

Forests For Our Future



Forestry Grant Schemes Information Booklet 2020/21

Rural Development Programme 2014 - 2020



An Agency within the Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk



'The European Agricultural Fund
for Rural Development: Europe
investing in rural areas'.



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Rural Development Programme 2014 – 2020

Forestry Grant Schemes Information Booklet

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1. Introduction

The Forestry Grant Schemes outlined in this booklet are administered by the Department of Agriculture, Environment & Rural Affairs and offered through the Rural Development Programme 2014-2020.

Forest Policy

The Northern Ireland Forestry Strategy (DARD 2006) re-stated forest policy as:

- A steady expansion of tree cover to increase the many diverse benefits that forests provide; and
- The sustainable management of existing woods and forests.

The [Forestry Act 2010](#) gave the Department modern powers to implement the policy. The Explanatory Notes to the Act explain that modern forestry has developed from policies intended to create a strategic reserve of timber and to maintain a timber supply to something that is “*a complex and multi-functional enterprise, with increasing economic, social and environmental purposes and benefits*”, in which “*the modern Forest Service must balance these diverse and sometimes competing functions in an integrated and balanced way, and strive to maximise the benefit of the public estate*”. The Act placed a general duty on the Department to promote forestry, so that the traditional role of developing afforestation, the supply of timber, and the maintenance of growing trees which was the emphasis of the 1953 Act was extended to include protection of the environment, biodiversity, climate change and social and recreational use. The Rural Development Programme Forestry Grant Schemes provides funding for the delivery of the Forest Strategy in the private sector.

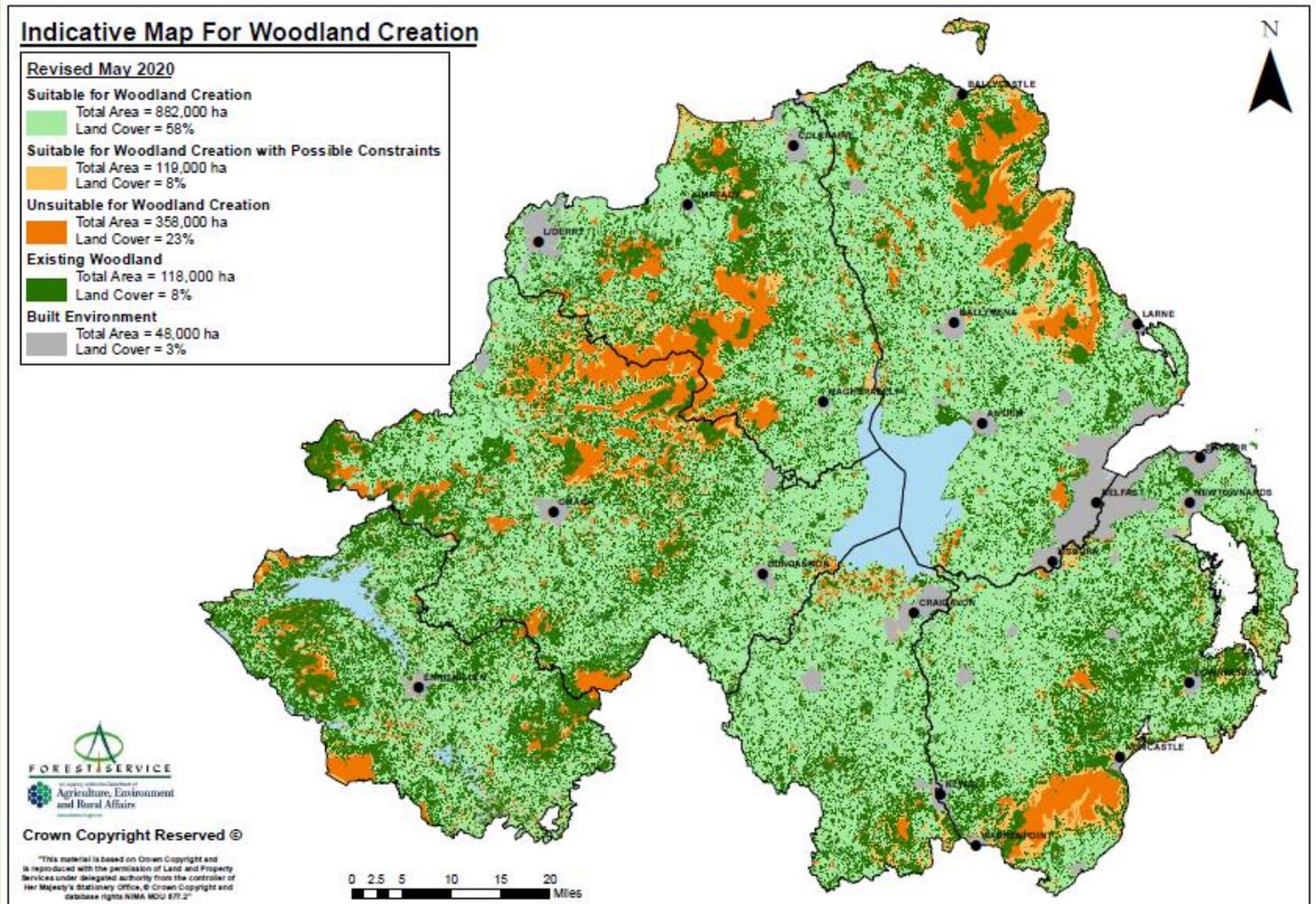
The delivery of forest policy is underpinned by the [UK Forestry Standard](#) (UKFS) which describes the Governments' approach to sustainable forest management. Therefore all forestry work undertaken through any of the Forestry Grant Schemes and the subsequent management of grant aided woodlands must meet the requirements of the UKFS and its supporting guidelines.

Rural Development Programme – Forestry Grant Schemes

Support for woodland expansion and the management of existing woodland under the Rural Development Programme (RDP) Forestry Grant Schemes is designed to provide both woodland owners and the general public with a wide range benefits obtained from ecosystems. These services include: social/health benefits related to public access to forests, particularly those close to settlements; environmental benefits such as carbon capture (sequestration), protection and conservation of biodiversity, improved water quality and flood mitigation; and, economic benefits such as timber/wood production and tourism businesses. Sufficient funding has been allocated under the RDP to create up to 1,800 hectares of new woodland and sustain approximately 4,000 hectares of woodland created under previous programmes. This will make a small but positive contribution towards the aim of the Forestry Strategy to achieve 12% woodland area by the middle of this century.

