



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

An Roinn
**Talmhaíochta,
Bia agus Mara**

*Woodland Improvement Scheme (Element 1: Thinning and
Tending)
2014-2020*



19/3/2015

Edition 2/2015

1.1 Introduction

This scheme will be delivered in two elements.

Element 1:

The aim of element 1 is provide financial support to forest holders towards the cost of woodland improvement works associated with tending and thinning of broadleaf forests planted post 1980 under grant aided afforestation schemes. The scheme facilitates the enhancement of the environment associated with thinning and tending operations. Thinning and Tending stimulates investment through improvement, protection and development of broadleaf woodlands for a range of functions, including: healthy tree growth, landscape improvement, biodiversity enhancement, soil protection and water protection. These aims will be achieved through improvement felling of malformed trees; felling of additional trees to release potential crop trees (PCT); pruning to improve stem quality; thinning or re-spacing to promote growth and management and re-spacing of natural regeneration. Tending and thinning also benefits biodiversity by increasing light levels which contributes to the development of shrub and ground flora.

Funding may also be provided for brashing to improve access for manual application of fertiliser where aerial fertilisation is not possible. Foliar analysis may be required to establish nutrient status and determine the type and rate of fertiliser.

Element 2:

Environmental Enhancement measures can be considered which support actions within existing forests which effect structural changes that will proactively protect and enhance water quality, archaeological sites, habitats and species, and sensitive landscapes. This element is not being funded currently and will be considered further subject to funding availability.

2.1 General Outline and Legal Basis

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

- i. European Union guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 – 2020;
- 2.2 The Scheme is administered by the Department of Agriculture, Food and the Marine and operates throughout the State. The Scheme shall be operational from 1st January 2015 for a period to be determined by the Minister for Agriculture, Food and the Marine.
- 2.3 Participation in the Scheme is voluntary.

3.1 State Aid requirements

The detailed State Aid requirements are set out in Annex 4. The main elements that require input by the applicant are:

3.2 Incentive Effect

This applies where the applicant is a small/medium enterprise SME and/or the immediate beneficiary. The applicant/enterprise must indicate on the application form for aid that “The work described herein would not have been undertaken without the financial support provided under State Aid rules. Without this aid there would be no change to current activities.” For large companies documentary evidence must be submitted in relation to the counterfactual for each of the measures proposed (i.e. what would happen without the aid?).

3.3 Proportionality of the aid

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

3.4 Transparency

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

4.1 Objectives of the Scheme

The aim of the scheme is to stimulate investment in the improvement, protection and development of young broadleaf forests for a range of functions, including:

- Timber production;
- Encourage healthy tree growth;
- Remove nurse species from conifer/ broadleaved mixtures
- Landscape enhancement;

The aim will be to support the thinning and tending of 8,000 hectares of broadleaf and mixed forests under the programme 2014-2020.

4.2 Environmental services

The scheme will open up the canopy through thinning and enable more light to reach the forest floor, thereby allowing plants to re-colonise the forest area, increasing biodiversity. Results from the Irish National Forest Inventory show that plantation forests when managed in this way provide significant biodiversity benefits. In addition, thinning opens up forest areas for walking and other recreational uses and improves the visual amenity of forests. Thinning, by opening up tree crowns to light, also promotes higher levels of tree seed production which favours natural regeneration systems and close-to-nature silviculture.

5.1 Eligibility

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

5.2 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.

5.3 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*.

5.4 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.

5.5 Every effort should be made by registered foresters to ensure that multiple applications by the same applicant are not submitted. If more than one application is submitted for the same piece of land, the Department may decide to process just one application selected by the applicant within any 12 month period.

6.1 Grant and Premiums

A fixed woodland improvement grant towards the costs, subject to the maximum laid down in Annex 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. Grants will be available only for projects which, prior to thinning and tending, have been granted approval by the Department, following the submission of Form 1. Aid for woodland improvement under these measures will be granted solely in connection with duly justified and substantiated costs; and no over-compensation will take place.

