



Department of
**Agriculture,
Food and the Marine**

An Roinn
**Talmhaíochta,
Bia agus Mara**

Afforestation Grant and Premium Scheme 2014-2020



1.1 Introduction

The *Afforestation Grant and Premium Scheme* aims to increase the area under forest in Ireland from its current low base of 11% (EU average is 38%). This will be undertaken in a sustainable manner contributing towards the EU's priority for "*Restoring, preserving and enhancing ecosystems related to agriculture and forestry*". In doing so, this afforestation scheme will aim to contribute towards climate change mitigation; to produce commercial timber; to provide a sustainable source of roundwood for wood product manufacture; to provide biomass for energy production; to provide sustainable jobs in the rural economy; to increase the area of native woodland and purpose-designed recreational and amenity forests; to improve water quality through the planting of protection woodland; and to increase woodland biodiversity. This will be achieved through the provision of financial support for the establishment and maintenance of new forests and woodlands.

1.2 Forests established under this Scheme must meet the required silvicultural standards of the Scheme and must be managed in accordance with the principles of sustainable forest management, as outlined in the *Code of Best Forest Practice* and the *National Forest Standard*. Beneficiaries must also comply with national and EU legislation, and all operational and environmental guidelines and requirements published by the Department. Only projects which receive prior written approval from the Department, and which are undertaken in compliance with the conditions of approval, will be eligible for support. Support will take the form of grants and annual premiums towards the costs of agricultural income foregone, establishment, and maintenance. Applicants have a responsibility to ensure that plantations are maintained throughout the period of the contract which is a condition of continued payment of aid.

1.3 These measures will be primarily targeted at private land-holders and companies.

1.4 This document should be read in conjunction with:

- i. The *Forestry Standards and Procedures Manual*, which sets out the requirements applicable to the *Afforestation Grant and Premium Scheme*
- ii. *Native Woodland Standards and Procedure Manual*
- iii. Any circulars amending the scheme requirements that are periodically issued by the Forest Service

1.5 The *Forestry Standards and Procedures Manual* and various scheme circulars can be downloaded from the Department's website at

<http://www.agriculture.gov.ie/forests-service/publications/>

<http://www.agriculture.gov.ie/forests-service/grant-and-premium-schemes/>

2.1 General Outline and Legal Basis

The scheme is 100% Exchequer funded under the following legal framework;

- i. European Union guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 – 2020;

- ii. Commission Regulation (EU) No 1407/2013 on the application of article 107 and 108 of the Treaty on the functioning of the European Union to *de minimis* aid (Official Journal reference number L:2013:352).
- 2.2 The Scheme is administered by the Department of Agriculture, Food and the Marine and operates throughout the State. The Scheme shall be operational from 1st January 2015 for a period to be determined by the Minister for Agriculture, Food and the Marine.
- 2.3 Participation in the Scheme is voluntary.
- 2.4 In accordance with *European Communities (Forest Consent and Assessment) Regulations 2010* (S.I. No. 558 of 2010), as amended (by S.I. No. 442 of 2012), all afforestation projects (whether availing of grant aid or not) must obtain prior written approval from the Department of Agriculture, Food and the Marine, hereafter referred to as a technical approval.
- 2.5 For applications under the Afforestation Scheme, a separate financial approval of the project is also required. Afforestation projects undertaken without prior approval, both technical and financial, will not be eligible for grant assistance. Furthermore, persons who undertake afforestation without prior technical approval may be required to remove the trees planted and to restore the land to its condition prior to the commencement of the development within a specified timeframe, and/or be liable to prosecution.

3.1 De Minimis Provisions

The detailed “*de minimis*” provisions are set out in **Annex 4**.

- 3.2 State aid rules allow for only 12 annual premiums. In order to pay an additional 3 premiums the Department must rely on general *de minimis* rules as set out under *Commission Regulation (EU) No 1407/2013 on the application of Articles 107 and 108 of the treaty on the functioning of the European Union to de minimis aid*, (Official Journal reference number L:2013:352). It is the responsibility of applicants to familiarise themselves with the rules set out under this regulation and the consequences of failure to comply with them. This includes the possibility of the recovery of aid that has been misused or improperly obtained. Where requested by this Department, it is obligatory for the applicant to declare all *de minimis* paid to him/her during the relevant time period.

4.1 State Aid requirements

The detailed State Aid requirements are set out in **Annex 5**. The main elements that require input by the applicant are:

4.2 Incentive Effect

This applies where the applicant is a small/medium enterprise SME and/or the immediate beneficiary. The applicant/enterprise must indicate on the application form for aid that “The work described herein would not have been undertaken

without the financial support provided under State Aid rules. Without this aid there would be no change to current activities.” For large companies documentary evidence must be submitted in relation to the counterfactual for each of the measures proposed (i.e. what would happen without the aid?).

4.3 Proportionality of the aid

Large companies must provide documentary evidence that the aid is proportionate. Only applications which are deemed proportionate will be grant-aided by the Forest Service.

4.4 Transparency

Ireland must publish on its website at national level certain information on the State Aid schemes.

5.1 **Objectives of the Scheme**

The primary objective of the Scheme is to increase Ireland’s forest estate and, in doing so, to make progress towards the achievement of the following objectives:

- i. increase Ireland’s forest cover to 18% ;
- ii. establish 10,000 ha of new forests and woodlands per annum (subject to the availability of funds and land);
- iii. to provide at least 30% of the national area afforested with broadleaved species during the programme period;
- iv. increase the average area of forests, with greater access to the public road network;
- v. increase average Yield Class (YC) by 1 YC, based on the use of superior growing stock (e.g. Improved Washington Provenance) planted on better quality land;
- vi. encourage forest management practices that restore, preserve and enhance forest biodiversity; provide specific areas of bio diversity;
- vii. develop a forest-based biomass resource and generally encourage its use in domestic and commercial markets;
- viii. foster carbon sequestration and climate change mitigation;
- ix. provide a resource which will contribute to long-term sustainable development in the rural economy.

6.1 **Eligibility**

Individuals applying for participation in the scheme must be over 18 years of age and hold a Personal Public Service Number (PPSN). Companies must provide their company registration details (CRO number).

- 6.2 Applicants for technical approval must be the owner, leaseholder or joint manager of the land at the time of the application. Exceptions to this rule will only apply where: (i) the owner is deceased and his/her legal representative submits the application; or (ii) the owner consents in writing to the submission of the application in the name of a designated third party.

- 6.3 In order to qualify for payment of afforestation grants and premiums, the applicant must own, lease or be in joint management of the lands proposed for planting. Applicants must provide documentary evidence of ownership and of leasing or joint management where relevant, as detailed in the *Forestry Standards and Procedures Manual*. This documentary evidence is typically required at Form 2 stage, but may be sought at Form 1 stage by the Forest Service.
- 6.4 The Department will refuse applications for grant aid where it is found that an application was made by a person other than a person that meets the above criteria.
- 6.5 Every effort should be made by registered foresters to ensure that multiple applications by the same applicant are not submitted. If more than one application is submitted for the same piece of land, the Department may decide to process just one application selected by the applicant within any 12 month period.
- 6.6 Forests established and maintained in accordance with the Scheme will be eligible for payment of both an afforestation grant towards the cost of establishment, and an annual premium.
- 6.7 Aid for the afforestation of land owned by public authorities may be granted but only if the body managing such land is a private body or a municipality. Land owned and managed by public authorities will not be eligible for payment of premiums.

7.1 Grant and Premiums

- A fixed afforestation grant towards the costs, subject to the maximum laid down in Annex 1, will be available to private land-holders, companies or municipalities for projects which comply with the requirements, terms and conditions of the Afforestation Grant and Premium scheme. Grants and premiums will be available only for projects which, prior to planting, have been granted technical/pre-planting approval (see section 9.3 to 9.5 below) by the Department, following the submission of Form 1. Aid for afforestation under these measures will be granted solely in connection with duly justified and substantiated costs; and no over-compensation will take place.
- 7.2 Grants will be paid in two instalments. The first instalment may be claimed immediately after planting. The second instalment can be claimed no sooner than 4 years after planting has been completed, as outlined in Annex 1. All payments of grants will be conditional on the forest being successfully established and maintained in compliance with the conditions of approval and standards as outlined in the *Forestry Standards and Procedures Manual*. Any area planted outside of the approved area will not be eligible for grant aid.
- 7.3 Application for payment of the 1st instalment grant and 1st premium may be made following planting, in accordance with the terms of the Pre-Planting Approval. The time limit for submission of claims for 1st grant (Form 2) will be

12 weeks after date of completion of planting. Where a Form 2 is received after the prescribed period, the applicant must submit a written explanation for its late submission and it will be at the discretion of the Department as to whether or not the application can be accepted.

