



TERMS AND CONDITIONS

SCHEME OF INVESTMENT AID FOR FARM

WASTE MANAGEMENT

(FWM)

Introduced by

The

Minister for Agriculture and Food

IN IMPLEMENTATION OF

Council Regulation (EC) No. 1257/1999

This Scheme is a sub-Measure under the Regional Operational Programmes for the Border, Midland & Western Region and the Southern and Eastern Region and is co-funded by the Irish Government under the National Development Plan 2000-2006 and the European Agricultural Guidance and Guarantee Fund of the European Union

This Revised Scheme comes into effect from 23 March 2006 and all applications from this date should be made on the forms accompanying this Scheme.

All Department Structural specifications and also notices relevant to OFI Schemes can be accessed on the Department of Agriculture and Food website at www.agriculture.gov.ie under the heading "Farm Buildings"

SCHEME OF INVESTMENT AID FOR WASTE MANAGEMENT

1. General

- (i) This Scheme is being implemented pursuant to an approved programme under Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF).
- (ii) The principal objective of the Scheme is to assist farmers meet new requirements under the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2005 (S.I. No. 788 of 2005 hereinafter termed “the 2005 Regulations”). The Scheme will provide grant-aid for facilities for the collection and storage of animal excreta, soiled water and other farmyard manures and related facilities, together with new equipment for the application of same to farmland.
- (iii) The Scheme will operate in all areas of the State. It is applicable to cattle, deer, goats, horses, pigs, poultry, sheep, and to mushroom compost. Grant-aid will not be available under the Scheme of Investment Aid in Alternative Enterprises (Housing/Handling Facilities), the Scheme of Grant-Aid for the Development of the Organic Sector, or the Scheme of Grant Aid for Improvements in Animal Welfare Standards (Sow Housing) in respect of units of work approved for grant-aid under this Scheme. For this purpose, a “unit of work” shall include an entire animal house, including superstructure, storage facilities and related items (but excluding feeding systems for pigs).
- (iv) The Scheme will be operated by the Department of Agriculture and Food.
- (v) The Scheme will come into operation as and from 23 March 2006. Applications shall be accepted under the Scheme up to 31 December 2006 – see also paragraphs (x) and (xv) below.
- (vi) **Aid will not be given for works commenced or equipment/items purchased before written approval has been conveyed to a farmer.**
- (vii) Where the proposed works require planning permission, applications may be forwarded to the Department as soon as an application for such permission has been made to the relevant local authority. However, grant of full and final planning permission, including conditions, must be received before final consideration of the application can take place.
- (viii) Grant-aid will not be approved for investments which will increase the level of production on a holding or for investments which will increase storage facilities for animal excreta, soiled water and other farmyard manures exceeding those required by the 2005 Regulations except where the local authority has specified a higher winter storage period.
- (ix) In order to be eligible for grant-aid, all applications for grant-aid in respect of roofed structures referred to in Paragraph 6, Section 1, must include appropriate provision for manure/slurry/soiled water storage.
- (x) All claims for payment (i.e. Form FWM 20 and accompanying receipts/invoices marked paid) must be lodged with (i.e. received by) the Department –
 - (i) in the case of investments for pigs, as indicated in the written approval issued by the Department;
 - (ii) in all other cases, on or before 31 December 2008.

Any claims for payment received after these dates shall be ineligible for payment.

- (xi) All structures including conversions and extensions of existing structures under the Scheme shall be constructed in full compliance with the relevant Minimum Specification(s) issued at the date of approval by the Department.
- (xii) Grant-aid will not be paid in respect of new equipment unless ownership thereof has been transferred to the applicant prior to payment of the grant.

- (xiii) Grant-aid will not be paid for replacement of buildings damaged by fire, floods or other accidental damage
- (xiv) Grant-aid will not be paid for second-hand materials or equipment.
- (xv) Notwithstanding the provisions of paragraph (v) above, the Minister reserves the right to suspend the receipt of further applications when the financial ceiling fixed for the Scheme is reached.

2. Definitions

For the purpose of this Scheme: -

“agricultural advisor/agricultural consultant” means a person holding a primary degree or higher qualification in agricultural science. Where an agricultural advisor/agricultural consultant intends to avail of the Scheme, the application shall be prepared by an independent agricultural advisor/agricultural consultant and not by the applicant;

“agricultural engineer” means a person with a primary degree or higher qualification in agricultural engineering;

“approved” means approved by a designated officer of the Department;

“architect/engineer” means a person with a primary degree or higher qualification in architecture or structural/civil engineering;

“body corporate” means a separate legal entity with a Certificate of Incorporation and a Memorandum and Articles of Association; a farm owned by a corporate body must be operated by a qualified manager/operator;

“the Department” means the Department of Agriculture and Food;

“farm partnership” means a formal written agreement between two or more persons to farm together and to share the profit or loss generated each year;

“family member” means spouse, parent, brother, sister, son, daughter, grandchild or favoured nephew/niece;

“farmer” means a person, a group of persons, a partnership or a body corporate who is engaged in farming and who is registered under the Bovine Tuberculosis Eradication Scheme or is a holder of another Department identifier and who has a Personal Public Service Number(s) or Company Incorporation Number;

“farming” includes dairy farming, livestock production (including deer, goats, pig and poultry production), the training of horses and the rearing of bloodstock, the cultivation of grass and tillage crops, including horticultural crops whether under protected cropping conditions or in the open;

“holding” means the total area of land whether in one or more parcels including buildings thereon, occupied by a farmer, whether owned, taken on lease, rented or otherwise held for the purpose of farming;

“income units” means an income standard for establishing the extent of the farming and non-farm activity during the year. For non-farm activity one unit is equivalent to €254 gross income;

“lease” means a term of years absolute in possession for at least 5 years. The lease must have 5 years to run from the date of receipt of a valid application and must be stamped by the Revenue Commissioners except in the case of a lease to a spouse;

