

## FORESTRY ENVIRONMENT PROTECTION (AFFORESTATION) SCHEME

### 1. General Outline and Legal Basis.

- a) This Scheme encourages farmers to combine the establishment of high nature-value woodland with their participation in the Rural Environment Protection Scheme (REPS). The establishment of woodland, which is designed to maximise its environmental contribution will attract an annual premium that for a period of 5 years only, exceeds the corresponding premium available under the Afforestation Scheme.
- b) The Scheme provides an opportunity to create woodlands that can contribute more to landscape character, biodiversity enhancement, the retention of local habitats, promotion of native species as well as further protection of water resources and our archaeological heritage. It also supports the quality of rural life by providing employment and amenities and ensures a sustainable supply of timber. Forestry makes an important contribution to combating climate change.
- c) Plantations established under this Scheme must meet full silvicultural standards and must be managed as a commercial crop for the realisation of a profit.
- d) 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.
- e) These are the administrative provisions for the implementation of the Forestry Environment Protection Scheme (FEPS) in Ireland.

### 2. General Provisions.

- a) The Scheme shall be administered by the Department of Agriculture and Food and shall operate throughout the State.
- b) The Exchequer funds the Scheme.
- c) The Scheme shall come into operation on 1<sup>st</sup> January 2007 on a pilot basis for a period to be determined by the Minister, but not exceeding one year.
- 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 a FEPS Pre-Planting Approval granted by the Minister;
- **‘Approved Forester’** means 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.
- **‘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 may be 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’** 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 have the same meaning as applies under the REPS Scheme but shall also include any person, a group of persons, a partnership or a body corporate who is engaged in farming and who is registered under the Bovine Tuberculosis Eradication Scheme or is a holder of another Department identifier and who has a Personal Public Service Number(s) or Company Incorporation Number;
- **‘FEPS’** means the Forest Environment Protection Scheme.
- **‘FEPS Form 1 - FEPS Pre-planting Approval Application’** – means an application for the Minister’s approval to establish a forestry plantation within the terms of all current legislation and guidelines.
- **‘FEPS Form 2 - 1<sup>st</sup> FEPS Instalment Grant and 1<sup>st</sup> FEPS Premium Application’** – means an application to receive a 1<sup>st</sup> Instalment Grant and Annual Premium following planting within the terms of the Preplanting Approval.
- **‘FEPS Form 3 – 2<sup>nd</sup> FEPS Instalment Application’** – means an application to receive the 2<sup>nd</sup> Instalment Grant, available 4 years after the completion date of the plantation.
- **‘FEPS Form 4 - Annual FEPS Premium Application’** – means an application for subsequent premiums; application to be submitted annually to the Department.
- **‘FEPS Pre-planting Approval’** means the approval issued by the Department in relation to an application made under this Scheme and includes any terms and conditions attaching to the Approval at the time of issue;
- **‘Forestry Environmental Guidelines’** means the following publications of the Forest Service: ‘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.
- **‘Forest Service’** means the Division of the Department with responsibility for forestry in Ireland.
- **‘GPC’** means the Grant and Premium Category of species planted.

- **‘Habitat’** means a place where an organism or a population of organisms live. For the purposes of this Scheme, habitats will be classified in accordance with ‘A Guide to Habitats in Ireland’ (Fossit, 2000).
- **‘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.
- **‘Management Plan’** means a document, in a form acceptable to the Minister, describing the forest crop and the future management proposed for the plantation over a specified time period.
- **‘Minister’** means 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 that conforms to one of the descriptions GPC 1 to GPC 7 in Annex 1.
- **‘Premium’** means a payment to the Applicant that compensates for the loss of income arising from the afforestation of his/her land;
- **‘REPS Scheme’** shall mean the Rural Environment Protection Scheme of the Department of Agriculture and Food in implementation of Council Regulation (EC) No. 1257/1999 as amended by Council Regulation (EC) No. 1783/2003 or any other Department REPS Scheme which succeeds this REPS Scheme;
- **‘REPS Farmer(s)’** means a farmer(s) who participates in a REPS Scheme or has applied to participate in the REPS Scheme.
- **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 FEPS.

The objectives of the Scheme include:

- To encourage farmers to establish and maintain high nature-value forestry through measures such as increasing biodiversity and protecting water quality;
- To support, establish or provide habitat for wildlife;
- To encourage the provision of protective forestry, for example riparian planting;
- To produce a commercial crop of timber while making an enhanced contribution to the environment;
- To increase Ireland’s woodland cover to contribute positively towards climate change mitigation.

