

Reconstitution Scheme (Chalara Ash Dieback)



Department of
**Agriculture,
Food and the Marine**
An Roinn
**Talmhaíochta,
Bia agus Mara**



Forest Service

March 2013

Reconstitution Scheme (Chalara Ash Dieback) 2013

1. Outline

- (i) The Department has decided to reopen the Reconstitution Scheme (grant) solely for the purpose of supporting the reconstitution of Ash plantations which have suffered from or are associated with Ash Dieback disease caused by the fungus *Chalara fraxinea*.
- (ii) These are the administrative provisions for the implementation of the Reconstitution Scheme (Chalara Ash Dieback), which has been drawn up under the National Development Plan 2007 to 2013 and in accordance with State Aid Decision 162/2007.
- (iii) The above Regulations should be read in conjunction with The Code of Best Forest Practice – Ireland, and the current suite of environmental guidelines as published by the Forest Service. These provisions apply to participants in the Scheme, registered foresters and contractors.
- (iv) The objective of this scheme is to restore forests affected by *Chalara fraxinea* by supporting the removal and destruction of trees and leaf litter affected by the disease and the reconstitution of the forest with an alternative species to Ash.

NOTE: It is important that all leaf litter must be adequately destroyed. Research indicates that spore production from the leaf litter of infected trees poses a significant risk of re-infection in the following growing season. Consequently, all operations must be undertaken in strict compliance with the **Sanitation Action Plan** approved by the Department.

2. General Provisions

- (1) The Scheme shall be administered by the Department of Agriculture, Food and the Marine and shall operate throughout the State.
- (2) The scheme shall be funded by the National Exchequer.
- (3) The Scheme shall be operational from 19th March 2013 until further notice, subject to the availability of funding.
- (4) The Minister reserves the right to withdraw or review the scheme at any time.

3. Eligibility and Conditions of Grant of Aid

- (1) Support is only available for plantations that are affected by, or associated with trees affected by, the fungus *Chalara fraxinea*.
- (2) All grant aided private forest owners shall be eligible to apply for the scheme.
- (3) Support shall be granted only for the reconstitution of forests which were established under one of the following Department schemes:
 - Afforestation Grant Schemes,

- Native Woodland (Establishment) Scheme,
 - NeighbourWood Scheme
 - Forest Environment Protection Scheme
- (4) Payments shall be made to applicants who make a valid application in accordance with the written approval granted by the Department and have carried out the site clearance operations and reconstitution work to their plantation in accordance with the written approval granted by the Department and in compliance with:
- a. The **Sanitation Action Plan** approved by the Department
 - b. All relevant national legislation for the time being in force,
 - c. The Department's specifications for registered foresters,
 - d. The conditions set out in this document,
 - e. The requirements set down in the Forestry Schemes Manual, where applicable,
 - f. The Forest Service Code of Best Forest Practice – Ireland,
 - g. The principles of Sustainable Forest Management; and
 - h. The Forest Service Environmental Guidelines.
- (5) Costs eligible for the site clearance grant are those approved costs necessary to carry out site clearance operations, subject to the maximum grant allowable.
- (6) Cost eligible for the reconstitution grant aid are those approved costs necessary to carry out the remedial establishment work required to get the plantation back to the stage it was at before the disease outbreak occurred.
- (7) Where a 2nd Instalment afforestation grant is still pending on the area to be reconstituted, the maintenance costs allowable will be those costs necessary to get the reconstituted area back to the stage it was at before the plantation was cleared.
- (8) Plantations where the 2nd instalment afforestation grant has been paid are eligible for all related costs to re-establish the crop to year 4 stage
- (9) The removal and destruction of trees and leaf litter affected by *Chalara fraxinea* must be completed in compliance with the **Sanitation Action Plan** approved by the Department and within the period specified in the approval.
- (10) Responsibility for the removal and destruction of trees and leaf litter rests with the forest owner.
- (11) No replanting shall be undertaken within 12 months (or other time specified by the Minister) following the removal and destruction of affected trees and leaf litter.

- (12) Where the replacement species results in a change of GPC, the annual premium will be adjusted to reflect the new GPC with effect from 2015. This will not impact on the grant-aid and premiums already paid.
- (13) Failure to reconstitute a damaged grant-aided plantation is a breach of the afforestation grant and premium schemes and may result in recoupment of all grants and premiums paid.
- (14) The following are the operations eligible for grant aid:
- i) Removal and destruction of trees and leaf litter affected by *Chalara fraxinea*, in compliance with the Sanitation Action Plan
 - ii) Replacement plants
 - iii) Planting
 - iv) Ground Preparation (if applicable)
 - v) Vegetation control (1 - 4years, if applicable)
 - vi) Shaping
 - vii) Other operations may be approved upon application
- (15) The reconstitution grant will be paid in 3 instalments as follows:
- i) Application for the **Site Clearance Grant** may be made following the removal and destruction of trees and leaf litter affected by *Chalara fraxinea*, in accordance with the Sanitation Action Plan and area treated,
 - ii) Application for the **1st Instalment Grant** may be made following the reconstitution (replanting) of the treated area.
 - iii) Application for the **2nd Instalment Grant** may be made 4 years after the site is successfully reconstituted.

