



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

## *Element 1, Woodland Improvement Scheme - Thinning*



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## 1 Introduction

- 1.1 This scheme will provide two thinning interventions for all broadleaf and broadleaf mixed forests regardless of whether or not they are grant aided. Both interventions are applied for separately using the Form 1 and Form 2 process.
- 1.2 The aim of both thinning interventions is to provide financial support to forest holders towards the cost of woodland improvement works associated with thinning of broadleaf forests and broadleaf mixtures that meet the required eligibility criteria. The scheme facilitates the enhancement of the environment associated with thinning. Thinning 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 also benefits biodiversity by increasing light levels which contributes to the development of shrub and ground flora.
- 1.3 Funding may also be provided for brushing 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.

## **2 General Outline and Legal Basis**

- 2.1 The scheme is 100% Exchequer funded under the following legal framework;
- 2.2 European Union guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 – 2020;
- 2.3 The Scheme is administered by the Department of Agriculture, Food and the Marine and operates throughout the State. The Scheme shall be operational from 1<sup>st</sup> November 2018 for a period to be determined by the Minister for Agriculture, Food and the Marine.
- 2.4 Participation in the Scheme is voluntary.

## **3 State Aid requirements**

### *3.1 The incentive effect*

SMEs and beneficiaries must indicate on the Form 1 that “The work described herein, would not have been undertaken if it wasn’t for the financial support provided under state aid rules. Without this aid there would be no change to current activities.” For large companies documentary evidence must be submitted in relation to the counterfactual (what would happen without the aid) for each of the measures proposed. This involves a credibility check of the counterfactual to establish that the company would not carry out works for example if aid wasn’t available. A counterfactual is credible if it is genuine and relates to the decision-making factors prevalent at the time of the decision by the beneficiary regarding the activity. Large companies must submit an internal company document (separate to the application form) showing that the

company has analysed the viability of the project – with and without aid – and showing the “incentive effect”. The document must clearly state what would have happened without the support available under this scheme. That means that the documentation (internal report) produced by the company must establish that the aid will cause at least one of the following:

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

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

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

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

### 3.2 *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.

### 3.3 *Transparency*

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

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

## **4 Objectives of the Scheme**

- 4.1 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:
- Improve the quality of hardwoods being produced thereby increasing the value of the broadleaf forest for the owner;
  - Timber production;
  - Encourage healthy tree growth;
  - Remove nurse species from conifer/ broadleaved mixtures
  - Landscape and biodiversity enhancement;
- 4.2 The aim will be to support the thinning and tending of 8,000 hectares of broadleaf and mixed forests under the programme 2014-2020.

## **5 Environmental services**

- 5.1 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.

## **6 Eligibility**

- 6.1 Individuals applying for participation in the scheme must be over 18 years of age and hold a Personal Public Service Number (PPSN). Companies must provide their company registration details (CRO number).
- 6.1 Applicants for technical approval must be the owner, leaseholder or joint manager of the land at the time of the application. Exceptions to this rule will only apply where: (i) the owner is deceased and his/her legal representative submits the application; or (ii) the owner consents in writing to the submission of the application in the name of a designated third party.
- 6.2 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*.
- 6.3 The Department will refuse applications for grant aid where it is found that an application was made by a person other than a person that meets the above criteria.
- 6.4 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.

## **7 Grant Aid for first and second thinning interventions**

- 7.1 A fixed woodland improvement grant towards the costs, subject to the maximum laid down in Appendix 1, will be available to private land-holders or companies for projects which comply with the requirements, terms and conditions of the Woodland Improvement Scheme. The scheme will comprise of two elements as follows;
- i) Element 1: First Intervention grant of €750/ha for all broadleaf forests and all broadleaf mixtures that meet the required eligibility criteria;
  - ii) Element 2: Second Intervention grant of €500/ha for all broadleaf forests and all broadleaf mixtures subject to eligibility criteria.
- 7.2 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.
- 7.3 Thinning operations supported under this scheme must have the potential to improve the quality of the crop and be carried out at the recommended top heights as outlined in the thinning and tending schedules in the scheme document for the species described (see Appendix 2). Funding will be targeted at the following forest categories on a first come, first served basis for both first and second thinning interventions;
- a. All grant aided broadleaves of plot size including broadleaved mixtures. In mixture crops the stand must be managed with broadleaves as the main component of the potential final crop. It will also apply to forests which have already received one grant aided intervention under the woodland improvement scheme for the purpose of this revised WIS scheme. Forests that have already received a thinning grant will only be eligible for a second intervention grant after a minimum of 4 years following completion of first thinning intervention works on the same area and once the top height has not exceeded 15m<sup>1</sup>.
  - b. Non grant aided reforestation sites where broadleaves have been planted, including natural regeneration.
  - c. All other young non grant aided broadleaves established without grant aid and broadleaved mixtures where 1st and 2nd thinning interventions takes place at the recommended top height as described in the schedules in the scheme document are eligible for funding.
- 7.4 The height rule does not apply to ash plantations.
- 7.5 The first intervention must be carried out before the crop reaches a top height of 15m; the second intervention must take place after 4 years of completion of works for the first intervention and before the crop reaches 15m top height (See Appendix 2).