#### 5. Eligibility.

- a) REPS farmers are eligible to apply for approval under this Scheme.
- b) Farmers who intend to join REPS may also apply for approval under this Scheme; however, payment of the 1<sup>st</sup> FEPS Premium will not be made until the applicant can show that he has been accepted into REPS. The applicant must have joined REPS within 12 months of the plantation’s completion date. The 1<sup>st</sup>

FEPS Instalment Grant and basic premium, as detailed at Table 2 of Annex 1, may be claimed following completion of the plantation, regardless of the REPS status of the applicant. In the event of a farmer failing to join REPS within the 12-month timeframe, the farmer remains eligible to draw down the basic premium only.

## **6. Grant and Premium Rates.**

- a) Grant assistance is available towards costs incurred in the establishment of a plantation. The grant is available for drawdown in two parts. A maximum of 75% of this grant is available after planting; a maximum of 25% is available when the woodland is established i.e. 4 years after planting.
- b) Forestry premiums provide farmers with an annual income stream from their woodland for 20 years. The premium is calculated according to land status (i.e. enclosed or unenclosed), tree species, as well as farm and plantation size. See Annex 1. In addition to a 20-year basic premium equivalent to the premium payable under the Afforestation Scheme, farmers in this Scheme may claim a FEPS premium for a total of 5 years (See Table 3 of Annex 1). The premium payment date is determined by the completion date of the plantation's establishment. Payment is subject to satisfactory establishment and maintenance of the plantation.
- c) An applicant for a FEPS premium, must, at the time of application for the FEPS premium each year, also be in REPS.
- d) Annex 1 sets out the rates payable at 1 January 2007. The Minister reserves the right to alter these rates from time to time.
- e) 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.
- f) For audit purposes, recipients of grant aid under this Scheme will be required to retain invoices relating to work undertaken for a period of 7 years.

## **7. Conditions of Grant of Aid.**

### **7.1 General:**

- a) Grants and premium payments shall be made in respect of applicants who make a valid application and have established their plantation in accordance with the stipulations of a FEPS Pre-Planting Approval and in compliance with:
  - All relevant EU requirements and national legislation for the time being in force,
  - The terms and conditions of this Scheme as set out in this document and the application forms.

- The requirements set down in the Forestry Schemes Manual;
- The Code of Best Forest Practice;
- The principles of Sustainable Forest Management; and
- The Forestry Environmental Guidelines.

## **7.2 FEPS Plantation Requirements:**

In order to make a valid application for grant aid under this Scheme, an applicant must establish a plantation that meets the terms and conditions set out in this paragraph:

- a) An Applicant must comply with the Plantation Rules as set down at Annex 2.
- b) A minimum plantation size of 8 hectares shall apply.
- c) For the purposes of this Scheme, applications to plant on oligotrophic peatlands are not eligible.
- d) An Applicant must undertake all Mandatory Measures plus six of the Optional Measures as outlined in Annex 3.

## **8. Treatment of lands taken out of REPS.**

Farmers in REPS who propose to transfer land from REPS to FEPS should contact their REPS planner and arrange to have their REPS plan amended. Further information relating to the transfer of land out of REPS is available from REPS Division, Department of Agriculture & Food, Johnstown Castle Estate, Co. Wexford, a Department Local Office or a REPS planner.

## **9. Treatment of Habitats.**

In designing woodland eligible for FEPS grant aid, an Applicant must give consideration to the treatment of habitats present. Annex 4 sets out the habitats that must be retained, if present, on land the subject of a FEPS application.

- a) In the case of an Applicant transferring land from REPS to FEPS, a habitat designated as such under a previous REPS plan must be identified by name and location on the biodiversity map required with FEPS Form 1.
- b) In the case of an Applicant who is proposing to create and/or retain habitat, the biodiversity map supplied with the FEPS Form 1 must identify, by location and name, the habitat(s) proposed for inclusion.

## **10. Entitlement to Land Usage.**

In order to qualify for FEPS Grants and Premiums, applicants must own, lease or be in joint management of the lands proposed for planting. All applicants must provide documentary evidence of ownership, leasing or joint management as specified in the

application for 1<sup>st</sup> FEPS Instalment Grant – FEPS Form 2. The provisions relating to Ownership set down in Chapter 4 of the Forestry Schemes Manual continue to apply.