Woodland creation will take place on both agricultural and non-agricultural land, subject to environmental safeguards and taking into account the social, environmental and economic benefits of new woodland. Since farmers are the largest agricultural land-owning group, they are in a unique position to lead woodland creation. However it will

also be possible to support afforestation of land owned by public authorities and non farming landowners. Forest Service has published an indicative map of land suitable for woodland creation. www.daera-ni.gov.uk/publications/indicative-map-woodland-creation



2. Legal basis

The national legal basis for the Forestry Grant Schemes is the Forestry Act 2010 section 2¹. The Schemes operate in accordance with the Rural Development Programme 2014-2020 and are regulated by Commission Regulation (EU) No.1305/2013, Articles 21-22, 24-26 and under Measure 8. Funding is provided to the maximum permitted under the Commission regulation. This programme is part-funded by the European Agricultural Fund for Rural Development (EAFRD).

The Forestry Grant Schemes have been notified to the European Commission under Commission Regulation (EU) No. 702/2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (TFEU).

Articles 32, 34, 35 of Commission Regulation (EU) No. 702/2014 will be utilised by the Forestry Grant Schemes and are granted subject to assessment against the detailed conditions of the Regulation and will not exceed the €7.5 million limit per investment project.

Specific State Aid requirements for each scheme are specified in the State Aid section at the back of this Information Booklet.

¹ www.legislation.gov.uk/ia/2010/10/section/2/enacted

3. How to Apply

To apply under the Forest Expansion Scheme, Forest Protection Scheme and Woodland Investment Grant, applicants must complete an application form which can be obtained from Grants Branch (see Annex 3 for contact details) or downloaded from the [Forestry Grants Section of the DAERA website](#).

Before completing an application form you should familiarise yourself with this Information Booklet, the [State Aid Booklet](#) and any Supplementary Scheme Information. You should fill in the application form together with any supplementary documentation, giving all the necessary information requested, and submit it to Grants Branch before any specified scheme specific deadline.

You must **not** start any operations until you receive a Final Letter of Offer and confirmation that we have received your completed terms and conditions together with any other requested supporting documentation. This applies to all grant applications.

An application may be made by the owner (or owners) of the land or by a tenant, provided that all the parties concerned are specified and named in the application, and have signed the declaration. All applications require a DAERA Business ID Number. If you do not have a DAERA Business ID Number you can apply for one by contacting your local DAERA Direct office.

A Woodland Creation Plan or a Forest Management Plan must accompany your application. These plans state the objectives of management together with details of forestry proposals over the next 5 years and outlines intentions over a minimum total period of 10 years.

Forest Management Plans allow managers to demonstrate relevant elements of sustainable forest management for existing woodlands. In contrast, a Woodland Creation Plan is a plan to cover areas where new woodlands are proposed. Woodland Creation Plan and Forest Management Plan templates are available to download from the [Forestry Grants Section of the DAERA website](#).

4. Grant Schemes

4a. Forest Expansion Scheme

Introduction

This scheme encourages the creation of new forest blocks of at least 3 hectares and larger (the definition of a forest block is provided at annex 1). The main benefit delivered under the scheme is to increase carbon capture (sequestration) and reduce the amount of carbon dioxide in the atmosphere. Secondary benefits from the scheme include: the production of timber and wood for processing and marketing including material for renewable energy systems; improved biodiversity; improved water quality and public amenity value.

Eligibility

Grants are available for land owners, including:

- Farmers
- Landowners and estate owners
- Charitable organisations
- Local Councils (Establishment Grant Only)

Government bodies and agencies are not eligible to apply for Forestry Grant Schemes. The holder (manager) of land owned by Government departments and agencies can apply for an Establishment grant provided the manager is constituted as a private body, charitable organisation or Council.

Aims of the Scheme

The main aim of the Forest Expansion Scheme is to encourage applicants to establish new woodland at a landscape scale, with associated environmental, economic and social benefits. Support is provided for afforestation of both agricultural and non-agricultural land.

Support will be provided for:

- Costs of establishment including the costs of plants and planting and other costs such as ground preparation, protection and maintenance (between years 1-5) of the newly planted woodland.
- Payments for income foregone to cover loss of income compared to agricultural production for a maximum period of ten years.

The application for grant aid must describe the long-term objectives for the woodland and the work proposed in the next 5 years to meet these objectives. Wherever possible, there should be a single application for each property or group of woodlands managed as a unit.

The Forest Expansion Scheme is not available for:

- Planting in existing woodlands (including grazed woodland)
- Christmas tree growing
- Short rotation coppice
- Fast-growing trees¹ or trees planted for energy production (such as short- rotation forestry)

¹ Including but not limited to; Eucalyptus spp, poplar spp [except native black poplar].

Forest Expansion Scheme - Establishment Grant

Forest Expansion Scheme - Establishment Grants are paid for the creation of woodland on an area of land which is not already wooded.

Eligible costs include;

- Management (Implementation and Monitoring)
- Site preparation
- Fencing & Gates
 - See Annex 2 for minimum specification and maximum support rates &
 - Note applicants must submit evidence to justify the requirement
- Plant supply
- Tree guard supply
- Planting cost
- Vegetation management

Support payments are determined using a competitive bidding mechanism (referred to as a challenge fund mechanism) whereby applicants are assessed by judging which proposals contribute most to delivering the aims of the Forest Expansion Scheme at minimum cost ie. those projects offering best value for money will be prioritised and selected for funding. The Forest Expansion Scheme application form will detail criteria which are subject to change at each application phase depending on the needs at the time.

Woodland Creation Plan

All applications for the Forest Expansion Scheme must be accompanied by a Woodland Creation Plan which will detail:

- The objectives of the woodland owner.
- A map of the proposed planting area, at a scale not less than 1:10,000 and clearly showing:

- Site location
 - The proposed woodland boundary
 - Hazards and constraints [based on environmental checks]
 - Design and landscape features
 - Access
 - Ground preparation and drains layout where required
 - A scale and legend
- A detailed planting plan describing ground preparation and drainage where required, species selection (with percentages of each species by woodland or woodland block area), integral open space (with percentage of open space by woodland or woodland block area), planting density and tree protection.
 - Details of planned maintenance for the payment period.
 - An indication of proposed management once established.

Species Diversity Requirements

To meet Commission Regulation (EU) 807/2014 and the UK Forestry Standard, each new block of proposed afforestation must have the following proportions by woodland block area –

- A minimum of 3 tree species with each species component comprising 10% or more of the area
- 10% broadleaved trees or shrubs of which at least 5% must be native
- A minimum **additional** 10% managed for environmental objectives either established with species other than the 3 tree species above or as open space
- Up to a maximum of 20% open space.
- In blocks of 10ha or more at least 10% open space.

Material Changes to a Project

To ensure a fair and competitive selection process applicants cannot amend projects once submitted to the Department. Unapproved changes will result in projects being ineligible for payment².