- 7.4 Application forms (Form 4) for 2nd and subsequent premiums are posted to premium recipients by the Department on an annual basis, unless the applicant is registered as a user of the Department's on-line services, in which case Form 4 On-line can be submitted. (See Section 9.)
- 7.5 Application for payment of the 2nd instalment grant shall be made on the application form, Form 3. This will be dispatched by the Department in the 3 months before the 4th anniversary of the completion date of the plantation. The 5th and subsequent premiums can be claimed when due each year following payment of the 2nd instalment grant. At the discretion of the Department, where the 2nd instalment grant has not been applied for, the 5th and 6th premiums may be paid. However, the 7th and subsequent premiums will not be paid until the 2nd instalment grant application has been submitted and the grant has been paid.
- 7.6 Forestry premiums will be payable only for new forests which qualify for an afforestation grant from the Department. Premiums will be payable for a maximum period of 15 years. In the case of Agro-forestry, premiums will be payable for a maximum period of 5 years. In the case of the Forestry for Fibre Grant and Premium Category (GPC) the number of premiums payable is for a maximum period of 10 years.
- 7.7 For the purposes of eligibility and payment of premiums no differentiation is made between farmers and non-farmers.
- 7.8 Annex 1 details the grant and premium rates payable under the Scheme. The Minister reserves the right to alter these rates at any time. Beneficiaries of grant aid under this Scheme are required to retain all receipts and invoices relating to work undertaken to establish and maintain the plantation for a period of 6 years following payment of the 1st instalment grant. The Minister may, at his or her discretion, require the submission to the Department of such receipts and/or invoices at any time during this period.

8.1 Conditions of Aid

Where an applicant makes an application for aid that is deemed valid and is approved by the Department, a contract then exists under the Scheme between the applicant and the Minister. The terms and conditions of this Scheme as set out in this document (which may be revised from time to time by the Minister), any circulars amending the scheme requirements, all application forms including Form 1, letters of approval and, where appropriate, remedial works notifications, form the terms and conditions of this contract. The contract will be identified by the contract number (CN) assigned to it by the Department when the application for approval (Form 1) is received.

- 8.2 Payments will be based on either the area claimed as eligible for payment by the applicant (on Form 2, Form 3 or Form 4 and associated maps) **or** the area determined by the Department to be eligible for payment, whichever is the lesser.
- i. The Department's computerised mapping and payment system (iFORIS) is used by the Department to capture a digital representation of the payment area based on the applicant's claim map. Capturing the claim map in a digital form allows for the accurate measurement and calculation of the payment area. The process of electronically capturing the claim map is referred to as **digitisation**. The **digitised area** of a contract (i.e. the entire plantation) is the sum of the areas of the individual forest plots (including biodiversity) comprising that contract number or plantation. For each plot contained in an application for payment, the **digitised area** is the entire area of the forest plot within the perimeter boundary of that plot measured by the Department's iFORIS system.
 - ii. The **determined area** of a contract number or plantation is the sum of the areas, determined by the Department to be eligible for payment, of the individual forest plots comprising that contract number or plantation. The determined area is calculated by excluding any ineligible areas (e.g. power line corridors, rock, gas lines, ineligible areas of biodiversity greater than 15%).
 - iii. The **claimed area** is the total area of the forest plots specified by the applicant in the application as being claimed for payment of an afforestation grant or premium payment. The claimed area is calculated by the applicant by deducting any part of the plot that is not eligible to receive afforestation grant and premium payments (e.g. power line corridors, rock, gas line and eligible biodiversity areas greater than 15%) from the digitised area.
 - iv. Whichever is the lesser of the **claimed area** or the **determined area** is deemed to be the area eligible for payment, known as the **payable area**. This is the area on which payments of afforestation grants and premiums will be based, subject to compliance with the requirements of the scheme as regards submission of proof of ownership.
- 8.3 Where an area delineated as the payable area on a map submitted by the applicant differs from the area specified on the species plot table attached to a map or the area specified on the Form 2, Form 3 or Form 4, the **lesser** of these areas will be deemed to be the area claimed by the applicant.
- 8.4 Where the determined area (i.e. the area determined by the Department) is greater than the claimed area (i.e. the area claimed by the applicant), this is deemed to be an under-claim. In such cases, a new revised claimed area equal to the determined area can be submitted by the applicant in respect of the following and all subsequent payments due under the contract. The onus is on the applicant to satisfy him/herself that the revised claim that s/he is submitting is correct. This revised claimed area will then be deemed to be the payable area for the remainder of the grant and premium payments due under the contract. This change cannot be applied retrospectively and no back money will be paid in respect of payments that were made or, in the case of annual premiums, were

due to be paid before the revised claim is submitted. (If not already due for payment or paid by the time the revised claim is submitted, the 2nd instalment grant will be calculated and paid on the basis of the revised claim but no back money will be paid in respect of the 1st instalment grant already paid.)

- 8.5 A 1st instalment grant will not be paid until ownership has been established and full proof of ownership has been provided to the Department within the time limit specified in Section 9.
- 8.6 Where a notification (i.e. a remedial works letter) is issued to the applicant specifying remedial works required to bring his/her plantation up to standard, the date specified in that letter by which the works must be completed is binding on the applicant. In exceptional circumstances, the Minister may grant an extension to that date. Requests for such extensions must be submitted in writing by the applicant and registered forester at least 30 days before the expiry of the original deadline for completion. Failure to complete the specified works to the satisfaction of the Forest Service will result in a penalty, as set out in the document titled *Forestry Schemes Penalty Schedules (DAFM January 2015)*.
- 8.7 Grants and/or premiums will be paid only when the entire plantation is up to the required standard. If part of the plantation fails inspection, payment will be withheld on the entire area until remedial works are carried out and the plantation is established to the required standard.
- 8.8 Where the Forest Service decides that it is not possible to bring the plantation, or part thereof, up to the required standard, no further payment will be made for that area. Where the grant and/or premium, or part thereof, is not to be paid, the Forest Service may also require repayment of the amount paid in respect of the plantation or in respect of the area that does not meet the required standard.
- 8.9 Payments shall be made in respect of applicants who make valid applications prepared by a registered forester and who have established their forest in accordance with the pre-planting approval (i.e. both technical and financial) and in compliance with:
- i. All relevant EU requirements and national legislation for the time being in force including, but not limited to, Commission Regulation (EC) No 1407/2013 on general *de minimis* rules;
 - ii. The terms and conditions of this Scheme as set out in this document (and any revisions thereof), any circulars amending the scheme requirements, the application forms, letters of approval and, where appropriate, remedial works notifications;
 - iii. *Forestry Standards and Procedures Manual*;
 - iv. *Code of Best Forest Practice – Ireland*;
 - v. *National Forest Standard*;
 - vi. *Forest Service Environmental Guidelines*.

8.10 **Land for Afforestation**

The term “afforestation” means the planting of land not previously under forest. The *Afforestation Grant and Premium Scheme 2014–2020* is applicable

to agricultural land. For the purposes of the scheme non agricultural lands where there are no significant adverse silvicultural or environmental considerations may be considered on application. However the following lands are excluded:

- i. Private gardens
- ii. Golf courses. However areas not an integral part of the playing course can be considered for afforestation on application e.g. lands along the boundary of public roads, areas adjoining riparian zones etc
- iii. Unmodified raised bogs
- iv. Infertile blanket and midland raised bogs, e.g. vegetation predominately consisting of heather (*Calluna vulgaris*), bog cotton (*Eriophorum vaginatum*), deergrass (*Trichophorum caespitosum*-formerly called *Scirpus cespitosus*) and sphagnum, and also vegetation – often pool studded. Also containing sundews (*Drosera rotundifolia*) and Bog asphodel (*Narthecium ossifragum*)
- v. Designated blanket and raised bogs.
- vi. Plots with rock outcrop and associated shallow soils in excess of 25% of the plot area.
- vii. Severely exposed sites and some sea facing locations.
- viii. All areas outlined in the Forestry Standards and Procedures Manual as being ineligible for grant aid, e.g. shell marl or sites which cannot be adequately drained.
- ix. Sites not capable of producing a commercial crop of timber. The land must be capable of producing at least yield class 14 for Sitka spruce. The use of Sitka spruce as an indicator species recognises that other conifers may not achieve the same level of production on the same site.
- x. Very poor unenclosed and unimproved sites where a standard application of phosphorus fertiliser (e.g. 350 kg/ha GRP) at the time of establishment is unlikely to provide sufficient phosphorus input to bring the forest to full rotation.
- xi. Former and existing industrial cutaway peatlands are excluded.

The Department may amend the above list from time to time following the operation of the scheme and in accordance with good forest practice.