“milk quota” means the quantity of milk or milk products which may be delivered to a purchaser, or sold or transferred free for direct consumption by a producer from a holding during a milk quota year without the dairy farmer being liable to pay levy. This shall exclude milk quota purchased under a quota-restructuring scheme during the milk quota year in which application under the Scheme is made or during the previous three quota years and milk quota leased in the current milk quota year;

“the Minister” means the Minister for Agriculture and Food;

“non-farming income” includes gross income from employments (whether self-employed or as an employee or income from a FAS Scheme), investment income, income from the leasing/setting of lands, lease income from quotas and the following payments from the Department of Social and Family Affairs (farm assist, unemployment assistance, unemployment benefit, disability benefit);

“owned lands,” means lands held in one of the following categories:

- Registered as sole owner, tenant-in-common or joint owner on the Land Registry folio or on the Deed of Conveyance/Indenture memorialised in the Registry of Deeds,
- A Deed of Transfer/Deed of Assent waiting registration in Land Registry with accompanying Dealing Number issued by Land Registry,
- A beneficial occupier who is a family member in possession and undisputed occupation of a holding and in receipt of rents and profits for at least 5 years;

“valid application” means a fully completed application, including all documentation required to accompany an application.

3. Eligible Persons

The Scheme is open to farmers:

- (i) Who have not more than 650 Income Units in total. However –
 - (a) no maximum Income Unit limit will apply in the case of applications in respect of investments for pigs and poultry,
 - (b) in the case of an approved milk quota partnership, the 650 Income Unit ceiling shall be multiplied by the number of partners in the approved partnership;
- (ii) Who own or have leasehold title to the site on which it is proposed to carry out the development;
- (iii) Who fulfil the requirements regarding agricultural experience and training set out in paragraph 4;
- (iv) Who have a minimum of 3 hectares which has been declared under the Single Farm Payment Scheme/Area Aid/Integrated Administration and Control System in the current or preceding year, except in the case of investments for pigs, poultry and mushroom compost.

4. Agricultural Experience and Training

An eligible person shall be deemed to have adequate agricultural experience and training if he/she has completed one of the following courses of recognised training in agriculture or horticulture –

- (i) ACOT/Teagasc Certificate in Farming or NCVA Certificate in Rural Enterprise
- (ii) Teagasc Certificate in Horse Breeding and Training (Part 2)
- (iii) FETAC Level 3 Vocational Certificate in Agriculture
- (iv) FETAC Level 3 Vocational Certificate in Horse Breeding and Training
- (v) FETAC Level 3 Vocational Certificate in Forestry
- (vi) FETAC Level 3 Vocational Certificate in Horticulture
- (vii) Teagasc/FETAC Diploma/Advanced Certificate in Agriculture-Dairy Herd Management
- (viii) Teagasc/FETAC Diploma/Advanced Certificate in Agriculture – Farm Machinery
- (ix) Teagasc/FETAC Advanced Certificate in Agriculture- Machinery and Arable Crops
- (x) FETAC Advanced Certificate in Agriculture-Farm Management
- (xi) FETAC Certificate in Pig Unit Management
- (xii) Farm Apprenticeship Board (FAB) Certificates
- (xiii) FETAC Certificates in Farm Husbandry and Farm Management (FAB)
- (xiv) FETAC Level 3 Awards (or equivalent*) not mentioned at (i) to (xiii) above plus a FETAC Award for an 180 hours Teagasc approved training programme**.
- (xv) HETAC National Certificate in Agriculture

- (xvi) HETAC National Diploma in Agriculture
- (xvii) HETAC National Diploma in Horticulture
- (xviii) ACOT/Teagasc Diploma in Horticulture
- (xix) ACOT/Teagasc Diploma in Pig Production
- (xx) ACOT/Teagasc Diploma in Poultry Production
- (xxi) HETAC National Certificate in Business Studies in Equine Studies
- (xxii) HETAC National Certificate in Technology in Agricultural Mechanisation
- (xxiii) HETAC/NCEA National Certificate in Science in Agricultural Science
- (xxiv) HETAC/NCEA National Diploma in Science in Agricultural Science
- (xxv) HETAC/NCEA National Certificate in Business Studies in Agribusiness
- (xxvi) HETAC National Certificate or National Diploma Awards not mentioned at (xiv) to (xxv) plus a FETAC Award for a 180 hours Teagasc approved training programme**.
- (xxvii) Degree in Agriculture/Horticulture/Forestry
- (xxviii) Degree in Veterinary Science
- (xxix) Bachelor of Science in Equine Science Degree (U.L.) plus a FETAC Award for an 80 hour Teagasc approved farm management programme
- (xxx) Degree/Diploma in Dairy Science plus a FETAC Award for an 80 hour Teagasc approved farm management programme
- (xxxi) Degree/Diploma in Rural Science plus a FETAC Award for an 80 hour Teagasc approved farm management programme
- (xxxii) Degree in Science (Education) in Biological Science plus a FETAC Award for an 80 hour Teagasc approved farm management programme
- (xxxiii) Achievement of the required standards for the second (2nd) year (eligible to proceed to year three as testified by the Third Level Institution) of a fulltime ab initio Third Level course of three years duration (or more) in any discipline. The claimant must also be the holder of a FETAC Award for an 180 hours Teagasc approved training programme**.

* E.g. - apprenticeships, nurses, gardai. Consult local Teagasc education officer if in doubt.

** The Teagasc approved Training Programme will comprise a minimum 100 hours course in technical Agriculture/Horticulture and a minimum 80 hours course in Farm Management. In addition, applicants must achieve the minimum stipulated standards for assessments in both courses.

Or

Has completed courses of recognised training in agriculture or horticulture of at least 180 hours and has a minimum of three years' farming experience.

However, an eligible person born before 1 January 1975 shall also be deemed to have adequate agricultural experience and training if he/she has been engaged in farming for at least five years, or otherwise in the opinion of the Minister is deemed to have acceptable farming experience or ability.

Qualifications or other circumstances which are claimed to be sufficient for the purposes of eligibility for the Scheme will be considered.