Forest Expansion Scheme - Annual Premia

When agricultural land is converted to woodland, annual payments are available for 10 years to compensate eligible land owners for agricultural income forgone.

The Forest Expansion Scheme - Annual Premia is open to those who, either personally or through a manager, run an agricultural business that includes the land to be converted to woodland. An agricultural business means a business or part of a business consisting in the pursuit of agricultural activities. For these purposes, “agricultural activity” means (i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes, (ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries³.

To be accepted into the Forest Expansion Scheme - Annual Premia the land to be planted must be agricultural land for the last three years and must meet all relevant requirements of the UKFS. In addition, you will need to provide evidence that all fields have been in agricultural use for the previous three years which must be submitted with your application. If the evidence is not submitted with your application, Forest Service will not

² Forest Expansion Scheme claims must not be reduced by over 0.50 hectares from the area approved and must not fall below the minimum application area of 3 hectares.

³ <https://www.daera-ni.gov.uk/publications/2020-guide-land-eligibility>

award a letter of offer for annual premia. If you do not qualify for the Forest Expansion Scheme - Annual Premia you may still apply for Forest Expansion Scheme – Establishment Grant

Qualifying land must have been in agricultural use for at least 3 years before your application to join the scheme. We may cross-check your application against Integrated Administrative and Control System (IACS) records. “Agricultural use” in this context is defined as ‘agricultural activity’ described above. For the purposes of payment, there are two types of agricultural land:

Arable / Improved land is used to grow crops including cereals, grain legumes or pulses, oil seeds or forage maize. Alternatively, improved land includes recently managed improved grassland and cropped land. Outside the Less Favoured Areas (LFA) improved is defined as grassland where over 25% of the sward consists of either single or in mixture, ryegrass, timothy or white clover. Grassland within the LFAs not qualifying under this definition may still be eligible if it has been “improved” by management practices such as liming and top dressing and that this improvement has been maintained.

Unimproved land is agricultural land that does not meet the definition for Improved land but which has been used for agriculture (as defined earlier) for at least three years prior to the application. Areas where there is a significant presence of sensitive plant species indicative of native unimproved grassland will be ineligible.

Exclusions from Forest Expansion Scheme - Annual Premia

The following types of land are excluded:

- Non-agricultural land, including that used primarily to graze horses not used for agricultural purposes

- Land forming part of a National Nature Reserve
- Common land
- Land where the establishment of woodlands would conflict with or duplicate any previous funding by a public body

You should check that there are no legal or contractual obligations that prevent the planting or long-term management of trees on your land e.g. Environmentally Sensitive Areas. There may also be obligations under other schemes that may affect the eligibility of your land for tree planting.

Use of the Land receiving Forest Expansion Scheme - Annual Premia

Once planted, the land may not be used for any agricultural purpose. You may obtain a non-agricultural income from the land in addition to any forestry income available provided this use is consistent with the aims of the Forest Expansion Scheme. Annual payments will be made for 10 years and the annual payment rates for the Forest Expansion Scheme-Annual Premia are shown in Figure 1.

Figure 1 - Annual Premia Payment rates

Land Type	Land Category	
	Arable / Improved (£/hectare/year)	Unimproved (£/hectare/year)
Lowland (LL)	425	115
Less Favoured Areas - Disadvantaged Areas (DA)	380	115
Less Favoured Areas - Severely Disadvantaged Areas (SDA)	280	75

Period of Commitment and withdrawing from the Forest Expansion Scheme

The Forest Expansion Scheme is paid as part of an agreement under which the woodland owner undertakes to maintain the woodland in accordance with good forestry practice and must not fell the woodland for a minimum of 20 years following the first annual payment. If it is found that the woodland is not maintained in accordance with good forestry practice we may recover the establishment grant payments already made with interest. However, the woodland owner will be allowed to thin the woodland in accordance with normal silvicultural practice and remove nurse trees.

Similarly, if the woodland owner wishes to withdraw from this scheme and does not wish to transfer the agreement to a new occupier we may also recover establishment grant payments already made with interest. We will not normally recover payments if the woodland continues in existence or if the original agreement holder has died or if there are other exceptional circumstances.

4b. Forest Protection Scheme – Chalara Ash Dieback

Introduction

This scheme provides support for restoration of forests following an ash dieback outbreak.

Eligibility

Grants are available for forest owners, including:

- Farmers
- Landowners and estate owners
- Charitable organisations
- Local Councils

Government bodies and agencies are not eligible to apply for Forestry Grant Schemes. The holder (manager) of land owned by Government departments and agencies can apply for the Forest Protection Scheme provided the manager is constituted as a private body, charitable organisation or Council.

Scheme specific eligibility criteria:

1. The woodland must be within the period of commitment detailed in the forestry grant scheme information booklet and on approval documentation issued by Forest Service. This period is usually 30 years in the case of predominately broadleaved woodland and 20 years in the case of predominantly coniferous woodland.

2. The average height of the ash component must be less than 10m within each field to be eligible for the scheme.
3. Ash dieback disease must have been confirmed within the 10 kilometre square using the map published on the DAERA website⁴ as your woodland.
 - a. If this is not the case and you suspect ash dieback disease to be present, then you should contact the Forest Service Plant Health Inspection Branch on 0300 200 7847 or email plant.health@daera-ni.gov.uk to confirm the presence or absence of the disease.
4. A minimum of 0.2 hectares of replanting. All replanting must be site appropriate broadleaved species [refer to supporting guidance document published on the Departments website].
5. Applications must be submitted on a field by field basis and an application cannot be submitted for any field that has already been in receipt of this grant. A single application for grant may include multiple fields.
6. The percentage of ash trees must be assessed within each field boundary OR in the absence of a field boundary, a physical feature such as a drain or a road may be used.
7. There must be an ash component of more than 20% within each field to be eligible for the scheme.

⁴ <https://www.daera-ni.gov.uk/articles/chalara-dieback-ash>

Activities to prevent the spread of non-endemic insect pests and diseases

The supply and planting of replacement plants, in the case of damage caused by pests or diseases will be of alternative non-susceptible species. Damage must have been caused by a pest or disease that has emerged as a significant risk in recent years.

Criteria

Support will only be considered for Chalara ash dieback which falls within the scope of the principles within the Plant Biosecurity Strategy for Great Britain. We will continue to work closely with colleagues in GB and the Republic of Ireland to ensure the best possible protection to the UK as a whole, while recognising the importance of close collaboration with the Republic of Ireland to strengthen biosecurity for the whole island.

Support relating to restoration will be limited to those cases where at least 20% of the relevant forest potential has been destroyed, this being defined as the loss or imminent loss (both of which have to be confirmed by the relevant plant health authority) of ash that comprise at least 20% of the affected area determined by Forest Service. All operational work to deal with priority pests and pathogens will be required to comply with the UK Forestry Standard, relevant environmental legislation and biosecurity measures as stipulated by the plant health authority.

