

NeighbourWood Scheme

1. Scheme Outline and Legal Basis.

- a) This Scheme provides support to local authorities, private landowners and others to develop attractive close-to-home woodland amenities (or 'neighbourwoods') for public use and enjoyment.
- b) The Scheme provides financial support under three separate elements. **Element 1:** the silvicultural enhancement of existing woodland; **Element 2:** the establishment of new woodlands; and **Element 3:** the installation of recreational facilities into existing and/or new woodlands.
- c) This document represents the administrative provisions for the implementation of the NeighbourWood Scheme in Ireland as approved under the National Development Plan 2007 – 2013 and in accordance with State Aid Decision 162/2007. This document should be read in conjunction with **The NeighbourWood Scheme Manual April 2008.**
- d) The Scheme provides grants and premiums (where applicable) for enhancing existing woodland, establishing new woodland and installing recreational facilities. All associated works must be compliant with national legislation, operational and environmental guidelines.
- e) All woodland and woodland activities are subject to the provisions of the Forestry Act, 1946, as may, from time to time, be amended or replaced.
- f) The Scheme shall be administered by the Department of Agriculture, Fisheries and Food and shall operate throughout the State.
- g) The Exchequer funds the Scheme.
- h) The Scheme shall come into operation on 19 December 2007 for a period to be determined by the Minister for Agriculture, Fisheries and Food.

2. Objectives of the NeighbourWood Scheme.

The objectives of the Scheme include:

- To encourage the development of accessible, 'close-to-home' woodland amenities in partnership with local people and other groups, for public use and enjoyment.
- To enable woodlands to be used as a tool for sustainable planning and development in urban and urban fringe areas.
- To promote the establishment/enhancement of woodlands to be used strategically as buffers between residential and industrial areas.
- To protect urban watercourses.
- To encourage the reclaiming of former landfill sites and industrial 'brownfield' sites.
- To enable woodlands to be used to develop the educational function, by funding educational signage, nature trails, coach parking facilities, etc.
- To enable woodlands to be used to promote public health and well-being, by developing fitness trails, etc.

3. Eligibility.

The NeighbourWood Scheme is open to Local Authorities, private landowners and others who intend to enhance existing woodland, to develop new woodland or to install woodland facilities into new or existing woodland for public access and enjoyment.

4. Grant and Premium Rates.

- a) Grant assistance is available in respect of costs incurred in the enhancement (Element 1) or the establishment (Element 2) or in the installation of facilities (Element 3) of a woodland. Application for the 1st Instalment Grant may be made on completion of the works. Application for the 2nd Instalment Grant may be made 4 years (i.e. 48 months) after the date of completion of the initial works, subject to satisfactory maintenance of the woodland.
- b) Under Element 2: NeighbourWood Establishment, premiums may be available to applicants who fulfil the eligibility criteria as set out in the Afforestation Grant and Premium Scheme.
- c) Annex 1 sets out the grant and premium rates payable. The Minister reserves the right to alter these rates from time to time.
- d) The grants are cost-based. As a result, evidence of costs expended and receipts for items purchased must be retained and produced on the request of the Minister. To this end, the requirements as set out in the NeighbourWood Scheme Manual of April 2008 will apply.
- e) For audit purposes, recipients of grant aid under this Scheme will be required to retain invoices relating to work undertaken for a period of 6 years.

5. Conditions of Aid.

5.1 General:

Payments shall be made in respect of applicants who make a valid application and have undertaken all work in accordance with the stipulations of the NeighbourWood Approval and in compliance with:

- All relevant national legislation for the time being in force,
- The terms and conditions of this Scheme as set out in the NeighbourWood Manual 2008 and this document and all application forms,
- The requirements where appropriate set down in the Forestry Schemes Manual,
- The Forest Service Code of Best Forest Practice – Ireland,
- The principles of Sustainable Forest Management,
- The Forest Service Environmental Guidelines,

Further practical information and guidance is available from the following publications:

- The Forest Service Forest Recreation in Ireland: A guide for Forest Owners and Managers,
- The Tree Council of Ireland's A Management Guide for Amenity Trees and Woodlands in Ireland (in preparation).
- Interacting with Greenspace: Public Participating with Professionals in the Planning and Management of Parks and Woodland.