- 6.2 Grants will be paid in one instalment. The fixed grant may be claimed immediately after works have been completed. All payments of grants will be conditional on the forest being successfully tended or thinned in compliance with the conditions of approval and standards as outlined in the *Forestry Standards and Procedures Manual* and Thinning and Tending Schedules in Annex 2. Any area thinned or tended outside of the approved area will not be eligible for grant aid.
- 6.3 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.
- 6.4 Annex 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 to thin and tend 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.

A fixed grant of up to €750 per hectare will be available under the Scheme. An additional cost based grant will be available under the Scheme for brashing operations to improve access to forests for manual application of fertiliser, if required, to a maximum of €750 per hectare on a case by case basis.

Support will be available for the following operations:

- Improvement felling of malformed trees;
- Felling of additional trees to release potential crop trees (PCT);
- Thinning or re-spacing to promote growth;
- Management and re-spacing of natural regeneration;
- Clearing buffer areas around sites and monument which may have become overgrown and
- Improving access for manual fertilisation (cost based grant);

This measure is primarily aimed at private forest holders and other private law bodies, and their associations.

7.1 Conditions of Aid

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

7.2 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.

7.3 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.

- 7.4 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 Forest Service will result in a penalty, as set out in the document titled *Forestry Schemes Penalty Schedules (DAFM 2015)*.
- 7.5 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 and the plantation is thinned /and or tended to the required standard.
- 7.6 Where the Forest Service decides that it is not possible to bring the plantation, or part thereof, up to the required standard, no further payment will be made for that area. Where the grant and/or part thereof, is not to be paid, the Forest Service may also require repayment of the amount paid in respect of the plantation or in respect of the area that does not meet the required standard.
- 7.7 Payments shall be made in respect of applicants who make valid applications prepared by a registered forester and 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;
 - iii. *Forestry Standards and Procedures Manual*;
 - iv. *Code of Best Forest Practice – Ireland*;
 - v. *National Forest Standard*;
 - vi. *Forest Service Environmental Guidelines*.

8.1 Application Procedure

The relevant application forms, as described in this paragraph, are available from the Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford. Lo-call 1890 200 509. Alternatively you can contact the relevant section by email.

Email Addresses	Queries
forestryappenq@agriculture.gov.ie	Form 1, approvals, application procedures
1stgrant@agriculture.gov.ie	Form 2, 1 st Grant and 1 st premium
ForestPremiums@agriculture.gov.ie	Form 3, 2 nd Grant and subsequent premiums
felling.forests@agriculture.gov.ie	Felling licences

- 8.2 The appropriate application form and all supporting documentation and maps must be submitted to the Forest Service within the timeframes indicated below for each stage.
- 8.3 **Form 1 - Application for Pre-Woodland Approval**
Application for approval under the Woodland Improvement Scheme must be made using the Application for Pre- Approval - Form 1. The applicant and a Registered Forester must complete the application form following a site visit and detailed field assessment by the Registered Forester.
- 8.4 Approval is only valid up to and including the expiry date specified in the letter of approval.
- 8.5 **Form 2 - Application for 1st Instalment Woodland Improvement Grant**
Application for payment of the 1st Instalment 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 Forester must complete the application following a site visit and a detailed field and forest plot assessment by the registered forester. The application form sets out the requirements to be met to make a valid application. Where supporting documentation could relate to more than one contract, individual copies of the documentation must be submitted with each separate Form 2 claim.
- 8.6 Where a Form 2 application is lodged with the Department within the required 12 weeks time-frame but supporting documentation remains to be submitted, the application will be held open for a maximum of 2 calendar years from the date of completion of the works. Payment of the fixed grant may be made on receipt of supporting documentation up to 6 years after the date of completion. After year 6 the grant will be forfeited and the contract considered terminated if a fully valid claim with all necessary documentation has not been lodged in the Department. Non-payment of a forester or forestry company for works carried out will be a matter for resolution between the plantation owner and the forester or forestry company and the Minister shall bear no liability.

9.1 Environmental Considerations

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

9.2 Other Information

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

9.3 Consultations and Public Notification Procedure

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.

