



An Roinn Talmhaíochta,  
Bia agus Mara  
Department of Agriculture,  
Food and the Marine

## Element 2, Woodland Improvement Scheme –Continuous Cover Forestry



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## 1 Introduction

- 1.1. Continuous cover forestry (CCF) is defined as the use of silvicultural systems whereby the forest canopy is maintained at one or more levels without clearfelling (Forestry Commission 1998). The distinctive element of CCF is the avoidance of clearfelling of areas greater than 0.25 ha or more than two tree heights wide without the retention of some mature trees (Mason *et al.* 1999). While CCF is not a silvicultural system *per se* it can be implemented using various silvicultural systems that do not involve clearfelling (Yorke 1998). These systems are generally associated with natural regeneration but natural regeneration can be supplemented by planting if required.
- 1.2. This element of the Woodland Improvement Scheme (WIS) will provide funding for conversion of existing forests to Continuous Cover Forestry (CCF) over a 12 year transitional period. Successful applicants are eligible for three WIS payments (€750) for three separate interventions.
- 1.3. The WIS scheme will be made available on a pilot basis to private forest owners who wish to pursue transformation from the conventional clearfell/replant silvicultural system, to CCF. In these cases, a “*Transformation Management Plan*” must accompany the application.
- 1.4. The scheme is limited to 30 projects (maximum 10 hectares in size) up until the end of the Forestry Programme 2014 – 2020 and priority may be given to suitable sites of environmental or landscape significance on a first come first served basis, where the adoption of an alternative silvicultural system to clearfelling is clearly stated as being a management objective (see Transformation Management Plan). In this regard, ecosystem services that serve the wider public interest must be clearly set out in the application.
- 1.5. Applications will be considered for silvicultural systems where restructuring of the forest is required to provide conditions for an uneven aged and permanent forest. CCF forest management is operated on a scale of the individual tree (tree by tree silviculture) rather than on that of the stand. Production should concentrate on growing high quality logs, usually produced from very large trees. The forest must be managed to promote natural regeneration and to positively diversify species composition. Forest manager and/or owner must have recognised skills and knowledge in CCF (see section 6.1.3).
- 1.6. The principle aim of the scheme is to increase the area of forests under CCF management systems. In doing so the scheme will fulfill the following objectives;
  - To enhance environmental benefits of existing coniferous forests by opening up the canopy and creating new habitats for wildlife;
  - To create an uneven canopy structure with the aim of producing high quality, high value logs.
  - To promote a more suitable management option in sensitive sites;
  - To develop skills in continuous cover forestry across the forestry sector to facilitate more wider adoption.

These objectives will be achieved through improvement felling of poorer quality trees; felling of additional trees to release potential frame trees; pruning to

improve stem quality; thinning or re-spacing to promote growth and management and re-spacing of natural regeneration.

## 2 General Outline

- 2.1. The scheme is 100% Exchequer funded under the *European Union guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 – 2020*. The detailed State aid requirements are set out in Appendix 5.
- 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 28<sup>th</sup> January 2019 for a period to be determined by the Minister for Agriculture, Food and the Marine.
- 2.1. Participation in the Scheme is voluntary.

## 3 Eligibility

- 3.1. 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).
- 3.2. 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.
- 3.3. In order to qualify for payment of woodland improvement grants, the applicant must own, lease or be in joint management of the lands proposed for improvement. Applicants must provide documentary evidence of ownership and of leasing or joint management where relevant if requested, as detailed in the *Forestry Standards and Procedures Manual*.
- 3.4. 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.
- 3.5. 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.