8.11 The Forest Service has defined recent years as 5 years for the purpose of the Afforestation Grant Schemes

8.12 Lands in other uses such as turbary (turf cutting), amenity, golf courses and other non agriculture activities are not entitled to grant aid under the afforestation grant schemes. For the purposes of the Afforestation Schemes, former Christmas trees farms where the trees removed are no more than ten years of age will also be considered for approval.

8.13 **Duration of a contract under the scheme**

The duration or expiry of an afforestation contract in its entirety, or for certain Grant and Premium Categories (GPC's) within a contract with more than one GPC, is as follows:

- 8.14 Afforestation is a contract containing any GPC and/or a combination of more than one GPC, except where the contract consists of a single GPC of GPC type 11 or 12a or 12b; such contracts are considered Agro-forestry or Forestry for Fibre as defined at paragraphs 8.15 and 8.16. The duration or expiry of an Afforestation contract is limited by either the payment of 15 premiums or the end of the 17th year (calendar year) from the date of completion of the plantation that was specified on the Form 2, whichever of these limits come first. However, this time limit does not apply to the GPC 11, GPC 12a or GPC 12b elements of an Afforestation contract. These elements of the contract will be subject to different time limits as described in 8.15 and 8.16 below.
- 8.15 Agro-forestry is a contract containing only GPC 11 or an Afforestation or Forestry for Fibre contract that also contains GPC 11. The duration or expiry of the GPC 11 element **only**, is limited by either the payment of 5 premiums or the end of the 7th year (calendar year) from the date of completion of the plantation that was specified on the Form 2, whichever of these limits come first. The Afforestation or Forestry for Fibre element(s) are limited as described in paragraphs 8.14 and 8.16 respectively.
- 8.16 Forestry for Fibre is a contract containing only GPC 12a and/or GPC 12b, or an Afforestation or Agro-forestry contract that also contains GPC 12a and/or GPC 12b. The duration or expiry of the GPC 12a and/or GPC 12b element(s) **only** is limited by either the payment of 10 premiums or the end of the 12th year (calendar year) from the date of completion of the plantation that was specified on the Form 2, whichever of these limits come first. The Afforestation or Agro-forestry element(s) are limited as described in paragraph 8.14 and 8.15 respectively.
- 8.17 Where circumstances exist that may require an extension of the contract term (for example, outstanding remedial works), the expiry date of a contract may be extended at the discretion of the Minister.
- 8.18 Any payments not applied for in accordance with the Scheme and/or not approved for payment by the expiry of the contract may be forfeited at the discretion of the Minister. The Minister reserves the right to forfeit any payments on the basis of non-compliance with the requirements of the scheme.

9.1 **Application Procedure**

The relevant application forms, as described in this paragraph, are available from the Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford. Lo-call 1890 200 223 or email forests@agriculture.gov.ie.

9.2 The appropriate application form and all supporting documentation and maps must be submitted to the Forest Service within the timeframes indicated below for each stage.

9.3 **Form 1 - Application for Pre-planting (Technical) Approval**

Application for technical approval to plant under the Afforestation Scheme must be made using the Application for Pre-planting Approval - **Form 1** or via **iFORIS iNET**. The applicant and a Registered Forester must complete the application form following a site visit and detailed field assessment by the Registered Forester.

9.4 Technical approval is only valid up to and including the expiry date specified in the letter of approval.

9.5 Note: A technical approval confirms only that the proposed forest detailed in the application complies with the silvicultural and environmental requirements of the Scheme and the approval provides permission to plant all or part of the area specified, as long as the planting and all the works undertaken do not lead to a material change in the project for which the pre-planting approval was granted and the areas planted meet scheme requirements. It **does not** confirm eligibility for a grant under the Scheme, nor does it confirm that funding for a grant has been approved. A separate financial approval is required for this purpose. The issuing of a technical approval **does not guarantee** that a plantation proposed or amended by conditions applied by the Department will establish successfully. Responsibility for the successful establishment of a plantation rests solely with the applicant and the Department will not accept any liability if the plantation fails to establish. Nor can the registered forester and applicant rely upon inspection by the Department to ensure that the standards required of him or her are achieved. Failure to establish a forest to the required standard may give rise to recovery by the Department of all grants and premiums paid to the applicant. The Department accepts no liability for costs incurred by an applicant at this stage or at all.

9.6 **Form 1a – Application for Financial Approval to Plant**

The Department will notify by circular all registered foresters and forestry companies when applications for financial approval may be submitted and will also set out the conditions to be met.

9.7 Applicants with technical approval may apply for financial approval by completing and submitting a **Form 1a**. Generally speaking, a Form 1a should be submitted only when planting is imminent and arrangements have been put in place to commence planting.

- 9.8 Financial approval will be granted if funding is available to the Department for the project. Financial approval confirms that funding for the project is available and has been provisionally reserved for the project that is the subject of the application.
- 9.9 **Form 1b - Notice of Substantial Commencement**
A **Form 1b** (notice of substantial commencement) must be submitted to the Department after the issuing of financial approval. Where, for any reason, the Department requires submission of the Form 1b within a specific period, this will be notified in the circular referred to in Section 9.6.
- 9.10 Failure to submit a Form 1b within that period will result in funding for the project being withdrawn. The applicant will also be precluded from reapplying for financial approval for a specified period from the date of the award of the previously granted financial approval.
- 9.11 **Form 1c –Notice of completion**
A Form 1c must be submitted immediately following plantation formation and not later than the expiry date specified in the technical approval.
- 9.12 **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'. A claim for 1st grant will not be processed separately from the claim for the 1st premium except, as provided below, where a valid premium claim has not been submitted. The time limit for receipt of the Form 2 in the Department shall be 12 weeks after the date of completion of the plantation. Where a Form 2 is received after the prescribed period, the applicant must submit a written explanation for its late submission and it will be at the discretion of the Department as to whether or not the application can be accepted. The applicant and his/her Registered Forester must complete the application following a site visit and a detailed field and forest plot assessment by the registered forester. The application form sets out the requirements to be met to make a valid application. Where supporting documentation (e.g. ownership proof) could relate to more than one contract, individual copies of the documentation must be submitted with each separate Form 2 claim.
- 9.13 Where a Form 2 application is lodged with the Department within the required 12 weeks time-frame but supporting documentation remains to be submitted, the application will be held open for a maximum of 2 calendar years from the date of completion of the plantation. Unless all supporting documentation needed to make a valid application for 1st grant and 1st premium is received in the Department within the 2-year limit, the annual premiums that would have been due for payment in respect of the intervening calendar years will be forfeited. As regards the 1st grant, payment may be made on receipt of supporting documentation up to 6 years after the date of completion. However, no arrears of premium for the intervening years will be paid. After year 6 the grant will also be forfeited and the contract considered terminated if a fully valid claim with all necessary documentation has not been lodged in the Department. Non-payment of a forester or forestry company for works carried out will be a matter for

resolution between the plantation owner and the forester or forestry company and the Minister shall bear no liability.

9.14 **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 a Registered Forester must complete the application following a site visit and a detailed field and forest plot assessment. Payment of the 2nd instalment grant will also be determined by the conditions at Section 7.

9.15 **Form 4 - Application for Subsequent Premium**

Application forms for 2nd and subsequent premiums are posted to premium recipients by the Department on an annual basis, unless the applicant is registered as a user of the Department's on-line services. Where an applicant has registered to use these services, applications for forest premiums must be made at www.agfood.ie

9.16 Applicants wishing to register for Department's on-line services can do so at www.agfood.ie.

9.17 Subject to the terms and conditions of the scheme being met, the premiums payable under the scheme will be paid on the basis of one each calendar year starting in the year that the plantation was completed.

9.18 Subject to and limited by the duration of the contract as defined above, each annual premium is normally applied for in the year in which it is due for payment. Where such application is not made within the year, all conditions for eligibility for the premium must be fulfilled and the valid application must be received in the Department within 3 years of the 1st January of the year in which that particular premium falls due for payment, otherwise the premium payment for that year will be forfeited. For example, a premium due in 2016 must, at the latest, be applied for and paid by 31st December 2018. If premiums have been forfeited or not claimed for 6 consecutive years or more, the contract will be deemed to have been terminated and no further payments will issue under that contract. Payments already made under the contract may be recovered if the plantation has not been maintained to Forest Service standards.

10.1 Environmental Considerations

All applications for afforestation approval under the *Afforestation Grant and Premium Scheme* will undergo an environment assessment procedure to ensure that proposed projects are compatible with the protection and enhancement of the environment, including, inter alia, water, biodiversity, archaeology and landscape. The cost of supplying any additional information (e.g. EIS, NIS, ecological report) that is required by the Forest Service in order to enable it to further assess the application must be borne by the Applicant, as the proponent of the proposed afforestation.