9.4 Pre-Approval

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 Forest Service 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.

10.1 Silvicultural Standards

An applicant must comply with all scheme requirements as detailed in Annex 2 and the *Forestry Standards and Procedures Manual*.

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

As an accredited EU paying agency, the Department of Agriculture, Food and the Marine is obliged to carry out checks and controls on all applications. Under Cross Compliance requirements, a farmer receiving direct payments must respect the various statutory management requirements set down in EU legislation (Directives and Regulations) on the environment, food safety, animal health and welfare, and plant health; and must maintain the lands in good agricultural and environmental condition (GAEC). Regulation (EU) 1306/2013 sets out rules on cross compliance pursuant to article 93 which includes the

Statutory Management Requirements (SMRs) and standards for GAEC that must be observed on lands in receipt of Direct Payments. Detailed documents setting out the requirements and penalties applicable for each area based scheme under CAP 2015-2019 are available from the relevant section of the Department. Contact details and further information are available on the Department's website (www.agriculture.gov.ie).

- 11.2 Subject to Section 11.1 above regarding the Basic Payment Scheme, beneficiaries of the *Afforestation Grant and Premium Scheme* must ensure that afforested land entered into the scheme is not included, or the subject of a claim, under any other area based scheme administered by the Department. The Minister may impose adjustments, reductions in payments and/or penalties or may recoup money already paid if an application under the scheme exceeds the area approved, and/or overlaps with an area which is the subject of a claim under another area-based scheme administered by the Department.

12.1 Good Practice and SFM

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

13.1 Payment

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

- 13.2 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 arose.
- 13.3 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.

14.1 Penalties

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

- 14.2 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.
- 14.3 Penalties may include the repayment of all or part of the grant.
- 14.4 Monetary penalties shall include interest payable at the rate provided for under *S.I. No. 13 of 2006*. Interest shall be calculated for the period elapsing between a date specified in a notification to the applicant of the repayment obligation and either repayment or recovery by deduction.
- 14.5 Penalty amounts may be deducted from future payments due to the Applicant under the forestry schemes or from payments due under other schemes administered by the Department. Where monetary penalties are not paid or recovered within the period requested, the Department may take whatever action is deemed necessary for their recovery. The Department may also recover the monies as a simple contract debt in a court of competent jurisdiction.
- 14.6 The principle of proportionality will apply. Penalties may be imposed that are, in the opinion of the Minister, proportionate to the alleged breach of the Scheme.
- 14.7 The imposition of a penalty shall not relieve an Applicant of an obligation to comply with an instruction from the Minister to undertake remedial works in respect of a forest.

15.1 Appeals

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

- 15.2 In the course of re-examining a decision by a deciding officer, the Appeals Committee shall not be confined to the grounds on which the decision of the deciding officer was based, but may decide the question as if it were being decided for the first time.

- 15.3 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.
- 15.4 Appeals should be made in writing, giving detailed grounds for the appeal, to the **Appeals Section, Forest Service, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford**. Appeals are currently considered by the Forestry Appeals Committee. The issue of appeals is currently under review.

16.1 Change of Applicant

The Department must be notified in advance if:

- i. a grant-aided forest is transferred, sold, leased or otherwise disposed of by the applicant during the term of the woodland improvement contract; or
 - ii. a judgement mortgage or an inhibition or similar restriction is placed on the Folio for the afforested land during the term of the contract.
- 16.2 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 Forest Service must be notified as soon as possible by the deceased's next-of-kin, legal personal representatives or registered forester.
- 16.3 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.
- 16.4 New applicants must submit all necessary documentation as early as possible and no later than one year after the date of the deed of transfer for the land ownership change, or the date that a deceased applicant's estate is settled. Failure to meet these deadlines may result in a new owner not being admitted to the scheme and the contract will, in effect, be terminated.
- i. In every case, all documentation relating to change of ownership and applications for payments must be submitted before the expiry of the term of the contract. In exceptional circumstances (e.g. delays in finalising a deceased person's estate), the date by which documents must be submitted may be extended at the discretion of the Minister.
 - ii. All decisions regarding eligibility for payment of grant 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.