5.2 NeighbourWood Scheme Criteria:

See NeighbourWood Scheme Manual, April 2008.

- a) There must be a clear potential for the development of an attractive amenity woodland that will be easily accessible and well-used by local people.
- b) The project must adhere to good practice regarding amenity woodland design, establishment and management.
- c) The project must be developed in partnership with the local community and (where relevant) with specific recreational user groups. This partnership must be clearly demonstrated at the application stage.
- d) The woodland must be open to the general public throughout the year. Access must be free-of-charge, apart from car parking and other basic services.
- e) Particular emphasis is to be placed on providing reasonable access-for-all, to enable people of different ages and abilities to use and enjoy the neighbourwood.
- f) For applications on privately owned land, applicants must provide a declaration that the amenity will be maintained and access provided for a period of at least 10 years from receipt of the first grant payment under the scheme.
- g) Support under the NeighbourWood Scheme must be acknowledged on all welcome/information / trailhead signs, leaflets, booklets, posters, websites, press releases, press articles, etc. relating to the project, using the wording and logos as outlined in the NeighbourWood Scheme Manual April 2008.
- h) Support under the NeighbourWood Scheme must also be highlighted during all media communications.

6. Application Procedure.

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

- **NeighbourWood Scheme Form 1 – Application for Pre Approval.**
Application for approval to undertake specific operations under Element 1, Element 2 and/or Element 3 of the Scheme must be made using the **‘NeighbourWood Scheme Form 1’**. The application form sets out the requirements to be met to make a valid application. Any combination of the three elements can be applied for in the same application, but the specific area relating to each element must be clearly shown on a Grant Area Map, using an original OS Map (see the NeighbourWood Scheme Manual for details). Areas applied for under Element 1 and Element 2 must **not** overlap. The applicant and a Registered Forester must complete the application. A NeighbourWood Plan, signed by the same Registered Forester as the Form 1 and following the set template provided in the NeighbourWood Scheme Manual, must accompany the Form 1.
- **NeighbourWood Scheme Form 2 – Application for 1st NeighbourWood Instalment Grant.**
Application for payment of the 1st Instalment Grant for all Elements (and 1st Premium under Element 2) must be made using the relevant **‘NeighbourWood Scheme Form 2’**. The applicant and a Registered Forester must complete the application. The application form sets out the requirements to be met to make a valid application.

- **NeighbourWood Scheme Form 3 – Application for 2nd NeighbourWood Scheme Instalment Grant.**
The 2nd Instalment Grant for all Elements may be claimed for payment 4 years (i.e. 48 months) after the completion date of initial operations. Application for payment of the 2nd Instalment Grant must be made using the relevant **‘NeighbourWood Scheme Form 3’**. The applicant and a Registered Forester must complete the application. The application form sets out the requirements to be met to make a valid application.
- **NeighbourWood Scheme Form 4 - Application for Subsequent Premium Payments.**
Depending on status, applicants under **Element 2** may be eligible for an Establishment Premium for up to 20 years commencing with the 1st instalment of the grant. This premium corresponds to the GPC6 of the general Afforestation Scheme, but applies to all species acceptable under the NeighbourWood Scheme. See the Afforestation Grant and Premium Scheme Document for details.

7. NeighbourWood Scheme Approval.

Approvals issued under this Scheme may be subject to additional conditions as laid down by the Minister. It is the responsibility of the applicant to ensure that the woodland is compliant with the requirements of the scheme.

8. Element 1: Felling.

- a) NeighbourWood Scheme Approval must be secured before any felling operations take place on the site.
- b) All woodlands are subject to the provisions of the Forestry Act, 1946, which controls the felling of trees.
- c) Applications for a Felling Licence should be made prior to or in conjunction with the NeighbourWood Scheme application to avoid delays after approval.

9. Element 1 and Element 2: Open Space.

The project area under both elements can include up to 30% open space. This open space must be an integral part of the existing woodland e.g. open space for parking, paths, picnic areas, etc.