In the case of an application made by joint herd owners, joint holders of another Department identifier, or partnerships, the agricultural experience and training criteria need only be met by one of the herd owners/joint holders/partners.

In the case of a body corporate, the manager/operator of the company must have obtained the Teagasc Certificate in Farming or an equivalent qualification or have completed courses of recognised training in agriculture or horticulture of at least 180 hours and have a minimum of three years' farming experience.

5. Good Farming Practice

Applicants must comply at all stages with Good Farming Practice. The conditions relating to Good Farming Practice and penalties for non-compliance are published separately by the Department.

6. Financial Aids Payable under the Scheme

The maximum amount of investment eligible for grant-aid under the Scheme is €20,000 per holding. However, investment grant-aided or outstanding approvals under the Farm Waste Management Scheme which commenced on 1st February 2001, or as revised subsequently, will be taken into account in determining the level of eligible investment available to an applicant. Where an applicant has taken over a holding that has previously been grant-aided under the Scheme, the maximum eligible investment ceiling shall be reduced accordingly.

The maximum grant available is calculated in accordance with the Department's Standard Costs applicable at the date of approval. If invoices, net of VAT, together with costs of own contributions in terms of labour and machinery, are less than the Standard Costs, then grant will be paid on this lesser amount. As there are no standard costs applicable to items referred to in Paragraph 6, Sections 2-4, grants in respect of such equipment will be calculated on the basis of receipts/invoices marked "paid" only.

The Standard Costs will be increased by 25% in respect of investments carried out on the off shore islands. The rates of grant-aid payable under the Scheme as a percentage of approved Standard Costs/receipts, are as follows (see paragraph 8) :-

Type of Investment	Standard Grant Rate	Eligible for additional aid
<p>1. Storage facilities for animal excreta, soiled water, mushroom compost and other farmyard manures in respect of the following species (i.e. cattle, sheep, deer, goats, horses, pigs and poultry) and related roofed structures</p> <p>Silage storage facilities Associated farmyard facilities Safety Elements on existing Farm Structures <i>(Based on approved Standard Costs or receipts, whichever is the lesser)</i></p>	<p>60% Zone A + Zone B 70% Zone C (see paragraph 7 below)</p>	<p>10%, where site is in a less favoured area and applicant is not in receipt of a Zone C grant</p> <p>5%, where site is in a less favoured area and applicant is in receipt of a Zone C grant</p>
<p>2. Decanter Centrifuge systems Feeding systems for pigs <i>(Based solely on receipts)</i></p>	<p>40% Subject to a maximum eligible investment of €80,000</p>	No
<p>3. Specialised Slurry/Soiled Water Handling Equipment <i>(Based solely on receipts)</i></p>	<p>40% Subject to a maximum eligible investment of €40,000</p>	No
<p>4. Other equipment for application of slurries, farmyard manures and soiled water <i>(Based solely on receipts)</i></p>	<p>20% Subject to a maximum investment of €15,000 for the duration of the Scheme (i.e. since 1st February 2001)</p>	No

The minimum amount of investment, which is eligible for aid under this Scheme, is €635 per farm. The fixed investment must be carried out on land either owned or leased by the applicant. Where it is proposed to carry out the investments on leased lands, form FWM 2 must be completed.

7. Conditions in regard to Zones

In accordance with Schedule 3 to the 2005 Regulations, where a holding lies partly in one county and partly in one or more other counties, the holding shall be deemed to lie wholly within the county in relation to which the longest storage period is specified. The following zones are applicable, subject to the above condition, for the purposes of the grant-rates referred to in paragraph 6:-

Zone A - Counties Carlow, Cork, Dublin, Kildare, Kilkenny, Laois, Offaly, Tipperary, Waterford, Wexford, and Wicklow.

Zone B - Counties Clare, Galway, Kerry, Limerick, Longford, Louth, Mayo, Meath, Roscommon, Sligo, and Westmeath.

Zone C – Counties Cavan, Donegal, Leitrim, and Monaghan.

8. Requirement for Receipts in respect of Work Carried Out by persons other than the Applicant

Receipts for approved works and purchases must be provided before the final inspection by the Department's Officer and must be accompanied by completed Form FWM 20. **Items invoiced or delivered, purchased or payments made before the date of approval are not eligible for grant-aid. If it is indicated that work commenced prior to the grant of written approval, grant-aid will not be paid as per paragraph 1 (vi) above.**

All receipts (both domestic and foreign) must be original, must be on headed paper and must at least include the name, address and VAT number of the supplier/contractor (if registered). In addition, the receipt must indicate-

- (a) The name and address of the applicant,
- (b) The invoice number and date, where applicable,
- (c) The details of purchase in an itemised form specifically referencing serial number, where applicable,
- (d) Actual cost of each item excluding VAT,
- (e) The total VAT paid,
- (f) The amount of discount, if any.

Alternatively, an original invoice which is (i) marked paid and signed and dated by an employee/agent of the supplier/contractor, and (ii) contains the details set out at (a)-(f) above, is also acceptable.

Where the invoice/receipt is not denominated in Euro, evidence of the exchange-rate used must also be provided.

Receipts/invoices will only be returned by the Department to an applicant after payment has issued to him/her in respect of the work concerned.

In the case of items referred to in Paragraph 6, Sections 2-4, receipts must show the serial number(s) of the equipment concerned.

9. Work carried out or machinery supplied by applicant or family member

Where some or all of the works are carried out by the applicant or a family member, payment shall only be made by the Department where the hours worked and the date(s) on which they were worked are set out on completed Form FWM 20 at the rate provided and are deemed appropriate by the Department. Where own machinery is used, the hours worked and the date(s) on which they were worked must be similarly shown on Form FWM 20 together with the hourly rate charged. Such claims however shall only be acceptable to the Department where such amounts paid and hours claimed are deemed appropriate.