- iii. 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.

- iv. 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

- v. payments into account in the timing and terms of their legal arrangements and/or contracts for sale.
 - vi. In exceptional circumstances affecting a change of ownership process, at his or her discretion, the Minister may extend the closing date of a contract subject to such conditions as may be specified by the Minister.
 - vii. 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.
- 16.5 **Further information** about the procedures involved when a grant-aided forest is being transferred, sold, leased or otherwise disposed of during the term of the contract is available at <http://www.agriculture.gov.ie/forests/forests-service-general-information>
- 16.6 The Minister reserves the right to alter these procedures from time to time.

17.1 Joint Management Consent

A landowner may enter into a joint management arrangement with an immediate family member to jointly manage the forest and assign the 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).

- 17.2 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.
- 17.3 A joint management arrangement may be cancelled at any time provided the owner takes over the obligations of the scheme.

18.1 Right of Entry

The Minister reserves the right to carry out inspections at reasonable times on any land submitted for pre-approval or on any land for which 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.

19.1 Responsibility for Forest Management

Responsibility for the successful thinning and tending and/or other 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.

- 19.2 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 thinned and /or tended in accordance with the schedules in Annex 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 be thinned as approved.

20.1 Insurance

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

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

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

- 21.2 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.

- 21.3 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.

22.1 Overpayments made in relation to a scheme contract

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

- 22.2 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.

23.1 Review of Financial Aids

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

24.1 Procedures

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

25.1 Tax Clearance Requirement

It is a condition of this Scheme that all grant-aided activities shall be conducted in compliance with the laws of the State relating, inter alia, to tax and employment. Proof of compliance, such as the provision of Tax Clearance Certificates, may be required by the Department.

25.2 Value Added Tax:

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

26.1 Information and Data Protection

The Minister reserves the right to make information available to the public regarding the areas covered by the Scheme including the number of participants,

farms, historical and archaeological sites, hectares covered, forest location etc. while continuing to observe the terms of the Data Protection Act.

- 26.2 Under State Aid rules (see Annex 4) the Department will publish details of beneficiaries that fall within the categories described.
- 26.3 By declaring their eligibility and consent to apply for the woodland improvement scheme, applicants must agree to the release of non-personal information supplied by them in respect of their application to comply with current environmental consultation procedures. Furthermore, applicants consent to be contacted by the Department in respect of approved forestry training courses. Applicants must also consent to the release of their details to Teagasc and Timber Producer Groups who may subsequently communicate with applicants in relation to the forestry training and development and the harvesting of timber.
- 26.4 All information supplied by applicants in respect of a woodland improvement approval and/or grant claim and any supporting documentation shall be made available to any other Department or Agency or Local Authority for the purposes of consultation, Audits, Cross Compliance Controls and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Acts.

27.1 Further Conditions

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

28.1 Forestry Act, 1946

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

Annex 1

Grant Payable

Maximum Grant Levels.

	Fixed Grant - €/ha (per treated hectare)
Thinning and Tending	750

A treated hectare is eligible for one payment under the Woodland Improvement Scheme. Areas which have already received payment under this scheme for a past tending or thinning operation are not eligible to apply again for subsequent thinning/tending interventions. The maximum grant aid is €750 per treated hectare over the full rotation of the crop.

Annex 2

Silvicultural Guidance for Tending and Thinning of Broadleaves (Woodland Improvement Scheme)

This element of the Woodland Improvement Scheme applies to young broadleaved woodlands (planted post 1980) that are suitable for tending or thinning. Area and width criteria as per the Afforestation Scheme apply. Grant aid for the treated area is available for either tending or thinning operations depending on which is the most appropriate to the site (i.e. it is not necessary to carry out both sets of operations for grant aid.)

Broadleaf sites and crops vary. Alternative silvicultural systems to those outlined in the tables below may be proposed where they provide value for money. Any alternative method must be provided with a similar level of detail to that provided below, in advance, in writing and attached to the Form 1.