10. Land Use Reconciliation Requirements.

- a) Applicants for grant payments under this Scheme must ensure that the woodland is not the subject of a claim under another Department area-based scheme.
- b) Adjustments, reductions in payments and/or penalties may be imposed by the Minister where an application exceeds the area permitted for a woodland and/or overlaps with an area the subject of a claim under an alternative Department area-based scheme.

11. Good Practices.

Good forestry practice is mandatory and applies across all operations of the Scheme. Conditions for good forestry practice are published in the Code of Best Forest Practice - Ireland.

12. Payment.

The Department may pay grants to Applicants via Electric Fund Transfer (EFT). Applicants may mandate the payment of grants to an alternative payee using a mandate document that satisfies the requirements of the Minister.

13. Penalties.

- a) Failure to comply with the terms and conditions of the Scheme, incorporating the Code of Best Forest Practice – Ireland, and the current suite of environmental guidelines may result in an appropriate penalty/sanction being applied.
- b) Monetary penalties, which shall apply to certain specific breaches of the Scheme, are similar to the Afforestation Scheme – but other breaches of the Scheme not specified may also incur a penalty.
- c) Penalties may include the repayment of a 1st Instalment Grant and/or a 2nd Instalment Grant and/or Annual Premium(s).
- d) Monetary penalties shall include interest payable at the rate provided for under SI No. 13/2006. Interest shall be calculated for the period elapsing between a date specified in a notification to the applicant of the repayment obligation and either repayment or deduction.
- e) Penalty amounts may be deducted from future payments due to the Applicant under the Forestry Schemes or from payments due under other Department schemes. Where monetary penalties are not paid or recovered within the period requested, the Minister may take whatever action is deemed necessary for their recovery.
- f) The principle of proportionality will apply. Penalties, which in the opinion of the Minister are proportionate to the alleged breach of the Scheme, may be imposed.
- g) The imposition of a penalty shall not relieve an Applicant of an obligation to comply with an instruction from the Minister to undertake remedial works in respect of a woodland.
- h) At the Minister's discretion, these penalties may be applied to the whole woodland.

14. Appeals.

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

15. Change of Ownership.

The Minister must be informed if there is a change of ownership of a woodland, which has received grant assistance under this scheme. In the event of a change of ownership, or other disposal, the Minister reserves the right to redeem the grant or to seek adequate written assurance from the prospective purchaser or other appropriate party regarding the future maintenance of the amenity and its facilities. In the event of failing to obtain such assurance, the Minister reserves the right to

redeem from the grantee the full amount of the grant and/or any premiums paid in respect of the project.

16. Right of Entry.

The Minister reserves the right to carry out inspections at reasonable times on any land receiving grant aid under this scheme or any other forest related schemes.

17. Responsibility for Woodland Management.

- a) Responsibility for the successful establishment and management of a neighbourwood, and maintenance of associated facilities, rests with the Applicant. Where an Applicant contracts the services of a third party to undertake this work, it is the Applicant's responsibility to ensure that the third party contracted has sufficient insurances to indemnify the work undertaken.
- b) The inspection of a woodland by the Minister shall not relieve the Applicant of responsibility for the success of the woodland as described in the sub-paragraph above.

18. Insurance of Woodlands.

- a) Applicants should ensure that their woodland has adequate insurance cover against damage from, *inter alia*, fire and wind. In the event of plant losses, it is a condition of grant aid that losses will be replaced within the following two growing seasons.
- b) Applicants should also ensure that their woodland has adequate public liability insurance. No liability shall be attached to the Minister for any injury, loss or damage to any person in respect of the woodland.

19. Failure to abide by the terms and conditions of the Scheme.

- a) 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 declaration or withholds essential information, his/her participation in the Scheme may be terminated and all or part of the aid paid shall be reimbursed.
- b) Where an Applicant or a person acting on his/her behalf fails to abide by the terms and conditions of the Scheme or is there is any material change in the circumstances of the applicant which would be in conflict with the letter or the spirit of the Scheme, his/her participation in the Scheme may be terminated and all or part of the aid paid shall be reimbursed.
- c) The obtaining of aid under the Scheme by fraudulent means by the applicant, his or a person acting on his/her behalf, or others acting alone or together may render such persons liable to prosecution.