10. Additional Investment Aid for Young Farmers meeting the conditions below

The grant rate will be increased as shown in paragraph 6 (1) above for young trained farmers under 35 years of age on the date of receipt of a valid application who: -

- (a) In the case of applicants born before 1 January 1975 –
 - Have commenced farming in the previous five years i.e. be first registered under the Bovine Tuberculosis Scheme or issued with another Department identifier within five years prior to the date of receipt of a valid application by the Department under this Scheme, and
 - Have three years' experience of farming and have completed a 180 hours course in agriculture/ horticulture prior to the date of receipt of a valid application by the Department.

(b) In the case of applicants born on or after 1 January 1975 –

- Have commenced farming in the previous five years i.e. be first registered under the Bovine Tuberculosis Scheme or issued with another Department identifier within five years prior to the date of receipt of a valid application by the Department under this Scheme, and
- Have completed one of the courses listed in (i) to (xxxiii) of Paragraph 4 above.

Other qualifications that are claimed to be equivalent will be considered. All such cases should be submitted to the On-Farm Investment Schemes Division of the Department, Johnstown Castle Estate, Wexford for decision, prior to lodging an application under the Scheme.

In the case of an application made by joint herdowners, persons registered with joint interests in a herdnumber, or joint holders of another Department identifier, or partnerships, additional investment aid will be payable where the agricultural training and experience above is met by one of the herdowners/joint holders/partners. In such cases, all parties must be under 35 years and be registered with a Department identifier for the first time within five years on the date of receipt of a valid application under the Scheme

A body corporate does not qualify for additional investment aid.

To qualify for a young farmer additional aid, the site of the proposed investment works must be within a Less Favoured Area.

11. Investments eligible for grant aid

Grant-aid will not be approved for investments –

- (a) that will increase the level of production on a holding, or
- (b) which have not been certified as economically viable by the agricultural adviser/consultant/agricultural engineer.

All structures including conversions and extensions of existing structures under the Scheme shall be constructed in full compliance with the relevant Minimum Specification(s) issued at the date of approval by the Department.

(i) **New Structures/Investments**

1. Storage Facilities for animal excreta, soiled water and other farmyard manures (includes storage facilities for Cattle, Deer, Goats, Horses, Pigs, Poultry and Sheep) and related structures	Slurry/effluent tank underground/overground with protective fencing and/or rainwater cover, where appropriate Slurry tank under slatted/cubicle house Dungstead Manure/poultry litter/mushroom compost pit, roofed or unroofed Geo-membrane lined slurry/effluent stores with protective fencing and/or rainwater cover, where appropriate Earth-lined slurry/effluent stores with protective fencing and/or rainwater cover, with the entire structure being in accordance with the Department's new structural specification S.131.
Related Cattle Structures	Loose house Cubicle house Slatted house Unroofed slatted feed areas as an extension of an animal house Roofing of livestock feed yards Isolation box/Calving box Calf housing/bull pens
Related Structures for other animals	Deer/Goat/Horse/Pig/Poultry/Sheep housing Sheep accommodation unroofed
Silage Storage Facilities	Walled concrete silo (unroofed), or resurfacing of same Silo walls to existing silo base Concrete storage base for silage, or resurfacing of same Silo apron
Associated Farmyard Facilities	Yard drains Fixed cattle crushes/races Enclosures/collecting yards Installation of guttering on existing buildings Concrete areas for existing functional or new structures (subject to maximum limits – see section (v)) Sheep dipping tanks and associated facilities
Safety Elements on Existing Farm Structures	Safety fencing/Solid cover for external slurry and effluent stores Safety covers on external agitation points or manholes Safety rails on silo walls Replacement of single/twin slats by gang slats Removal of existing internal agitation point and its replacement by a gang slat Replacement of a hinged door/sheeted gate with a sliding door on animal housing

2. Decanter Centrifuge Systems	Installation of proprietary systems for the separation of pig slurry into solid and liquid portions. The supplier must certify that the system is capable of processing the slurry on the holding with a minimum of 80% of total slurry phosphorus being transferred into the solid fraction
Feeding Systems for Pigs	Upgrading of existing feeding and drinking systems for pigs to reduce the water usage including the installation of water meters
3. Specialised Slurry/Soiled Water Handling Equipment	<p data-bbox="678 551 1324 584">Slurry/soiled water pumps/agitators/simple aeration systems</p> <p data-bbox="678 613 1476 768">Automatic slurry scrapers on solid floors only Specialised spreading tankers which must be equipped with full-size macerator and trailing shoe attachment. In addition, positive displacement pumps/metering systems fitted to such tankers will also be eligible for grant-aid.</p> <p data-bbox="678 797 1420 860">Self-travelling/pulse-jet irrigator for the distribution of soiled water (excluding piping) with a minimum distribution spread of 20 metres.</p>
4. Other Equipment for the application of slurry, farmyard manure and soiled water	Slurry tanker with low trajectory splash plate or injection system Rotary spreader. Moving floor dual spreader

(ii) Requirement for storage facilities for animal excreta, soiled water and other farmyard manures

The applicant's requirements for housing and associated storage facilities for animal excreta, soiled water and other farmyard manures must be set out in the application form (FWM 1), taking account of all the enterprises on the farm and the specifications set out in the 2005 Regulations. The storage deficit requiring investment to enable the applicant comply with the above Regulations is then established by reference to the existing facilities on the farm.

However, where the Local Authority has specified a higher winter storage period than that specified in the 2005 Regulations, this must be complied with.

Applications for investments exceeding the storage required to enable the applicant comply with the 2005 Regulations or a higher storage period specified by a Local Authority shall not be eligible for grant-aid.

(iii) Roofing of Feed Area(s) and /or Animal Yard(s) to Reduce Volumes of Slurry/Soiled Water Requiring Storage

- (a) A roof may be constructed over any slatted feed area, whether built as an extension to existing buildings or separately as part of farm development. External agitation points shall be provided in accordance with S.123.
- (b) A roof may be constructed over an existing solid feeding yard, either as an extension of an existing animal house or as a stand-alone structure.
- (c) A roof may be constructed over a new or existing collecting yard for dairy cows.
- (d) A covered tank may be constructed under either a new or existing collecting yard. If the yard is to become part of an animal house, then agitation points shall be provided in accordance with S.123. If the tank is constructed to collect only soiled water, agitation points are not needed, but a safety manhole shall be installed.