The tables below refer to Potential Crop Trees (PCTs). These are the better trees in the forest (in terms of vigour, straightness, quality and freedom from diseases etc.) that are evenly distributed in the forest so that they will potentially form the final crop of high value trees after a number of thinning operations. There are some operations which although desirable are not mandatory. The primary purpose of the scheme is to reduce the number of stems per hectare and allow the development of potential final crop trees (PCT).

The following points apply to the Woodland and Improvement Scheme and associated schedules;

- It is not necessary to cut, stack and extract timber to roadside. However felled trees must be left in a safe and orderly manner with no trees left hanging up
- There is no requirement to spray coppice re-growth from cut stumps
- PCT trees and trees to be removed must be marked in the thinning control plot. However there is no requirement to mark PCTs in the entire plantation for tending operations. This requirement will now also extend to the first thinning operation. However it should be noted that marking of PCT trees in subsequent thinning operations is desirable to ensure the best stems are managed and identified during the crops development. The location of all thinning control plots must be marked with an "X" on the claim map.
- It is not mandatory to mark all trees for removal where selection and harvesting is carried out by chainsaw by experienced operators. However if harvesting machines are to be used all broadleaved trees to be removed must be marked.
- Harvesting and forwarding machines must be selected to match the site and crop conditions to limit damage to remaining trees and soils
- The removal of diseased trees (other than trees infected with *Chalara*) in poor crops can take place over successive tending and thinning operations
- In some conifer/ broadleaved mixed crops it may be desirable to remove all conifers in one operation. Where this is silviculturally desirable it must be stated in the preapproval application and must be approved in advance of the operation taking place
- Areas of the plantation that are poor in quality and untreated must be mapped out and not claimed as part of the treated area. Untreated areas are not eligible for grant aid. Where untreated areas are less than plot size it is acceptable to reduce the gross area by

the equivalent amount by entering an “exclusion” in the plot table on the Form 1 and 2 application e.g.in a 10 ha plot, an area of 8 ha is treated, in this case the claimed area is 8 ha and 2 ha is recorded in the plot table as an “exclusion”. The payable digitised area is 8 ha (10 – 2 ha).

Table 1: Pure stands of Ash / Sycamore / Norway Maple / Alder

Grant	Top Height	Operation
Tending	<p>Minimum 8 m</p> <p>Tending should coincide with the shading out of the lower 3-4 metres of side branches.</p> <p>In cases where initial stocking was low or where there were many failures side branch suppression and consequently tending will be delayed.</p>	<ul style="list-style-type: none"> • At tending stage the current stocking should be reduced by 40 to 50%. • A line of trees to be removed every 7 to 10 lines for access purposes is advised (not mandatory). • Marking of 300-400 PCTs (potential crop trees) per hectare at this point is advised (not mandatory). • At least 2 strong competitors around each candidate PCT should be removed • Wolves, diseased and cankered trees and weaker trees should also be included in the trees to be removed. • The trees to be removed should be marked (not mandatory outside of control plots where harvesting is by chainsaw). • Pruning may be necessary but should concentrate only on the removal of disproportionately large side branches and forks of candidate PCTs. • Establish thinning control plots in line with the above, prior to thinning operations (\approx one per homogenous unit, 20m by 20m) • Cut trees should be delimited and stacked. Alternatively they can be windrowed in a safe manner allowing free access through the site.
Thinning	12-15 m	<ul style="list-style-type: none"> • Consider identifying using a ring of paint approximately 300 potential crop trees per hectare (not mandatory) • Carry out a heavy crown thinning favouring selected trees removing 2 to 3 competitors to PCTs • Any live branches remaining (or dead branches that haven't fallen off) up to 6 metres on PCTs shall be removed by pruning. (or less than 6 metres where 6m of straight stem is not available) • Cut trees should be delimited, cut into lengths and stacked • Establish thinning control plots in line with the above, prior to thinning operations (\approx one per homogenous unit, 20m by 20m)