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<sup>1</sup> *The height rule does not apply to ash plantations.*

- 7.6 Distinct areas of broadleaves greater than 0.2 ha which can be identified on a map as a plot and greater than 15m on top height will not be eligible for grant aid.
- 7.7 In all cases, applicants should only apply for the actual area to be thinned, for example, if a forest owner has 8 hectares of woodland but only 3 hectares require thinning, the application should be for 3 hectares.
- 7.8 The fixed grant for the first and second thinning interventions may be claimed immediately after works have been completed (Form 2 and Form 3). All payments of grants will be conditional on the forest being successfully thinned in compliance with the conditions of approval and standards as outlined in the *Forestry Standards and Procedures Manual* and schedules set out in Appendix 2. Any area thinned or tended outside of the approved area will not be eligible for grant aid.
- 7.9 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 and 3) 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.
- 7.10 Appendix 1 details the grant rate payable under the Scheme. The Minister reserves the right to alter these rates at any time. Beneficiaries of grant aid under this Scheme are required to retain all receipts and invoices relating to work undertaken 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.
- 7.11 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);
- 7.12 This measure is primarily aimed at private forest holders and other private law bodies, and their associations.
- 7.13 Forest owners can participate in the continuous cover forestry element of WIS if they have received one WIS funded intervention. In this case those forests can receive two further tranches of funding when transitioning to CCF.
- 7.14 The area under which works have been carried out in relation to subsequent interventions must match the area applied for at second and subsequent Form 2.
- 7.15 Applications will be on first come, first served basis up to the budget ceiling. Once the ceiling is reached support for WIS is deemed closed for that year.

## 8 Conditions of Aid

- 8.1. 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's, letters of approval and, where appropriate, remedial works notifications, form the terms and conditions of this contract. The contract will be identified by the contract number (CN) assigned to it by the Department when the application for approval (Form 1) is received.
- 8.2. Payments will be based on either the area claimed as eligible for payment by the applicant (on Form 2 and 3 and associated maps) or the area determined by the Department to be eligible for payment, whichever is the lesser.
- i. The Department's computerised mapping and payment system (iFORIS) is used by the Department to capture a digital representation of the payment area based on the applicant's claim map. Capturing the claim map in a digital form allows for the accurate measurement and calculation of the payment area. The process of electronically capturing the claim map is referred to as *digitisation*. The digitised area of a contract (i.e. the entire plantation) is the sum of the areas of the individual forest plots (excluding biodiversity) comprising that contract number or plantation. For each plot contained in an application for payment, the digitised area is the entire area of the forest plot within the perimeter boundary of that plot measured by the Department's iFORIS system.
  - ii. The determined area of a contract number or plantation is the sum of the areas, determined by the Department to be eligible for payment, of the individual forest plots comprising that contract number or plantation. The determined area is calculated by excluding any ineligible areas (e.g. power line corridors, rock, gas lines, ineligible areas of biodiversity).
  - iii. The claimed area is the total area of the forest plots specified by the applicant in the application as being claimed for payment of a grant. The claimed area is calculated by the applicant by deducting any part of the plot that is not eligible to receive a woodland improvement grant (e.g. power line corridors, rock, gas line and eligible biodiversity areas) from the digitised area.
  - iv. Whichever is the lesser of the claimed area or the determined area is deemed to be the area eligible for payment, known as the payable area. This is the area on which payments of woodland improvement grants will be based, subject to compliance with the requirements of the scheme as regards submission of proof of ownership, if requested.
  - v. Applicants are advised to only claim for the area eligible for a thinning intervention.
- 8.3. Where an area delineated as the payable area on a map submitted by the applicant differs from the area specified on the species plot table attached to a map or the area specified on the Form 2 the lesser of these areas will be deemed to be the area claimed by the applicant.
- 8.4. Where a notification (i.e. a remedial works letter) is issued to the applicant specifying remedial works required to bring his/her plantation up to standard, the date specified in that letter by which the works must be completed is binding on the applicant. In

exceptional circumstances, the Minister may grant an extension to that date. Requests for such extensions must be submitted in writing by the applicant and registered forester at least 30 days before the expiry of the original deadline for completion. Failure to complete the specified works to the satisfaction of the Department will result in a penalty, as set out in the document titled *Forestry Schemes Penalty Schedules (DAFM 2015)*.