10.2 Environmental Impact Assessment

Where an afforestation project involves an area of 50 hectares or greater, the application for approval must be accompanied by an Environmental Impact Statement (EIS) to enable the Department to undertake an Environmental Impact Assessment (EIA).

10.3 All afforestation projects of less than 50 hectares will be subject to an environmental impact assessment screening process undertaken by the Department at pre-approval stage to determine if the project is likely to have a significant effect on the environment either alone or in combination with other afforestation, forest-related and non-forest related projects. If the Department determines that a project is likely to have a significant effect on the environment, the applicant will be required to submit an EIS to enable the Department to undertake an EIA.

10.4 **Appropriate Assessment**

As required under the Birds and Habitats Regulations (S.I. No. 477 of 2011), all applications submitted to the Department under the Scheme will be subject to an appropriate assessment screening process undertaken by the Department to determine if there is a possibility of the project, either individually or in combination with other plans and projects, having a significant effect on a Natura 2000 site, i.e. a Special Area of Conservation (SAC) or a Special Protection Area (SPA). If the Department determines that a project is likely to have a significant effect on a Natura 2000 site, or the possibility of a significant effect is uncertain, the applicant will be required to submit a NATURA Impact Statement (NIS) to enable the Department to undertake an Appropriate Assessment (AA). The Department can only issue approval where it is satisfied that no significant effect on a NATURA site will occur. See the *Forest service Appropriate Assessment Procedure Information Note* (consolidated version, March 2013) for details.

10.5 **Other Information**

The Department may also, at its discretion, require other forms of technical investigation and reports to be submitted to facilitate its assessment of the project. These may include, in alia, an ecological assessment and report by a suitably qualified ecologist.

10.6 **Consultations and Public Notification Procedure**

When the Department receives an application under the Scheme, a public notice of the application will be placed on the Departments website detailing (i) the contract number of the application; (ii) the location of the proposed afforestation site (Townland and County); and (iii) size of the proposed afforestation project. Applications which require the submission of an EIS to enable the Department to undertake an EIA may also have notices of the application, the EIS, and any significant additional information submitted, placed in one or more local newspapers.

10.7 Any member of the public may make a submission or observation in writing to the Department within 4 weeks of the date of the relevant notice.

10.8 The Department may also consult with relevant consultation bodies including National Parks and Wildlife Service, the National Monuments Service, the Environmental Protection Agency, Inland Fisheries Ireland, the relevant local authority and An Taisce. Other bodies may also be consulted with, as required.

10.9 Detailed information on the environmental protection and controls consultation process that apply to this Scheme are contained in the *Forestry Standards and Procedures Manual* and relevant Forest Service circulars. These set out the environmental standards governing forestry and the consultative processes undertaken by the Department when determining whether or not a proposed afforestation project is compatible with the objectives of the scheme and the protection and enhancement of the environment.

10.10 Pre-Planting Approval

A pre-planting approval issued under this Scheme may be subject to additional conditions as laid down by the Minister. These may be of a silvicultural or environmental nature, or may relate to other requirements. It is the responsibility of the applicant to ensure that all works are undertaken in compliance with the requirements of the Scheme. Pre-planting approval does not guarantee eligibility for entry into or funding under the Afforestation Scheme. The Department accepts no responsibility or liability for costs incurred by an applicant on foot of pre-planting approval or at all.

10.11 NOTE: It is the responsibility of the applicant to inform the Forest Service in writing of any proposed material change to the approval issued and to seek approval for any such change before applying for financial approval or before planting commences. Failure to obtain approval from the Department for proposed changes may render the pre-planting approval null and void.

11.1 Silvicultural Standards

An applicant must comply with all plantation rules and scheme requirements as detailed in the *Forestry Standards and Procedures Manual*.

12.1 Eligibility for Direct Payments (2015-2019), Cross Compliance, Land Use Reconciliation Requirements

Following on from changes to the EU Regulations arising from the adoption of the CAP Health Check proposals, land which was afforested since 2009 is eligible for payments under the Single Payment Scheme (SPS). Similar provisions covering the eligibility of afforested land are contained in Regulation (EU) 1307/2013 governing the requirements of the Basic Payment Scheme, which will replace the Single Payment Scheme from 2015 onwards. Lands eligible for the Basic Payment Scheme must satisfy the following criteria:

- i. The land to be afforested was declared on a 2008 SPS application form;
- ii. The applicant who declared that land on a 2008 SPS application form was paid under the 2008 Single Payment Scheme;
- iii. The afforested land was eligible for payment in 2008.

- iv. The afforested land meets all the requirements of the *Afforestation Grant and Premium Scheme*.
- 12.2 As an accredited EU paying agency, the Department of Agriculture, Food and the Marine is obliged to carry out checks and controls on all applications. Under Cross Compliance requirements, a farmer receiving direct payments must respect the various statutory management requirements set down in EU legislation (Directives and Regulations) on the environment, food safety, animal health and welfare, and plant health; and must maintain the lands in good agricultural and environmental condition (GAEC). Regulation (EU) 1306/2013 sets out rules on cross compliance pursuant to article 93 which includes the Statutory Management Requirements (SMRs) and standards for GAEC that must be observed on lands in receipt of Direct Payments. Detailed documents setting out the requirements and penalties applicable for each area based scheme under CAP 2015-2019 are available from the relevant section of the Department. Contact details and further information are available on the Department's website (www.agriculture.gov.ie).
- 12.3 Subject to Section 12.1 above regarding the Basic Payment Scheme, beneficiaries of the *Afforestation Grant and Premium Scheme* must ensure that afforested land entered into the scheme is not included, or the subject of a claim, under any other area based scheme administered by the Department. The Minister may impose adjustments, reductions in payments and/or penalties or may recoup money already paid if an application under the scheme exceeds the area approved, and/or overlaps with an area which is the subject of a claim under another area-based scheme administered by the Department.

13.1 Good Practice and SFM

Adherence to good forestry practice and the principles of sustainable forest management (SFM) is mandatory and applies across all operations of the Scheme. Guidance on how forestry operations should be carried out so as to ensure compliance with SFM is provided in the *Code of Best Forest Practice – Ireland*, which can be downloaded from the Department's website at <http://www.agriculture.gov.ie/forests-service/publications/>

14.1 Payment

As the contract under this Scheme is between the applicant and the Department, payment is made to the applicant. However, applicants may mandate grant payments (not premiums) to a registered forester or forestry company using a mandate document that satisfies the requirements of the Minister as set out in the *Forestry Standards and Procedures Manual*. Such mandates are a voluntary arrangement between the applicant and his/her registered forester or company. Mandates to other parties e.g. Contractors or Foresters not registered with the Forest Service, will not be facilitated. In the event that a payment fails to be made in accordance with a valid mandate no liability shall be attached to the Minister.

- 14.2 If it is subsequently found that any undue payment or overpayment has occurred in respect of any grant, premium or other payment made under the scheme, the Department will recover the entire amount of the undue payment or overpayment from the applicant, regardless of how the undue payment or overpayment arose.
- 14.3 The Department may offset the amount owed from any other monies due to the applicant by the Department. The Department may also recover the monies as a simple contract debt in a court of competent jurisdiction.

15.1 Penalties

Failure to comply with the terms and conditions of the Scheme, incorporating *The Code of Best Forest Practice – Ireland; Forestry Standards and Procedures Manual*; circulars amending scheme requirements; and the relevant environmental guidelines and requirements may result in an appropriate penalty or sanction being applied.

- 15.2 Penalties which shall apply to certain specific breaches of the Scheme are set out in the document titled *Forestry Scheme Penalty Schedules (DAFM January 2015)* which are a condition of grant aid. Other breaches of the Scheme not specified in the Scheme Penalties Schedules may also incur a penalty. However, all or any failure to comply with the scheme or any breaches of its terms and conditions may result in a penalty.
- 15.3 Penalties may include the repayment of all or part of the grant(s) and/or all or part of the annual premium(s).
- 15.4 Monetary penalties shall include interest payable at the rate provided for under *S.I. No. 13 of 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 recovery by deduction.
- 15.5 Penalty amounts may be deducted from future payments due to the Applicant under the forestry schemes or from payments due under other schemes administered by the Department. Where monetary penalties are not paid or recovered within the period requested, the Department may take whatever action is deemed necessary for their recovery. The Department may also recover the monies as a simple contract debt in a court of competent jurisdiction.
- 15.6 The principle of proportionality will apply. Penalties may be imposed that are, in the opinion of the Minister, proportionate to the alleged breach of the Scheme.
- 15.7 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 forest.

