REF: Circular 6 of 2017

20th April 2017

To: All Registered Foresters and Forestry Companies

Revision of the Reconstitution Scheme (Chalara Ash Dieback) and Woodland Improvement Scheme (Element 1: Thinning and Tending) Rules for Grant-aided Forests affected by Ash Dieback disease.

The purpose of this Circular is to announce changes to the Reconstitution Scheme (Chalara Ash Dieback) and the Woodland Improvement Scheme (Element 1: Thinning and Tending) rules for grant-aided forests affected by Ash Dieback disease.

Reporting, inspection and testing of sites where Chalara Ash Dieback is suspect

All forest owners and Registered Foresters are encouraged to continue to report (with photographs, if possible) any forest plantations where there are concerns about unusual ill health in ash to the Forest Health Section of the Forest Service Inspectorate. Whilst the inclusion of a report on the suspected presence of Ash Dieback disease should always be made by the Registered Forester in the ‘Report of the Registered Forester’ section of the Form 3, they also still need to make a short but direct report (in writing or by e-mail) on the same matter to the Forest Health Section. However, please do not collect and submit your own samples as this is best undertaken by Department staff familiar with the relevant protocols.

The Forest Health Section will maintain a register of reports of possible cases of the disease, but will no longer routinely inspect and sample forest plantations where Ash Dieback disease is reported. In most cases the matter will be referred to the relevant District Inspector for a follow-up inspection and sampling (if appropriate). Any samples taken will be processed by the Forest Health Section for laboratory testing, with the results relayed to the relevant District Inspector for further progression (if the test result is positive) and the forest owner (in either case).

Notification to landowners and timeframes for completion of clearance works

The use of two different notification letters (one to the forest owner and the other to the Registered Forester on file) will cease. Owners of grant aided forests will be sent a single standard notification letter, in which they will also be advised that the Registered Forester currently on file as being involved in the establishment of their plantation has also been sent a copy.

The Forest Service will no longer routinely issue statutory Disposal Notices under Article 5 of the Destructive Insects and Pests Acts 1958 and 1991 (Hymenoscyphus fraxineus) Order 2015 (S.I. No. 479 of 2015). However, the Forest Service reserves the right to issue such notices on a case by case basis.
As a general policy, owners of grant aided forests in receipt of premiums under an Afforestation Scheme (which includes FEPS and NWS Establishment) will be reminded that the requirement to abide by the terms and conditions of the Scheme includes the obligation to satisfactorily maintain the plantation to Forest Service standards. This includes the need to support and maintain vigorous growth in the plantation and to take reasonable steps to prevent the entry and/or establishment of destructive forest pests and diseases. Failure to adequately protect and maintain a grant-aided forest can result in the cessation of premium payment and may ultimately result in the recoupment of all grant and premium monies received, unless remedial work is or other required interventions are satisfactorily carried out.

Owners of grant aided forests will be further advised of the availability and procedures involved in applying for financial support under the Reconstitution Scheme (Chalara Ash Dieback) or Woodland Improvement Scheme (Element 1: Thinning and Tending) to carry out works required in relation to the disease and, where applicable to undertake follow-up replanting to restore their forest to an acceptable standard.

The notification letter to owners of grant aided forests will -

a) Request them, within one month of the date of the letter to acknowledge receipt and confirm to the Forest Service that a Registered Forester is assisting them with the matter, indicating the name of the Registered Forester. This may be the Registered Forester currently on file as being involved in the management of their plantation or a different Registered Forester, if they so wish.

Failure to respond within one month will not in itself result in any penalty or stop being placed on premium payments. However, failure to respond and act within six months (as detailed below) will.

b) Require them within six months of the date of the letter to undertake the required ash clearance operations / disease control measures and confirm to the Forest Service that this work has been completed, or to request an extension to the deadline, with a justification for this request.

A further extension of up to six months may be granted where, within one month of the expiry of the first six month period, an owner applies to the Forest Service for an extension and provides a valid reason for such, e.g. difficulty he/she or his/her Registered Forester is having in sourcing contracting staff.