- 8.5. 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.
- 8.6. Where the Department decides that it is not possible to bring the plantation, or part thereof, up to the required standard, no further payment will be made for that area. Where the grant and/or part thereof, is not to be paid, the Department may also require repayment of the amount paid in respect of the plantation or in respect of the area that does not meet the required standard.
- 8.7. 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:
- 8.8. All relevant EU requirements and national legislation for the time being in force
- 8.9. 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;
  - a. Forestry Standards and Procedures Manual;
  - b. Code of Best Forest Practice – Ireland;
  - c. National Forest Standard;
  - d. Department Environmental Guidelines.
- 8.10. An applicant must comply with all scheme requirements as detailed in Appendix 2 and the *Forestry Standards and Procedures Manual*.

## 9 Application Procedure

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

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

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

*9.1 Form 1 - Application for First and Second Intervention Grant*

9.1.1. Application for approval for both interventions under the Woodland Improvement Scheme must be made using separate applications for approval - Form 1. There is a specific Form 1 for the second intervention. The applicant and a Registered Forester must complete the application form following a site visit and detailed field assessment by the Registered Forester. It may not be possible to approve all Form 1 applications received therefore all Form 1 applications must be approved before the commencement of first or second thinning interventions.

9.1.2. Approval for both Thinning interventions is only valid up to and including the expiry date specified in the letter of approval.

9.1.3. A pre-approval issued under this Scheme may be subject to additional conditions as laid down by the Minister. These may be of a silvicultural or environmental nature, or may relate to other requirements. It is the responsibility of the applicant to ensure that all works are undertaken in compliance with the requirements of the Scheme. The Department accepts no responsibility or liability for costs incurred by an applicant on foot of pre-planting approval or at all.

NOTE: It is the responsibility of the applicant to inform the Department in writing of any proposed material change to the approval issued and to seek approval for any such change before thinning and/or tending works commence. Failure to obtain approval from the Department for proposed changes may render the pre-approval null and void.

*9.2 Form 2 - Application for First and Second Intervention Grant*

9.3.1. Application for payment both interventions under the Woodland Improvement Scheme must be made using a 'Form 2'. There is a specific Form 2 for the second intervention. 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.

9.3.2. 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. 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.

9.3.1. Where supporting documentation could relate to more than one contract, individual copies of the documentation must be submitted with each separate Form 2 claim.

## **10 Environmental Considerations**

- 10.1. 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.

## **11 Other Information**

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

## **12 Consultations and Public Notification Procedure**

- 12.1. The Department may consult with relevant consultation bodies including National Parks and Wildlife Service, the National Monuments Service, the Environmental Protection Agency, Inland Fisheries Ireland, the relevant local authority as part of the felling licence process. Other bodies may also be consulted with, as required.

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

- 13.1. 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](http://www.agriculture.gov.ie)).
- 13.2. Subject to paragraph 15.1 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.

## **14 Good Practice and SFM**

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

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

## **15 Payment**

- 15.1. As the contract under this Scheme is between the applicant and the Department, payment is made to the applicant. However, applicants may mandate grant payments to a registered forester or forestry company using a mandate document that satisfies the requirements of the Minister as set out in the *Forestry Standards and Procedures Manual*. Such mandates are a voluntary arrangement between the applicant and his/her registered forester or company. Mandates to other parties e.g. Contractors or Foresters not registered with the Department, will not be facilitated. In the event that a payment fails to be made in accordance with a valid mandate no liability shall be attached to the Minister.
- 15.2. If it is subsequently found that any undue payment or overpayment has occurred in respect of any grant or other payment made under the scheme, the Department will recover the entire amount of the undue payment or overpayment from the applicant, regardless of how the undue payment or overpayment or arose.
- 15.3. 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.

## **16 Penalties**

- 16.1. Failure to comply with the terms and conditions of the Scheme, incorporating The *Code of Best Forest Practice – Ireland; Forestry Standards and Procedures Manual*; circulars amending scheme requirements; and the relevant environmental guidelines and requirements may result in an appropriate penalty or sanction being applied.
- 16.2. 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.
- 16.3. Penalties may include the repayment of all or part of the grant.

- 16.4. 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.
- 16.5. 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.
- 16.6. 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.
- 16.7. 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.