16.1 Appeals

The applicant, or a registered forester acting on behalf and with the written permission of the applicant, may appeal against a decision of the Department regarding (i) an application for a pre-approval; (ii) a grant; (iii) a premium or (iv) a penalty.

- 16.2 In the course of re-examining a decision by a deciding officer, the Appeals Committee shall not be confined to the grounds on which the decision of the deciding officer was based, but may decide the question as if it were being decided for the first time.
- 16.3 A person who made a submission to the Department in relation to an application for approval may appeal the Department's decision to approve or refuse the application.
- 16.4 Appeals should be made in writing, giving detailed grounds for the appeal, to the **Appeals Section, Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford.** Appeals are currently considered by the Forestry Appeals Committee. The issue of appeals is currently under review.

17.1 Change of Applicant

The Department must be notified in advance if:

- i. a grant-aided forest is transferred, sold, leased or otherwise disposed of by the applicant during the term of the contract, up to and including payment of the final annual premium; or
- ii. a judgement mortgage or an inhibition or similar restriction is placed on the Folio for the afforested land during the term of the contract.

- 17.2 In the event of the death of the applicant i.e. owner, joint owner or joint manager who was claiming forestry premium, the Forest Service must be notified as soon as possible by the deceased's next-of-kin, legal personal representatives or registered forester.
- 17.3 When notice of a change of ownership is received by the Department, payments will be suspended until a new applicant is registered in the scheme. The new owner will be entitled to apply for all future annual premiums remaining under the afforestation contract, subject to providing proof of ownership and a completed and signed Form 5 to take over the obligations of the Scheme.
- 17.4 New applicants must submit all necessary documentation as early as possible and no later than one year after the date of the deed of transfer for the land ownership change, or the date that a deceased applicant's estate is settled. Failure to meet these deadlines may result in a new owner not being admitted to the scheme and the contract will, in effect, be terminated.

- i. In every case, all documentation relating to change of ownership and applications for payments must be submitted before the expiry of the term of the contract. Applications for admission to the Scheme (Form 5) or for payment of premiums (Form 4) or 2nd instalment grants (Form 3) **made after the expiry of the term of the contract will not be considered.** In exceptional circumstances (e.g. delays in finalising a deceased person's estate), the date by which documents must be submitted may be extended at the discretion of the Minister.
- ii. All decisions regarding eligibility for payment of grant and premiums will be made by reference to the level of compliance with the conditions of the Scheme, including the completion of outstanding remedial works, on the date of the deed of transfer of a plantation or the date that a deceased applicant's estate is settled. For example, where remedial works have not been satisfactorily completed by the date of the deed of transfer, the new owner will be responsible for completion of the remedial works and, once satisfactorily completed, s/he will be eligible to apply for payment of premiums due for the period after the date of the deed and/or for the 2nd instalment grant if not already paid.
- iii. The Minister will refuse payment of premiums and/or 2nd instalment grant to the previous owner(s) if s/he has failed to maintain the plantation to the standard required under the Scheme for the period of the contract under his/her ownership.
- iv. The Department will not divide grant or premium payments according to ownership for part of a year; individual grant or premium payments will not be split or subdivided. The parties to any sale or transfer should take these payments into account in the timing and terms of their legal arrangements and/or contracts for sale.
- v. An exception may be made for the division of 2nd instalment grants if unpaid at the date of sale or transfer, provided that all parties notify the Department in writing that they have agreed on a mutually acceptable allocation of the grant and that both parties will indemnify the Minister against any claim arising in connection with or as a consequence of that agreement.
- vi. In exceptional circumstances affecting a change of ownership process, at his or her discretion, the Minister may extend the closing date of a contract subject to such conditions as may be specified by the Minister.
- vii. If a new owner is not willing to participate in the Scheme, or is unwilling to give an undertaking to protect and maintain the forest in accordance with the Scheme, the previous owner will be liable for repayment of all grants and premiums previously paid under the Scheme in respect of the afforested land.

viii. Where a debt is accrued under a contract for any reason and the cause of the debt has existed and/or continued during the ownership of more than one owner, the debt will be allocated in accordance with the amount of overpayment received by each owner; each owner will be responsible for repaying the overpayment s/he received.

17.5 **Further information** about the procedures involved when a grant-aided forest is being transferred, sold, leased or otherwise disposed of during the term of the contract is available at

<http://www.agriculture.gov.ie/forests/forests-service-general-information>

17.6 The Minister reserves the right to alter these procedures from time to time.

18.1 Joint Management Consent

A landowner may enter into a joint management arrangement with an immediate family member to jointly manage the forest and assign the afforestation grants and premiums to that family member. A joint management arrangement may only be made between **immediate family members**, namely the spouse, children, parents and/or siblings of the landowner. Joint Management Consent forms are available at Appendix 11 of the *Forestry Standards and Procedures Manual* (on the website under Forestry Publications).

18.2 The owner of the land and the applicant are both liable for the repayment of grants and premiums paid if the applicant fails to abide by the conditions of the scheme or in the event of sale or transfer of ownership during the 20 year term of the scheme.

18.3 A joint management arrangement may be cancelled at any time provided the owner takes over the obligations of the scheme or, repays all grant and premium moneys already paid or, enters into a new joint management arrangement with another member of the immediate family willing to jointly manage the plantation to Forest Service standards and take over the obligations and benefits of the scheme. Any such change should be notified to the Change of Applicant Section.

19.1 Management Plans

Applicants must provide the standard management plan information requested within the 1st grant application form and in the standard templates provided by the Department for all plantations.

19.2 When a forest reaches 11 years of age and is 5 ha or greater, using the standard template provided by the Department, a detailed Forest Management Plan (FMP) must be submitted specifying the proposed management regime for the rotation. Payment of the 12th and subsequent premiums will be conditional on the receipt of this FMP and the plantation being up to the required standard.

19.3 The Minister reserves the right to alter the area thresholds, templates and timing of the submission of the FMP during the duration of the scheme. Registered

Foresters must discuss with all applicants, prior to deciding to afforest their lands, proposed future management objectives of the plantation and development of the proposed crop, including timing of harvesting events and environmental protection.

20.1 Right of Entry

The Minister reserves the right to carry out inspections at reasonable times on any land submitted for pre-approval or on any land for which afforestation grants or premiums have been paid or claimed under this Scheme or any other forest-related Scheme. Applicants are obliged to ensure that, where required, adequate access to the land and forests is provided to allow inspections by the Department.

21.1 Responsibility for Forest Management

Responsibility for the successful establishment and management of a forest rests with the applicant. Where an applicant contracts the services of a third party to establish and/or manage the forest, and to prepare and submit claims, it is the applicant's responsibility to ensure that the third party contracted has sufficient insurances to indemnify the work undertaken. Any issue arising under this contract to the detriment of the applicant, such as inadequate work or preparing an inaccurate claim, etc., is a matter for the owner to resolve with the forester.

21.2 The inspection of a forest by the Department shall not relieve the Applicant of responsibility for the accuracy of applications submitted, the successful establishment or maintenance of the forest, or any responsibility to meet the required standards or terms and conditions of the scheme. The Department is not liable for errors (or financial loss) as a result of inaccurate claims or faulty workmanship by the applicant or his/her forester. The Department does not guarantee the success of any plantation or bear any liability in respect of any plantation for which it has granted pre-planting approval in any circumstances. It is the sole responsibility of the applicant who submits land for afforestation that the plantation will successfully establish. If the Department subsequently determines that a plantation, or any part thereof, has failed to establish successfully, the applicant will be required to repay all grants and premiums paid in respect of the entire plantation or any part of the plantation which has failed.

22.1 Insurance

Applicants should ensure that their forest has adequate insurance cover against damage from, inter alia, fire, and windblow, etc. In the event of significant plant deaths, as detailed in the *Forestry Standards and Procedures Manual*, it is a condition of grant aid that losses will be replaced within the following two growing seasons or such other period as agreed, in writing, by the Department. Failure to replace losses may result in the recoupment of grants and premiums paid.

23.1 Failure to abide by the terms and conditions of the scheme

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

- 23.2 Where an Applicant or a person acting on his/her behalf 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, the applicant's participation in the Scheme may be terminated and all or part of the aid paid shall be recovered by the Department. The Department may offset the amount owed from any other monies due to the applicant by the Department or it may seek to recover the amount as a simple contract debt in a court of competent jurisdiction.
- 23.3 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.

24.1 Overpayments made in relation to a scheme contract

Where any overpayment is made due, inter alia, to over claim or over declaration by the applicant or his/her agent, or to error or miscalculation by the applicant, his/her agent, or the Department, the money overpaid may at the discretion of the Minister be recouped from the applicant who received the overpayment. Such recoupment will be decided on a case by case basis, taking into account any mitigating factors, including culpability.