## **11. Application Procedure.**

All application forms are available from the Forest Service, Johnstown Castle Estate, Co. Wexford. Lo-call 1890 200 223 or email [forestservice@agriculture.gov.ie](mailto:forestservice@agriculture.gov.ie).

- **FEPS Form 1 - Application for Preplanting Approval**

Application for approval to plant under FEPS must be made using the ‘FEPS 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.

- **FEPS Form 2 - Application for 1<sup>st</sup> FEPS Instalment Grant and 1<sup>st</sup> FEPS Premium**

Application for payment of the 1st FEPS Instalment Grant and 1st FEPS Premium must be made using ‘FEPS 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.

- **FEPS Form 3 - Application for 2<sup>nd</sup> FEPS Instalment Grant**

The 2nd Instalment FEPS Grant may be claimed for payment 4 years after the completion date of the plantation. Application for payment of the 2nd FEPS Instalment Grant must be made using ‘FEPS 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.

- **FEPS Form 4 - Application for Subsequent Premium Payments**

The farmer rate of premium is payable for a period of 20 years. Application of all premiums subsequent to the 1st premium is made using a FEPS Form 4. The Forest Service issues these forms to eligible farmers on an annual basis. The application form sets out the requirements to be met to make a valid application.

## **12. Pre-planting Approval.**

Approvals issued under this Scheme may be subject to additional conditions as laid down by the Minister.

## **13. Consultation and Public notification Procedure.**

- a) All proposed FEPS plantations shall be 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.

#### **14. Applications and 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.

#### **15. Land Use Reconciliation Requirements.**

Land, the subject of a claim for FEPS grants and premiums must not be the subject of claim under other Department area-based schemes. Where conflicting claims arise, the provisions of Annex 5 relating to land use reconciliation will apply.

#### **16. 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.

#### **17. 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. Detailed

provisions concerning the treatment of VAT are available with the FEPS Form 2 application form.

## **18. 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 5 but other breaches of the Scheme not specified in Annex 5 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 1<sup>st</sup> FEPS Instalment Grant, 2<sup>nd</sup> FEPS Instalment Grant and/or FEPS 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.

## **19. Appeals.**

- a) An Applicant, or his/her Approved Forester, 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 the grant of a FEPS 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.

## **20. Change of ownership.**

The Minister must be informed if there is a change of ownership of a forest plantation, which has received grant assistance. The provisions of Chapter 4 of the Forestry Schemes Manual continue to apply.

## **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. Management Plans.**

- a) For plantations which are 10 ha or greater or where 5ha or more broadleaves have been planted, Applicants at 2<sup>nd</sup> FEPS Instalment Grant (FEPS Form 3) stage must submit a FEPS Plantation 1<sup>st</sup> 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 FEPS Plantation 2<sup>nd</sup> Management Plan must be submitted detailing the management proposed for the plantation between year 11 and year 20. Payment of the 10<sup>th</sup> Premium and subsequent Premiums may be conditional on the receipt of this Plan.

## **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. Right of Access**

The Minister reserves the right to carry out inspections at reasonable times on any land receiving grant aid for FEPS. Applicants are obliged to ensure that, where required, adequate inspection paths through the plantation are provided.

**25. Failure to abide by the terms and conditions of the Scheme.**

- a) Where, for the purposes of obtaining payment under this Scheme, an 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 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.

**26. Review of Scheme, Procedures and Grant Aid.**

- a) The Minister reserves the right to alter from time to time the conditions of the Scheme and or the procedures to be followed in the operation of this Scheme, or to lay down further conditions under 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.

**27. 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, farms, hectares covered etc. while continuing to observe the terms of the Data Protection Act.

## 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

Not eligible under FEPS.

#### 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 FEPS Grant levels**

| <b>Grant/Premium Category (GPC)</b>    | <b>1<sup>st</sup> FEPS Instalment Grant - €/ha</b> | <b>2<sup>nd</sup> FEPS Instalment Grant - €/ha</b> | <b>Total FEPS Grant - €/ha</b> |
|--|--|--|--------------------------------|
| GPC 1 – Unenclosed                     | 2,540.65   | 873.35   | 3,414.00                       |
| GPC 2 – Sitka Spruce/Lodgepole Pine    | N/A  | N/A  | N/A                            |
| 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) | 3999.67  | 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                       |

|   |
|---|
| <b>Maximum FEPS Premium Levels comprising Tables 2 and 3:</b> |
|---|