Table 2: Oak / Scots Pine or Oak/European Larch

Grant	Top Height	Operation
Tending	<p>*8-10 m (oak)</p> <p>*Nurse trees must be removed if they begin to dominate or interfere with the height and crown development of oak regardless of the height of the oak and the amount of trees to be removed.</p>	<p><u>Mixtures (initial stocking 1250 conifer, 3300 oak)</u></p> <ul style="list-style-type: none"> • Two conifer lines in every three to be taken out and other conifers should also be removed where they interfere with the height and crown development of the oak. • Ring barking of some trees may be appropriate in certain situations. • Where present, oak wolves (i.e. trees in the upper canopy (dominant/co-dominants) with defective stems and large, rough lateral branches) should be removed. • Retain sub dominants to reduce epicormic branching. • Artificial pruning may be required where form is poor and should concentrate only on the removal of disproportionately large side branches and forks. • Establish thinning control plots in line with the above, prior to thinning operations (\approx one per homogenous unit, 20m by 20m) <p><u>Pure Oak Crops (initial stocking 6600 trees/ ha)</u></p> <ul style="list-style-type: none"> • No tending required just 1st thinning. (see below) <p><u>Pure Crops. (initial stocking < 2500 trees /ha)</u></p> <ul style="list-style-type: none"> • No tending required just 1st thinning. (see below)
Thinning	10 – 12m (oak)	<p><u>Mixtures</u></p> <ul style="list-style-type: none"> • Remove the remaining conifers when they begin to dominate or interfere with the height and crown development of the oak. • Consider identifying using a circle of paint approx 300 - 500 candidate PCTs. (not mandatory) • Remove strong competitors to the candidate PCT (normally one or two competing co-dominant per PCT) • Remove wolves. • Ensure suppressed trees and any understorey trees near PCT candidates remain to limit the development of epicormic branching. • A very small proportion of Scots pine and larch may be left in situ where appropriate • Establish thinning control plots (\approx one per homogenous unit, 20m by 20m) <p><u>Pure Crops (initial stocking 6600/ha)</u></p> <ul style="list-style-type: none"> • Establish racks every 14-20 m. • Remove strong competitors to the candidate PCTs. (one or two competing co-dominant per potential final crop tree) • Remove oak wolves, • Establish thinning control plots in line with the above, prior to thinning operations (\approx one per homogenous unit, 20m by 20m) <p><u>Pure Crops (initial stocking \approx 2500 trees /ha)</u></p> <ul style="list-style-type: none"> • First thinning in these crops will not take place until the crop has reached a top height 13-15 metres, estimated at 30-35 years of age) • Establish thinning control plots in line with the above, prior to thinning operations (\approx one per homogenous unit, 20m by 20m)

Table 3: Beech / Scots Pine or European Larch

Grant	Top Height	Operation
Tending	<p>*7-8 m</p> <p>*Nurse trees must be removed if they begin to dominate or interfere with the height and crown development of the beech regardless of the height of the beech and the amount of trees to be removed.</p>	<p><u>Mixtures (initial stocking 4400 beech, 833 conifer).</u></p> <ul style="list-style-type: none"> • Two conifer lines in every three to be taken out and other conifers where they interfere with the height and crown development of beech. • Ring barking of trees may be appropriate in certain situations • Where present beech wolves (i.e. a vigorous poorly formed tree) should be removed. • Artificial pruning may be required where form is poor and should concentrate on the removal of disproportionately large side branches and forks • Establish thinning control plots in line with the above, prior to thinning operations (\approx one per homogenous unit, 20m by 20m) <p><u>Pure Crops (initial stocking 6600 trees/ ha)</u></p> <ul style="list-style-type: none"> • No tending required just 1st thinning. (see below). <p><u>Pure Crops (initial stocking < 2500 trees /ha)</u></p> <ul style="list-style-type: none"> • No tending required just 1st thinning. (see below).
Thinning	12-15	<p><u>Mixtures</u></p> <ul style="list-style-type: none"> • Remove all lines of conifers where beech trees have reached 10 metres in height or when they begin to dominate or interfere with the height and crown development of the beech. • Consider identifying using a circle of white paint approx 400-500 potential final crop trees per hectare and carry out a crown thinning • On exposed sites 10% of conifers should be left in groups to provide shelter to remaining beech crop. Some nurse trees may be allowed to grow to full rotation. • Remove strong competitors to the potential final crop trees. (one or two competing co-dominant per potential final crop tree) • Remove wolves, crooked and badly forked stems within beech lines • Establish thinning control plots in line with the above, prior to thinning operations (\approx one per homogenous unit, 20m by 20m) <p><u>Pure Crops</u></p> <ul style="list-style-type: none"> • Establish racks every 14-20 m. • Remove strong competitors to the candidate PCTs . (one or two competing co-dominant per potential final crop tree) • Remove beech wolves • Establish thinning control plots in line with the above, prior to thinning operations (\approx one per homogenous unit, 20m by 20m)