(iv) Aid for Certain Building Elements

- (a) Each sliding door on cattle and sheep housing is designated as an additional extra cost (per sq. metre).
- (b) All ventilated metal cladding (Spec. S. 102), either on the sides or on the gables of buildings, is costed at a higher rate than standard cladding.

The area in square metres of both of the above items should be noted in the application.

(v) Maximum Aided Investment for Concrete

The following areas of concrete surfaces associated with adjoining new grant-aided structures will qualify for grant-aid:

Bovine and other Animal Housing	Concrete equivalent to an 8m wide apron, including any external feed passage, along working side* only of unit/house.
Silos/Silage bases	Concrete area(s) extra to the standard apron, to facilitate working/filling equivalent to a 10m strip at the working face. Silage base costings shall apply to all concrete drained by silage effluent channels.
Cattle handling Facility	Allow concrete for pen(s) appropriate to herd size (2 m ² per animal) for cattle handling facilities in every yard complex.
Waste Storage Facility	8m wide apron, along the working side only.
* The working side is determined to be the long end for single sided houses and the gable end for double-sided houses.	

(vi) Conversions of existing structures

Conversion of existing structures may be eligible for grant aid provided the estimated costs of conversion to the relevant Specification do not exceed 70% of the cost of an equivalent new structure. Where conversion is the only feasible solution because of (e.g.) space constraints, a conversion cost must not exceed the cost of a new structure.

(vii) Certification of Materials used in the construction of developments

Relevant Certificates, e.g. concrete quality certificate and a structural steel protective coating certificate, must where specified, accompany materials used in the construction of developments.

All electrical work must comply with National Rules on Electrical Installation, an E.T.C.I. Certificate and a Supplementary Agricultural Certificate will be required.

Every sheet of cladding material used must have an identifiable stamp approved by the Department. (Specification S. 102)

12. Calculation of Income Units (IUs)

The table below sets out how Income Units on the farm are calculated:

Income Units			
<i>Cattle: Average number of calves reared from six months to one year old</i>	<i>0.3 unit</i>	<i>Pig Production:</i>	
<i>Average number of one year olds reared to one and a half years</i>	<i>0.3 unit</i>	<i>Sow Breeding only</i>	<i>0.8 unit</i>
<i>Average number of one and a half year olds reared to two years</i>	<i>0.3 unit</i>		
<i>Average number of two year olds reared to two and a half years</i>	<i>0.5 unit</i>		
<i>Average number of two and a half Year olds reared to three years</i>	<i>0.5 unit</i>		
<i>Average number of all other cattle, including Cows (Exclude number of cows required to produce permanent (net) quota)</i>	<i>1.0 unit</i>		
		<i>Sow Breeding and Finishing</i>	<i>1.1 units</i>
		<i>Pigs Finishing only</i>	<i>6.0 units/100 pig places</i>
<i>Milk Quota (Permanent)</i>	<i>1.0 unit per 1818 Litres (400 gls)</i>	<i>Ewe</i>	<i>0.15 unit</i>
		<i>Hoggets</i>	<i>0.1 unit</i>
<i>Cereals/peas/ beans/set-a-side</i>	<i>1.0 unit per hectare</i>		
<i>Potatoes</i>	<i>2.0 units per hectare</i>	<i>Horse</i>	<i>1.0 unit</i>
<i>Sugar beet</i>	<i>2.0 units per hectare</i>	<i>Deer (red)</i>	<i>0.30 unit</i>
<i>Strawberries</i>	<i>2.0 units per hectare</i>	<i>Deer (fallow and sika)</i>	<i>0.15 unit</i>
<i>Raspberries</i>	<i>2.0 units per hectare</i>		
<i>Apples</i>	<i>2.0 units per hectare</i>	<i>Broilers</i>	<i>3.0 units/1000 bird places</i>
<i>Other Intensive Crops</i>	<i>2.0 units per hectare</i>	<i>Broiler Breeders</i>	<i>8.0 units/1000 birds</i>
<i>Mushrooms</i>	<i>20 units per tunnel</i>	<i>Layers</i>	<i>3.0 units/1000 birds</i>
<i>Glasshouse crops</i>	<i>125 units per hectare</i>	<i>Turkeys (fattening)</i>	<i>3.0 units/1000 birds</i>
<i>Nursery stock:</i>			
<i>Liner production</i>	<i>75 units per hectare</i>	<i>Free Range Egg Production</i>	<i>1.5 units/100 birds</i>
<i>Shrub production (containers)</i>	<i>50 units per hectare</i>		
<i>Ornamental trees/Christmas trees, field grown</i>	<i>25 units per hectare</i>	<i>Rabbits</i>	<i>1.0 unit/100does</i>
<i>Forest trees and hedging</i>	<i>15 units per hectare</i>	<i>Goats (milking)</i>	<i>0.25 unit/goat</i>
<i>Hay/ silage for sale</i>	<i>1.0 unit per hectare</i>	<i>€254 gross off-farm income</i>	<i>1.0 unit</i>

Calculation of Income Units will take account of the farmer's farming enterprises according to the table above and of

- non-farming income at the rate of €254 gross per unit;
- Income from other enterprises, e.g. agricultural contracting, agri-tourism crafts, etc. at the rate of €254 gross taxable income per unit. The gross taxable income will be calculated on the basis of output less production costs and less capital allowances.

IUs from forestry must be included in the calculation of total income at the rate of one IU per hectare.

In the case of applications from groups of persons or partnerships, the income of all parties must be taken into account in the calculation of the IUs.

Applicants who have had to compulsorily destock under a Commonage Framework Plan are required to submit this “frozen quota” for assessment as income units.