- 24.2 Amounts to be recouped may be deducted from future payments due to the Applicant under the forestry schemes or from payments due under other schemes administered by the Department. Where debts are not recovered within the period specified, the Department may take whatever action is deemed necessary for their recovery. The Department may also seek to recover the amount as a simple contract debt in a court of competent jurisdiction.

25.1 Review of Financial Aids

The Minister reserves the right in his absolute discretion to vary, where occasion so demands, the amount of financial aid wherever specified in the Scheme.

26.1 Procedures

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

27.1 Tax Clearance Requirement

It is a condition 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. Proof of compliance, such as the provision of Tax Clearance Certificates, may be required by the Department.

27.2 Value Added Tax:

All grants paid under the Fixed Grant Scheme are exclusive of VAT.

28.1 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, forest location etc. while continuing to observe the terms of the Data Protection Act.

28.2 Under State Aid rules (see Section 4 and Annex 5) the Department will publish details of beneficiaries that fall within the categories described.

28.3 By declaring their eligibility and consent to apply for the afforestation scheme, applicants must agree to the release of non-personal information supplied by them in respect of their application to comply with current environmental consultation procedures. Furthermore, applicants consent to be contacted by the Department in respect of approved forestry training courses. Applicants must also consent to the release of their details to Teagasc and Timber Producer Groups who may subsequently communicate with applicants in relation to the forestry training and development and the harvesting of timber.

28.4 All information supplied by applicants in respect of an afforestation approval and/or grant claim and any supporting documentation shall be made available to any other Department or Agency or Local Authority for the purposes of consultation, Audits, Cross Compliance Controls and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Acts.

29.1 Further Conditions

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

30.1 Forestry Act, 1946

All plantations are protected by the Forestry Act, 1946 (and any Act that succeeds or replaces that Act), which controls felling of trees. Under this Act, with certain exceptions, it is illegal to cut down any tree, grant-aided or not, unless a Felling Licence has been obtained from the Forest Service.

Annex 1

Grant and Premiums Payable

30.2 General

The rates of Grant and Premium payable are determined by the category of the planted lands, the tree species and area planted. Land Categories and GPCs are defined below.

31.1 Land Types and Categories

Eligible land types for afforestation under the Scheme are described in the *Forestry Standards and Procedures Manual*.

32.1 Species Composition in Grant and Premium Categories:

To be eligible for grant aid each plot within a forest must conform to one of the following Grant and Premium Categories (GPC's).

32.2 **GPC 1 – Unenclosed/Unimproved land** All approved broadleaf and conifer species planted on unenclosed land receive the unenclosed grant and premium rates. In relation to the Native Woodland Establishment GPC 9 and GPC 10, the Native Woodland Establishment Framework is to apply regarding the identification of the 'target' native woodland type and the corresponding species mixture and planting design required to initiate it. (The Framework is laid out in the *Native Woodland Establishment Scheme Manual*.)

32.3 **GPC 2 - Sitka spruce / Lodgepole Pine** This plot is comprised of Sitka spruce and/or lodgepole pine only. For landscape purposes, a small number of other species should be incorporated into this plot.

32.4 A GPC 2 plot on its own is not eligible for grant or premium payments because it does not comply with plantation rules 1 and 2 as defined in Annex 2, and must be a component of a larger afforestation project comprised of other GPC categories.

32.5 **GPC 3 - 10% diverse mix** This plot is comprised of an intimate mix of Sitka spruce and/or Lodgepole Pine together with a suitable diverse conifer (as described in the *Forestry Standards and Procedures Manual*). The diverse conifer content must be at least 10% of the total number of trees planted. This diverse species can be intimately mixed through the forest or planted in groups through the forest, or a combination of both where silviculturally compatible with the main species. In an intimate mix, the diverse conifer species may be substituted by suitable broadleaves, including birch, planted in groups where soils are suitable. Broadleaves adjacent to roads and watercourses may also form part of this 10%. A forest comprising of just GPC 3 will satisfy the 10% broadleaved requirement where 10% additional broadleaves are planted for environment and landscape reasons.

32.6 **GPC 4 – Diverse** This plot is comprised of an acceptable conifer species listed in Table 10 of the *Forestry Standards and Procedures Manual*, other than Sitka Spruce and Lodgepole Pine.

32.7 **GPC 5 - Broadleaf (other than Oak/Beech)** This plot is comprised of an acceptable broadleaf species listed in the *Forestry Standards and Procedures Manual*, other than Oak and Beech.

- 32.8 **GPC 6 – Oak** This plot is comprised of pure oak. On large sites where additional shelter is required, an appropriate nurse species may be introduced. Other patterns will be considered on case by case basis.
- 32.9 **GPC 7 – Beech** This plot is comprised of pure beech. On large sites where additional shelter is required, an appropriate nurse species may be introduced but there must be at least 10 lines of beech between each nurse species. Other patterns will be considered on case by case basis.
- 32.10 **GPC8 – Alder** This plot is comprised of pure alder. For species diversity, up to 10% of trees planted may comprise of other species intimately mixed or planted in groups.
- 32.11 **GPC 9 – Native Woodland Establishment**
This GPC applies to any plot proposed for native woodland establishment and where the application of the Native Woodland Establishment Framework indicates that Scenario 1 (Podzols), Scenario 2 (Brown podzolics) or Scenario 3 (Brown earths) applies. (The Framework is laid out in the *Native Woodland Establishment Scheme Manual*.) As set out in the Framework, each scenario has a corresponding 'target' native woodland type and the species mixture and planting design required to initiate it. The use of the Native Woodland Establishment Framework to identify the most appropriate native woodland type and associated species mixture and planting design for the site is a requirement under GPC9 and GPC10, alongside other rules that previously applied under the former Native Woodland Establishment Scheme regarding site development, planting stock, future management, etc. The required planting density and spacing for GPC9 is 3,300 trees / ha and 2.0 m x 1.5 m. Where variation exists across the site, each of the scenarios above must be included as a separate GPC 9 plot.
- 32.12 **GPC 10 - Native Woodland Establishment**
This GPC applies to any plot proposed for native woodland establishment and where the application of the Native Woodland Establishment Framework indicates that Scenario 4 (Gleys) applies. (The Framework is laid out in the *Native Woodland Establishment Scheme Manual*.) As set out in the Framework, this scenario has a corresponding 'target' native woodland type and the species mixture and planting design required to initiate it. The use of the Native Woodland Establishment Framework to identify the most appropriate native woodland type and associated species mixture and planting design is a requirement under GPC9 and GPC10, alongside other rules that previously applied under the former Native Woodland Establishment Scheme regarding site development, planting stock, future management, etc. The required planting density and spacing for GPC10 is 3,300 trees / ha and 2.0 m x 1.5 m.
- 32.13 **GPC 11 – Agro-forestry** This measure will be targeted at silvopastoral agro-forestry systems which combine forestry and pasture. A stocking rate of 400 - 1000 trees per hectare (equal spacing) is acceptable and the minimum eligible plot size will be 0.50ha and tree-to-tree width of 20 metres. Acceptable

broadleaf species will include oak, sycamore and cherry. Other species, including conifers will be considered on a site-by-site basis.

32.14 The following agricultural activities will be permitted, so long as such activity is compatible with protecting the trees;

- i. Pasture: Grazing by sheep or young domestic stock is permitted during the spring and summer months for the first 6-8 years, depending on tree growth, but trees must be protected and tree shelters checked regularly. Thereafter, when tree shelters are replaced with plastic mesh, larger animals may be introduced.
- ii. Fodder: Silage and hay production is permitted. It is important that appropriate machinery is used when cutting silage and/or hay so as to ensure that the trees are not inadvertently damaged.

32.15 Agro-forestry must remain under forestry and therefore is subject to a re-planting obligation.

32.16 Under state aid rules only 80% of eligible costs can be funded. Land classified by the Department as ‘*unimproved/unenclosed*’ will not be eligible for support under the Agro-forestry GPC. Grant rates and payment structure will be similar to the afforestation scheme and paid on fixed grant basis. Premiums will be paid for five years and will cover the cost of maintenance only. Support for the establishment of demonstration plots for research purposes may also be considered under this scheme.

32.17 **GPC 12a – Forestry for Fibre** Eligible species to be planted under this scheme are as follows;

Species/genus	Species and clones
Italian Alder	<i>Alnus cordata</i>
Hybrid aspen	<i>Populus tremula x tremuloides</i> (subject to plant availability)
Eucalyptus	<i>E. glaucescens, gunnii, nitens, rodwayi and subcrenulata</i> . (<i>E nitens</i> only to be restricted to within 50 km of coast and frost-prone, low-lying areas also avoided), other species will be considered on application. ¹
Poplar	Clones ² 18 71058/2, Fritzi Pauley, Trichobel, V.471xV.24(65)/34, 72030/7, 76004/10 Rascalje 19 and Unal

¹ These additional species may be supported where demonstration plots are established for research purposes.