## **17 Appeals**

- 17.1. The applicant, or a registered forester acting on behalf and with the written permission of the applicant, may appeal against a decision of the Department regarding (i) an application for a pre-approval; (ii) a grant or (iii) a penalty.
- 17.2. Appeals relating to a decision on applications should be made in writing, giving detailed grounds for the appeal, to the Appeals Unit, Forestry Division, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford. In the course of re-examining a decision by a deciding officer, the Appeals Unit shall not be confined to the grounds on which the decision of the deciding officer was based, but may decide the question as if it were being decided for the first time.
- 17.3. Appeals relating to a decision on a payment or the imposition of a penalty may request an internal review procedure within the Department of Agriculture, Food and the Marine. If the applicant is dissatisfied with the decision of the internal review, the person may appeal to the Forestry Appeals Office (AAO) within 3 months of notification of the decision under appeal. The appeal must be made in writing and addressed to the Director, Agriculture Appeals Office, Kilminchy Court, Portlaoise, Co. Laois, R32DTW5.

## **18 Change of Applicant**

- 18.1. The Department must be notified in advance if:
  - (a) a grant-aided forest is transferred, sold, leased or otherwise disposed of by the applicant during the term of the woodland improvement contract; or

- (b) a judgement mortgage or an inhibition or similar restriction is placed on the Folio for the afforested land during the term of the contract.
- 18.2. In the event of the death of the applicant i.e. owner, joint owner or joint manager who was claiming the woodland improvement grant, the Department must be notified as soon as possible by the deceased's next-of-kin, legal personal representatives or registered forester.
- 18.3. 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.
- 18.4. 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.
- 18.5. In every case, all documentation relating to change of ownership and applications for payments must be submitted before the expiry of the term of the contract. In exceptional circumstances (e.g. delays in finalising a deceased person's estate), the date by which documents must be submitted may be extended at the discretion of the Minister.
- 18.6. All decisions regarding eligibility for payment of grant will be made by reference to the level of compliance with the conditions of the Scheme, including the completion of outstanding remedial works, on the date of the deed of transfer of a plantation or the date that a deceased applicant's estate is settled. For example, where remedial works have not been satisfactorily completed by the date of the deed of transfer, the new owner will be responsible for completion of the remedial works and, once satisfactorily completed, s/he will be eligible to apply for payment of grants due for the period after the date of the deed if not already paid.
- 18.7. The Minister will refuse payment of grant to the previous owner(s) if s/he has failed to maintain the plantation to the standard required under the Scheme for the period of the woodland improvement contract under his/her ownership.
- 18.8. The Department will not divide grant payments according to ownership for part of a year; individual grant payments will not be split or subdivided. The parties to any sale or transfer should take these payments into account in the timing and terms of their legal arrangements and/or contracts for sale.
- 18.9. In exceptional circumstances affecting a change of ownership process, at his or her discretion, the Minister may extend the closing date of a contract subject to such conditions as may be specified by the Minister.
- 18.10. Where a debt is accrued under a contract for any reason and the cause of the debt has existed and/or continued during the ownership of more than one owner, the debt will be allocated in accordance with the amount of overpayment received by each owner; each owner will be responsible for repaying the overpayment s/he received.

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

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

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

## **19 Joint Management Consent**

- 19.1 A landowner may enter into a joint management arrangement with an immediate family member to jointly manage the forest and assign the woodland improvement grants to that family member. A joint management arrangement may only be made between immediate family members, namely the spouse, children, parents and/or siblings of the landowner. Joint Management Consent forms are available in the *Forestry Standards and Procedures Manual* (on the website under Forestry Publications).
- 19.2 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.
- 19.3 A joint management arrangement may be cancelled at any time provided the owner takes over the obligations of the scheme.

## **20 Right of Entry**

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

## **21 Responsibility for Forest Management**

- 21.1 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.
- 21.2 The inspection of a forest by the Department shall not relieve the Applicant of responsibility for the accuracy of applications submitted, the successful 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 Appendix 2 or other schedules as approved on application, the applicant will be required to repay all grants in respect of the woodland improvement or any part of the plantation which has not be thinned as approved.