13. Planning Permission

- (a) It is the clear responsibility of the farmer, in consultation with his agricultural advisor/agricultural consultant to ascertain whether planning permission is necessary. A work sheet to assist with this assessment is available on the Department’s website.
- (b) Where changes to approved investments are required -
 - (i) In the case of approved investments, where planning is not required, and it is subsequently proposed to alter the siting of an agreed structure, or to alter materially the dimensions or design of a structure, revised drawings and structures list must be submitted to the Department’s Local Office and approval given by the Department before proceeding with the alterations. It is the applicant’s responsibility, in consultation with his agricultural advisor/agricultural consultant, to ascertain that any such alterations do not require planning permission.
 - (ii) Where such alterations are carried out without the Department’s knowledge or approval, a revised drawings and structures list must be submitted to the Department’s Local Office before the work can be considered for grant aid. Where the investment(s) is/are subsequently approved for payment, a 10% penalty will apply for non-compliance with the original approval.
- (c) The Department’s original approval to grant aid will be withdrawn, pending the receipt of a grant of retention in respect of the approved structures, in the following circumstances:
 - (i) Where investments are approved under the Scheme on the basis that planning permission was not necessary, but on completion of the works, it is found that planning permission was required,
 - (ii) Where planning permission was obtained for an approved investment and subsequently the development is not carried out in accordance with the permission as granted or the detailed drawings submitted to the Department.

Where the investment(s) is/are subsequently approved for payment, a 10% penalty will apply for non-compliance with the original approval.

- (d) In accordance with paragraph 1 (viii), grant aid will not be paid in the circumstances set out in (b) and (c) above where the completed works could lead to an increase in the level of production on the farm. All of the investments must be completed within the period specified in the original AES approval. The grant payable will not exceed that calculated in respect of the works originally approved.
- (e) Where exemption from planning permission is claimed by an applicant, the Department may withhold the issue of written approval to commence work until written evidence of said exemption is provided by the relevant local authority.

14. Submission of Drawings in relation to Application

- (a) (i) Where Planning Permission has been obtained at the time of application, a full set of those drawings on which permission was obtained shall be submitted with the application for grant-aid and signed by the Agricultural Advisor/Agricultural Consultant/Agricultural Engineer to be as such. Alternatively, a full set of such drawings stamped “as approved” by the Local Authority will be accepted. A copy of the grant of full and final Planning Permission must also be submitted.

- (ii) Where Planning Permission is obtained subsequent to the submission of the application, the drawings referred to at (i) above shall be submitted with the copy of the grant of full and final Planning Permission. A copy of the drawings on which Planning Permission has been applied for shall accompany the application form.

Note: the drawings submitted for Planning Permission must show the outline of all underground tanks, and also the position of each external agitation point required in Specification S.123. (See b (i) below).

- (b) Where Planning Permission is not required, the following drawings shall be given with application for grant aid:

- (i) An accurate floor plan of each proposed structure, drawn to a specified scale, 1:100 or 1:200. This floor plan shall show all significant dimensions: the internal width; internal length; width of each animal area; and width of feed passage.

- (ii) Underground tanks associated with any building shall be clearly shown, and dimensioned, [internal width, length and depth]. The exact position of each external agitation point shall be shown.

Note: Clause 4.3 of Specification S.123 must be followed exactly. In particular, no grant-aid will be paid on any house with an internal agitation point.

- (iii) A simple drawing of the section through each house shall be submitted, drawn to the same scale as the plan. The height at the eaves and apex shall be given; other dimensions are optional on the section drawing.

- (c) A farmyard layout plan to a scale of 1:500 showing the position of the proposed investments shall be provided.

- (d) All dimensions shown on the drawings must be internal.

- (e) No drawings are required for applications solely involving items in Section 6, Paragraphs 2-4, or safety elements on existing farm structures.

15. Justification for Granting Aid

Aid for investment will at all times be subject to the condition that, in the opinion of the Minister, the investment is justified. Approval for investment under the Scheme will be restricted to facilities required to cater for the animal numbers declared in the application form (FWM 1) having regard to the existing facilities and animal housing on the farm.

16. Usage of Buildings/Facilities

The applicant shall be required to use the buildings/facilities/equipment for the purpose for which grant-aided for a minimum of 5 years after the date of application. In the case of equipment, this applies to its replacement. Failure to do so will result in all of the grant-aid being recouped.

17. Appeals to the Agriculture Appeals Office

Where a decision rejecting or otherwise affecting an applicant's entitlement under the Scheme is taken, the applicant has, by virtue of the Agriculture Appeals Act, 2001, the right to appeal that decision to the Agriculture Appeals Office. The appeal must be made, in writing, within three months of the date of the decision. The appeal must include the facts and contentions upon which the applicant intends to rely together with such documentary evidence that the applicant wishes to submit in support of his/her appeal.

18. Commencement of Work

In the case of items referred to in Paragraph 6, Section 1, applicants must inform the Department, at the latest, within two weeks of commencement of work (e.g. commencement of site excavation), by returning a completed Card A, which will be issued with the approval documentation. Penalties will apply for non-compliance - see paragraph 21.

In the case of approvals consisting only of items referred to in Paragraph 6, Sections 2-4, Card A must be submitted, at the latest, with the claim for payment.

19. Compliance Inspection

The Department reserves the right to carry out inspections at any time on approved works. Where it is found that works are not being carried out in accordance with the Department's specifications, disallowance of grant aid of up to 100% will apply - see paragraph 21.

If during excavation work, rock or other unforeseen site problems are encountered then the Department must be contacted in advance so that an inspection can be arranged to determine the amount of extra work and grant-aid.

