

Afforestation Grant and Premium Scheme 2007.

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 the planting of forests by compensating forest owners for 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 will be administered by the Department of Agriculture and Food and will operate throughout the State.

b) The Exchequer funds the Scheme.

c) The Scheme shall come into operation on **1st January 2007** for a period to be determined by the Minister for Agriculture and Food.

d) Participation in the Scheme is voluntary.

3. 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 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 cost based 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.
- **‘Approved Forester’** shall mean a person qualified and approved by the Department for the purpose of this scheme and entered on the Register of Approved Foresters, 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 and Food
- **‘Environmental Impact Assessment (EIA)’** means the process of examining the environmental effects of 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 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.
- **‘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 premiums to an immediate family member.
- **‘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 and Food.
- **‘Plantation’** means a plot or number of plots on the same holding, within 500m of each other, 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 that compensates for income foregone from the afforestation of his/her land.
- **‘The Forest Service’** shall mean the Forestry Division of the Department of Agriculture 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.

4. 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.

5. Eligibility

a) 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 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 twenty 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.

6. 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 1 sets out the grant and premium rates payable at 1 January 2007. The Minister reserves the right to alter these rates from time to time.
- d) This grant scheme is cost-based. As a result, evidence of costs expended and receipts for items purchased must be retained and produced on the request of

the Minister. To this end, the provisions of Chapter 2.2, 2.3 and 2.4 of the Forestry Schemes Manual continue to apply.

- 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.

7. Conditions of Aid

Payments shall be made in respect of applicants who make a valid application, prepared by an approved 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.

8. 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 Approval**

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

- **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 an Approved 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 an Approved 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.

9. Environmental Considerations.

- a) In accordance with SI No. 538 of 2001, 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 Assessment must accompany applications for the afforestation of areas of 50 hectares or more.
- c) An Environmental Impact Assessment must accompany applications for the afforestation of areas of under 50 hectares where a proposed development is deemed by the Minister to have a significant environmental impact.

10. Consultations and Public Notification Procedure

- a) All proposed plantations of greater than 2.5 hectares are notified by the Forest Service to the public by way of notice in an appropriate provincial newspaper.
- 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.

11. 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.

12. Silvicultural Standards

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

13. 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 Department area-based scheme.
- 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.

14. 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.

15. 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.

16. 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 4 but other breaches of the Scheme not specified in Annex 4 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 deduction.
- f) Penalty amounts may be deducted from future payments due to the Applicant under the Forestry Schemes or from payments due under other EU-financed 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.
- 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.

17. 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 Approval decision.
- b) A Forest Service Appeals Committee hears all appeals made. Appeals should be lodged with the Department's offices at Johnstown Castle Estate, Co. Wexford.

18. Change of ownership

The Minister must be informed if there is a change of ownership of a forest plantation, which has received grant assistance. Annex 3 sets out the provisions governing change of ownership issues and replaces paragraph 4.6 of Chapter 4.

19. 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, brothers and sisters. Joint management consent forms must comply with the template provided at Appendix 11 of the Forestry Schemes Manual.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. Procedures

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

27. 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. Where an Applicant is registered for VAT, grant aid will be paid exclusive of VAT. Where an Applicant is not registered for VAT, the grant will be paid inclusive of VAT.

28. 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.

29. Further Conditions

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

Annex 1

Grant and Premiums Payable

General:

The Grant and Premium rates payable are determined by the category of the planted lands together with the tree species, farm size 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.

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 - 20% diverse mix

This plot is made up of an intimate mix of Sitka Spruce or Lodgepole Pine and a suitable diverse conifer (normally Japanese larch or hybrid larch). The diverse conifer content must be at least 20%. This 20% mix can be made up of trees intimately mixed through the plantation, trees planted in groups through the plantation or a combination of both. The diverse conifer species in this intimate mix may be substituted by suitable broadleaves but these broadleaves cannot also be used to satisfy Plantation Rule 1.

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 and/or an oak/conifer mix. The only conifers acceptable for this mixture are Scots pine and European larch. Chapter 9, paragraph 9.10 of the Forestry Schemes Manual details the stocking and spacing requirements for an oak/conifer mix).

GPC 7 - Beech

This plot is made up of pure beech and/or a beech/conifer mix. The only conifers acceptable for this mixture are Scots Pine and European Larch. Chapter 9, paragraph 9.10 of the Forestry Schemes Manual details the stocking and spacing requirements for a beech/conifer mix).

Table 1: Maximum Grant levels.

Grant/Premium Category (GPC)	1st Instalment Grant - €/ha	2nd Instalment Grant - €/ha	Total FEPS Grant - €/ha
GPC 1 – Unenclosed	2,540.65	873.35	3,414.00
GPC 2 – Sitka Spruce/Lodgepole Pine	2,540.65	873.35	3414.00
GPC 3 – 20% Diverse Mix	2,699.60	873.40	3,573.00
GPC 4 – Diverse	2,984.52	942.48	3,927.00
GPC 5 – Broadleaf (except oak & beech)	3,999.67	1,199.90	5,199.57
GPC 6 – Oak	5,259.25	1,660.82	6,920.07
GPC 7 – Beech	5,738.87	1,865.13	7,604.00

Table 2: Maximum Premium Levels.