**Table 2:**

| Grant/Premium Category (GPC) – Basic Premium        | Afforestation Premium (€/ha)<br>(Annual payment Years 1 – 20) |        |
|---|---|--------|
|   | Plantation area   |        |
|   | >=8ha   | >=12ha |
| GPC 1 – Unenclosed/All Species                      | 240.94  | 240.94 |
| GPC 2 – Enclosed/Sitka spruce/Lodgepole Pine        | n/a   | n/a    |
| GPC 3 - Enclosed/20% Diverse Mix                    | 464.35  | 478.94 |
| GPC 4 - Enclosed/Diverse                            | 493.55  | 508.15 |
| GPC 5 - Enclosed/Broadleaf (other than Oak & Beech) | 522.76  | 537.35 |
| GPC 6 - Enclosed/Oak                                | 559.26  | 573.86 |
| GPC 7 - Enclosed/Beech                              | 559.26  | 573.86 |

**Table 3:**

|   | <b>FEPS Premium (€/afforested ha) - Annual Payment Years 1-5</b> |               |        |
|---|--|---------------|--------|
| Total Farm Area<br>(including area to be planted) | ≤40 ha   | >40 to ≤55 ha | >55 ha |
| GPCs 1, 3 - 7                                     | 200  | 82            | 12     |

**Examples:**

| Farm Size | Planted ha. | Future REPS ha. | Afforested ha @ €200 FEPS rate | Afforested ha @ €82 FEPS rate | Afforested ha @ €12 FEPS rate |
|-----------|-------------|-----------------|--------------------------------|-------------------------------|-------------------------------|
| 40ha      | 8           | 32              | 8                              | -                             | -                             |
| 45ha      | 8           | 37              | 3                              | 5                             | -                             |
| 50ha      | 8           | 42              | -                              | 8                             | -                             |
| 60ha      | 8           | 52              | -                              | 3                             | 5                             |
| 60ha      | 30          | 30              | 10                             | 15                            | 5                             |

## 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- 15% Broadleaves**

15% broadleaves minimum, where land is suitable or 10% broadleaves together with 5% of Scots Pine or other native evergreen trees. The broadleaves or native evergreens making up this 15% of area must comply with the minimum width criteria.

#### **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 15% broadleaf requirement outlined in Rule 1.

#### **Rule 3 - Areas Of Biodiversity Enhancement (ABE)**

18- 20% of plantation must qualify as Area of Biodiversity Enhancement under this Scheme. Other ABE requirements are set out in Chapter 7 of the Forestry Schemes Manual and the “Forest Biodiversity Guidelines”.

#### **Rule 4 - Minimum Plantation Areas and Widths:**

##### **(a) Minimum Plantation Area**

- Minimum plantation area is 8ha.
- A conifer plot must not be less than 0.25hectares.
- A broadleaf plot must be not less than 0.1 hectare in area.

##### **(b) Minimum Width for Conifers:**

The width of a conifer 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;

**(d) Minimum Width for Broadleaves:**

The width of a broadleaf plantation, excluding unplanted areas such as buffers along roads, rivers etc, shall be not less than 20m.

**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](http://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

### Forest Environment Protection Scheme Measures

#### Mandatory Measures:

1. 18%- 20% of plantation to qualify as Area of Biodiversity Enhancement.
2. The ABE of the forest to have a minimum of 5% Open Space, a minimum of 5% Retained or Created Habitat; any balancing % may be planted with widely spaced native trees or shrubs.
3. External Forest Boundaries: Where a hedge is present along an external boundary, maintain a setback of 5 metres from centre of the hedge, unless the hedge runs along a road, where normal setback distances apply. Where no hedge exists, either create new hedge boundary using local hedge species or where appropriate, establish a woodland margin with a mixture of local trees and shrubs. Roadside boundaries: All forests to have an indented roadside margin with a mixture of local trees and shrubs.
4. Archaeology: Minimum exclusion zone of 20m (or greater if specified in Approval).
5. 15% broadleaves minimum, where land is suitable or 10% broadleaves together with 5% of Scots Pine or other native evergreen trees.
6. No pure plots of Sitka Spruce/Lodgepole Pine (GPC 2).
7. Entrance from the public road must have a hung gate. In areas within a prime scenic area in the County Development Plan or within an area listed in the Inventory of Outstanding Landscapes, the gate must be a timber gate.
8. No aerial fertilisation.
9. Eligible areas are likely to require a maximum of one fertiliser application only.
10. Where vegetation control is managed chemically, systemic herbicides only shall be used.
11. Plan for the future development of all roads by marking on the biodiversity/operational map any future roads, turning bays, stacking areas, on-site chipping, storage and loading etc. areas.
12. Attend a prescribed woodland management course.