20. Maximum tolerances in the dimensions of completed structures

Buildings and structures must be constructed according to the dimensions given in the application, and be sited as shown on the plans presented with the application. However, the following tolerances may be allowed:-

- (a) If for reasons of safety, or for difficulties of construction, it is necessary to re-site the building structure, this may be done without further consultation if the completed structure is offset in any direction by not more than one metre. If the new site is offset by more than one metre, this must be cleared in writing with the Local Office of the Department before construction commences.
- (b) The final dimensions (length or width) of each structure must be within 500mm of the dimensions given in the application, or of modified dimensions that have been agreed in writing with the Local Office of the Department before construction commences.
- (c) The final length of a slurry/effluent tank must not be below 500mm of the agreed dimensions. However, if it is necessary to increase dimensions to allow for the installation of an external access point, or to accommodate a specific length of slat, then such an increase is allowed.
- (d) The depth or width of any slurry store shall not be below 100mm of the approved dimension, or 500mm above it.
- (e) The height of a building at eaves shall not be below 100mm of the approved dimension.

Note: Nothing in this Paragraph shall:

- (i) absolve the applicant/agricultural advisor/agricultural consultant/agricultural engineer/architect/engineer from the responsibility to obtain revised Planning Permission where this is relevant;
- (ii) permit the maximum level of investment eligible for grant-aid set out in the letter of approval for the structures and buildings concerned to be exceeded.

21. Penalties

The following penalties will apply for non-compliance with the terms and conditions of the Scheme.

Offence	Penalty
False or misleading information in application form and/or accompanying documentation	No aid payable.
The use of building/facilities for purposes other than those intended for a period of 5 years after date of application	Recoupment of grant aid paid.
Failure to inform Department within two weeks of commencement of works (Card A which is issued with approval documents)	5% reduction in grant aid.
Alterations to approved structures without the Department's prior approval	10% reduction in grant-aid if the tolerances given in Paragraph 20 are exceeded.
Structures not in accordance with Department's Specifications, (where the deficiency cannot be remedied) 1. Deficiencies that affect structural integrity or safety. 2. Treatment of structural steel not in accordance with Specifications. 3. Deficiencies that do not affect structural integrity or safety.	100% of grant-aid payable 30% of grant-aid payable 20% of grant-aid payable
Structures not in accordance with Department's Specifications, (where deficiency is not remedied by second inspection but has been subsequently remedied)	10% reduction in grant aid.
Breaches of Good Farming Practice	Penalty as set out in the Protocol on Good Farming Practice

Where monetary penalties are not paid within the period specified, the Department will take whatever action is necessary for their recovery.

In cases where penalties are applied, participants will have 21 working days from the date of formal notification of the penalty by the Agricultural Environment and Structures (AES) Division to request a review of that decision, setting out in writing the grounds on which they are requesting a review. The applicant will be notified of the outcome of the review in writing.

Force Majeure

Where an applicant is unable to meet certain Scheme conditions for reasons beyond his/her control a case of *force majeure* may be made in writing to the Department whereupon, after due consideration, the relevant Scheme conditions may be waived or modified with the Department's prior approval. Applicants already in the Scheme, or their representatives, shall inform the Department, in writing and without undue delay, of any likely request under *force majeure*. The circumstances under which *force majeure* may be considered include (without prejudice to the generality of the foregoing):

- death of applicant
- serious illness/incapacity of the applicant (supported by medical evidence)
- compulsory acquisition of all or part of the agricultural holding which was not anticipated on joining the scheme
- a natural disaster
- the accidental destruction of livestock and/or farm buildings on the farm
- an outbreak of disease affecting birds or animals on the farm
- an order of Court for separation or divorce resulting in the land subject to the Scheme having to be divided or sold where as a result the conditions of the Scheme cannot be met
- other Court order

A request for *force majeure* may be made in writing to the Department's local AES office.

22. Withdrawal of Approval

The approval of aid may be withdrawn if the applicant fails to abide by the terms of the Scheme or in the event of any material change in the circumstances of the applicant or of the farm business or in any other respect which would be in conflict with the terms or the condition of the Scheme. In such event all or such portion of aid given or to be given, as the Minister may determine, shall be reimbursed or withheld.

If work is not commenced within the approved timescale the approval will be automatically withdrawn.

23. Existing applications for Scheme of Investment Aid for Farm Waste Management

Farmers who have been previously approved to carry out works under the Scheme and have not commenced such works may cancel their applications. A new application for the same investment(s) may be made under this revised Scheme. Farmers may also apply to the Department for the cancellation of approvals under the existing Scheme in regard to distinct and separate units of work which have not yet commenced, and which form part of an approval comprising two or more units of work, and submit new applications in respect of such items. However, cancellations shall not be permitted in respect of any units of work which have already commenced.

For the purpose of this paragraph, the purchase of slats shall not be considered to be a separate unit of work from the construction of an unprotected tank.

24. Procedures

The Minister shall lay down the procedures to be followed in the operation of this Scheme and reserves the right to alter these procedures from time to time.

25. Environmental Impact of Proposed Works

Where the carrying out of works is liable to cause any pollution of water sources or to damage the environment in any way, the applicant must take all reasonable steps to prevent this happening. Grant aid will not be paid where proposed works cause damage to a structure or area of historical or archaeological importance.

26. Particular Responsibilities of Applicant

(i) Soundness of Structure

The approval or payment of aid under the Scheme does not imply the acceptance by the Department of any responsibility as regards the soundness of construction or adequacy for its purposes of any investment, which is the subject of such approval or payment. Neither does approval or payment of aid under the Scheme represent a guarantee by the Department of the quality or suitability for its purposes of any product used in the investment.

(ii) Legal Provisions, Consents, etc.

All works shall be carried out in accordance with the provisions of all relevant statutes, regulations and Bye-laws, and the onus of obtaining all consents, permissions, etc. including consent to entry on or interference with land, other property or right of any other person or persons rests with the applicant.

(iii) Safety during Building or Conversion

Certain construction dangers may be encountered in the course of building or conversion work. Neither the Minister nor any official of the Department will be in any way liable for any damage, loss or injury to persons, animals or property in the event of any occurrence relating to the development and the applicant shall fully indemnify the Minister or any official of the Department in relation to any such damage, loss or injury howsoever occurring during the development works. If any or all of the work is undertaken by a farmer himself he/she should seek competent advice and undertake all temporary work required to ensure the stability of excavations, superstructure, stanchion foundations and wall foundations, also to divert any drains, springs or surface water away from the works and to guard against possible wind damage.

