

FOREST ROAD SCHEME

1. General Outline and Legal Basis

- a) This scheme provides opportunities to forest owners to improve access to forests for management and harvesting purposes. Forest roads are also required for fire fighting access.
- b) This document should be read in conjunction with the Forestry Schemes Manual, The Code of Best Forest Practice – Ireland, the current suite of environmental guidelines as published by the Forest Service and The Forest Roads Manual produced by the National Council for Forest Research and Development (COFORD) in conjunction with the Forest Service.

2. General Provisions

- a) The Scheme shall be administered by the Department of Agriculture and Food and shall operate throughout the State.
- b) The National Exchequer funds the Scheme.
- c) The Scheme shall come into operation on 1st January 2007 for a period to be determined by the Minister.
- d) Participation in the Scheme is voluntary.
- e) The Scheme has been approved under the National Development Plan 2007 to 2013.

3. Definitions

For the purpose of this Scheme:

- **‘Application, Pre Construction Approval – Roads Form 1’** - This is an application for the Minister’s approval to construct a Forest Road under the terms of all relevant current legislation and guidelines. The application is to be prepared and counter signed by an approved forester as defined below and where applicable an Engineer. The Forest Service must approve the application before any work commences.
- **‘Application, Payment – Roads Form 2’** – This is an application to receive a cost-based Forest Road Grant following the construction of an approved Forest Road within the terms of the Pre-construction Approval. The application to be prepared and counter signed by an approved forester as defined below and where applicable an Engineer and approved by the Forest Service.
- **‘Approval’** is a Roads Pre-Construction Approval granted by the Minister.
- **‘Approved Forester’** – is a person qualified and approved by the Department for the purpose of this Scheme and entered on the Department’s Register of Approved Foresters, available on request from the Forest Service. Each Approved Forester shall be subject to the conditions of approval as set down by the Department.

- **‘Bell-Mouth’** – is a tapered entrance to facilitate safe entry/egress and off road parking.
- **‘Bridge’** – is a structure to facilitate the crossing of a stream/river/ravine etc.
- **‘Completion Date’** - is the date the road was completed, as may be verified by a Forestry Inspector.
- **‘Culvert’** – is one or more adjacent pipes or enclosed channels for conveying a watercourse or stream below formation level.
- **‘Department’** - is the Department of Agriculture and Food.
- **‘Drain’** – is the provision of a channel to remove excess water or to lower the water table to a level below the road and to prevent the ingress of water in the future.
- **‘Direct Costs’** are the cost of materials, labour and machinery employed in the construction of the road.
- **‘Engineer’** means a civil engineer and a member of ‘Engineers Ireland’;
- **‘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.
- **‘Harvest Road’** – is a forest road constructed to facilitate the transport of timber trucks to enable thinning and clear fell of a forest crop.
- **‘Harvesting Upgrade/Extension’** - means the upgrading and/or extension of an existing management road to harvesting road standard. Restoring a road to its previous condition is not eligible for grant aid under the scheme.
- **‘Development/Management Road’** – is a forest road constructed to enable vehicle access for managing forests and includes a development road which is normally constructed before planting although some may be built prior to canopy closure.
- **‘Minister’** – means the Minister for Agriculture and Food.
- **‘Scheme’** – means the Forest Road Scheme.
- **‘Special Construction Works’** – means bridge construction, rock breaking, abutment construction, large culverts greater than or equal to 750 mm, retaining walls, geotextile layering and embankment construction or any other work considered eligible by the Forest Service.
- **‘Other infrastructural works’** are bell-mouths, turntables, drains, culverts and bridges and may include Special Construction Works.
- **‘The Forest Road Manual’** is the Forest Road Manual as published by the National Council for Forest Research and Development COFORD, setting out guidelines for the design, construction and management of forest roads. This Manual may be downloaded from the COFORD web site: www.coford.ie.
- **‘Turntable’** – is an area of road which facilitates the turning of vehicles.