² List of clones subject to final confirmation

32.18 Preference will be given to applicants who propose to use improved genetic material, such as planting stock from the national and other documented tree improvement programmes.

32.19 Once land is converted to forestry for fibre it will be classified as forest land and the provisions of forest legislation will apply.

32.20 Support for short rotation coppicing, Christmas trees or fast growing trees is not provided for under this measure. Fast growing trees are defined by Ireland as having 9 years between cuts. Trees planted under this scheme will be cut between 10 – 15 years.

32.21 **GPC 12b Forest for Fibre – Aspen** Where Aspen is planted as prescribed under GPC10a except at the rate of 1,400 plants per hectare, a reduced grant rate applies. Fencing and premium payments are not reduced.

33.1 Grant and Premium Rates

The maximum grant and premium rates are detailed in Tables 1, 2 and 3 below. The afforestation grant is a fixed grant to cover the costs incurred in the establishment of a forest and paid exclusive of VAT. It is paid in two instalments as outlined in Table 1. An additional allowance for fencing (to the maximum rates detailed below) is payable with the 1st grant instalment.

Table 1: Fixed Grant Rates

GPC	1 st Grant €/ha	2 nd Grant €/ha	Total €/ha	Additional Fencing Allocation €/ha IS436	Alternative Fencing Allocation €/ha Non IS436	Total Available Funding €/ha
1 – Unenclosed	1575	525	2100	500	350	2600
2 - Sitka spruce / LP	2310	735	3045	500	350	3545
3 – 10% Diverse Conifer	2360	790	3150	500	350	3650
4 – Diverse Conifer	2625	840	3465	500	350	3965
5 – Broadleaf	3780	1155	4935	500	450	5435
6 – Oak / Beech	3990	1260	5250	500	450	5750
7 – Beech	3990	1260	5250	500	450	5750
8 – Alder	2520	840	3360	500	450	3860
9 - Native Woodland Establishment (Scenario 1-3)	3990	1260	5250	500	450	5750
10 - Native Woodland establishment (Scenario 4)	3780	1155	4935	500	450	5435
11 - Agro-forestry	2960	990	3950	500	450	4450
12a – Forestry for Fibre	1460	490	1950	500	450	2450
12b – Forestry for Fibre	1460	490	1950	500	450	2165

Table 2: Fencing Grant Rates

Fence Type	€/m (IS436 rates)	€/m (non IS436 Rates)	IS436 (120m/ ha cap)	Non IS436 (100m/ha cap)
Stock	4.20	3.50	Max €500/ha At plantation level	Max €350/ ha for GPC 1,2,3, 4, 12a and 12b; and €450 for GPC 5,6,7, 8, 9, 10 and 11
Stock/ Sheep	5.40	4.65		
Stock/ Rabbit	6.30	5.55		
Upgrade to deer	7.00	6.50	€975/ha	€975/ha
Deer	16.25	12.00	All deer fencing must be approved in advance. Only sheltered, fertile sites and where at least 70% of the area enclosed by the deer fence comprises broadleaves and species in the categories GPC 4, 5,6, 7, 8, 9, 10 and 11	
Deer/ Rabbit	16.25 New Deer fencing capped at €1950/ha	12.00 New Deer fencing capped at €1800/ha		
The maximum metres of fencing funded will be based on the total lengths of new fences erected to Forest Service specifications and based on the area of the plantation multiplied by 120 metres, where IS436 is used exclusively irrespective of fence type erected. Maximum fencing cap of €40,000 per plantation. Where non IS436 deer fencing is used a cap of 150 metres/ha will apply to the deer fencing element and capped at €1800/ha				

Table 3: Premium Rates

GPC	Annual premium / ha	Duration (years)
1 - Unenclosed	€185	15
2 - Sitka spruce/lodgepole pine	€440	15
3 – 10% Diverse	€510	15
4 – Diverse	€560	15
5 – Broadleaf	€575	15
6 – Oak / Beech	€615	15
7 – Beech	€615	15
8 – Alder	€575	15
9 - Native Woodland Establishment (Scenario 1-3)	€635	15
10 - Native Woodland Establishment (Scenario 4)	€635	15
11 – Agro-forestry	€260	5
12a – Forestry for Fibre	€180	10
12b – Forestry for Fibre - Aspen	€180	10

Annex 2

Plantation Rules

34.1 General

Each afforestation project must comply with the Plantation Rules set out in this Annex.

34.2 Rule 1 - 10% Broadleaves

Afforestation on improved/enclosed land must contain a minimum of 10% broadleaves, site permitting.

34.3 This requirement may now be met by (1) plots of broadleaves and/or (2) additional broadleaves planted for landscape and environmental reasons, including broadleaves planted in a GPC 3 plot to satisfy the 10% diverse requirement, or a combination of these.

34.4 Rule 2 - 10% Diverse conifers

Where conifer species are planted, the project must contain a minimum of 10% diverse conifer species (i.e. conifer species other than Sitka spruce or Lodgepole Pine) planted in an intimate mix or in groups, and/or approved broadleaf species planted in groups. The broadleaf species must be silviculturally suited to the site. Broadleaf species planted adjacent to roads and watercourses may form part of this 10% requirement.

34.5 Rule 3 - Areas of Biodiversity Enhancement (ABE)

Areas of Biodiversity Enhancement (ABE) are areas which are suitable for afforestation planting where the potential for a commercial forest crop is foregone for the purposes of retaining open spaces and habitats for biodiversity.

34.6 The ABE eligible for grant aid will not comprise more than 15% of the total claimed area of the project.

34.7 Detailed requirements and eligibility criteria for ABEs are set out in the *Forestry Standards and Procedures Manual* and in the "Forest Biodiversity Guidelines".

34.8 Rule 4 - Minimum Areas and Widths

Minimum Area:

Conifer plantations:

- i. A proposed conifer plantation not adjoining other forests must not be less than 1 hectare in total.
- ii. Where a proposed conifer plantations adjoins existing forests of 0.75ha or greater then a minimum conifer plantation size of 0.25 hectare applies.
- iii. A conifer plot must not be less than 0.25 hectare.

Broadleaf plantations:

- a) A broadleaf plantation must not be less than 0.1 hectare.
- b) A broadleaf plot must also not be less than 0.1 hectare.
- c) An Agro-forestry plot must be not less than 0.5 ha

34.9 Minimum Widths:

The minimum width applies to the actual planted area and does not take into account areas of the plantation left unplanted (e.g. buffers along roads, rivers, streams etc.). The minimum width of any plot (broadleaf and conifer) should not normally be less than 40 metres measured from planted tree to planted tree. Where sites do not meet this requirement but are in the following categories they may be submitted for approval:

- i. Plots where more than 50% of the proposed area will exceed 40 metres in width.
- ii. Plots where more than 50% of the proposed area will exceed a width of 30 metres adjoining an existing forest.
- iii. Broadleaved plots where the proposed width exceeds 20 metres for small plots, including Agro-forestry plots.

For the purposes of the schemes the above minimum width criteria will be applied at the individual plot level. A plantation made up of a number of plots must satisfy the minimum width rules for every plot.

34.10 **Rule 5 - Species Selection**

The tree species proposed for planting should be chosen according to the suitability of the species to the site and soil.

34.11 A list of the acceptable tree species for grant aid under the Scheme is set down in the *Forestry Standards and Procedures Manual*.

34.12 A list of the acceptable native tree species for grant aid under the Scheme is set down in the *Native Woodland Scheme Manual* available on the Department's website <http://www.agriculture.gov.ie/forests-service/publications/>

34.13 A list of acceptable seed origins/provenances for grant aid under the Scheme is set down in the *Forestry Standards and Procedures Manual*.

34.14 Detailed standards and specifications for species selection under the Scheme are set down in the *Forestry Standards and Procedures Manual*.

34.15 **Rule 6 - Stocking levels**

Forests and plots must comply with the minimum stocking levels and spacing set down in the *Forestry Standards and Procedures Manual*.

34.16 **Rule 7 - General Site Requirements**

The general site requirements for grant aid under the Scheme, including rules governing unplanted areas and setback distances, are set out in the *Forestry Standards and Procedures Manual*.

34.17 **Rule 8 - Silvicultural Standards**

The silvicultural standards for grant aid under the Scheme are set down in the *Forestry Standards and Procedures Manual*.