If the work is being undertaken by a contractor the farmer should ensure that any contractor or sub-contractor understands the risks involved in the development and is prepared to guard against them and further that the contractor or sub-contractor has adequate employers and public liability insurance cover in place in the event of any injury, loss, damage or other mishap occurring. A farmer should obtain a suitable written indemnity from any contractor or sub-contractor in relation to any damage or injury or other loss that might occur during the development works and in this regard seek professional insurance advice from an insurance broker or insurance company.

In addition, farm buildings should not be erected nor a silo constructed underneath or near an overhead power supply.

Children should not be allowed to play or spend time in the vicinity of any building work.

Applicants are advised of the need to acquaint themselves with the provisions of the Safety, Health and Welfare at Work Act 2005.

27. Contractor's Tax Clearance Requirement

In conformity with the general practice of the Government, the payment of financial aid as provided for in this Scheme is subject to the condition that, where an applicant employs a contractor (e.g. excavation, building/steel erection, electrical, plumbing) to carry out some or all of the investment included in this Scheme, such contractor must have a current C2 certificate or a tax clearance certificate from the Office of the Revenue Commissioners where the total receipts from that contractor exceed €635.

Evidence of tax compliance must be submitted with the receipts/invoices marked paid from each contractor at the time of submission of the completed Form FWM 20 which must be completed in full, i.e. including the declaration in regard to contractors used. In order for such receipts/invoices to be valid for payment, evidence must be provided of tax compliance on the date of issue of the invoice/receipt concerned.

28. Payment of Tax by Applicant

Evidence that an applicant's tax affairs are in order before payment of an approved grant will be required. In the case of grant payments of less than €5,500, applicants will be required to indicate the tax district dealing with their tax affairs and also to declare that to the best of their knowledge that their tax affairs are in order. For grant payments of €5,500 or more, applicants will be required to furnish a valid Tax Clearance Certificate from the Revenue Commissioners before payment of grant aid is made.

29. Evidence of non-farm income

Documentation providing verification of non-farm income for the tax year prior to application may be required by the Department following receipt of an application. This may include the original or a copy of one of the following documents, which must be certified by the agricultural advisor/agricultural consultant concerned -

- P60/P45
- Notice of Assessment, showing all sources of income, from the Revenue Commissioners
- Certified Accounts by an Accountant or equivalent Tax Advisor
- Statement by Accountant/Tax Advisor confirming non-farm income (including no income)
- Tax return (Form 11E) for the previous tax year, stamped as having been received by the Revenue Commissioners
- Documentary evidence of receipt of Farm Assist or other Social Welfare assistance from Department of Social and Family Affairs

Where such documentation is requested, approval shall not issue until such documentation is received.

30. Recovery of Interest in Respect of Undue Payments

Where the Minister is required to recover a payment under the Scheme which has been unduly made, interest shall be due on such recoveries in accordance with the provisions of the European Communities (Recovery of Undue Amounts) Regulations 2003 (S.I. No. 463 of 2003).

31. Right of Entry

The Department reserves the right to arrange for the inspection at all reasonable times of any land, premises, plant, equipment, livestock and records of participants or applicants for participation in this Scheme. Refusal to allow right of entry will result in withholding or recovery of grant aid.

32. Documents to be furnished with application under the Scheme

1. Application form FWM 1
2. In respect of proposed new or converted structures only -
 - (a) Where local authority planning permission has been/is being obtained -
 - (i) Grant of full and final planning permission or confirmation that planning permission has been applied for. However, grant of full and final permission, including conditions, must be received before final consideration of the application may take place;
 - (ii) Location Map 6" – or discovery series;
 - (iii) Farmyard Layout Plan (1: 500 Scale);
 - (iv) Copies of the drawings on which planning permission was obtained/has been applied for - See paragraph 14(a).

- (b) Where Local Authority planning permission is not required -
- (i) Location Map (6" Scale) discovery series;
 - (ii) Farmyard Layout Plan 1:500 scale;
 - (iii) Detailed and accurate drawing of proposed developments - see paragraph 14(b).

For applications for items listed in paragraph 6, sections 2-4, provide a Location Map only.

3. Notice under section 12 of the Water Pollution Act 1977 (if applicable).
4. Certificate from the Department stating the date the Herd Number under the Bovine Tuberculosis Scheme or other Department identifier was first registered solely or jointly in the applicant's name (applicable in the case of qualified young farmers' additional aid only).
5. Where development is taking place on leased land, form FWM 2.
6. In the case of a Teagasc approved milk production partnership, a copy of the partnership agreement together with confirmation that the agreement was in existence during the current or preceding calendar year.

Applicants should note that an original Birth Certificate will be required, where the applicant's date of birth is not verified on the Department's database.

33. Procedure for Application for Aid

Application for aid should be made to the local Agricultural Environment & Structures Office of the Department in the county where the site of the proposed works is located accompanied by the Check List and the documentation set out at paragraph 32 above. Applications not fully completed and accompanied by all documentation will be returned to applicants. The applicants will be requested to rectify the deficiencies outlined and if this is done satisfactorily within 21 working days of that request, the application will be reinstated and processing will recommence.

Applications which are deemed ineligible will be rejected and returned to applicants.

Note:

The application form must be signed by all parties in the following cases:

- where the herd number/other Department identifier is registered in joint names,
- in the case of partnerships.

In the case of a body corporate, the company secretary must sign the application form.

34. Responsibility of Agricultural Advisor/Agricultural Consultant/Agricultural Engineer

The applicant and his/her agricultural advisor/agricultural consultant/agricultural engineer must complete the checklist certifying that all the required documentation has been included and conforms with the requirements of the Scheme. It is the responsibility of the agricultural advisor/agricultural consultant/agricultural engineer to ensure the accuracy of the documentation validated by him/her in relation to the application. The Department shall not accept any responsibility for errors or omissions contained therein. Accordingly, intending participants should only engage the services of appropriately indemnified/insured individuals or companies.