## **22 Insurance**

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

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

- 23.1 Where, for the purposes of obtaining payment under this Scheme, the applicant or a person acting on his/her behalf knowingly makes a false or misleading statement or withholds essential information, the applicant's participation in the Scheme may be terminated and all or part of the aid paid shall be repaid.
- 23.2 Where an Applicant or a person acting on his/her behalf fails to abide by the terms and conditions of the Scheme, or there is any material change in the circumstances of the applicant which would be in conflict with the letter or the spirit of the Scheme, the applicant's participation in the Scheme may be terminated and all or part of the aid paid shall be recovered by the Department. The Department may offset the amount owed from any other monies due to the applicant by the Department or it may seek to recover the amount as a simple contract debt in a court of competent jurisdiction.
- 23.3 The obtaining of aid under the Scheme by fraudulent means by the applicant or others acting alone or together may render such persons liable to prosecution.

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

- 24.1 Where any overpayment is made due, inter alia, to over claim or over declaration by the applicant or his/her agent, or to error or miscalculation by the applicant, his/her agent, or the Department, the money overpaid may at the discretion of the Minister be recouped from the applicant who received the overpayment. Such recoupment will be decided on a case by case basis, taking into account any mitigating factors, including culpability.
- 24.2 Amounts to be recouped may be deducted from future payments due to the Applicant under the forestry schemes or from payments due under other schemes administered by the Department. Where debts are not recovered within the period specified, the Department may take whatever action is deemed necessary for their recovery. The Department may also seek to recover the amount as a simple contract debt in a court of competent jurisdiction.

## **25 Review of Financial Aids**

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

## **26 Procedures**

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

## **27 Tax Clearance Requirement**

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

### *27.1 Value Added Tax:*

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

## **28 Data Protection - Data Protection Notice:**

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

- 28.1.1. The Department of Agriculture, Food and the Marine is fully committed to keeping all personal data, submitted by our customers, fully safe and secure during our administrative processes. All necessary technical measures have been put in place to ensure the safety and security of our systems which hold this data. The staff of the Department are also considered customers of the Department from a Data Protection perspective and may exercise their rights in the same way.
- 28.1.2. Transparency and openness in the use of personal data held is important to the Department and therefore we aim to fully inform all our customers about the purpose(s) that their data will be used for and why, where it may be shared elsewhere and why and how long their data may be held for by the Department. Information on the rights of the customers will also be provided.
- 28.1.3. The current legislation for Data Protection in Ireland is the Data Protection Act 1998 as amended by the 2003 Data Protection Act. The General Data Protection Regulations (EU 2016/679) will come into effect on 25 May 2018.
- 28.1.4. The Data Controller for the collection of all personal data in the Department of Agriculture, Food and the Marine is the Minister for DAFM, as the legal entity.
- 28.1.5. The Data Protection Officer can be contacted as follows:  
Data Protection Officer  
Data Protection Unit, Corporate Affairs,  
Department of Agriculture, Food and the Marine

Grattan Business Park, Dublin Road,  
Portlaoise, Co Laois

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

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

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

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

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

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

### **The following data is specific information in relation to the personal data processed for Element 1, Woodland Improvement Scheme**

Specified purpose:

- 28.2.1. The purpose for collection and use of the data shall not extend beyond Element 1 and 2, Woodland Improvement Scheme, and the objectives of this scheme as outlined. This may include future surveys to determine the level of forest management activity undertaken following participation in the scheme.
- 28.2.2. The organisers\administrators and facilitators undertake to treat all information, particularly personal data as confidential and to comply with all directions of DAFM with regard to the use and application of all and any confidential information.

Legal basis:

- 28.2.3. The decision to participate in Element 1 and 2, Woodland Improvement Scheme and consequently send your contact details to the Department of Agriculture, Food and the Marine is entirely your decision; there is no legal basis compelling you to send the Department your contact details.

Recipients:

- 28.2.4. Organisers\administrators, facilitators and participants/nominees should be aware that all the information supplied on applications and in any supporting or related documentation shall be made available to any other Department or Agency solely for audit and evaluation purposes and as appropriate, and that the results of which may

be made public. No individual will be identified.

- 28.2.5. All information held on the Department systems may be made available to the DAFM or to any other Department or Agency where required, for scheme evaluation and statistical purposes, the results of which may be made public. No individual will be identified.
- 28.2.6. In accordance with the *European Union Guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 – 2020*, data of beneficiaries of funding under the Forestry Programme 2014 – 2020 will be published and may be processed by auditing and investigating bodies of the European Union. This information will be published on the Department’s website and will include the full text of the notified aid scheme and its implementing provisions, the granting authority, the names of the individual beneficiaries, the scheme type and amount of aid granted to each beneficiary, the region at Nomenclature of Territorial Units for Statistics level II in which the beneficiary is located and the principal economic sector in which the beneficiary has its activities, at NACE group level (Statistical classification of economic activities in the European Community). This will only apply to beneficiaries where the cumulative aid amount granted at financial approval is greater than €60,000 for beneficiaries active in the primary agriculture production and €500,000 for others for the amount of aid granted at the time of financial approval discounted at the rate at the time. Such information will be published after the granting decision has been taken and will be kept for at least 10 years and shall be available for the general public without restrictions. These records must be maintained for 10 years from the date of award of the aid and must be provided to the Commission upon request.
- 28.2.7. Information supplied to the Department may be disclosed under the Freedom of Information Acts 1997 and 2003. All personal data will be processed in accordance with the Data Protection Acts 1988 and 2003.