## **4 Grant aid for transformation to continuous cover forestry**

- 4.1. All grant aided conifer and broadleaves forests including broadleaved mixtures are eligible for funding. In mixture crops the stand must be managed so that the best possible trees are selected as future crop candidates regardless of species. Diversity in species and canopy structure will improve the stands resilience to biotic and abiotic threats key components of the benefits of CCF systems.
- 4.2. Operations supported under this scheme must have the potential to improve the quality of the crop.
- 4.3. A fixed woodland improvement grant towards the costs, subject to the maximum laid down in Appendix 1, will be available to private land-holders or companies for projects which comply with the requirements, terms and conditions of the Woodland Improvement Scheme. The scheme will comprise of CCF Transformation Management Plan that will run for a period of 12 years with three installments of €750 occurring at intervals throughout the 12 year period. The first installment will be at year 1 with the final payment issuing within 12 years from the date of completion of works relating to the first intervention. The middle payment can be paid at any stage during the intervening period; schedule of payments and timing of these interventions are to be described within the Transformation Management Plan.
- 4.4. Aid for CCF will be granted solely in connection with duly justified and substantiated costs; and no over-compensation will take place.
- 4.5. The minimum plot size and width applicable under the Afforestation Scheme (see the *Forestry Procedures & Standards Manual*) will also apply to forests funded under CCF.
- 4.6. All sites must be capable of supporting the vigorous growth and sustainable Long-term development. This must be achievable without the need for fertiliser input. Free draining mineral soils are best suited to CCF. Peats, deep peats, wet peats, waterlogged sites and gleys are to be avoided. Sites not capable of growing Sitka Spruce to yield Class 14 are not eligible.
- 4.7. Sites subject to severe and persistent threats that could undermine the long-term sustainability of the project (e.g. sites within a locality heavily infested with rhododendron or within a deer ‘hotspot’, see Appendix 5) must include a comprehensive action plan as part of the Transformation Management Plan that addresses these issues (see also Transformation Management Plan).
- 4.8. In general elevations above 300 metres are to be avoided as the risk of windthrow increases significantly.
- 4.9. In all cases, applicants should only apply for the actual area to be managed for conversion to CCF.
- 4.10. The fixed grant for CCF may be claimed immediately after all relevant works have been completed (separate Form 2’s) as outlined in the Transformation Management Plan. All payments of grants will be conditional on these works being completed in accordance with the conditions of approval and standards as outlined in the *Forestry Standards and Procedures Manual* and schedules set out in Appendix 2, 3 and 4. Any area thinned or tended outside of the approved area

will not be eligible for grant aid.

- 4.11. Application for payment of the fixed grant may be made following completion of works, in accordance with the terms of the Approval. The time limit for submission of claims for the fixed grant (Form 2) will be 12 weeks after date of completion of works. 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.
- 4.12. Appendix 1 details the grant rate 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 in general management and thinning of the plantation for a period of 6 years following payment of the fixed 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.
- 4.13. Support will be available for the following operations:
  - Preparation updated inventory and FMP/Transformation management plan
  - Improvement felling of malformed trees
  - Pre thinning tree marking
  - High pruning
  - Felling of additional trees to release frame trees
  - Thinning or re-spacing to promote growth
  - Management and re-spacing of natural regeneration
  - Deer management
  - Enrichment planting where it is necessary in lieu of natural regeneration
  - Preparation of a site-specific CCF management plan by a CCF forester
  - Ground preparation, where appropriate (e.g. light scarification to facilitate natural regeneration)
  - Forest protection (fencing, tree guards and other measures)
  - Clearance of invasive species such as laurel and rhododendron
  - Costs associated with non-commercial tree felling, where appropriate (e.g. tree felling on highly sensitive parts of the site, where alternative, non-conventional techniques are required, including manual felling in riparian zones)
  - Woodland rejuvenation (including understory and coupe planting, natural maintenance (including vegetation management)
  - Woodland edge management
  - Maintenance of open spaces, rides and glades
  - The restoration of former coppice or coppice-with-standards woodland to active coppice management
  - Permanent sample plot Inventory
  - On application, other related operations, as deemed appropriate and as approved by the Department of Agriculture Food and the Marine.
- 4.14. This measure is aimed at private forest holders and other private law bodies, and their associations.

- 4.15. Forest owners who have already received one WIS grant can apply for two CCF installments (the first installment at any stage within 4 years from year 12 and the second and last installment in year 12).
- 4.16. From time to time the Department may hold CCF training courses for applicants. These may be mandatory for participants of this scheme for the duration of the CCF contract.
- 4.17. Participants of the scheme agree to allow their CCF forests to be used as demonstration forests for field trips and other information transfer and training events for the duration of the CCF contract.
- 4.18. This measure is also avail for ash plantations.

