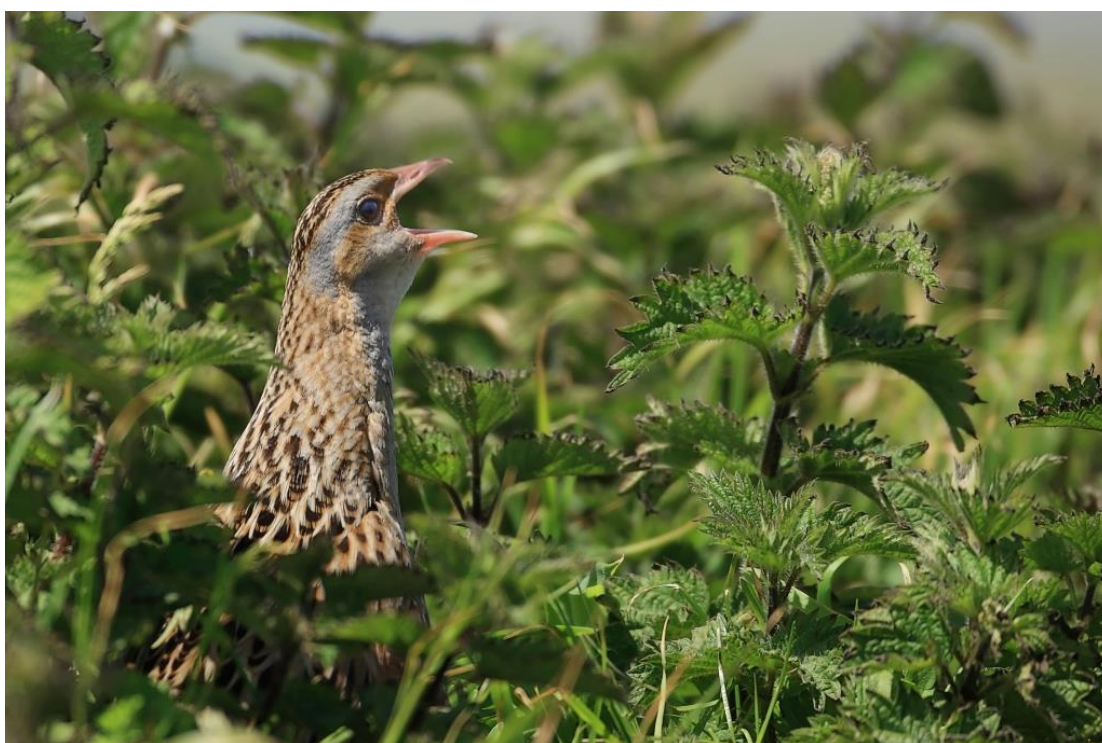


# National Parks and Wildlife Service Farm Plan Scheme



An Roinn  
Cultúir, Oidhreachta agus Gaeltachta

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Department of  
Culture, Heritage and the Gaeltacht

Terms and Conditions Document  
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## ***Introduction***

The Irish landscape and the habitats within it are the product of thousands of years of interaction with agriculture. During this time our wildlife has evolved to exploit the niches that this interaction has created. This relationship has never been constant; agriculture has always been a dynamic industry, like any other it has responded to changing social and economic conditions. For better and for worse these changes have impacted on the landscape and the wildlife within it.

We can expect that this pattern will continue in the future. The challenges that face agriculture and rural communities today and in the future will result in dramatic changes in land use patterns. Some of these changes will be to the detriment of key habitats and species. While change is inevitable, an opportunity does exist to manage change in order to preserve key habitats and species. This can only be done by engaging with the rural communities and farmers to ensure that habitats are enhanced and key species protected.

The National Parks & Wildlife Service (NPWS) Farm Plan Scheme provides a number of opportunities for supporting and promoting positive interaction between landowners and Ireland's natural heritage. Lessons learned through trialling innovative and bespoke measures for particular habitats and species allow better informed approaches to deliver on Ireland's biodiversity commitments. While in some cases the NPWS Farm Plan Scheme will provide an important testbed for particular agri-environmental measures, in other cases it may be the most suitable and responsive mechanism for incentivising conservation.

The NPWS Farm Plan Scheme offers a mechanism for engaging with individuals in a joint conservation effort. Each party in this process has a role to play. The NPWS through the Agri-Ecology Unit will provide conservation guidelines, ensure consistency of approach and administer the scheme. The regional staff of the NPWS can provide local support and site based advice to planners and participants alike. Farm planners are the principal interface between the participant and the NPWS and their enthusiasm and professionalism serves to bring conservation interests and agricultural realities closer together in this joint enterprise. However the key player in any agri-environment scheme will always be the participant. The goodwill among the owners and managers of sites/lands that are important for biodiversity is the principal resource of the scheme.

To ensure that the administration of the scheme is effective, fair, accountable and consistent in approach, rules and procedures are required. It is essential that all those involved in the scheme have access to and are aware of these. This Terms and Conditions document provides NPWS Officials, Farm Planners and Participants with a common reference to the administrative and technical requirements of the scheme. The systems it puts in place will ensure consistency of approach and clear decision making processes for all aspects of the scheme. This document is not intended as a set of rigid inflexible rules. Rather its role is to provide a mechanism for achieving the objectives of the scheme in an orderly manner.

The Terms and Conditions Document is not written in stone, never to change again. Like the scheme itself it is intended to evolve as lessons are learned and new challenges and indeed new opportunities are encountered.

## ***Funding and State Aid Rules***

### **Objective of the Scheme**

The objective of the scheme is to incentivise landowners to deliver a greater benefit for biodiversity (especially protected species and habitats) than might otherwise be delivered through meeting basic requirements with regard to national and/or European Union standards.