All applications seeking support under the Rural Development Programme shall have a Forest Management Plan that provides justification for the support and which must be submitted on the Department's template. All plans must be in accordance with the principles of Sustainable Forest Management as defined by the UK Forestry Standard and shall be valid for a period of five years or more.

Eligibility conditions and selection criteria will consider the European Commission's document on 'Guidelines on Eligibility Conditions and Selection Criteria'. As a first step, projects will be required to meet all the 'eligibility criteria' and as a second step projects will be ranked using selection criteria. The selection process may be competitive and applications will be appraised against one another to ensure those with highest value added will be selected for support. Failure to demonstrate eligibility will mean the application for support is rejected.

Applicable Amount and Support Rates

This option is discretionary and support will be provided based on an appropriate appraisal submitted on a Forest Management Plan for a minimum 5 year period. Individual projects are limited to £10,000 per application.

The following costs are eligible:

- Pre commercial felling of affected stands of immature trees to make replanting possible (felling of mature trees and trees with a market value will not be supported).
- The supply of seedlings of alternative species, their establishment and protection.
- Standard costs are used for pre commercial felling and re-establishment. Payment rates are in cost bands and detailed in the application form.
- Grant is only paid based on claims verified by submission of original invoices, a copy of cheque(s) / BACS payment printout(s) and bank statements proving payment to your suppliers.

Species Diversity Requirements

Following replanting each field must have the following proportions by area –

- A minimum of 3 tree species with each species component comprising 10% or more of the area
- Up to a maximum of 20% open space.
- In blocks of 10ha or more at least 10% open space.

Period of Commitment and withdrawing from the Forest Protection Scheme

The Forest Protection Scheme is paid as part of an agreement under which the woodland owner undertakes to maintain their woodland in accordance with good forestry practice and must not fell the woodland within the period specified in the woodland grant scheme / farm woodland premium scheme agreement. However the woodland owner will be allowed to thin the woodland in accordance with normal silvicultural practice and remove nurse trees.

We will not normally recover payments if the woodland continues in existence or if the original agreement holder has died or if there are other exceptional circumstances. However, if the woodland owner wishes to withdraw from this scheme and does not wish to transfer the agreement to a new occupier we may recover grant payments for restoration actions already made. We will not recover grant payments for fully completed preventative actions.

4c. Woodland Investment Grant

Introduction

This grant supports sustainable forest management including the improvement of the environmental value of woodlands and building resilience to climate change through replanting.

Eligibility

Grants are available for forest owners, including:

- Farmers
- Landowners and estate owners
- Charitable organisations
- Local Council

Government bodies and agencies are not eligible to apply for Forestry Grant Schemes. The holder (manager) of land owned by Government departments and agencies can apply for the Woodland Investment Grant provided the manager is constituted as a private body, charitable organisation or Council.

Support may be made available for:

- Woodland habitats and species - to support operations that will benefit priority habitats or species
- Restructuring woodland - to improve the ecological and environmental value of woodlands through the regeneration of forests by replanting. The aim is to encourage species diversity and improve the resilience of forests to climate change;

Eligible costs may include:

- The direct costs associated with the implementation of the investments, this will include materials, services and labour.
- Support will be for the costs of labour and materials (where relevant) for a range of forestry operations such as costs for plants and planting.

General maintenance and running costs will not be supported.

Criteria

All proposals must comply with the minimum environmental requirements of the UK Forestry Standard and will be conditional on providing a Forest Management Plan.

All plans must be in accordance with the principles of Sustainable Forest Management as defined by the UK Forestry Standard and shall be valid for a period of five years or more. As a minimum, the Forest Management Plan must cover the area for which grant aid is being sought

As a first step, projects will be required to meet all the 'eligibility criteria' and as a second step projects will be ranked using selection criteria that will promote maximum benefit to increase resilience to climate change and enhance public amenity. The selection process may be competitive and applications will be appraised against one another to ensure those with highest value added will be selected for support.

Restocking Option

The Restocking Option supports restructuring to improve the ecological and environmental value of woodlands through the re-establishment of forests by replanting. The aim is to encourage species diversity and improve the resilience of forests to climate change. All applications must

demonstrate how the redesign improves the ecological and environmental value of the woodland and must be accompanied by a Forest Management Plan.

Support will be provided at a rate of £600 per hectare, the minimum application area to be replanted is 1 hectare and the minimum block area must be 0.2 hectares. Proposals must result in the area replanted having a species composition that meets or exceeds the minimum specifications below:

Species Diversity Requirements

To meet the UK Forestry Standard, each application must provide evidence of meeting the following block of proposed afforestation must have the following proportions by block area –

- No more than 75% of the area allocated to a single species
- In blocks of 10ha and more at least 10% open space (this may be relaxed providing the adjacent land uses provide landscape and habitat diversity)
- 10% other species or ground managed for environmental objectives.
- 5% native broadleaved trees or shrubs
- You may include up to a maximum of 20% open space in your proposal.

If your woodland is larger than the area where grant aid is being applied for you may describe it within your Forest Management Plan to provide evidence of meeting UKFS species diversity requirements.

Period of Commitment and withdrawing from the Woodland Investment Grant

The Woodland Investment Grant is paid as part of an agreement under which the woodland owner undertakes to maintain the woodland in accordance with good forestry practice and must not fell the woodland for a minimum of 20 years. However the woodland owner will be allowed to thin the woodland in accordance with normal silvicultural practice.

If the woodland owner wishes to withdraw from this scheme and does not wish to transfer the agreement to a new occupier we may recover grant payments already made with interest. We will not normally recover payments if the woodland continues in existence or if the original agreement holder has died or if there are other exceptional circumstances.

5. Claiming Forestry Grant Schemes

Submitting Your Claim

You must provide evidence of expenditure to support your claim for the following Forestry Grant Schemes: Forest Expansion Scheme – establishment grant, Forest Protection Scheme and the Woodland Investment Grant. All the scheme claim forms require you to submit -

- original itemised invoices,
- a copy of cheque(s) or document of equivalent standing and
- Beneficiaries bank statements proving payment to your suppliers.
- First year establishment grant claims must include a map showing the location of open space within your woodland. To meet this requirement please note that you must submit an accurate map or GPS survey showing all areas of open space following completion of your planting

Claims for the Forest Expansion Scheme – Annual Premia will be made using the DAERA online Single Application Form (SAF) and must be submitted in line with SAF requirements.

Late applications

An application will be considered 'late' if it is received by the Department after the specified closing date. In this case penalties apply and your payment will be reduced. You will be given details as part of your agreement. The EU Regulations allow for us to consider cases of *force majeure*⁵ exceptional circumstances as a reason for not submitting or amending your application on time.