34.18 **Rule 9 - Mapping**

The *Forest Service Mapping Standards* are detailed in the *Forestry Standards and Procedures Manual* and form part of the terms and conditions and apply to all maps submitted under this Scheme. They are contained in the *Forestry Standards and Procedures Manual* which is available at <http://www.agriculture.gov.ie/forests-service/publications/>

Annex 3

Penalties

As detailed in the *Forestry Scheme Penalty Schedules (DAFM January 2015)*

Annex 4

De Minimis Provisions

- 35.1 State aid rules only allow for 12 annual premiums. In order to pay an additional 3 premiums the Department must rely on general *de minimis* rules as set out under *Commission Regulation (EU) No 1407/2013 on the application of Articles 107 and 108 of the treaty on the functioning of the European Union to de minimis aid*, (Official Journal reference number L:2013:352). It is up to the applicant to familiarise themselves with the rules set out under this regulation.
- 35.2 In doing so, participants in the scheme must be aware of their obligations in terms of declaring other *de minimis* aid and the possibility that they may not be eligible for payment of premium numbers 13, 14 and 15 (known as *de minimis* premium payments) if the sum total of *de minimis* aid received exceeds €200,000 over a rolling three fiscal year period. This aid is deemed granted on receipt and subsequent approval by the Department of the completed Form 4 declaration either using the Department's on-line system or in hard copy format. Therefore, the date of *de minimis* aid is not the date the Form 4 is submitted nor is it the date in which the payment is actually made but is the date on which the payment was approved.
- 35.3 Where an applicant applies for *de minimis* premium payments either on line or by hard copy and the €200,000 threshold is already exceeded or payment of that aid will cause it to be exceeded, the entire premium is blocked for payment until the following year. Applicants may apply again the following year. Where *de minimis* aid is paid and it subsequently transpires that the €200,000 threshold had already been exceeded at the time of payment or this aid caused it to be exceeded, the Department will deem this payment to be an overpayment and rules regarding penalties and debt recovery will apply. It is therefore vital that, where requested by this Department, the applicant should declare all *de minimis* paid to him/her during the relevant time period.
- 35.4 *De minimis* premium payments must be cumulated with other forms of *de minimis* aid such as *de minimis* aid in the agriculture sector (Commission Regulation (EU) No 1408/2013). In these cases the threshold is €200,000. The exception to this rule is where *de minimis* aid is granted under Commission Regulation (EU) No 360/2012 (undertakings providing services of general economic interest) where the ceiling allowed is the threshold set out under that Regulation.
- 35.5 *De minimis* aid is calculated on the basis of aid given to a single undertaking. This means for example that subsidiaries of a parent company are considered a single undertaking and aid to each subsidiary is combined for the purposes of checking that the *de minimis* threshold has been reached. Linked enterprises are defined in annex I of Commission Regulation (EC) No 800/2008.

35.6 The existing threshold for *de minimis* is €200,000 but may be lower when premiums 13, 14 and 15 fall due. It is not possible to predict what the future *de minimis* threshold will be and therefore applicants need to be aware that lower thresholds may apply when the current *de minimis* regulation is updated.

Annex 5

State Aid Requirements

36.1 The incentive effect

SMEs and beneficiaries must indicate on the application form for aid under the measures proposed that “The work described herein, would not have been undertaken if it wasn’t for the financial support provided under state aid rules. Without this aid there would be no change to current activities.” For large companies documentary evidence must be submitted in relation to the counterfactual (what would happen without the aid) for each of the measures proposed. This involves a credibility check of the counterfactual to establish that the company would not plant for example if aid wasn’t available. A counterfactual is credible if it is genuine and relates to the decision-making factors prevalent at the time of the decision by the beneficiary regarding the activity. Large companies must submit an internal company document (separate to the application form) showing that the company has analysed the viability of the project – with and without aid – and showing the “incentive effect”. The document must clearly state what would have happened without the support available under this scheme. That means that the documentation (internal report) produced by the company must establish that the aid will cause at least one of the following:

- i. A material increase in the size of the project, or
- ii. A material increase in the scope of the project, or
- iii. A material increase in the total amount spent on the project,

36.2 The Forest Service will require that the company document shows a credible analysis and demonstration of the incentive effect. The document should contain an analysis which answers the following questions:

- i. Would the project proceed without State Aid assistance?
- ii. Would the level of project expenditure be less without State Aid support? If so, indicate by how much?

36.3 This information should indicate changes in the project size, scope and total spend. This incentive effect document should be submitted with the Form 1a. The application will only be deemed to have been accepted as valid once the company has been advised by the Forest Service that the incentive document meets the requirements set out above and is fully compliant with the European Union Guidelines for state aid in the agriculture and forestry sector and in rural areas 2014 – 2020.

36.4 Proportionality of the aid

Large Companies must provide documentary evidence that the aid is proportionate. This can be achieved by submitting an Internal Rate of Return (IRR) and Net Present Value (NPV) analysis of the investment with aid and without aid with the Form 1a. Only applications which are deemed proportionate will be grant aided by the Forest Service.

36.5 **Transparency**

Ireland shall publish on its website at national level the following information on the State aid schemes: the full text of the notified aid scheme and its implementing provisions, the granting authority, the names of the individual beneficiaries, the form (in particular the aid instrument) and amount of aid granted to each beneficiary, the date of granting, the type of undertaking (SME/ large enterprise), the region (at Nomenclature of Units for Territorial Statistics or NUTS level II) in which the beneficiary is located and the principal economic sector in which the beneficiary has its activities, at NACE group level. This requirement only applies to individual aid awards greater than €60,000 for beneficiaries active in primary agriculture production and €500,000 for others.

36.6 The beneficiaries table for the previous calendar year will appear on this Department's website and will be replaced annually with the updated table. This will be done before March of that year.

Annex 6

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’** means an application for the Minister’s approval to establish a forest under the terms of all current legislation, guidelines and the conditions of this scheme.
- **‘Application – 1st Instalment Grant – Form 2’** means an application to receive a 1st instalment of an afforestation grant and 1st annual premium following the establishment of a forest within the terms of the Pre-planting approval.
- **‘Application – Second Instalment Grant – Form 3’** means an application to receive a 2nd instalment of an afforestation grant, which can be claimed for payment 4 years after the completion date of the forest establishment.
- **‘Application - Annual Premium– Form 4’** means an application which is to be submitted annually to the Forest Service to receive a subsequent premium.
- **‘Appropriate Assessment’** means an assessment in accordance with the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011)
- **‘Registered Forester’** means a qualified person named on the Register of Foresters and Forestry Companies, available from the Department.
- **‘Completion Date’** means the date the afforestation works are completed.
- **‘Department’** means the Department of Agriculture, Food and the Marine.
- **‘Environmental Impact Assessment (EIA)’** means an assessment in accordance with the European Communities (Forest Consent and Assessment) Regulations 2010 (S.I. No. 558 of 2010), as amended.
- **‘Farm’** or **‘Holding’** means all the land parcel production units in the State (owned, leased or rented) that are under the control of the applicant.
- **‘Farmer’** is defined as a person who carries out an agricultural activity such as ‘the rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animal for farming purposes’.
- **‘Forest’** is as defined in the European Communities (Forest Consent and Assessment) Regulations 2010 (SI 558 of 2010) - *“land under trees with (a) a minimum area of 0.1 ha, (b) tree crown cover of more than 20% of the total area, or the potential to achieve this cover at maturity”*.
- **‘Forestry Environmental Guidelines’** means the following publications as 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’; ‘Forestry and Aerial Fertilisation Guidelines’; ‘Forestry and Forest Protection Guidelines’; Otter Guidelines and ‘Forestry and Freshwater Pearl Mussel Requirements’. The Minister may, from time to time, amend the guidelines or add further guidelines to this definition.
- **‘Forest Service’** means the Forestry Division of the Department of Agriculture, Food and the Marine.

- **‘GPC’** means the Grant and Premium Category of species planted.
- **‘Immediate Family Member’** means Spouse, Parent, Brother, Sister, Son or Daughter.
- **‘Joint Management Consent’** means consent submitted by the owner of specific lands consenting to the payment of grants and/or premiums to an immediate family member who jointly manages the forest.
- **‘Lease’** means a term of years absolute in possession for at least 40 years from the commencement date of the contract under the Scheme.
- **‘Minister’** means the Minister for Agriculture, Food and the Marine
- **‘Penalty Schedules’** means the schedules outlined and described in the “*Forestry Schemes Penalty Schedules (DAFM January 2015)*” document.
- **‘Plantation’** means a plot or number of plots on the same holding, planted in a single planting season and the subject of a single application.
- **‘Plot’** means an area of one species or a species mix.
- **‘Scheme’** means the *Afforestation Grant and Premium Scheme 2014-2020*.
- **‘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.