20. Review of Scheme, Procedures and Grant Aid.

- a) The Minister reserves the right to alter the conditions of the Scheme and/or the procedures to be followed in the operation of this Scheme, or to lay down further conditions under this Scheme.
- b) The Minister reserves the right to review and vary, where occasion so demands, the amount of financial aid wherever specified in the Scheme.

21. Tax Clearance Requirement.

a) General:

It is a condition of grant aid of this Scheme that all grant-aided activities shall be conducted in compliance with the laws of the State relating, *inter alia*, to tax and employment.

b) Tax Clearance:

Payment of financial aid as provided for in this Scheme may be subject to the condition that a tax clearance certificate from the Revenue Commissioners be furnished before a payment is issued.

c) Value Added Tax:

Applicants and their Agents shall comply with all requirements of VAT law. Where an Applicant is registered for VAT, grant aid will be paid exclusive of VAT. Where an Applicant is not registered for VAT, the grant will be paid inclusive of VAT.

22. Information and Data Protection.

The Minister reserves the right to make information available to the public regarding the areas covered by the Scheme including the number of participants, historical and archaeological sites, hectares covered etc. while continuing to observe the terms of the Data Protection Act.

23. Culmination of Agriculture State Aids

Any Applicant who has received payments under the Business Expansion Scheme (**BES**) and/or the Seed Capital Scheme (**SCS**) tax incentives must make the necessary declaration on the application form.

Annex 1

NeighbourWood Scheme Grants and Premiums Payable

Table 1: Element 1: NeighbourWood Enhancement Maximum Grant Levels.

	1st Instalment Grant - €/ha	2nd Instalment Grant - €/ha	Total Element 1 Grant - €/ha
Element 1: NeighbourWood Enhancement	75% paid at 1 st instalment	25% paid at 2 nd instalment	€5000.00
<p>The grant payable under Element 1: NeighbourWood Enhancement is based on approved direct costs subject to the maximum rates as set out above. Approved eligible operations are set out in the NeighbourWood Scheme Manual. All costs, including management costs and anticipated costs for the years 1 – 4, should be included in the claim for the 1st Instalment Grant. 75% of these costs or 75% of the maximum grant (whichever is the lesser) is payable at 1st instalment and 25% of these costs or 25% of the maximum grant (whichever is the lesser) is payable at 2nd instalment. If the applicant is registered for VAT, the grant is exclusive of VAT. . If the applicant is not registered for VAT, the grant is inclusive of VAT.</p>			

Table 2: Element 2: NeighbourWood Establishment Maximum Grant Levels.

	1st Instalment Grant - €/ha	2nd Instalment Grant - €/ha	Total Element 2 Grant - €/ha
Element 2: NeighbourWood Establishment	5,259.25	1,660.82	6,920.07
<p>The 1st instalment grant under Element 2 is cost-based up to the maximum grant level shown above. It covers the cost of establishment. Approved eligible operations are set out in the NeighbourWood Scheme Manual. The 2nd instalment is fixed and is payable in year 4 i.e. 48 months after the date of completion of the initial operations and is subject to the satisfactory maintenance of the woodland. If the applicant is registered for VAT, the grant is exclusive of VAT. If the applicant is not registered for VAT, the grant is inclusive of VAT.</p>			

Table 3: Element 2: NeighbourWood Establishment Maximum Premium Levels.

<u>Farmer Premium (€ / ha)</u> Annual payment for <u>20 years</u>			<u>Non-farmer premium (€ / ha)</u> Annual payment for <u>15 years</u>
Site area			
< 6 ha	≥6 ha to <12 ha	≥ 12 ha	
€544.65	€559.26	€573.86	€211.73

Table 4: Element 3: Facilities Maximum Grant Levels

Area	1st Instalment €/ha	2nd Instalment €/ha	Total Grant €/ha
First 10 hectares	3,500	1,000	4,500
Subsequent Hectares up to a maximum of 40 ha	2,250	750	3,000

The 1st instalment grant under Element 3 is cost based up to the maximum shown above. It covers the cost of installation. Approved eligible facilities are described in the NeighbourWood Scheme Manual. The 2nd instalment is fixed and payable in year 4 i.e. 48 months after the date of completion of the initial operations and is subject to satisfactory maintenance of the facilities. If the applicant is registered for VAT, the grant is exclusive of VAT. If the applicant is not registered for VAT, the grant is inclusive of VAT.