4. Application Procedure.

Application forms are available from the Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford, Lo-call 1890 200 223, E-mail forests@agriculture.gov.ie.

Form 1 - Application for Approval

An application for approval must be made using the Reconstitution Scheme (Chalara Ash Dieback) Application for Approval (Form 1). The applicant and a Registered Forester must complete the application. Applications must be accompanied by a detailed estimate of costs (see ANNEX 1). The estimate of costs shall only include costs associated with the removal and destruction of affected trees and leaf litter, and the cost of re-establishing the parts of the plantation affected by *Chalara fraxinea*, or other areas of ash deemed necessary by the Forest Service to be removed to reduce the risk of disease spread.

NOTE: No work should commence until formal written approval has been granted by the Department

Form 2 - Application for Site Clearance Grant

Application for payment of the Site Clearance Grant may be made following the removal and destruction of trees and leaf litter affected by *Chalara fraxinea* in accordance with the Sanitation Action Plan. Application for payment must be made on a 'Form 2'. The applicant and a Registered Forester must complete the application. Payment of the Site Clearance Grant shall cover the costs approved by the Department at Form 1 stage, subject to the maximum rates detailed below and will be conditional on the work being satisfactorily completed, and the application for payment (Form 2) being received within the time specified in the letter of approval.

Form 2(a) - Application for 1st Instalment Grant

Application for payment of the 1st Instalment Grant may be made following reconstitution (replanting) of the trees previously removed, to the satisfaction of the Minister. Application for payment must be made using 'Form 2(a)'. The applicant and a Registered Forester must complete the application. Payment of the 1st instalment grant shall be based on the cost approved subject to the maximum rates detailed below, and will be conditional on the work being satisfactorily completed, and the application for payment (Form 2(a)) being received, within the time specified in the letter of approval, if applicable.

Form 3 - Application for 2nd Instalment Grant

Application for payment of the 2nd Instalment Grant may be made 4 years after the site has been successfully reconstituted. Application for payment of the 2nd Instalment Grant must be made using 'Form 3'. The applicant and a Registered Forester must complete the application. Payment of the 2nd instalment grant shall be based on the cost approved subject to the maximum rates detailed below, and will be conditional on the satisfactory maintenance of the plantation.

Where a 2nd instalment afforestation grant is due for payment, and the area not being reconstituted has been successfully established, the 2nd instalment afforestation grant will be payable.

5. Grant Rates

- a. This grant scheme is cost-based, subject to the costs approved by the Department at Form 1 stage or the maximum rates detailed below, whichever is the lower. As a result, evidence of costs expended and receipts for items purchased must be retained and produced on the request of the Minister.
- b. Grant aid will be paid exclusive of VAT, regardless of the applicant's VAT status.
- c. Payments will be paid subject to works being carried out to the satisfaction of the Minister and based on costs incurred subject to the maximum costs approved.
- d. Management costs may be charged to a maximum of 30% of direct costs subject to the maximum grant rates applicable.
- e. 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
- f. The Minister reserves the right to alter the grant rates from time to time.

- g. The grant shall be payable in 3 instalments and shall not exceed the following rates
- h. Additional broadleaves in conifer plots that must be removed and replaced can claim eligible costs up the maximum GPC5 grant rate based on the area treated. The premium rate will remain the same as the original contract.

GRANT RATES

		Rates per treated hectare
Site Clearance Grant (Removal and destruction)		Cost to a maximum of €1,500 /ha
1st Instalment (Replanting)	Conifers Broadleaf	Cost to max of €2,500 /ha Cost to max of €3,800/ha
2nd Instalment (Maintenance)	Conifers Broadleaf	2 nd inst cost to max of €800/ha 2 nd inst cost to max of €1,200/ha

NOTE: The maximum grant payable in respect of the 1st and 2nd instalments shall be determined by the species planted by reference to the Grant and Premium Category (GPC) as described in the Afforestation Grant Scheme in the Forestry Schemes Manual. There is no fencing allowance.

6. 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 the same as the Afforestation Scheme. Other breaches of the Scheme not specified in that document may also incur a penalty.
- c) Penalties may include the repayment of all grants paid, or part thereof.
- d) Monetary penalties shall include interest payable at the rate provided for under S.I. No. 463/2003, as amended. 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 offset.
- e) Penalty amounts may be deducted from future payments due to the Applicant under the Forestry Schemes or from payments due under other Department schemes. Where monetary penalties are not paid or recovered within the period requested, the Department may take whatever action is deemed necessary for their recovery.
- f) 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.
- g) 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 grant aided plantation.

7. Appeals

- a) An Applicant, or his/her contractor on their behalf, may appeal a decision of the Minister's regarding an application under the Reconstitution Scheme (Chalara Ash Dieback) 2013, or a penalty.
- b) Appeals should be made in writing to: Appeals Section, Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford.

8. 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.

