



INFORMATION NOTE ON IFA/ESB AGREEMENT ON LOSS OF TREE PLANTING RIGHTS

1. This agreement between Irish Farmers Association and Electricity Supply Board covers the impact of ESB lines on **existing and proposed forestry plantations**. It establishes the guidelines whereby each case will be examined on an individual basis.
2. Where a landowner has recently purchased land for the purpose of afforestation, and where ESB has notified the landowner that part of the land may not be planted due to the presence or the planned presence of an electricity line **ESB shall in the first instance agree to pay to the landowner monies equivalent to 75% of the' purchase price of the affected area where the price of the affected area** is deemed to be equivalent pro rata to that of the remainder. The amount is payable on foot of an easement, following bona-fide intent to proceed and receipt of notification of afforestation grant approval.
3. Where the landowner proposes a scheme of afforestation on land which has not been recently purchased a sum equivalent to that in paragraph 2 above shall be paid by ESB to the landowner on values **calculated as those which would have prevailed had the land been recently purchased on the open market**.
4. In return for such compensation the landowner will grant to ESB an easement over the part of the land for which compensation has been paid. The terms of the Deed of Easement shall not preclude development of the lands other than where development is understood to mean afforestation. Total payments will be in accordance with the ESB/IFA Code of Practice due account being taken of any previous payment made. **Reasonable legal and professional fees will be payable by ESB**. (Legal fees incurred in rectifying title defects will not be payable by ESB).
5. Where a third party such as the Commission of the European Communities or the Government of Ireland agrees to pay a landowner premium or other such monies intended to encourage the afforestation of lands, and where a landowner is precluded from planting a specific area due to the presence or planned presence of an electricity line, ESB shall pay compensation to the landowner, based on the following criteria:
 - a. Entitlement to premium
 - b. Whether forestry development is existing or planned
 - c. Tree species
 - d. Proof of loss of premium and grants
6. No compensation is payable for lands under low voltage (230/400V) distribution lines, where' only clearance from branches and tree tops is required.
7. The normal corridor widths centred on the line to be left clear of trees voltages are as follows:
 - a. 10kV/20kV/38kV: 20 metres
 - b. 110kV: 2 x maximum tree height + 9 metres
 - c. 220kV: 2 x maximum tree height + 16 metres
 - d. 400kV: 2 x maximum tree height + 22 metres
8. All trees must be outside their falling distances from line support structures. Note: 85 feet (26 metres) is usually taken as the maximum height for commercial timber in Ireland. However, each case will be assessed individually.

9. In the corridors mentioned above **ESB does not object to the growing of trees to a maximum height of 3 metres above the ground.** However, **a corridor of 4 metres must be left totally clear for maintenance access.** It will be a condition of the easement that such trees exceeding 3 metres be cut or lopped by the landowner.
10. **For proposed afforestation all applications for compensation must be made before planting,** to enable ESB to exercise its option, if it so desires of diverting the overhead line. (ESB will decide on corridor width required).
11. In the event of ESB constructing an electricity line through an existing plantation, it will be **responsible for the reasonable cost of clear felling although the timber will remain the property of the landowner.**
12. ESB will be **responsible for the reasonable cost of reinstating the affected ground to the same normal use as its immediate surrounding.**
13. Where practicable ESB shall provide a **reasonable access route for the landowner to the reinstated corridor of grassland.**
14. Where corridors have been created necessitated by the presence of a 110kV or 220kV or 400kV transmission line, **ESB shall provide adequate fencing for the corridor area, where practicable.** Where lesser corridors are necessitated by the presence of 38kV, 20kV, 10kV or low voltage distribution lines **ESB shall not be required to fence the corridor area except where an existing fence has been demolished to provide for the corridor** or where the corridor covers an area of land which includes a boundary between the lands of adjoining farmers.
15. Where an existing afforestation agreement (such as long-term leasing or share farming) is in place ESB will negotiate directly with the landowner, his servants or agents. Apportioning compensation will be dealt with by the parties to the original agreement. The landowner will indemnify ESB against any claims from tenants or lessees.
16. While the basis of the compensation payment for the easement will be agreed in advance, no payment will be made until forestry development has reached an advanced stage, i.e. trees must be planted.
17. **All disputes on the above, which cannot be settled by direct negotiation or by the intercession of the IFA, shall be referred to the Property Arbitrator,** in accordance with the relevant ESB Acts. All claims should be processed initially through the local ESB office or ESB Regional Office (i.e. Cork, Dublin, Dundalk, Limerick, Sligo and Waterford).