**Payment of outstanding Afforestation Grants and/or premiums**

Owners of grant aided forests will be advised that in respect of Forest Premiums, failure to undertake the required ash clearance operations/disease control measures and to notify the Forest Service of completion within the six month period will result in an automatic stop being placed on the processing of the next Premium payment, i.e. the next payment due after the six month deadline, or result in a stop being placed on the processing of the second next Premium payment. This stop will remain in place until completion of the required works is confirmed or as referred to above, an extension to the deadline requested and agreed with the Forest Service.
It is envisaged that sites where an ash plot has been required to be cleared (in whole or part) it will generally be replanted in the current or next planting season. The written prohibition on replanting within 12 months following removal of affected ash trees is rescinded.

Premium payments will be adjusted in the following calendar year only if a change arises from the replacement species.

Where a 2nd instalment afforestation grant is due for payment, and both the area not being reconstituted and the area which requires to be reconstituted has been successfully established to Forest Service standards save for the presence of the disease, the 2nd instalment afforestation grant due will be payable over the entire forest, based on the GPC(s) paid at Form 2 stage. This extends to sites that comprise entirely of ash which the Forest Service may require cleared so long as the plantation is over 4 years old and in the normal course of events is due its 2nd instalment afforestation grant, and so long as there is clear evidence that in all other respect, e.g. fencing, the site was successfully established to Forest Service standards.

However, where ash plots or plantations affected by Ash Dieback disease which aside from the disease have not been successfully established in accordance with the standards expected at Form 3 stage, e.g. where the plantation has not been maintained, the Forest Service will apply a 100% disallowance to the grant payable in respect of those area(s) not maintained to the required standard.

For the purposes of determining whether and/or where a 100% disallowance will apply in ash plots affected by Ash Dieback disease the extent of the disallowed area(s) will be calculated proportionately, i.e. the area(s) not being maintained to the required standard versus the area(s) being maintained to the required standard versus. Furthermore, but exclusively for the purposes of this revision of the Reconstitution Scheme and the application of this specific Forestry Standards rule, the standard for ‘not being maintained to the required standard’ shall be where the stocking is not free growing and is less than 70%. In addition, no remedial works under the Afforestation Scheme will be requested or required in respect of the ash trees in these cases.

An application for financial assistance under the Reconstitution Scheme (Chalara Ash Dieback) for an ash site that requires to be cleared and replanted (in whole or part) and the payment of an outstanding 2nd instalment Afforestation Scheme grant will not be linked, so long as the foregoing conditions and other related rules are satisfied.

**Categorisation of ash sites and eligibility for support schemes**

In view of the current situation with the disease, the fact that younger plants are more immediately susceptible to the disease, older trees succumb to the disease more slowly, and mature trees can survive infection for several years and the need to prioritise financial resources and actions on slowing the rate of spread of the disease and as far as practically possible to mitigate the most adverse environmental and economic impacts on the national forest estate and individual landowners, the focus of future large scale removal and replanting efforts will be on the younger ash plantations. Furthermore, given the increasing diversity of sites where the disease is now being identified and the practical constraints and increasing
costs associated with sanitation action plans, and notwithstanding the known risk of re-infection in the following growing season associated with spore production in leaf litter, the primary focus going forward will be on removing the infected ash trees themselves, i.e. the host species and conduit for long term spore production, and replanting the site with an alternate species as soon as practically possible thereafter.

Consequently, ash sites have been placed into three categories with eligibility as appropriate for one or both of the support schemes. See summary table below as well.

**Category 1:**

Owners of grant aided forests where the disease has been confirmed and where the ash trees in the affected plot are less than 7m in top height will continue to be required to remove all ash trees in the affected plot, including those trees not currently showing signs or symptoms.

These works will be eligible for financial assistance under the Reconstitution Scheme (Chalara Ash Dieback), subject to the terms and conditions of the scheme including the maximum grant rates set out in the Scheme document.

**Category 2:**

Owners of grant aided forests where the disease has been confirmed and where the ash trees in the plantation in question are on equal to or greater than 7m in top height but which do not meet with one or more of the three criteria for a Category 3 site will in the first instance only be required to remove the individual ash trees which show signs of infection in the affected plot(s)/plantation.

