February 2011	Oak and Beech Spacing 3300 stems/ha	Registered Foresters
Circular 10/2010	23rd December 2010	Changes to Afforestation Schemes and Premiums Schemes	Registered Foresters
Circular 9/2010	3rd November 2010	Planting Policy for Japanese larch	Registered Foresters
Circular 8/2010	26th October 2010	Changes to Specifications at Form 2/ Provenance Declaration Forms	Registered Foresters
Circular 6/2009	31st March 2010	Afforestation Grant and Premium Schemes	Registered Foresters
Circular 3/2010	22nd March 2010	REPS/FEPS Afforestation Scheme	Registered Foresters
Circular 2/2010	9th March 2010	Outstanding Support Schemes Approval	Registered Foresters
Circular 14/2009	25th November 2009	Interim oak and beech planting	Registered Foresters
Circular 11/2009	1st October 2009	Technical/Financial Approvals/ Tax Clearance certificates/ Change of owner applicant	Registered Foresters
Circular 10/2009	22nd July 2009	Forest Road Scheme/ Areas for Biodiversity Enhancement (ABEs), Woodland Improvement Scheme	Registered Foresters
Circular 6/2009	31st March 2009	Afforestation/FEPS/NWS Establishment/ Reconstitution/Forest Road Scheme/ High Pruning/ Deer Fencing/Woodland Improvement/ Overheads	Registered Foresters
None	6th June 2008	Introduction of Fixed Grant	Registered Foresters
None	13th February 2008	Terms and Conditions for Registration of Foresters and Forestry Companies	Registered Foresters