⁵ *Force majeure* is defined in section 8.

Inspections

As part of our claims administration processes, Forest Service Inspectors will inspect a proportion of sites claimed for a Forestry Grant Scheme as required by European Union regulation.

Inspections are based on a combination of:

- Random selection
- Risk selection to ensure we inspect the more complex or high value costs
- Targeted selection to ensure we carry out inspections on all the grants we offer

Forestry Grant Scheme inspections can take place at any time of year once your forestry claim has been submitted.

Inspections of claims for the Forest Expansion Scheme, the Forest Protection Scheme and the Woodland Investment Grant will result in either a recommendation for payment to be made or feedback to you about what remedial work is required, and when it is required to be completed to meet the minimum standards. False or misleading claims will be subject to a Penalty System which may result in reductions and exclusions being applied to your claim.

Forest Expansion Scheme - Annual Premia claims must be submitted on your **online** Single Application Form (SAF) during the March to May window advertised by the Department. These annual claims will be inspected between July and September. Annual Inspections are carried out on site to check that the work has been carried out and managed in accordance with what you agreed to do and against what you claimed on your Single Application Form (SAF).

As soon as we have completed the inspection, we will contact you if you have not met the minimum standards in which case we will tell you of the implications and future processes.

If your annual payment has been approved, your payment will be made towards the end of the calendar year.

For all other schemes we aim to make payment within 8 to 12 weeks of receiving your fully completed claim form.

Under European Regulation, we must check at least five per cent of the Forestry Grant Scheme claims each year and all schemes are subject to inspection.

What we will look for

Forest Service inspectors will check the information you provided in your application and claim for payment.

They will also make sure you are meeting the required Forestry Grant Scheme eligibility requirements incorporating EU regulatory requirements and demonstrating compliance with the UK Forestry Standard.

For example, this will involve:

- checking that the boundaries you have provided for the area of land you are claiming against are correct
- checking that the work has been implemented to the minimum standard required and to the quantity⁶ agreed
- All contract terms and conditions are being adhered to

⁶ Quantity refers to unit amounts and area measurements

If you fail part or all of your inspection, we will refer to this as a breach and may reduce your funding by the application of a Penalty System. Any reduction in payments will be assessed depending on how serious the breach is.

Our inspections underpin the correct payment of money under the Northern Ireland Rural Development Programme. So it's very important that you keep us up to date with any changes to your land.

6. Death of Agreement Holder & Transfer of Ownership

Once an application is received the Department cannot permit the applicant to transfer a letter of offer to another land owner or tenant either in part or as a whole project.

On the death of an agreement holder the executors should notify the Department and the Forestry Grant Scheme agreement will be terminated. A successor e.g. through inheritance may, within 12 months of the termination of occupation by the previous occupier apply in writing to Forest Service to transfer the original agreement and following the transfer process may assume the position of the original applicant. On completion and return of this form the new owner assumes all the rights, liabilities and obligations in place of the original applicant and his successors. This also applies to subsequent changes of ownership accordingly.

A change of ownership e.g. through sale of land between the date when an application for payment is approved and the date of final payment or period of commitment must be reported to the Forest Service in writing within 12 months from the date of transfer by the original applicant.

A new occupier may, within 12 months of the termination of occupation by the previous occupier apply in writing to Forest Service to transfer the original agreement and following the transfer process may assume the position of the original applicant. On completion and return of this form the new owner assumes all the rights, liabilities and obligations in place of the original applicant and his successors. This also applies to subsequent changes of ownership accordingly.

Following a satisfactory site inspection carried out by a Forest Service Inspector, a Transfer of Application form (issued by Forest Service) must be completed and returned along with a solicitor's letter confirming the changes, to the Forest Service, by the new owner before he can be eligible to receive any instalment of the grant under the original application.

In the event of a sale or other disposition, the original applicant (and his/her successors) should consider seeking appropriate indemnities to cover their continuing obligations until the new owner completes the Transfer of Application form (and thereby assumes the position of the original applicant from that date).

You should also be aware that conversion of woodland to another type of land use (Deforestation) is subject to the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006 (as amended). Deforestation may constitute a relevant project, as it might have a significant effect on the environment, and as such, consent for the work is required from the Department of Agriculture, Environment and Rural Affairs, Forest Service.

7. Relationship with Other EU Area Based Schemes

Basic Payment Scheme

Land that was eligible and on which Single Farm Payment was paid in respect of 2008 scheme year and remains currently eligible for the Basic Payment Scheme [BPS] and is subsequently (after 31 December 2008) converted to forestry under an EU scheme **remains eligible for the duration of the Forestry Grant Scheme agreement.**

Dual Funding

DAERA is required to exclude dual funding under EU Regulations. Forest Service therefore cannot pay grant if the aims of proposed woodland operations conflicts with, or duplicate, any previous public funding such as Agri-Environment Schemes.

If you have had an application approved under one of the Agri-Environment Schemes you should discuss the proposed forestry planting with your local agriculture office at an early stage to ensure that the planting does not conflict with the objectives of these Schemes or constitute dual funding.

Greening Payment

Agreement holders may declare Forest Expansion Scheme woodland as an Ecological Focus Area (EFA) in order to receive the greening payment. However, where agreement holders choose to use Forest Expansion Scheme woodland as an Ecological Focus Area (EFA) there is a risk of double funding and DEARA are required to reduce the Forest Expansion Scheme – Annual Premia payment to zero in the claim year. Agreement holders should not claim for Forest Expansion Scheme –

Annual Premia for woodland declared as Ecological Focus Areas.

Cross Compliance

The term cross-compliance refers to the requirement for farmers to comply with a set of Statutory Management Requirements (SMRs) and to keep their land in Good Agricultural and Environmental Condition (GAEC) in order to qualify for payments under the Forestry Grant Schemes.

There are two aspects to Cross-Compliance. The first of these is compliance with specific articles contained within 13 European regulatory requirements covering the environment, climate change, public health, animal health, plant health and animal welfare. These are known as the Statutory Management Requirements (SMRs).

The second aspect of Cross-Compliance is a requirement that all those in receipt of payments in respect of the area-based schemes maintain all their land in Good Agricultural and Environmental Condition (GAEC). The Northern Ireland GAEC Measures have been developed from a framework set out by the European Commission to address the following issues:

- **Protection and management of water** - protect water against pollution and run-off, and manage the use of water;
- **Protection of soil and carbon stock** – minimum soil cover, prevention of erosion and maintenance of soil organic matter levels;
- **Minimum level of maintenance** - retention of landscape features and avoiding the deterioration of habitats.