Owners of grant aided forests in this category, based on pre-application advice of their Registered Forester on the particular circumstances of their site and the level of disease currently evident in their ash trees may choose to apply for financial assistance for the required works under either the Reconstitution Scheme (Chalara Ash Dieback) or the Woodland Improvement Scheme (Element 1: Thinning and Tending).

Owners of grant aided forests in Category 2 who have chosen to avail of either the Reconstitution Scheme (Chalara Ash Dieback) or the Woodland Improvement Scheme (Element 1: Thinning and Tending) to remove and replant an infected plot of ash trees or a portion thereof, or to remove individual infected ash trees through thinning, will not be precluded from re-applying for assistance under the Woodland Improvement Scheme (Element 1: Thinning and Tending) for the remaining untreated portion of the plot / plantation at a future date, subject to meeting the eligibility criteria etc. of the scheme.

Where an owner of a grant aided forest in Category 2 chooses to first avail of the Woodland Improvement Scheme (Element 1: Thinning and Tending) to remove individual infected ash trees through thinning, they will not be precluded from re-applying for assistance under the Reconstitution Scheme (Chalara Ash Dieback) to clear and replant any remaining ash trees in that particular plot / or portion thereof at a future date, subject to meeting the eligibility criteria etc. of the Scheme. However, the maximum grant of €1,500/ha claimable under the
Site Clearance Grant (Removal and Destruction) element of the scheme will be reduced to €750/ha to ensure there is no double payment for the same work.

Owners of grant aided forests in Category 2 who have chosen to avail the Woodland Improvement Scheme (Element 1: Thinning and Tending) will be required to carry out a silvicultural thinning clearly targeting the removal of diseased ash trees. However, but exclusively for the purposes of the application of this scheme to grant-aided forests affected by Ash Dieback disease the minimum eligibility for criteria for the scheme, are as follow -

a) thinning of stands of ash that have a minimum top height of 7m; and

b) the minimum reduction in the current stocking rate required, consideration will be given for grant aid on application to any proposed regime involving a reduction in the current stocking rate of between 35% to 50% so long as the proposed reduction is targeted at the removal of diseased ash trees and a reasonable effort has been made by the forest owner and his/her Registered Forester to identify and remove all trees affected by the disease.

Where Category 2 sites are being treated under one or other of the schemes and the forest owner has chosen to only selectively thin or to only remove a particular plot or a portion thereof, the Forest Service recognises that in the remaining untreated portions of a plot/area, where further to inspection by the forest owner and their Registered Forester, there was a *bona fide* belief that it was free of disease, post-works and before inspection by the Department, it is very possible that further signs or symptoms of the disease may subsequently emerge on trees in that untreated area, e.g. where such ash trees were affected but initially asymptomatic. In these circumstances, the Forest Service will consider that a reasonable effort has been made by the forest owner and his/her Registered Forester to identify and remove trees affected by the disease where 1-in-20 (5%) or less of the ash trees in the untreated area are exhibiting signs or symptoms at the time of inspection.

**Category 3:**

Owners of grant aided forests where the disease has been confirmed and where the ash trees in the plantation or plot in question meet with one or more of the following three criteria:

a) equal to or greater than 15m top in height,

b) on average equal to or greater than 18cm in diameter at breast height (DBH), or

c) equal to or greater than 25 years of age

Owners of grant aided forests in this category, will be informed of the presence of infected/symptomatic ash in their plantation and advised through guidance notes on options for managing their situation, including advice on restocking with alternative species and appropriate bio-security measures for infected sites.

Based on pre-application advice of their Registered Forester on the particular circumstances of their site and the level of disease currently evident in their ash trees, the owner of grant aided forests planted after 1980 may also choose to apply for financial assistance to remove such trees under the Woodland Improvement Scheme (Element 1: Thinning and Tending), subject to meeting the eligibility criteria etc. of the scheme.
Owners of grant aided forests in Category 3 are not eligible for the Reconstitution Scheme (Chalara Ash Dieback). Consequently, applications for the Reconstitution Scheme (Chalara Ash Dieback) will not be accepted where the date of the receipt of the application for the Reconstitution Scheme is 25 years or more after the completion date certified by the forest owner or the Registered Forester in the documents submitted to the Forest Service in respect of the Afforestation Scheme under which the forest was first planted. Where such records may not be available established scientific methods such as an increment borer will be utilised by an authorised officer of the Minister to make the final determination as to eligibility.