Transferred outside the EU:

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

Retention Period:

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

Data Provision being statutory or contractual obligation:

- 28.2.10. Submission of signed application forms confirm acceptance of the terms and conditions of the scheme and constitute acceptance of a contract between the Department and the applicant who is responsible for the successful completion of all works.
- 28.2.11. The applicant and foresters are required to supply data in support of the scheme to confirm involvement in forestry and Element 1 and 2, Woodland Improvement Scheme and to enable the Department to process payment following the successful completion of all works.

- 28.2.12. Incorrect or incomplete data or failure to supply data may result in exclusion from the scheme.

Automated Decision Making:

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

Information from Third Party:

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

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

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

## **29 Further Conditions**

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

## **31 Forestry Act, 2014**

- 31.1 All plantations are protected by the Forestry Act, 2014 (and any Act that succeeds or replaces that Act), which controls felling of trees. Under this Act, with certain exceptions, it is illegal to cut down any tree, grant-aided or not, unless a Felling Licence has been obtained from the Department.
- 31.2 Applicants must also ensure that a valid felling licence is in place for any felling to be carried out under the WIS. Felling licence enquiries should be made to the Felling Section in Johnstown Castle, Co. Wexford.

# Appendix 1

## Grants Payable

### Maximum Grant Levels.

	<b>Fixed Grant - €/ha</b> (per treated hectare)
<b>First Thinning Intervention</b>	<b>€750</b>
<b>Second Thinning Intervention</b>	<b>€500</b>

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 thinning operation are eligible to apply again for the second intervention.

## Appendix 2

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

Elements 1 and 2 of the Woodland Improvement Scheme applies to broadleaf forests and broadleaved mixtures 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
1 <sup>st</sup> Thinning Intervention	<p>Average 8 -15m</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"> <li>• At thinning stage the current stocking should be reduced by 40 to 50%.</li> <li>• A line of trees to be removed every 7 to 10 lines for access purposes is advised (not mandatory).</li> <li>• Marking of 300-400 PCTs (potential crop trees) per hectare at this point is advised (not mandatory).</li> <li>• At least 2 strong competitors around each candidate PCT should be removed</li> <li>• Wolves, diseased and cankered trees and weaker trees should also be included in the trees to be removed.</li> <li>• The trees to be removed should be marked (not mandatory outside of control plots where harvesting is by chainsaw).</li> <li>• Pruning may be necessary but should concentrate only on the removal of disproportionately large side branches and forks of candidate PCTs.</li> <li>• Establish thinning control plots in line with the above, prior to thinning operations (≈ one per homogenous unit, 20m by 20m)</li> <li>• Cut trees should be delimited and stacked. Alternatively they can be windrowed in a safe manner allowing free access through the site.</li> </ul>
2 <sup>nd</sup> Thinning Intervention	<p>Average 12-15 m</p>	<ul style="list-style-type: none"> <li>• Consider identifying using a ring of paint approximately 300 potential crop trees per hectare (not mandatory)</li> <li>• Carry out a heavy crown thinning favouring selected trees removing 2 to 3 competitors to PCTs, approximately 20-25%</li> <li>• Consider removing 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)</li> <li>• Cut trees should be delimited, cut into lengths and stacked</li> <li>• Establish thinning control plots in line with the above, prior to thinning operations (≈ one per homogenous unit, 20m by 20m)</li> </ul>