## 5 Conditions of Aid

- 5.1. Where an application is made 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 duration of this contract is 12 years starting from the of completion of works related to the first intervention. 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 work notifications, form the terms and conditions of this contract. The contract will be identified by the contract number (CCF) assigned to it by the Department when the application for approval (Form 1) is received.
- 5.2. Payments will be based on either the area claimed as eligible for payment by the applicant (on Form 2 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 (excluding 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).
  - 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 a grant. The claimed area is calculated by the applicant by deducting any part of the plot that is not eligible to receive a woodland improvement grant (e.g. power line corridors, rock, gas line and eligible biodiversity areas) 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 woodland improvement grants will be based, subject to compliance with the requirements of the scheme as regards submission of proof of ownership, if requested.
  - v. Applicants are advised to only claim for the area eligible for a thinning intervention.
- 5.3. 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 the lesser of these areas will be deemed to be the area claimed by the applicant.
- 5.4. 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 Department will result in a penalty, as set out in the document titled *Forestry Schemes Penalty Schedules (DAFM 2015)*.
- 5.5. Grants 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 to the required standard.
- 5.6. Where the Department 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 part thereof, is not to be paid, the Department 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.
- 5.7. Payments shall be made in respect of applicants who make valid applications who have thinned or tended their forest in accordance with the pre- 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
  - 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;

- Forestry Standards and Procedures Manual;
- Code of Best Forest Practice – Ireland;
- National Forest Standard;
- Department Environmental Guidelines.

## 6 Application Procedure

- 6.1. The relevant application forms, as described in this paragraph, are available from the Forestry Division, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford. Lo-call 1890 200 509. Forms are also available at <https://www.agriculture.gov.ie/forestservice/grantsandpremiumschemes2015-2018/>. Alternatively you can contact the relevant section by email.

Email Addresses	Queries
forestryappenq@agriculture.gov.ie	Form 1, WIS approvals, application procedures
1stgrant@agriculture.gov.ie	Form 2, 1 <sup>st</sup> and 2 <sup>nd</sup> thinning grants
Felling.forestservice@agriculture.gov.ie	Felling licences

- 6.2. The appropriate application form and all supporting documentation and maps must be submitted to the Department within the timeframes indicated below for each stage.

### 6.1 Form 1 - Application for Pre-Woodland Improvement Scheme Approval

- 6.1.1. An application for approval for CCF under the Woodland Improvement Scheme is considered valid when the following completed documents have been received by the Department;
- Application for approval - Form 1
  - Location and species map
  - Existing Forest Management Plan
  - Transformation Management Plan
  - Tax clearance certificate
- 6.1.2. Submission of an application does not guarantee that the application will be approved. Where applications are not approved the Department is not liable for any costs incurred in preparing the application.
- 6.1.3. Foresters wishing to develop applications under Element 2, Woodland Improvement, CCF Scheme must already be on the list of registered foresters and must also satisfy the Department in advance that they have the necessary knowledge and expertise to undertake the specialised work involved in developing and implementing CCF projects. Details of the CCF foresters experience (describe involvement in previous CCF projects) and qualifications must be submitted at Form 1 stage to determine whether the forester has sufficient experience in CCF. This may include a list of dates and venues in which the forester attended CCF training/information days in which the forester received Continuous Professional Development points accredited by the Society of Irish Foresters. Foresters at this stage should also indicate if they wish to be

identified on the list of registered foresters as having CCF expertise ie. listed as a registered CCF forester.

- 6.1.4. The applicant and a CCF Registered Forester must complete the application form following a site visit and detailed field assessment by the CCF Registered Forester. It may not be possible to approve all Form 1 applications received therefore all Form 1 applications must be approved before the commencement of thinning operations.
- 6.1.5. Approval for Element 2 Woodland Improvement Scheme CCF is only valid up to and including the expiry date specified in the letter of approval.
- 6.1.4. A pre-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. The Department accepts no responsibility or liability for costs incurred by an applicant on foot of pre-planting approval or at all.

NOTE: It is the responsibility of the applicant to inform the Department in writing of any proposed material change to the approval issued and to seek approval for any such change before thinning and/or tending works commence. Failure to obtain approval from the Department for proposed changes may render the pre-approval null and void.
- 6.1.5. Applications must be accompanied by an existing Forest Management Plan and the Transformation Management Plan.