Annex 2

Definitions.

For the purposes of this Scheme:

- **‘Applicant’** means a person who has applied for Approval under the scheme, or has enhanced an existing woodland, or established a new woodland, or installed recreational facilities following an Approval under the scheme;
- **‘Approval’** means a NeighbourWood Scheme Approval granted by the Minister, before which work cannot commence;
- **‘NeighbourWood Form 1 - ‘Application for Pre-Approval’** means an application for the Minister’s approval to enhance an existing woodland or establish a new woodland or install recreational facilities into a woodland, under the terms of all current legislation, guidelines and the conditions of this scheme.
- **‘NeighbourWood Form 2 - 1st Instalment Grant Application’** means an application to receive a 1st instalment cost based grant following the completion of initial operations within a site under the terms of the Pre- approval.
- **‘NeighbourWood Form 3 - 2nd Instalment Grant Application’** means an application to receive the 2nd instalment grant, due for payment 4 years (i.e. 48 months) after the completion date of initial operations.
- **‘NeighbourWood Form 4’ – Annual Premium Application’** means the subsequent premium application (where appropriate) to be submitted annually to the Forest Service, in relation to Element 2: Establishment.
- **‘Code of Best Forest Practice’** is a Department listing of all forestry operations and the manner in which they should be carried out to ensure the implementation of Sustainable Forest Management in Ireland, as agreed at the Third Ministerial Conference on the Protection of Forests in Europe, Lisbon, 1998.
- **‘Completion Date’** is the date the agreed works are completed to the required standard (as verified by the Forestry Inspector).
- **‘Department’** means the Department of Agriculture, Fisheries and Food.
- **‘NeighbourWood Plan’** means a document in a form acceptable to the Minister, which details the project, sets out its short-term objectives and the specific operations proposed under each element applied for.
- **‘Environmental Impact Assessment (EIA)’** means the process of examining the environmental effects of a proposed development, if carried out, would have on the environment.
- **‘Forest Service Environmental Guidelines’** means the following publications of the Forest Service, as may be amended from time to time: ‘Forestry and Water Quality Guidelines’; ‘Forestry and the Landscape Guidelines’; ‘Forestry and Archaeology Guidelines’; ‘Forest Biodiversity Guidelines’; ‘Forest Harvesting and the Environment Guidelines’; and ‘Forestry and Aerial Fertilisation Guidelines’; and ‘Forestry and Forest Protection Guidelines’. The Minister may, from time to time, add further guidelines to this definition.
- **‘Forestry Schemes Manual’** means the schemes manual published by the Stationary Office on behalf of the Department; and which, from time to time, may be amended or replaced.
- **‘GPC’** means the Grant and Premium Category of species planted.
- **‘Minister’** means the Minister for Agriculture, Fisheries and Food.
- **‘Registered Forester’** means a person qualified and registered with the Department under the Department’s Register of Foresters and Forestry Companies as set out for the purpose of the Forestry Schemes. Each Registered

Forester shall be subject to the conditions of approval as set down by the Department.

- **‘NeighbourWood Scheme Manual’** means a manual developed specifically for practitioners involved in the NeighbourWood Scheme, setting out the procedures and standards required, and related information.
- **‘NHA’** means an area designated as a National Heritage Area, such areas are considered as important for habitats present or which hold species of plants and animals whose habitats need protection.
- **‘Premium’** means a payment to the Applicant that compensates for income foregone from the afforestation of his/her land. It applies to Element 2: establishment of this Scheme.
- **‘The Forest Service’** means the Forestry Division of the Department of Agriculture, Fisheries and Food.
- **‘Scheme’** means the NeighbourWood Scheme 2007.
- **‘SAC’** means an area designated as a Special Area of Conservation, such areas are designated in order to conserve certain habitats and species pursuant to the EU Habitats Directive.
- **‘SPA’** means an area designated as a Special Protection Area in order to safeguard certain habitats pursuant to the EU Birds Directive.
- **‘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.