All applicants to Forestry Grant Schemes must meet the Northern Ireland

Cross Compliance conditions in order to qualify for full payments. The conditions are designed to promote sustainable agricultural practices and reflect a number of environmental and other objectives.

They are good farm management practices, and encourage responsible stewardship of the land. All European Union member states have to implement Cross-Compliance.

A full version of the Cross-Compliance standards, including advice on how to meet them and what an inspector will be looking for during inspection, together with a summary version are published on the DAERA website at <https://www.daera-ni.gov.uk/articles/cross-compliance>

A breach of these requirements may lead to a partial or complete withholding of payments in respect of the above schemes. **It is important to remember that you are still bound by all other environmental and animal health and welfare laws.** You may still be prosecuted in the criminal courts for breaching the Cross-Compliance standards, if the breach is a criminal offence.

General Cross-Compliance Information

Cross-Compliance applies to all land within an agricultural holding for the full 12 calendar months. This includes permanently held land (either owned or under an agricultural tenancy), common land, shared grazing and land taken in conacre. In addition, if you receive funding under a Forestry Grant Scheme, Cross-Compliance applies to the land under the Forestry Grant Scheme agreement.

Cross-Compliance also applies to the agricultural activity undertaken by the beneficiaries of the schemes listed at the start of the section.

You should note that the Cross-Compliance rules vary across England, Scotland, Wales and the Republic of Ireland. Where your holding crosses a border you may have to make different arrangements on each side of the border. You should therefore obtain copies of all relevant guidance that applies to your holding.

8. Force Majeure

Force majeure or exceptional circumstances is defined as ‘unusual circumstances, outside the control of the trader, the consequences of which, in spite of the exercise of all due care, could not have been avoided except at the cost of excessive sacrifice’. A landowner may experience a force majeure incident or exceptional circumstance that impacts on his ability to meet the eligibility criteria for any of the Forestry Grant Schemes covered in this booklet. Cases of force majeure are determined against their particular circumstances and on an individual basis, for example, your woodland may have been made ineligible following a gorse/heath fire or affected by a new tree disease that you could not prevent.

You should always notify the Department at the earliest possible opportunity of any force majeure situation that renders a portion of woodland out of use, even if only for a short time.

So, if for reasons of force majeure or exceptional circumstances some, or all, of your land is not available to you, or is ineligible for a Forestry Grant Scheme, or any other area based scheme, at any time during the year, you should tell us when you submit your claim or within fifteen working days of the date of being in a position to do so. If you do not, and we later discover that the land was taken out of woodland at any time during the

year, we may consider that there is an over-declaration of land and apply a penalty to your claim.

For us to consider force majeure or exceptional circumstances, the woodland must be unavailable to you on 15 May in the scheme year or ineligible for a Forestry Grant Scheme for at least some part of the calendar year. The land must be able to be returned to woodland use or become eligible for a Forestry Grant Scheme. You must provide clear documentation indicating when the land is likely to come back into woodland use.

If your land is ineligible for a Forestry Grant Scheme for the whole year, and is removed permanently from woodland use, we will not consider force majeure or exceptional circumstances.

Notifying a Force Majeure event to Forest Service

Should you consider force majeure applies to your application because of any unforeseen event you should contact Grants Branch (full address at Annex 3) immediately for advice. You should be aware that, for us to consider a case of force majeure or exceptional circumstances, we need to be told in writing **within 15 days of the date of you being in a position to do so.**

When you tell us of a 'force majeure' you will be asked to complete an FML1 application form⁷. We will look at each request individually and where we agree that force majeure or exceptional circumstances have been demonstrated, we will not normally apply penalties. You will have to

⁷ <https://www.daera-ni.gov.uk/node/42800>

prove that, despite taking all reasonable measures to counteract their effects, the force majeure or exceptional circumstances prevented you from meeting your obligations. You must be able to provide information, supported by documentary evidence, of the steps you have taken to prevent or lessen the effect of these circumstances. It is important that you do not wait until the 'Review of Decisions' stage to notify the Department of force majeure or exceptional circumstances, as this will normally be considered to be outside the 15 working day notification period.

9. Review of Decisions

Under the Review of Decisions procedure, applicants have a right to request a review of a decision made by the Department in relation to their Forestry Grant Scheme. The review process is intended to provide applicants with a fair, impartial and transparent assessment of the Department's decision against the framework of EU and National Regulations and Scheme Rules. The aim of the procedure is to ensure the decision made is correct and in line with the appropriate Regulations and Scheme rules.

Detailed information on the Review of Decisions process can be found in the "Review of Decisions Procedures" (May 2019) which can be viewed on the DAERA website⁸.

⁸ www.daera-ni.gov.uk/publications/area-based-schemes-review-decisions-procedure

10. Environmental Standards & Regulation

Introduction

Environmental safeguards are an essential component of the Forestry Grant Schemes and are enforced through application approval and monitoring procedures. On receipt, all applications are assessed to ensure they meet the environmental standards set out in the UK Forestry Standard and the associated guidelines. Your application must also be compliant with Article 6 of Commission Regulation (EU) No 807/2014 which includes the requirement that species selection must consist of:

- (i) the exclusive planting of ecologically adapted species and/or species resilient to climate change in the bio- geographical area concerned, which have not been found, through an assessment of impacts, to threaten biodiversity and ecosystem services, or to have a negative impact on human health;
- (ii) a mix of tree species which includes either:
 - at least 10 % of broadleaved trees by area, or
 - a minimum of three tree species or varieties, with the least abundant making up at least 10% of the area.

People

Consideration should be given to involving people in the development of forestry proposals who have a recognisable interest in the proposal or its outcomes. Interested people will include local councils, those who live close to the proposal, neighbouring landowners⁹, where legal rights including rights of way and any sporting rights are impacted and people who enjoy traditional and cultural uses of the land. To prevent encroachment and isolation, the blocking of light and curtailment of views in relation to dwellings, associated buildings, and roofed farm buildings there are minimum setback distances which are measured using the Departments Geographic Information System.

Setback is most critical when a building is [or will be] surrounded by forest on two or more sides. Consider retaining locally important views from the dwelling by designing open spaces¹⁰ as part of the forest design.

Minimum setback distances are:

- 60 metres minimum setback from all dwellings.
 - Where there is a written agreement from the occupier submitted at the time of the application a 30 metre minimum setback will be accepted.
- 10 metres minimum setback from all other permanent roofed buildings
- No setback is required for temporary buildings e.g timber sheds or kennels.

⁹ Land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20m in width [DOE Practice Note 14].