## 6.2 *Form 2 - Application for Payment*

- 6.2.1. Application for payment of the first, second and third intervention grant must be made using 'Form 2'. The time limit for receipt of the Form 2 in the Department shall be 12 weeks after the date of completion of the woodland improvement works. 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 CCF Forester must complete the application following a site visit and a detailed field and forest plot assessment by the Registered CCF Forester. The application form sets out the requirements to be met to make a valid application. Where supporting documentation could relate to more than one contract, individual copies of the documentation must be submitted with each separate Form 2 claim.
- 6.2.2. For the second and final tranche applicants must submit an updated inventory and Forest Management Plan/Transformation Management Plan with the Form 2.
- 6.2.3. 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

data of completion of the works. 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.

- 6.2.4. Form 2 payments will be assessed by comparing the actions taken against the schedule of actions. Where the second and/or third intervention is undertaken outside of the schedule set out in the Transformation Management Plan, this must be justified to the Department as a condition to the Form 2 payment being made. Where scheduled actions are not undertaken the Form 2 payment may not be made.
- 6.2.5. If the area managed is clearfelled prior to the end of the CCF term ie. year 12, the Minister will recoup all grants paid under this scheme. The CCF term is 12 years from date of completion of works relating to the first intervention.. If part or all of the area managed for CCF is windblown and needs to be clearfelled to make the site safe and to recover the blown material, the Minister may not recoup monies paid under this scheme. All windblow sites in receipt of CCF funding must be reported to the Department immediately.

## **7 Environmental Considerations**

- 7.1. All applications for the CCF element under the *Woodland Improvement Scheme* will undergo an environment assessment procedure, including appropriate assessment if required, as part of the felling licence application process.

## **8 Other Information**

- 8.1. 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.

## **9 Consultations and Public Notification Procedure**

- 9.1. The Department may 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 as part of the felling licence process. Other bodies may also be consulted with, as required.

## **10 Good Practice and SFM**

- 10.1. Adherence to good forestry practice and the principles of sustainable forest management (SFM) is mandatory and applies across all operations of the Scheme.
- 10.2. Health and Safety are of paramount importance in Forestry operations. The Health and Safety Authority have published a number of guides on Health and Safety in the Forestry Sector which can be found on:-

[http://www.hsa.ie/eng/Your\\_Industry/Agriculture\\_Forestry/Forestry/](http://www.hsa.ie/eng/Your_Industry/Agriculture_Forestry/Forestry/)

## **11 Payment**

- 11.1. 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 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 Department, 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.
- 11.2. If it is subsequently found that any undue payment or overpayment has occurred in respect of any grant 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 or arose.
- 11.3. 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.

## **12 Penalties**

- 12.1. 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.
- 12.2. Penalties which shall apply to certain specific breaches of the Scheme are set out in the document titled *Forestry Schemes Penalty Schedules (DAFM 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.

- 12.3. Penalties may include the repayment of all or part of the grant. 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.
- 12.4. 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.
- 12.5. 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.
- 12.6. 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.

## **13 Appeals**

- 13.1. 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 or (iii) a penalty.
- 13.2. In the course of re-examining a decision by a deciding officer, the Appeals Unit 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.
- 13.3. 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.
- 13.4. Appeals should be made in writing, giving detailed grounds for the appeal, to the Appeals Unit, Forestry Division, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford.

## **14 Change of Applicant**

- 14.1. The Department must be notified in advance if:
  - (a) a grant-aided forest is transferred, sold, leased or otherwise disposed of by the applicant during the term of the CCF contract; or
  - (b) a judgement mortgage or an inhibition or similar restriction is placed on the Folio for the afforested land during the term of the contract.
- 14.2. In the event of the death of the applicant i.e. owner, joint owner or joint manager who was claiming the woodland improvement grant, the Department must be notified as soon as possible by the deceased's next-of-kin, legal personal representatives or registered forester.
- 14.3. When notice of a change of ownership is received by the Department, payment will be suspended until a new applicant is registered in the scheme. The new owner will be entitled to apply for the woodland improvement grant.
- 14.4. 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.
- 14.5. 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. 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.
- 14.6. All decisions regarding eligibility for payment of grant 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 grants due for the period after the date of the deed if not already paid.
- 14.7. The Minister will refuse payment of 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 woodland improvement contract under his/her ownership.
- 14.8. The Department will not divide grant payments according to ownership for part of a year; individual grant 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.