Grant/Premium Category (GPC)	Afforestation Premium (€/ha)			
	Farmer rate	Farmer rate	Farmer rate	Non-farmer rate
	<6ha	>=6ha	>=12ha	Per ha
GPC 1 – Unenclosed/All Species	240.94	240.94	240.94	197.12
GPC 2 – Enclosed/Sitka spruce/Lodgepole Pine	386.95	401.56	416.16	197.12
GPC 3 - Enclosed/20% Diverse Mix	449.74	464.35	478.94	197.12
GPC 4 - Enclosed/Diverse	478.94	493.55	508.15	197.12
GPC 5 - Enclosed/Broadleaf (other than Oak & Beech)	508.15	522.76	537.35	211.73
GPC 6 - Enclosed/Oak	544.65	559.26	573.86	211.73
GPC 7 - Enclosed/Beech	544.65	559.26	573.86	211.73

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.

The broadleaves making up this 10% of area must comply with the minimum width criteria where the plantation is 3ha or more.

Rule 2 - 20% Diverse conifers

- a) Where conifers are planted, the conifers must contain a minimum of 20% 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 suitable broadleaves. Any substitution, however, must be considered as additional to the 10% broadleaf requirement outlined in Rule 1.

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.

Rule 4 - Minimum Plantation Areas and Widths:

(a) Minimum Areas:

- A conifer plot must not be less than 0.25 hectares.
- A broadleaf plot must be not less than 0.1 hectare in area.
- A conifer plantation must be not less than 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/forests-service
- 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.

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 as set down in Chapters 6, and 7 and 9 of the Forestry Schemes Manual continue to apply under this Scheme.

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 set down in Chapter 10 of the Forestry Schemes Manual continue to apply under this Scheme.

Annex 3

Change of Ownership

The Forest Service must be informed if there is a change of ownership of a forest plantation which has received grant assistance. All premium payments will be suspended until registration of the new applicant by the Forest Service has been finalised.

The documentation required depends on the reason for the change of applicant:

- on succession, following death of the owner/joint owner/joint manager,
- on the sale or transfer of the plantation.

Part 1.

Change of Ownership of Plantation – Inheritance

If the death takes place of the owner or joint owner or joint manager who was in receipt of forest premium, the Forest Service must be informed as soon as convenient – within a month, if possible.

1. Continuity of Premium Payments

1.1 Forest premium payments due up to the year of the death may be made to the Representatives of the Estate of the deceased. All issues of ownership and qualification for premium must be resolved before further premiums will be paid.

1.2 The new owner/applicant may claim annual premiums when all necessary documentation is provided to the Forest Service and the new applicant has undertaken the obligations to maintain and protect the plantation for the remainder of the premium term, or, in the event of failure to maintain it, to repay all grants and premiums already paid.

1.3 If premium was paid to the deceased applicant at the farmer rate, the new applicant may claim it, subject to the eligibility criteria set out in paragraph 3, below.

1.4 If premium was paid to the deceased applicant at the lower, non-farmer rate, that rate will continue to apply to that plantation for the full term of the premium. The rate cannot be changed to the farmer rate even if the new owner would qualify as a farmer under the terms of the scheme.

2. Documentation

The documents to be sent to the Forest Service following the death of the owner or joint owner or joint manager are as follows:

- a) A copy of Death Certificate;

b) The Will and Grant of Probate, or Letters of Administration.

2.1 If the person who inherits the plantation intends to keep it and apply for annual premiums, the following documentation will be required:

(Note: If the plantation is to be sold, see Part 2 of this Annex.)

a) Certified copy of Folio Documents and File Plan (folio maps) in the name of the new owner, if available, or, if the registration process is ongoing, a copy of the unstamped Deed of Transfer and Certification of Land Transfer signed and stamped by a solicitor, along with the earlier Folio documents identifying the previous owner. The text for this Certificate is set out in Appendix 8 of the Forestry Schemes Manual;

b) As an alternative to the documents detailed at (a) above, the new applicant may submit a Certificate of Title **with a map showing the area of the plantation clearly outlined, both documents having been signed and stamped by a solicitor**. The text for this Certificate is set out in Appendix 9 of the Forestry Schemes Manual;

c) Forms 5 and 5a, (Registration and Declaration & Undertakings) completed by the new owner for plantations established under the current scheme, the Rural Development Plan 2000 – 2006, and the CAP Afforestation Scheme 1993 – 1999. For contracts under the Forestry Operational Programme 1989-1993 the documents to be used are a Form of Agreement as prescribed by the Forest Service and a Form FP1 completed by the new applicant;

d) A new Mandate, if relevant (i.e. where the 2nd instalment grant, if applicable, has not been paid).