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

Grant	Top Height	Operation
1 <sup>st</sup> Thinning Intervention	<p>Average 8-15m* (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"> <li>• 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.</li> <li>• Ring barking or chemical thinning of some trees may be appropriate in certain situations.</li> <li>• 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.</li> <li>• Retain sub dominants to reduce epicormic branching.</li> <li>• Artificial pruning may be required where form is poor and should concentrate only on the removal of disproportionately large side branches and forks.</li> <li>• Establish thinning control plots in line with the above, prior to thinning operations (≈ one per homogenous unit, 20m by 20m)</li> </ul> <p><u>Pure Oak Crops (initial stocking 6600 trees/ ha)</u></p> <ul style="list-style-type: none"> <li>• No tending required just 1<sup>st</sup> thinning. (see below)</li> </ul> <p><u>Pure Crops. (initial stocking &lt; 2500 trees /ha)</u></p> <ul style="list-style-type: none"> <li>• No tending required just 1<sup>st</sup> thinning. (see below)</li> </ul>
2 <sup>nd</sup> Thinning Intervention	<p>Average 10–15m (oak)</p>	<p><u>Mixtures</u></p> <ul style="list-style-type: none"> <li>• Remove the remaining conifers when they begin to dominate or interfere with the height and crown development of the oak.</li> <li>• Consider identifying using a circle of paint approx 300 - 500 candidate PCTs. (not mandatory)</li> <li>• Remove strong competitors to the candidate PCT (normally one or two competing co-dominant per PCT)</li> <li>• Remove wolves.</li> <li>• Ensure suppressed trees and any understorey trees near PCT candidates remain to limit the development of epicormic branching.</li> <li>• A very small proportion of Scots pine and larch may be left in situ where appropriate</li> <li>• Establish thinning control plots (≈ one per homogenous unit, 20m by 20m)</li> <li>• Ring barking or chemical thinning of some trees may be appropriate in certain situations.</li> </ul> <p><u>Pure Crops (initial stocking 6600/ha)</u></p> <ul style="list-style-type: none"> <li>• Establish racks every 14-20 m.</li> <li>• Remove strong competitors to the candidate PCTs. (one or two competing co-dominant per potential final crop tree)</li> <li>• Remove oak wolves,</li> <li>• Establish thinning control plots in line with the above, prior to thinning operations (≈ one per homogenous unit, 20m by 20m)</li> </ul> <p><u>Pure Crops (initial stocking ≈ 2500 trees /ha)</u></p> <ul style="list-style-type: none"> <li>• 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)</li> <li>• Establish thinning control plots in line with the above, prior to thinning operations (≈ one per homogenous unit, 20m by 20m)</li> </ul>

**Table 3: Beech / Scots Pine or European Larch**

Grant	Top Height	Operation
1 <sup>st</sup> Thinning Intervention	Average 7-15m*  *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><u>Mixtures (initial stocking 4400 beech, 833 conifer).</u></p> <ul style="list-style-type: none"> <li>• Two conifer lines in every three to be taken out and other conifers where they interfere with the height and crown development of beech.</li> <li>• Ring barking or chemical thinning of some trees may be appropriate in certain situations.</li> <li>• Where present beech wolves (i.e. a vigorous poorly formed tree) should be removed.</li> <li>• Artificial pruning may be required where form is poor and should concentrate on the removal of disproportionately large side branches and forks</li> <li>• Establish thinning control plots in line with the above, prior to thinning operations (≈ one per homogenous unit, 20m by 20m)</li> </ul> <p><u>Pure Crops (initial stocking 6600 trees/ ha)</u></p> <ul style="list-style-type: none"> <li>• No tending required just 1<sup>st</sup> thinning. (see below).</li> </ul> <p><u>Pure Crops (initial stocking &lt; 2500 trees /ha)</u></p> <ul style="list-style-type: none"> <li>• No tending required just 1<sup>st</sup> thinning. (see below).</li> </ul>
2 <sup>nd</sup> Thinning Intervention	Average 12-15m	<p><u>Mixtures</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Consider identifying using a circle of white paint approx 400-500 potential final crop trees per hectare and carry out a crown thinning</li> <li>• 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.</li> <li>• Remove strong competitors to the potential final crop trees. (one or two competing co-dominant per potential final crop tree)</li> <li>• Remove wolves, crooked and badly forked stems within beech lines</li> <li>• Establish thinning control plots in line with the above, prior to thinning operations (≈ one per homogenous unit, 20m by 20m)</li> <li>• Ring barking or chemical thinning of some trees may be appropriate in certain situations.</li> </ul> <p><u>Pure Crops</u></p> <ul style="list-style-type: none"> <li>• Establish racks every 14-20 m.</li> <li>• Remove strong competitors to the candidate PCTs . (one or two competing co-dominant per potential final crop tree)</li> <li>• Remove beech wolves</li> <li>• Establish thinning control plots in line with the above, prior to thinning operations (≈ one per homogenous unit, 20m by 20m)</li> </ul>