- 14.9. 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.
- 14.10. 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.
- 14.11. 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/forestservice/forestservicegeneralinformation>
- 14.12. The Minister reserves the right to alter these procedures from time to time.

## **15 Joint Management Consent**

- 15.1. A landowner may enter into a joint management arrangement with an immediate family member to jointly manage the forest and assign the woodland improvement grants 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 in the *Forestry Standards and Procedures Manual* (on the website under Forestry Publications).
- 15.2. The owner of the land and the applicant are both liable for the repayment of grants paid if the applicant fails to abide by the conditions of the scheme.
- 15.3. A joint management arrangement may be cancelled at any time provided the owner takes over the obligations of the scheme.

## **16 Right of Entry**

- 16.1. 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 Woodland Improvement grants 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.

## **17 Responsibility for Forest Management**

- 17.1. Responsibility for the successful works to a forest rests with the applicant. Where an applicant contracts the services of a third party to harvest 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 due 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.
- 17.2. The inspection of a forest by the Department shall not relieve the Applicant of responsibility for the accuracy of applications submitted, the successful thinning and tending 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 thinning and tending works or bear any liability in respect of any plantation for which it has granted pre-approval in any circumstances. It is the sole responsibility of the applicant who submits land for woodland improvement that the plantation will be successfully thinned/and or tended. If the Department subsequently determines that a plantation, or any part thereof, has not been managed in accordance with the schedules in Appendix 2 or other schedules as approved on application, the applicant will be required to repay all grants in respect of the woodland improvement or any part of the plantation which has not been managed as approved.

## **18 Insurance**

- 18.1. Applicants should ensure that their forest has adequate insurance cover against damage from, inter alia, fire, and windblow, etc.

## **19 Failure to abide by the terms and conditions of the scheme**

- 19.1. 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.
- 19.2. 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.

- 19.3. 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.

## **20 Overpayments made in relation to a scheme contract**

- 20.1. 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.
- 20.2. 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.

## **21 Review of Financial Aids**

- 21.1. 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.

## **22 Procedures**

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

## **23 Tax Clearance Requirement**

- 23.1. 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.

### *23.1 Value Added Tax:*

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

## **24 Data Protection - Data Protection Notice:**

### *24.1 Part A: Information applicable to all the Departments customers:*

24.1.1. The Department of Agriculture, Food and the Marine is fully committed to keeping all personal data, submitted by our customers, fully safe and secure during our administrative processes. All necessary technical measures have been put in place to ensure the safety and security of our systems which hold this data. The staff of the Department are also considered customers of the Department from a Data Protection perspective and may exercise their rights in the same way.

24.1.2. Transparency and openness in the use of personal data held is important to the Department and therefore we aim to fully inform all our customers about the purpose(s) that their data will be used for and why, where it may be shared elsewhere and why and how long their data may be held for by the Department. Information on the rights of the customers will also be provided.

24.1.3. The current legislation for Data Protection in Ireland is the Data Protection Act 1998 as amended by the 2003 Data Protection Act. The General Data Protection Regulations (EU 2016/679) will come into effect on 25 May 2018.

24.1.4. The Data Controller for the collection of all personal data in the Department of Agriculture, Food and the Marine is the Minister for DAFM, as the legal entity.

24.1.5. The Data Protection Officer can be contacted as follows:

Data Protection Officer  
Data Protection Unit, Corporate Affairs,  
Department of Agriculture, Food and the Marine  
Grattan Business Park, Dublin Road,  
Portlaoise, Co Laois

24.1.6. Personal data processed by the Department will only be used for the specific purpose (s) as outlined when the data is collected and will only be used in accordance with the Data Protection legislation in force.