4. Objectives of Scheme

The objectives of the scheme include:

- a) To provide funding for the construction of management and harvesting roads and other infrastructural works in order to provide access for equipment and labour for forestry operations.

- b) To improve the economic value of the forests.
- c) To improve competitiveness.
- d) To provide access for emergency vehicles.

5. Conditions of Grant Aid

A Forest Road Grant may be paid in respect of applicants who make a valid application and the road in question has been constructed in compliance with:

- a) The Pre-Construction Approval issued by the Minister. An Approval under this Scheme may be issued subject to additional conditions as laid down by the Minister.
- b) The terms and conditions of this Scheme as set out in this document and associated application forms.
- c) The Forest Road Manual published by COFORD.
- d) The Code of Best Forest practice and Forestry Environmental Guidelines.
- e) All relevant EU requirements and national legislation for the time being in force.

6. Eligibility

- a) Applications for grant aid towards the construction of management roads, harvesting roads and other infrastructural works may be submitted under this Scheme.
- b) All owners of forests are eligible to apply.
- c) The proposed harvesting road or other harvesting-related works must be built so as to facilitate the harvesting of timber within the area served by the road within the next 5 years.
- d) The proposed management road should be built at the initial stage of the forest's establishment. An applicant shall be required to provide to the Forest Service substantial reasons for constructing a management road more than 5 years after the plantation's completion. Management roads should be constructed to the same design criteria as harvest roads and will be subject to the same construction standards.
- e) Construction work may not commence until an approval of grant aid has issued.
- f) Where feasible, co-operative ventures involving joint or shared access between adjoining forests is encouraged.

7. Grant Aid Rates and Conditions

- a) Grants of up to 80% of eligible costs incurred in the construction of a forest road are available subject to the maximum described at Annex 1. The Minister reserves the right to alter these rates from time to time.
- b) Grant aid may not exceed 25 metres of road per hectare of forest served, except where,
 - i. An Engineer specifies a requirement for Special Construction Works, as defined.

- ii. Exceptional circumstances dictate. 'Exceptional circumstances' means severe topographical conditions such as slope greater than 1/7 or ravines. A maximum density of 30m/ha may be applied in these circumstances.
- iii. On the recommendation of a Forest Service Inspector.
- c) Where existing roads within a plantation require upgrading at the time of harvesting, application for grant aid towards the cost of upgrading may be made. Upgrading does not include repairs of roads, in particular, roads that have been used as harvesting roads previously.
- d) For grant aid purposes, there is no difference between access roads and internal roads.
- e) There will be grant aid available for external access roads and it should be noted that grant aid for these access roads comes out of the total eligible area of the plantation they serve.
- f) This grant scheme is cost-based. As a result, evidence of costs expended and receipts for items purchased must be retained and produced by the applicant or his/her agent on the request of the Minister.
- g) For audit purposes, recipients of grant aid or their agents under this Scheme will be required to retain invoices relating to work undertaken for a period of 6 years.

8. General Provisions:

- a) The Forest Service will refer an application to the local authority on the issue of road safety in respect of all proposed new entrances/lay-bys on to a public road.
- b) A bell mouth entrance must be provided for all harvesting road applications adjoining a public road.
- c) Inspection paths must be put in along the route of the proposed road in all circumstances. No grant will be available for such paths.
- d) For difficult sites or areas greater than 20ha, specifications drawn by an Engineer must be supplied and appropriate works supervision undertaken.
- e) Where environmental or other conditions so require, the Department may consult as set out at Table 18 of the Forestry Schemes Manual.
- f) All road construction works shall be undertaken in compliance with the Forest Road Manual published by COFORD unless the Forest Service has approved otherwise.

9. Application Procedure

All application forms are available from the Forest Service, Johnstown Castle Estate, Co. Wexford. Lo-call 1890 200 223 or e-mail forests@agriculture.gov.ie.

a) Roads Form 1 - Application for Pre-Construction Approval.

Application for approval to undertake works under this Scheme must be made using the 'Roads 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.

b) Roads Form 2 – Application for payment of Road Grant.