**Categories 1, 2 and 3 - Summary Table**

<table>
<thead>
<tr>
<th>Grant aided forest category</th>
<th>Top height of trees/average DBH/age requirements</th>
<th>Clearance requirement / advice</th>
<th>Support schemes available</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>&lt;7m in top height</td>
<td>Must remove all ash trees in the affected plot(s)</td>
<td>Reconstitution Scheme (Chalara Ash Dieback) only.</td>
</tr>
<tr>
<td>2</td>
<td>≥7m in top height but not meet any of the Category 3 criteria.</td>
<td>Must remove the individual ash trees which show signs of infection in the affected plot(s) / plantation</td>
<td>Woodland Improvement Scheme (Element 1: Thinning and Tending) And/or Reconstitution Scheme (Chalara Ash Dieback)*</td>
</tr>
<tr>
<td>3</td>
<td>Meet any one of the following three criteria - a) ≥15m in top height, or b) ≥18cm average DBH, or c) ≥25 years of age</td>
<td>Advice on options for managing their situation etc.</td>
<td>Woodland Improvement Scheme (Element 1: Thinning and Tending) only.</td>
</tr>
</tbody>
</table>

* Where an owner of a grant aided forest in Category 2 chooses to first avail of the Woodland Improvement Scheme (Element 1: Thinning and Tending) to remove individual infected ash trees through thinning, they will not be precluded from re-applying for assistance under the Reconstitution Scheme (Chalara Ash Dieback) to clear
and replant any remaining ash trees in that particular plot / or portion thereof at a future date, subject to meeting the eligibility criteria etc. of the Scheme.

**Additional Broadleaf (ADB) portions of plots/plantations**

In a Category 1 and Category 2 situation the obligations under the relevant Afforestation Scheme continues to pertain and as a general rule such ADB areas must be replanted with an appropriate alternate broadleaf species where ash trees are removed under the Reconstitution Scheme. As pertained in the previous version of the scheme, a factor of 1.3 (which relates only to the clearance grant element) can be applied to the total area of ADB which requires to be treated, to reflect the increased costs of clearing ash within such areas.

Owners of grant aided forests in Category 1 will always be required to clear and replant (save in the case of the exception outlined below) an ADB where the ADB contains ash planted in conjunction with the planting of another affected ash plot/area in the same grant aided forest, regardless of whether or not the ADB itself is evidently affected.

Owners of grant aided forests in Category 2, will have discretion further to inspection and advice from their Registered Forester, as to how or if they treat the ash in that particular ADB, where an ADB which is not evidently affected and is not contiguous to any plot/area of pure ash or mixed planting with ash trees which is evidently affected. Owners of grant aided forests in Category 2 are required to clear and replant the ash in an ADB where the ADB is contiguous to any plot / area of pure ash or mixed planting with ash trees that are evidently affected, regardless of whether the ash trees in the ADB itself are currently exhibiting signs of infection.

However, as pertained under the previous version of the Reconstitution Scheme and the procedures document of 14th May 2013, where replanting at the original position of the removed trees is impractical (e.g. due to the small number of ash trees involved, their scattered nature, the age/height of retained trees of other species), replanting with the required number of trees may be focused on a specific and readily accessible section(s) within the ADBs involved.

As referred to above, an exception to the replanting obligation will be made for owners of grant aided forests in Category 1 and Category 2, where in the case of an ADB requiring clearance works, the ash trees are a component of a mixed species ADB and there are enough trees of other species remaining in the ADB after clearance to form an acceptable level of woodland cover within 10 years, i.e. where the ash tree component does not exceed 20% of the total stocking in the ADB and the other species are growing well and in the process of forming a canopy. In these cases, whilst there will still be a requirement to clear the ash (and all such felled or uprooted ash trees must be de-limbed and stacked or otherwise windrowed in a safe manner allowing free access through the site for future operations), there will be no requirement to replant.