¹⁰ A maximum of 20% open space is permitted within the woodland. Refer to Annex 1 - Block Definition

Environmental Impact Assessment

Proposals for new planting are subject to an assessment in accordance with the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006 (as amended). In 2017 the Regulations were amended as required by a European Union Directive. The main change required by the 2014 Directive, was for **applicants to provide more information at the outset** on their proposal's potential environmental impacts. This will inform our screening decisions on whether EIA consent is required. This process will give applicants the opportunity to address potentially significant impacts at the start of their scheme design so avoiding the greater cost and time associated with taking a project through the EIA process.

These Regulations provide thresholds above which there is a determination of the need for an environmental impact assessment for all afforestation projects, forest quarry operations, forest road works and deforestation projects (Figure 1). In exceptional cases where the project does not exceed the threshold, an Environmental Impact Assessment (EIA) may still be necessary.

Sensitive areas include Nature Reserves or Areas of Special Scientific Interest, National Parks, World Heritage Sites, Scheduled Ancient Monuments, Areas of Outstanding Natural Beauty, sites designated or identified as candidates for Special Areas of Conservation, and sites classified or proposed as Special Protection Areas.

Figure 1 – Area Thresholds in Accordance with Schedule 2 of the EIA (Forestry) Regulations (NI) 2006 (as amended).

Operation	Threshold where any part of the land is in a sensitive area	Threshold where no part of the land is in a sensitive area
Forest Quarries	No threshold	1 hectare
Forest Road Works	No threshold	1 hectare
Afforestation	2 hectares where the land is in a National Park or an Area of Outstanding Natural Beauty. No thresholds in other sensitive areas	5 hectares
Deforestation	0.5 hectares where the land is a National Park or an Area of Outstanding Natural Beauty. No thresholds in other sensitive areas	1 hectare

You may view a list of Sensitive Areas on the NIEA website

www.daera-ni.gov.uk/topics/biodiversity-land-and-landscapes/protected-areas

Special Protection Areas and Special areas of Conservation

A European network of wildlife sites known as 'Natura 2000' was established under the Habitats Directive. This network consists of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

A Habitats Regulations Assessment (HRA) is required if any part of the project area is considered to have a potential impact on a Natura 2000 Site by being located within, adjacent or upstream to a European Site. It describes the process of gathering information and submitting it to a competent authority (Forest Service) for consideration and evaluation.

Areas of Special Scientific Interest

The Environment (Northern Ireland) Order 2002 provides protection for ASSIs which represent the best of our wildlife and geological sites. Landowners are obliged to notify the Northern Ireland Environment Agency (NIEA) of potentially harmful operations planned to take place within an ASSI. Landowners should seek consent from Conservation, Designations and Protection (CDP), NIEA in advance of submitting an application to Forest Service.

Biodiversity features

Important biodiversity features such as watercourses, lakes, hedgerows and unimproved species rich grasslands may not always be designated. Project proposals must take biodiversity and cultural features into consideration and adherence to the UK Forestry Standard and the associated guidelines will be a pre-requisite for any application.

Historic monuments

Landowners have a statutory obligation under the Historic Monuments and Archaeological Objects (NI) Order 1995 to protect any scheduled ancient monuments and historic buildings within the site boundary.

Where you believe intended works may directly impact a scheduled monument you must contact NIEA- Historic Environment Division before submitting an application. Similar arrangements apply to unscheduled sites where their location has been identified.

You may view locations of Built Heritage features on the Department for Communities website <https://www.communities-ni.gov.uk/services/historic-environment-map-viewer>

Felling Licences

Owners of private woodlands of 0.2 hectares or more may require a licence to fell trees. A licence will only be issued if an approved felling management plan includes a proposal to re-establish the woodland.

Further information may be obtained from the Forest Service website: <https://www.daera-ni.gov.uk/articles/felling-licences>

Powerlines

Northern Ireland Electricity Networks (NIE Networks) owns the electricity transmission and distribution network in Northern Ireland and their approach taken towards woodlands is explained on their website

<http://www.nienetworks.co.uk/Network/tree-maintenance/Woodlands-and-plantations>

Any application for funding must show how the woodland proposal demonstrates sustainable forest management. If there is a power line within your site or sufficiently close to your boundary where newly

planted trees could have a potential impact on the line, you must inform Northern Ireland Electricity of your plans in writing before submitting an application. This allows applicants to take account of future line clearance requirements within their proposal and design planting which is sustainable e.g. using open ground where appropriate or excluding areas from the scheme and continuing to farm them. Where line clearance requirements conflict with sustainable forest management, support is not available.

You are advised to contact NIE Networks as early as possible because a period of four weeks is normally required to process a request for a wayleave agreement. NIE Networks can be contacted on 03457 643 643 and other contact details are given in the link below

<http://www.nienetworks.co.uk/Contact-Us>

11. State Aid Details

This information book should be read in conjunction with the Forestry Grant Schemes State Aid Information Booklet published on the DAERA website which provides full and detailed information for all schemes:

- Forest Expansion Scheme
 - State Aid Reference - SA. 43339 State Aid
- Forest Protection Scheme
 - State Aid Reference – SA. 43340 State Aid
- Woodland Investment Grant
 - State Aid Reference – SA. 43338 State Aid

Publication and Information (Article 9 of Commission Regulation (EU) 651/2013

From 1 July 2016 information on each individual award exceeding €500,000 will be published on a comprehensive State aid website.

De Minimis Aid

Where aid is not paid in accordance with the Woodland Investment Grant (Northern Ireland) 2015 – [Commission Reference Number to be added once available] it will be paid in accordance with de minimis Regulation (EU) 1407/2013 [Official Journal, L 352, pages 1-8 , 24.12.2013

12. References

- Forestry Act (Northern Ireland) 2010
 - www.legislation.gov.uk/nia/2010/10/contents
- Northern Ireland Forestry
 - [A Strategy for Sustainability and Growth \(Forest Service 2006\)](#) ISBN 1 85527 859 6
 - www.daera-ni.gov.uk/publications/ni-forestry-strategy-sustainable-growth
- The UK Forestry Standard, Government's approach to sustainable forestry (Forestry Commission, Forest Service, 4th Edition 2017).
<https://www.forestresearch.gov.uk/research/the-uk-forestry-standard/>: ISBN: 978-0-85538-999-4
- Northern Ireland Rural Development Programme 2014-2020
<https://www.daera-ni.gov.uk/publications/2014-2020-rural-development-programme>
- Guide to Area-based Schemes (DAERA 2020)
<https://www.daera-ni.gov.uk/articles/area-based-schemes-2020-guidance-and-forms>
- UK Plant Health Risk Register
secure.fera.defra.gov.uk/phiw/riskRegister/
- Guidance on Road Classification and the Primary Route Network
 - www.gov.uk/government/uploads/system/uploads/attachment_data/file/315783/road-classification-guidance.pdf

Annex 1 - Forest Block Definition

Forest Expansion Scheme:

For the purposes of the Forestry Grant Scheme, a forest block will be defined by a natural or man-made feature, such as a watercourse over two metres in width, a public road categorised as motorway or A, B or C-class¹¹, or where a woodland is surrounded by land under a different land-use. The block itself may contain unclassified roads, forest roads and tracks, streams which can be easily crossed, hedges, stone walls and fences and will be under a single ownership. If the block is to extend over an unclassified road, the area to be afforested on each side of the road must be at least 0.5 hectare in size with a minimum width of 20m. Some areas of open ground within the block may be included. Areas of open space must not exceed 0.5 hectare and must be bordered on at least three sides by trees or be unplanted linear features such as set-backs associated with buildings, forest roads, wayleaves, firebreaks and watercourses. Collectively these unplanted areas should form no more than 20% of the total area of a forest block. Unplanted strips intended for access to facilitate hedge or drain maintenance are not classed as open space where they are less than 5 metres wide.