Application for payment of the Forest Road Grant must be made using the 'Roads 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.

10. Lands taken Out of Forestry.

Where land containing roadways or other infrastructural works grant aided under this Scheme, is taken out of forestry for an alternative land use, then the Minister may seek to recover grant aid from an applicant.

11. Taxation Requirements

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.

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.

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.

12. Penalties

Penalties may apply at the discretion of the Minister and may include withholding payment of the grant.

- 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) Penalties may include the withholding or repayment of a Roads grant.
- d) 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.

- e) 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.
- 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 plantation.

13. Good Practice

Good forestry practice is mandatory across all operations of the scheme.

14. Appeals

- a) An Applicant, his/her contractor or his/her agent may appeal a decision of the Minister's regarding an application for a Pre-Approval, a Grant or a penalty.
- b) A Forest Service Appeals Committee hears all appeals made. Appeals should be lodged with the Department's Offices at Johnstown Castle, Co Wexford.

15. Inspections:

The Minister reserves the right to carry out, inspections of any land, the subject of a grant aid application or grant under this Scheme.

16. Responsibility of Applicant

Responsibility for the successful construction and maintenance of forest roads rests with the applicant. The Department will not be held liable for any issue that arises regardless of whether the site received a Departmental Inspection or not.

17. 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 where there is any material change in the circumstances of the applicant which would be in conflict with 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.

18. Review of Procedures and Grant Aid.

- a) The Minister reserves the right to alter from time to time the procedures to be followed in the operation of this scheme.
- b) The Minister reserves the right to review and 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.

19. Conditions of Approval

An 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.

20. Information and Data Protection

The Minister reserves the right to make public information regarding the areas covered by the scheme including the number of participants, roads built, historical and archaeological sites, hectares covered etc. while observing the terms of the Data Protection Act.

21. Further Conditions

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

Annex 1

Category	€ / Linear metre	Density (metre/ha)	Defined Exceptional Circumstances
Harvesting Road	€45	25	30
Harvesting Upgrade or Extension as defined.	€45	15	
Management Road	€45	10	15
Bell Mouths*	€45	30	n/a

* Grant Aid for a standard bell-mouth applies where the bell mouth is the only construction undertaken.

Annex 2

Certified Road Map - conventions

- Proposed (at Form 1) or newly built (at Form 2) management road and length to be shown with a dashed red line and lettered (e.g. A, B)
- Proposed (at Form 1) or newly built (at Form 2) harvesting road and length to be shown with a dashed black line and lettered.
- Proposed (at Form 1) or newly built (at Form 2) upgraded forest road to be shown by a cross and dash black line and lettered.
- Existing forest roads to be shown by a continuous black line, the total length of existing forest road indicated.
- County road to be clearly shown.
- Area proposed for harvesting within the next five years to be outlined clearly with a blue highlighter.
- Management area to be served by the proposed management road to be clearly coloured with a green highlighter.
- Supporting Inventory Details. A species map supported by a table indicating the areas, species, and ages (or planting year) of each plot is sufficient.
- A Biodiversity Map identifying any key features (e.g. Archaeological sites, aquatic zones), which must be identified and protected before road construction works begins.
- Sites of special construction works to be identified clearly on the map and described and costed separately.

Annex 3

Penalties

ADMINISTRATIVE PENALTIES

Penalty as % of Road Grant

<i>Failure to exclude areas, which are ineligible for aid</i>	up to 20%
<i>Failure to comply with environmental guidelines</i>	up to 100%
<i>Failure to comply with specific supplementary Environmental conditions</i>	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%
<i>Failure to comply with conditions/governing</i>	
-Disposal of waste/rubbish	up to 20%
-Hazardous fencing	up to 20%
-Silt traps	up to 20%
<i>Dumping</i>	up to 10%
<i>Over declaration of eligible road length is 3% or more but less than 20%:</i>	
Grant is reduced by (difference between the claimed and the approved area)*2	
<i>Over declaration of eligible road length is 20% or greater</i>	up to 100%