Table 4: Thinning Schedule Cherry

Grant	Top Height	Silvicultural Operations
Tending	6-8	<ul style="list-style-type: none">• Identify using a circle of white paint approx 200 potential final crop trees per hectare and carry out a crown thinning (non-mandatory)• Crowns of cherry should not be touching after thinning• Maintain 40% live crown• Remove diseased trees• Prune selected final crop trees before branch diameter is greater than 3 cm. Green pruning of cherry is necessary every four years on good sites up to a minimum height of 6 metres, where available.• Establish thinning control plots in line with the above, prior to thinning operations (\approx one per homogenous unit, 20m by 20m)
Thinning	15	<ul style="list-style-type: none">• Continue to release 200 final crop trees from competitors

Annex 3

Penalties

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

Annex 4

State Aid Requirements

1. The incentive effect

SMEs and beneficiaries must indicate on the application form for aid under the measures proposed that “The work described herein, would not have been undertaken if it wasn’t for the financial support provided under state aid rules. Without this aid there would be no change to current activities.” For large companies documentary evidence must be submitted in relation to the counterfactual (what would happen without the aid) for each of the measures proposed. This involves a credibility check of the counterfactual to establish that the company would not 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,

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

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

3. 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.

4. Proportionality of the aid

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

5. Transparency

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

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

Annex 5

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 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.
- ‘Appropriate Assessment’ means an assessment in accordance with the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011)
- ‘Registered Forester’ means a qualified person named on the Register of Foresters and Forestry Companies, available from the Department.
- ‘Completion Date’ means the date the woodland improvement works are completed.
- ‘Department’ means the Department of Agriculture, Food and the Marine.
- ‘Environmental Impact Assessment (EIA)’ means an assessment in accordance with the European Communities (Forest Consent and Assessment) Regulations 2010 (S.I. No. 558 of 2010), as amended.
- ‘Farm’ or ‘Holding’ means all the land parcel production units in the State (owned, leased or rented) that are under the control of the applicant.
- ‘Farmer’ is defined as a person who carries out an agricultural activity such as ‘the rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animal for farming purposes’.
- ‘Forest’ is as defined in the European Communities (Forest Consent and Assessment) Regulations 2010 (SI 558 of 2010) - *“land under trees with (a) a minimum area of 0.1 ha, (b) tree crown cover of more than 20% of the total area, or the potential to achieve this cover at maturity”*.
- ‘Forestry Environmental Guidelines’ means the following publications as amended from time to time: ‘Forestry and Water Quality Guidelines’; ‘Forestry and Landscape Guidelines’; ‘Forestry and Archaeology Guidelines’, ‘Forest Biodiversity Guidelines’; ‘Forest Harvesting and the Environment Guidelines’; ‘Forestry and Aerial Fertilisation Guidelines’; ‘Forestry and Forest Protection Guidelines’; Otter Guidelines and ‘Forestry and Freshwater Pearl Mussel Requirements’. The Minister may, from time to time, amend the guidelines or add further guidelines to this definition.
- ‘Forest Service’ means the Forestry Division of the Department of Agriculture, Food and the Marine.
- ‘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*.
- ‘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.

end