Furthermore, in the case of these particular ADBs, i.e. where the replanting obligation has been waived, the applicant will not be eligible for the 1st Instalment (Replanting) or 2nd Instalment (Maintenance) elements of the Reconstitution Scheme for the ADB, and will only be eligible for the Site Clearance Grant (Removal and Destruction) element.
Sanitation Action Plans and the movement and/or marketing of timber derived from sites

The Sanitation Action Plan requirements are amended so that there are compulsory and advisory/non-compulsory elements.

The compulsory elements in the Sanitation Action Plan are:

a) Compulsory site clearance (with specific tree uprooting, tree felling, stump treatment with herbicide, recovery of wood for fuel wood, and recovery of biomass for energy options);
b) Compulsory site hygiene/bio-security measures (with specific wash down/disinfection stations, equipment, tools and PPE etc. requirements); and
c) Compulsory site restocking.

The advisory and non-compulsory elements in the Sanitation Action Plan are:

a) Additional bio-security measures (with specific leaf litter removal and destruction, disposal by deep burial, and disposal by chipping and deep burial on site options).

The minimum site clearance standard will be that any felled or uprooted ash trees are de-limbed and stacked or otherwise windrowed in a safe manner allowing free access through the site for future operations.

Where a forest owner chooses to undertake additional bio-security measures (under the advisory and not compulsory element) the costs of this work can be claimed up to the maximum grant threshold.

The current rules on the treatment, movement, labelling, and record keeping of timber derived from Ash Dieback disease affected forests which a forest owner *inter alia* intends to place on the market remain in place and are set out in the revised Template SAP document.

Felling licence requirement

As a decision has been taken that the Forest Service will no longer routinely issue statutory Disposal Notices under Article 5 of the Destructive Insects and Pests Acts 1958 and 1991 (*Hymenoscyphus fraxineus*) Order 2015 (S.I. No. 479 of 2015), where a person proposes to uproot trees over ten years of age or to cut down any tree, s/he will be required to apply for a felling licence under the Forestry Act 1946. Such licence applications should be included with the application for the Reconstitution Scheme and will be processed in conjunction with the application for the scheme.

Section 19(1)(c)(i) of the Forestry Act 2014 allows the Minister to exempt trees which require to be felled ‘to control or prevent the spread of ... a pest or disease’ from a felling licence requirement. The Forest Service will investigate whether this provision can be applied to applications for the Reconstitution Scheme, following commencement of the new Forestry Act.
Revised Scheme Documents and Forms

Revised scheme documents for the Reconstitution Scheme (Chalara Ash Dieback) and the Woodland Improvement Scheme (Element 1: Thinning and Tending) incorporating the changes to the rules and procedures detailed above will issue in the coming weeks. Revised version of the Form 1 (Application for Approval) and Form 2 (Application for Site Clearance Grant) forms utilised in the Reconstitution Scheme (Chalara Ash Dieback) will also issue in the same timeframe. In the interim forest owners and/or their Registered Forester are requested to utilise the current forms and make annotations/include a cover letter where required.

A revised Template Ash Dieback Disease Sanitation Action Plan accompanies this Circular and should be utilised for all future Reconstitution Scheme applications and any Woodland Improvement Scheme (Element 1: Thinning and Tending) application in relation to treating a grant-aided forest affected by Ash Dieback disease.

Existing approvals

Where a forest owner has an approval for the previous version of the Reconstitution Scheme in hand which has not been executed by the commencement of works they may choose to continue with that approval and the rules of the scheme that pertain when they received the approval or convert the unexecuted approval to an approval under the new revised scheme.

If the latter is the case, the applicant or their Registered Forester should formally write to Approvals Section in Wexford with a request to convert their approval. Such written requests must be accompanied by a copy of a revised Template Ash Dieback Disease Sanitation Action Plan for the site, signed by both the forest owner and the Registered Forester, indicating inter alia the compulsory and non-compulsory elements they intend to implement.

Supplementary FAQ document and non-binding guidance

A supplementary Frequently Asked Questions (FAQ) document and non-binding guidance inter alia addressing what the Forest Service considers to be low, low to moderate, moderate to high level of infection will issue shortly to assist Registered Foresters in advising their clients on the forest management options and scheme supports available to them.

Yours sincerely

Ann Cunningham
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