9. Responsibility for Forest Management

- a) Responsibility for the successful management of grant aided forest rests with the Applicant. Where an Applicant contracts the services of a third party to undertake the management of a grant aided 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 subparagraph above.

10. Failure to abide by the terms and conditions of the scheme

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

Where an Applicant or a person acting on his/her behalf, fails to abide by the terms and conditions of the Scheme or if 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 recovered.

The obtaining of aid under the Scheme by fraudulent means by the applicant or a person acting on his/her behalf, or others may render such persons liable to prosecution.

11. Conditions and Procedures

The Minister reserves the right to alter the procedures and conditions to be followed in the operation of this Scheme. Such changes shall be notified in writing, prior to taking effect and providing reasonable notice of such changes to Registered Foresters and Registered Forestry Companies.

12. 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. Grant aid shall be paid exclusive of VAT, regardless of the applicant's VAT status.

13. Payment

The Department may pay grants 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.

14. 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.

15. Good Practice

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

Application forms, and all supporting documentation and maps, must be submitted to

**Forest Service,
Approvals Section
Department of Agriculture, Food and the Marine,
Johnstown Castle Estate,
Co. Wexford.**

ESTIMATE OF COSTS (Excl. VAT)(Form 1)

Contract Number			
Applicant Name			
Townland		County	
Total Area of Plantation		ha	

Claimed Area for Reconstitution <i>(claimed area is net of exclusions, and areas not requiring treatment)</i>	TOTAL ha	Conifer GPC(s)	ha	Broadleaf GPC(s)	ha
Site Clearance Grant					
Removal and destruction of trees		ha	€	ha	€
Removal and destruction of leaf litter		ha	€	ha	€
		ha	€	ha	€
		ha	€	ha	€
		ha	€	ha	€
Total Direct Costs			€		€
Management Costs			€		€
Total Cost			€		€
1st Instalment grant					
Ground Preparation		ha	€	ha	€
Plants		ha	€	ha	€
Planting		ha	€	ha	€
Vegetation Control (yr1)		ha	€	ha	€
		ha	€	ha	€
		ha	€	ha	€
		ha	€	ha	€
Total Direct Costs			€		€
Management Costs			€		€
Total Cost			€		€
2nd Instalment Grant					
Vegetation Control (yr2)		ha	€	ha	€
Vegetation Control (yr3)		ha	€	ha	€
Vegetation Control (yr4)		ha	€	ha	€
Filling In		ha	€	ha	€
Shaping		ha	€	ha	€
		ha	€	ha	€
		ha	€	ha	€
Total Direct Costs			€		€
Management Costs			€		€
Total Cost			€		€

NOTE: Where the estimated costs exceed the maximum grant rate applicable, the maximum grant shall be paid. All costs submitted above must be exclusive of VAT.

Definitions

For the purposes of this scheme: -

- ‘**Applicant**’ means a person who has applied for Approval under the Scheme or has carried out reconstitution work to a plantation following an Approval under the Scheme;
- ‘**Approval**’ means a Reconstitution of Woodlands (*Chalara* Ash Dieback) Scheme Pre- Approval granted by the Minister;
- ‘**Application, Pre-Approval – Form 1**’ shall mean an application for the Minister’s approval to carry out site clearance works and reconstitute a forestry plantation under the terms of all current legislation, guidelines and the conditions of this scheme.
- ‘**Application – Site Clearance Grant – Form 2**’ shall mean an application to receive a grant following the removal and destruction of affected trees and leaf litter in accordance with the Sanitation Action Plan and the terms of the written approval granted by the Department.
- ‘**Application – 1st Instalment Grant – Form2(a)**’ shall mean an application to receive a 1st instalment grant following the reconstitution (replanting) of a forestry plantation within the terms of the written approval granted by the Department.
- ‘**Application – Second Instalment Grant – Form 3**’ shall mean an application to received a 2nd instalment grant, 4 years after the completion date of the reconstitution of the plantation.
- ‘**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 reconstitution works are completed to the required standard. This date shall be the base line date by which all subsequent payments are based.
- ‘**Department**’ shall mean the Department of Agriculture, Food and the Marine.
- ‘**Disposal Notice**’ shall mean a direction under Regulation 5 of S.I. No. 411/2012.
- ‘**Forest Service Environmental Guidelines**’ means the following publications of the Forest Service, as may be 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.
- ‘**Minister**’ shall mean the Minister for Agriculture, Food and the Marine.
- ‘**Plantation**’ means a plot or number of plots on the same holding.
- ‘**Plot**’ means an area of one species or a species mix.
- ‘**Registered Forester**’ shall mean a person qualified and registered with the Department under the Department’s Registration of Foresters and Forestry Companies as set out for the purpose of the Forestry schemes.
- ‘**The Forest Service**’ shall mean the Forestry Division of the Department of Agriculture, Food and the Marine.
- ‘**Sanitation Action Plan**’ shall mean a document specifying the sanitation procedures which are being put in place to eradicate *Chalara fraxinea* at a forest property.
- ‘**Scheme**’ shall mean the Reconstitution Scheme (*Chalara* Ash Dieback).

- **'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