24.1.7. Rights of the Individual in relation to personal data held by the Department:

When you, as a customer, provide personal data to the Department you have certain rights available to you in relation to that data. These rights are as listed below and can be exercised by contacting the Data Protection Officer, as detailed above:

24.1.8. Currently the customer has the following rights (up to May 2018):

- The individual has the right to access to their data.
- The individual has the right to rectification of their data
- The individual has the right to erasure of their data
- The individual has the right to lodge a complaint with the Supervisory Authority
- From 25 May 2018 onwards all customers will also have the following additional rights:
  - The individual has the right to restriction of processing
  - The right to data portability
  - The individual has the right to object to processing
  - The individual has the right to withdraw consent if they previously gave it

## *24.2 Part B – Information specific to the personal data being collected*

### **The following data is specific information in relation to the personal data processed for Element 2, Woodland Improvement Scheme- Continuous Cover Forestry**

Specified purpose:

- 24.2.1. The purpose for collection and use of the data shall not extend beyond Element 2, Woodland Improvement Scheme, CCF and the objectives of this scheme as outlined. This may include future surveys to determine the level of forest management activity undertaken following participation in the scheme.
- 24.2.2. The organisers\administrators and facilitators undertake to treat all information, particularly personal data as confidential and to comply with all directions of DAFM with regard to the use and application of all and any confidential information.

Legal basis:

- 24.2.3. The decision to participate in Element 2, Woodland Improvement Scheme, CCF and consequently send your contact details to the Department of Agriculture, Food and the Marine is entirely your decision; there is no legal basis compelling you to send the Department your contact details.

Recipients:

- 24.2.4. Organisers\administrators, facilitators and participants/nominees should be aware that all the information supplied on applications and in any supporting or related documentation shall be made available to any other Department or Agency solely for audit and evaluation purposes and as appropriate, and that the results of which may be made public. No individual will be identified.
- 24.2.5. All information held on the Department systems may be made available to the DAFM or to any other Department or Agency where required, for scheme evaluation and statistical purposes, the results of which may be made public. No individual will be identified.
- 24.2.6. In accordance with the *European Union Guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 – 2020*, data of beneficiaries of funding under the Forestry Programme 2014 – 2020 will be published and may be processed by auditing and investigating bodies of the European Union. This information will be published on the Department's website and will include the full text of the notified aid scheme and it's implementing provisions, the granting authority, the names of the individual beneficiaries, the scheme type and amount of aid granted to each beneficiary, the region at Nomenclature of Territorial Units for Statistics level II in which the beneficiary is located and the principal economic sector in which the beneficiary has its activities, at NACE group level (Statistical classification of economic activities in the European Community). This will only apply to beneficiaries where the cumulative aid amount granted at financial approval is greater than €60,000 for beneficiaries active in the primary agriculture production and €500,000 for others for the amount of aid granted at the time of financial approval discounted at the rate at the time. Such information will be published after the granting decision has been taken and will be kept for at least 10 years and shall be available for the general public without restrictions.

These records must be maintained for 10 years from the date of award of the aid and must be provided to the Commission upon request.

- 24.2.7. Information supplied to the Department may be disclosed under the Freedom of Information Acts 1997 and 2003. All personal data will be processed in accordance with the Data Protection Acts 1988 and 2003.

Transferred outside the EU:

- 24.2.8. Data will not be transferred outside the EU.

Retention Period:

- 24.2.9. Data collected for this purpose will be held by the Department only as long as there is a business need to do so in line with the purpose(s) for which it was collected. After this time it will be marked for destruction and will be destroyed in line with internal guidelines or guidelines for destruction received from the National Archives Office or associated permissions received from them

Data Provision being statutory or contractual obligation:

- 24.2.10. Submission of signed application forms confirm acceptance of the terms and conditions of the scheme and constitute acceptance of a contract between the Department and the applicant who is responsible for the successful completion of all works.
- 24.2.11. The applicant and foresters are required to supply data in support of the scheme to confirm involvement in forestry and Element 2, Woodland Improvement Scheme, CCF and to enable the Department to process payment following the successful completion of all works.
- 24.2.12. Incorrect or incomplete data or failure to supply data may result in exclusion from the scheme.

Automated Decision Making:

- 24.2.13. Certain personal data provided in support of this scheme will be processed automatically for the purpose of cross checking personal details on the Departments Customer Care and Account systems to enable the processing of payments.

Information from Third Party:

- 24.2.14. Data supplied by Third Parties will be treated in the same manner as data supplied directly from customers.