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315783/road-classification-guidance.pdf

Annex 2 – Fencing and Gate Specification and maximum support amounts

Stock Proof Fencing – [maximum support amount £6.00 per metre]

- All remnant fence material must be removed before erecting the ‘Stock-proof fencing’.
- New materials must be used for ‘Stock-proof fencing’.
- The fence must be erected to BS 1722-2:2006.
- The minimum standard for ‘Stock-proof fencing’ is galvanised woven wire and three strands line wire or five strands line wire.
- The overall height of the fence must be at least 1.20 m from the ground to the top wire.
- Straining posts must be equivalent in strength and durability to 125 mm top diameter round timber or 125 mm x 125 mm sawn timbers.
- Straining posts must be set at centres not exceeding 150 m or at each change in direction or gradient.
- Struts must be equivalent in strength and durability to 75 mm top diameter round timber or 75 mm x 75 mm sawn timber.
- Struts must be mortised into the straining post.
- Intermediate posts must be equivalent in strength and durability to 75 mm top diameter round timber or 75 mm x 75 mm sawn timber and set at centres not exceeding 3.00 m.
- Intermediate wooden posts must be at least 1.83 m long.
- All posts must be free of bark.
- Posts must have a potential minimum 15 year life, clearly indicated on manufacturer’s literature/invoice or on application of a subsequent treatment again clearly indicated on manufacturer’s literature/invoice. Where wooden posts have been treated with a preservative, this must have been applied by the manufacturer.
- Use strands of galvanised 4 mm mild plain steel wire or 2.5 mm barbed wire.
- The ‘Stock-proof fencing’ must be properly strained and secured to posts with galvanised staples or appropriate fastenings (such as galvanised wire or bespoke fasteners).

Gate and two posts – stock proof fence [maximum support amount £190.44 per gate and two posts]

- New materials must be used for ‘Stock-proof fencing’.
- The gate, gate posts and gate hangers must be galvanised to the relevant British Standard;
- the minimum standard for a gate is a six bar gate with bracing. Gates must be soundly framed and constructed with steel piping or rectangular hollow section or similar metal;
- the overall height of the gate must be at least 1.10 m from the bottom of the bottom rail to the top of the top rail;
- the minimum width of the gate opening must be 4.27 m;
- gate hanging and closing posts must be at least 114 mm diameter x 3 mm thick steel piping or similar metal;
- gate hanging and closing posts must be set in concrete;
- the gate must be fitted with all fittings needed for its operation and be hung in a satisfactory manner;
- the gate must not open outwards on to a public road; and
- ‘Gate and two gate posts - stock-proof fence’ must be erected and maintained as detailed in application form

Deer Fencing Specification – [maximum support amount £8.50 per metre]

- All remnant fence material must be removed before erecting the ‘Stock-proof fencing’.
- New materials must be used for ‘Stock-proof fencing’.
- The fence must be erected to at least BS 1722-2:2006;
- the minimum overall height of the fence must be at least 1.80 m from the ground to the top of the wire;
- the maximum mesh size must be 200 mm x 220 mm;
- galvanised woven high tensile, mild steel or welded rectangular mesh must be used;
- straining posts must be equivalent in strength and durability to 125 mm top diameter round timber;

- straining posts must be set at centres not exceeding 100 m or at each change in direction or gradient;
- struts must be equivalent in strength and durability to 73 mm top diameter round timber;
- struts must be mortised into the straining post;
- intermediate posts must be equivalent in strength and durability to 73 mm top diameter round timber and set at centres not exceeding 10 m;
- all posts must be free of bark, tanalised or treated with an approved preservative;
- the 'Deer fence' must be properly strained and secured to posts with galvanised staples; and
- the 'Deer fence' must be erected as detailed in application form

Gate and two posts – Deer fence [maximum support amount £215 per gate and two posts]

- New materials must be used for 'Stock-proof fencing'.
- The gate, gate posts and gate hangers must be galvanised to the relevant British Standard;
- the minimum standard for a gate is a galvanised ten bar gate with bracing **or** at least six bars with suitable infill. Gates must be soundly framed and constructed with steel piping or rectangular hollow section or similar metal;
- the overall height of the gate must be at least 1.80 m from the bottom of the bottom rail to the top of the top rail;
- the minimum width of the gate opening must be 4.27 m;
- gate hanging and closing posts must be at least 114 mm diameter x 3 mm thick galvanised steel piping or similar galvanised metal;
- gate hanging and closing posts must be set in concrete;
- the gate must be fitted with all fittings needed for its operation and be hung in a satisfactory manner;
- the gate must not open outwards on to a public road;
- 'Gate and two gate posts - deer fence' must be erected and maintained as detailed in application form

Annex 3 – Forest Service Headquarters

Public office opening hours are 9.00 am – 12.30 pm and 1.30 pm – 4.00 pm each working day

The Forest Service customer number is 028 6634 3165

Forest Service Headquarters
Grants Branch
Inishkeen House
Killyhevlin
Enniskillen
Co. Fermanagh
BT74 4EJ

Email; grants.forestservice@daera-ni.gov.uk

If you have a disability which impairs you applying for a planting grant, the staff listed above would be pleased to assist, explaining the contents of the Information Booklet and filling in an Application Form.

Annex 4 - Privacy Notice (DAERA)

The Department (DAERA) takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information received from you is dealt with in a way which complies with the requirements of the General Data Protection Regulation (2016). This means that any personal information you supply will be processed principally for the purpose for which it has been provided. However, the Department is under a duty to protect the public funds it administers, and to this end may use the information you have provided for this purpose.

A full copy of the DAERA Privacy Statement can be found here on the Departments website <https://www.daera-ni.gov.uk/daera-privacy-statement>

DAERA, Forest Service June 2020