#### Optional Measures:      **Select 6.**

(Area-related Optional Measures may contribute towards satisfying the ABE requirement at Mandatory Measure 1 above.)

1. Create new habitat such as ponds, or extend existing ponds or wet areas.
2. Provide deadwood for invertebrate populations.
3. Create wildlife corridors between habitats.
4. Install wildlife props: bat boxes, bird boxes, badger gates in rabbit fencing.
5. Augment wildlife food supply – Plant fruiting/berry-bearing species or crab apple etc in ABE areas.
6. Register with Birdwatch Ireland and participate in surveys etc.
7. In broadleaf plantations, include holly, Scots Pine or native shrubs, intimately mixed, or planted in groups, or a combination of both.

8. Increase *average* set back from road and/or houses by 5 metres and use additional set back to establish undulating edges using local tree and shrub species.
9. Widen internal hedgerows by planting 2 rows of an appropriate hedgerow species along each side.
10. Where appropriate, increase riparian zone and plant with suitable species. Consult with Forest Service.
11. Extend exclusion zone around monuments by 5m and plant as per woodland edge described in Option 8.
12. Manage vegetation within exclusion zone around monument in consultation with Forest Service.
13. Provide public access, including signage to monument sites.
14. Leave 20m unplanted corridors for future harvest road development and open space for loading areas, turning bays, on-site chipping areas etc.
15. Provide public access via a network of signed trails linking areas of biodiversity, heritage interest etc. and where appropriate linking in with wider walking trails in the surrounding landscape.
16. Provide access to nominated local schools and provide a network of signed trails linking areas of biodiversity, heritage interest etc.
17. Retain local names/field names by signage.
18. Provide for wood fuel initiatives. May include coppicing or thinning for domestic firewood supply.
19. An alternative environmental Option may be used where the above Options are not appropriate to a particular plantation or where an alternative option would meet or exceed the environmental demands of Options 1 – 18. Such proposals will be assessed on a case-by-case basis.

## Annex 4

### Habitats to be Retained.

The following habitats must be retained on lands under FEPS application. Further information on the treatment of habitats is contained in Chapter 7 of the Forestry Schemes Manual and the Forest Biodiversity Guidelines.

#### Lakes:

- Dystrophic lakes (FL1)
- Acid oligotrophic lakes (FL2)
- Limestone/marl lakes (FL3)
- Mesotrophic lakes (FL4)
- Eutrophic lakes (FL5)
- Turloughs (FL6)
- Reservoirs (FL7)
- Other artificial lakes and ponds (FL8)

#### Watercourses:

- Eroding/upland rivers (FW1)
- Depositing/lowland rivers (FW2)
- Canals (FW3)
- Drainage ditches (FW4)

#### Springs:

- Calcareous springs (FP1)
- Non-calcareous springs (FP2)

#### Swamps:

- Reed and large sedge swamps (FS1)
- Tall-herb swamps (FS2)

#### Marsh

- Marsh (GM1)

#### Fens

- Fens and flushes (PF)

#### Heath:

- Montane heath (HH4)
- Heath (HH)

#### Bog:

- Transition mire and quaking bog (PF3)

- Upland blanket bog (PB2)
- Lowland blanket bog (PB3)
- Active Raised bog (PB1)

**Woodland:**

- Oak-birch-holly woodland (WN1)
- Oak ash hazel woodland (WN2)
- Yew woodland (WN3)
- Wet pedunculate oak ash woodland (WN4)
- Riparian woodland (WN5)
- Wet willow alder ash woodland (WN6)
- Bog woodland (WN7)
- Hedgerows (WL1)
- Treelines (WL2)

**Buildings:**

- Stone walls and other stonework (BL1)
- Earth banks (BL2)

**Dunes:**

- Sand dune systems (CD), which includes dune scrub and woodland and machair.

**Other habitats on a case-by-case basis.**

## Annex 5

### 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 2<sup>nd</sup> Instalment Grant

|                       |            |
|-----------------------|------------|
| -At first inspection  | up to 20%  |
| -At second inspection | up to 100% |

*Failure to maintain fences beyond* as % of Annual Premium  
The second instalment stage 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% |