Contain technical information re Cookies Policy and collection and use of technical information (similar to that already on website):

- 24.2.15. The Department of Agriculture, Food and the Marine is fully committed to keeping all personal data submitted by its customers, fully safe and secure during administrative processes. All necessary technical measures have been put in place to ensure the safety and security of the systems which hold this data. Department staff are also considered as customers of the Department

from a Data Protection perspective and may exercise their data protection rights in the same way.

## **25 Further Conditions**

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

## **26 Forestry Act, 2014**

- 26.1.1. All plantations are protected by the Forestry Act, 2014 (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 Department.
- 26.1.2. Applicants must also ensure that a valid felling licence is in place for any felling to be carried out under the WIS. Felling licence enquiries should be made to the Felling Section in Johnstown Castle, Co. Wexford.

## **27 Appendix 1 Grants Payable**

	<b>Fixed Grant - €/ha (per treated hectare)</b>
<b>First Intervention</b>	<b>€750</b>
<b>Second Intervention</b>	<b>€750</b>
<b>Third Intervention</b>	<b>€750</b>

## 28 Appendix 2 Transformation Management Plan

### 1. Management Objectives

Describe the Long Term Vision for the Property and the Management Objectives for the next 12 Years. This should include any non timber objectives relating to ecosystem services, recreation etc.

<b>Long Term Vision for the Property:</b>	
<b>Medium Term Objectives (next 12 years – grant period)</b>	
<b>Timber Production Forecast (next 12 years)</b>	

### 2. Potential For Continuous Cover Forestry (CCF)

Describe the potential for CCF on the property under the following headings:

<b>Constraints</b>	
<b>Opportunities, including ecosystem services, how will actions proposed develop these potential services</b>	

### 3. Severe and persistent threats

Any severe or persistent threats associated with the site should be described here

<b>Severe or persistent threats</b>	
<b>Management approach addressing these threats</b>	

### 4. Schedules of actions

Describe the proposed management actions to be implemented over the twelve year grant period. Where the actions are specific to certain plots then list the plots where this action is planned

<b>Year*</b>	<b>Plot No.</b>	<b>Proposed Actions **</b>	<b>Estimated Cost of Action</b>

\*Year 1 is the year in which works are completed

\*\* See section 4.14

## **29 Appendix 3 State Aid Requirements**

### ***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 carry out works 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,

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?

This information should indicate changes in the project size, scope and total spend. This incentive effect document should be submitted with the Form 1. 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.

### ***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 1. Only applications which are deemed proportionate will be grant aided by the Forest Service.

### ***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.

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.

## 30 Appendix 4 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 Woodland Pre-Approval granted by the Minister;
- ‘Application, Pre-Woodland Improvement Approval – Form 1’ means an application for the Minister’s approval to carry out improvement works under the terms of all current legislation, guidelines and the conditions of this scheme.
- ‘Application – Woodland Improvement Grant – Form 1’ means an application for approval to receive a woodland improvement grant for thinning and/or tending works within the terms of the WIS.
- ‘Application – Woodland Improvement Grant – Form 2’ means an application to receive a woodland improvement grant following the successful thinning and/or tending works within the terms of the Pre-approval.
- ‘Application – Woodland Improvement Grant –means an application to receive a woodland improvement grant following the thinning and/or tending works within the terms of the Pre-approval.
- ‘Appropriate Assessment’ means an assessment in accordance with the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011)
- ‘Completion Date’ means the date the woodland improvement works are completed.
- Continuous Cover Forestry is defined as the use of silvicultural systems whereby the forest canopy is maintained at one or more levels without clearfelling (Forestry Commission 1998)
- ‘DAFM’ means the Department of Agriculture, Food and the Marine
- ‘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.
- Form 1 – application for WIS 1<sup>st</sup> and 2<sup>nd</sup> grant approval.
- Form 2 – application for WIS 1<sup>st</sup> and 2<sup>nd</sup> grant payment.
- ‘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 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 *Woodland Improvement Scheme 2014-2020*.
- ‘Registered Forester’ means a qualified person named on the Register of Foresters and Forestry Companies, available from the Department.
- ‘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.
- ‘The Department means the Forestry Division of the Department of Agriculture, Food and the Marine.

### **31 Appendix 5 Provisional deer hotspots in Ireland, based on OSi 6 Inch Map Sheets by County.**