**Table 4: Thinning Schedule Cherry**

<b>Grant</b>	<b>Top Height</b>	<b>Silvicultural Operations</b>
1 <sup>st</sup> Thinning Intervention	Average 6-15m	<ul style="list-style-type: none"> <li>• Identify using a circle of white paint approx 200 potential final crop trees per hectare and carry out a crown thinning ( non-mandatory)</li> <li>• Crowns of cherry should not be touching after thinning</li> <li>• Maintain 40% live crown</li> <li>• Remove diseased trees</li> <li>• 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.</li> <li>• Establish thinning control plots in line with the above, prior to thinning operations (<math>\approx</math> one per homogenous unit, 20m by 20m)</li> </ul>
2 <sup>nd</sup> Thinning Intervention	Average 8-15m	<ul style="list-style-type: none"> <li>• Continue to release 200 final crop trees from competitors</li> <li>• High prune branches leaving 40% of a live crown on PCTs</li> </ul>

## **Appendix 3**

### **Penalties**

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

## Appendix 4

### Definitions

For the purposes of this Scheme:

- ‘Applicant’ means a person who has applied for Approval under the Scheme or has planted woodland following an Approval under the Scheme;
- ‘Approval’ means a Woodland Pre-Approval granted by the Minister;
- ‘Application, Pre-Woodland Improvement Approval – Form 1’ means an application for the Minister’s approval to carry out improvement works under the terms of all current legislation, guidelines and the conditions of this scheme.
- ‘Application – Woodland Improvement Grant – Form 1’ means an application for approval to receive a woodland improvement grant for thinning and/or tending works within the terms of the WIS.
- ‘Application – Woodland Improvement Grant – Form 2’ means an application to receive a woodland improvement grant following the successful thinning and/or tending works within the terms of the Pre-approval.
- ‘Application – Woodland Improvement Grant – Form 3’ means an application to receive a woodland improvement grant following the 2<sup>nd</sup> 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)
- ‘Completion Date’ means the date the woodland improvement works are completed.
- ‘DAFM’ means the Department of Agriculture, Food and the Marine
- ‘Department’ means the Department of Agriculture, Food and the Marine.
- ‘Environmental Impact Assessment (EIA)’ means an assessment in accordance with the European Communities (Forest Consent and Assessment) Regulations 2010 (S.I. No. 558 of 2010), as amended.
- ‘Farm’ or ‘Holding’ means all the land parcel production units in the State (owned, leased or rented) that are under the control of the applicant.
- ‘Farmer’ is defined as a person who carries out an agricultural activity such as ‘the rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animal for farming purposes’.
- ‘Forest’ is as defined in the European Communities (Forest Consent and Assessment) Regulations 2010 (SI 558 of 2010) - *“land under trees with (a) a minimum area of 0.1 ha, (b) tree crown cover of more than 20% of the total area, or the potential to achieve this cover at maturity”*.
- ‘Forestry Environmental Guidelines’ means the following publications as amended from time to time: ‘Forestry and Water Quality Guidelines’; ‘Forestry and Landscape Guidelines’; ‘Forestry and Archaeology Guidelines’, ‘Forest Biodiversity Guidelines’; ‘Forest Harvesting and the Environment Guidelines’; ‘Forestry and Aerial Fertilisation Guidelines’; ‘Forestry and Forest Protection Guidelines’; Otter Guidelines and ‘Forestry and Freshwater Pearl Mussel Requirements’. The Minister may, from time to time, amend the guidelines or add further guidelines to this definition.
- Form 1 – application for WIS 1<sup>st</sup> and 2<sup>nd</sup> grant approval.
- Form 2 – application for WIS 1<sup>st</sup> and 2<sup>nd</sup> grant payment.
- ‘Immediate Family Member’ means Spouse, Parent, Brother, Sister, Son or Daughter.

- ‘Joint Management Consent’ means consent submitted by the owner of specific lands consenting to the payment of grants and/or premiums to an immediate family member who jointly manages the forest.
- ‘Lease’ means a term of years absolute in possession for at least 40 years from the commencement date of the contract under the Scheme.
- ‘Minister’ means the Minister for Agriculture, Food and the Marine
- ‘Penalty Schedules’ means the schedules outlined and described in the “*Forestry Schemes Penalty Schedules (DAFM 2015)*” document.
- ‘Plantation’ means a plot or number of plots on the same holding, planted in a single planting season and the subject of a single application.
- ‘Plot’ means an area of one species or a species mix.
- ‘Scheme’ means the *Woodland Improvement Scheme 2014-2020*.
- ‘Registered Forester’ means a qualified person named on the Register of Foresters and Forestry Companies, available from the Department.
- ‘Sustainable Forest Management’ means the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economical and social functions, at local, national and global levels and that does not cause damage to other ecosystems.
- ‘The Department’ means the Forestry Division of the Department of Agriculture, Food and the Marine.