3. Qualifying for Farmer rate of Premium on inheritance

a) If the new applicant is **an immediate family member of the deceased**, namely husband, wife, parent, son, daughter, brother or sister, who is resident in the State, the premium may be paid at the same rate as was paid to the deceased applicant, provided all necessary ownership documentation is supplied and the new applicant undertakes the obligations to maintain and protect the plantation for the remainder of the premium term or, in the event of failure to maintain it, to repay all grants and premiums already paid. Such new applicant is not required to show farmer status.

b) If the person who inherits the plantation is **not an immediate family member** and the previous owner had been in receipt of the farmer rate of premium, the new owner may claim at this rate on production of full evidence of farmer qualification as defined in Paragraph 5(c) of the Afforestation Scheme document, in respect of the year in which the death of the previous applicant occurred, or one of the three years preceding that date, or for the period of up to one year after the Assent and Application is signed. Otherwise the non-farmer rate will apply, (if the particular scheme included such a rate). Regardless of the rate payable, the new applicant must undertake the obligations to maintain and protect the plantation for the remainder of the premium term and, in the event of failure to maintain it, to repay all grants and premiums already paid.

c) As stated at 1.4 above, if the previous applicant was being paid premium at the lower, non-farmer rate, that rate will continue to apply to that plantation for the full term of the premium.

Part 2.

Change of Ownership – Sale or Transfer of Plantation

The Forest Service must be informed in advance if the owner of a forest plantation which was established with grant assistance plans to sell it or transfer ownership of all or part of the planted land. Premium payments may be suspended until the change of ownership formalities and registration of the new applicant by the Forest Service have been finalised.

1. New applicant for Premium Payments

1.1 A new owner may claim premium payments when all necessary ownership documentation is provided to the Forest Service and the new owner has undertaken the obligations to maintain and protect the plantation for the remainder of the premium term, or, in the event of failure to maintain it, to repay all grants and premiums already paid.

1.2 If premium was paid to the previous owner at the farmer rate, the new applicant may claim it subject to the eligibility criteria set out at paragraph 3 below.

1.3 If premium was paid to the previous owner at the lower, non-farmer rate, that rate will continue to apply to that plantation for the full term of the premium. The rate cannot be changed to the farmer rate even if the new owner would qualify as a farmer under the terms of the scheme.

2. Documentation

The documents to be sent to the Forest Service regarding sale or transfer of a plantation are as follows:

2.1 A letter to the Forest Service giving prior notice of the intention to sell /transfer. (If the sale or transfer does not go ahead this notice should be cancelled, in writing.)

2.2 On completion of the sale/transfer

a) A certified copy of Folio Documents and File Plan (Folio maps) in the name of the new owner, or, if the registration process proves lengthy, a copy of the unstamped Transfer Deed along with a Certification of Land Transfer signed and stamped by a solicitor, along with a copy of old Folio documents in the name of the previous owner (unless already provided). The text for this Certificate is set out in Appendix 8 of the Forestry Schemes Manual;

b) As an alternative to the documents described at (a) above, the new owner may submit a Certificate of Title **along with a map showing the area of the plantation**

clearly outlined, both documents having been signed and stamped by a solicitor.
The text for this Certificate is set out in Appendix 9 of the Forestry Schemes Manual;

- c) Forms 5 and 5a, (Registration and Declaration & Undertakings) completed by the new owner for plantations established under the current scheme, the Rural Development Plan 2000–2006 and the CAP Afforestation Scheme 1993 – 1999. For contracts under the Forestry Operational Programme 1989-1993 the documents to be used are a Form of Agreement as prescribed by the Forest Service and a Form FP1 completed by the new owner;
- d) Form 5b, a Form of Indemnity, signed by the previous owner;
- e) A new Mandate, if relevant (i.e. where the 2nd instalment grant, if applicable, has not yet been paid).

3. Qualifying for Farmer Rate on plantations bought / transferred

3.1 If the previous owner was in receipt of the farmer rate of premium, the new owner may qualify for it on production of full evidence of farmer qualification as defined in Paragraph 5(c) of the Afforestation Scheme document, in respect of the year in which the sale / transfer took place, or one of the three preceding years or in the period of up to 1 year after the date of the Deed of Transfer. Otherwise the non-farmer rate will apply (if the scheme included such a rate). Regardless of the rate payable, the new applicant must undertake the obligations to maintain and protect the plantation for the remainder of the premium term and, in the event of failure to maintain it, to repay all grants and premiums already paid.

3.2 As stated at 1.3 above, if the previous owner was being paid premium at the lower, non-farmer rate, that rate will continue to apply to that plantation for the full term of the premium. The rate cannot be changed to the farmer rate even if the new owner would qualify as a farmer under the terms of the scheme.

4. Contacting the Forest Service

Correspondence should be addressed to
Change of Applicant Section, Forest Service, Department of Agriculture & Food,
Johnstown Castle Estate, Wexford.
Tel. 1890 200 223, Fax 053 9143834.

Annex 4

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 The second instalment stage as % of Annual Premium up to 20%

<i>Domestic Stock damage</i>	up to 20%
<i>Failure to control invasive scrub/furze past 2nd instalment stage</i>	up to 20%
<i>Dumping</i>	up to 10%

Over declaration of area is 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 is 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 is 20% or greater:

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

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

No Grant or Premium paid for the year in question.

An over claim of area is made intentionally:

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