Funding for this Scheme is currently provided through the National Exchequer.

### **Legal Basis**

The operation of this scheme is subject to the provisions of Commission Regulation (EU) No 702/2014 of 24 June 2014, (hereafter referred to as “the Regulation”) and in particular Chapter III, Section 2, Article 29 “Aid for investments in favour of the conservation of cultural and natural heritage located on agricultural holdings”.

The operation of this scheme is also subject to the following national legislation:-

- Appropriation Act 2014 (Schedule 1) - <http://www.oireachtas.ie/documents/bills28/acts/2014/a3514.pdf>
- European Communities (Birds and Natural Habitats Regulations) 2011 (Regulation 24) - <http://www.irishstatutebook.ie/pdf/2011/en.si.2011.0477.pdf>

### **Budget**

The average annual budget of this Scheme shall not exceed €3 million.

### **Scope of the NPWS Farm Plan Scheme (Article 1)**

The Regulation shall apply to aid for investments for the conservation of cultural and natural heritage located on agriculture holdings. The investment shall comply with Union legislation and with national laws.

In accordance with Article 1(5) & (6), the Regulation shall not apply to:-

- aid to undertakings who are subject to an outstanding recovery order following a previous Commission Decision declaring an aid illegal and incompatible with the internal market;
- aid to undertakings in difficulty subject to certain conditions as laid out in Article 1(6) (a) & (b) of the Regulation.

Aid shall be granted for cultural and natural heritage in the form of natural landscapes and buildings which is formally recognised as cultural or natural heritage by the National Parks and Wildlife Service.

### **Maximum amount payable under the NPWS Farm Plan Scheme (Article 4)**

The Regulation shall not apply to any individual aid, the gross grant equivalent of which exceeds the threshold of EUR 500,000 per undertaking per investment project, for aid for investments in favour of the conservation of cultural and natural heritage located on the agriculture holding.

This amount shall not be circumvented by artificially splitting up an aid scheme or project.

### **Eligible Costs and Aid Intensity (Article 7)**

The scheme shall cover the following eligible costs intended for the conservation of natural heritage:-

- (a) investment costs in tangible assets (*assets consisting of land, buildings and plant, machinery and equipment*);
- (b) capital works (*works, undertaken by the farmer personally or by the farmer's workers, that create an asset*).

The eligible costs shall be supported by documentary evidence which shall be clear, specific and contemporary. Costs shall be calculated by assessing the costs incurred and income foregone in meeting the objectives and criteria set out in a participant's plan. Capital works shall be paid at varying rates, in line with approved calculations / receipts / proof of such costs.

Costs incurred in meeting basic requirements and standards (e.g. Statutory Management Requirements in relation to direct farm payments; environmental legislation etc.) shall not be eligible for aid.

Value added tax (VAT) shall not be eligible for aid, except where it is non-recoverable under national VAT legislation.

Aid for capital works shall be limited to EUR 10,000 per year.

Aid intensity shall be limited to 100% of the eligible costs.

### **Cumulation (Article 8)**

Aid under the NPWS Farm Plan Scheme may be cumulated with any other State Aid as long as those measures concern different identifiable eligible costs. Aid may also be cumulated with any other State Aid, in relation to the same eligible costs (partly or fully overlapping), but only if such cumulation does not result in the highest aid intensity or aid amount applicable under this scheme to be exceeded.

Aid under the NPWS Farm Plan Scheme shall not be cumulated with any *de minimis* aid in respect of the same eligible costs, if such cumulation would result in an aid intensity or aid amount exceeding those laid down in the Regulation.

### **Publication and Information (Article 9 and Annex III)**

With effect from 1<sup>st</sup> July 2016, the following information will be published on the Department of Agriculture, Food & the Marine's State Aid website, on each individual aid award exceeding €60,000 for beneficiaries active in the primary agricultural production:-

Reference of the identification number of the aid (as provided by the European Commission);

- Name of the beneficiary;
- Type of enterprise (SME/large) at the date of granting the aid;
- Region in which the beneficiary is located;
- Sector of activity at NACE group level;
- Aid element, expressed as full amount;

- Aid instrument (i.e. grant);
- Date of granting the aid;
- Objective of the aid;
- Granting authority.

**This information shall be published within six months from the date the aid was granted and shall be available for at least 10 years from the date of granting the aid.**

## ***Section 1: Terms and Conditions for the NPWS Farm Plan Scheme***

This document sets out the administrative provisions for the implementation of the NPWS Farm Plan Scheme. It is primarily for the use of NPWS staff; NPWS approved farm planners and NPWS Farm Plan Scheme participants. It is intended to provide a defined position on all aspects of the administration of the scheme. For recurring plan types (e.g. multiple plans for a particular species), a separate series of protocols will be made available at <http://www.npws.ie/farmers-and-landowners/schemes/npws-farm-plan-scheme>). Documents can be expected to evolve over time, particularly as knowledge increases.

### **1.1 Objectives**

The scheme's objectives are as follow;

- To protect key species and habitats through the delivery of site specific conservation objectives at farm level.
- To engage with landowners in the development of land management techniques which benefit key habitats and species.
- To provide a mechanism that allows the NPWS to assist landowners with the enhancement and protection of key wildlife habitats and species.
- To test and hone the best approaches to applied conservation management, enabling best advice in designing larger schemes such as those under the Rural Development Programme.

### **1.2 General provisions**

General provisions that apply in all cases;

- This document shall be referred to as the NPWS Farm Plan Scheme (Terms and Conditions Document) 2017.
- The NPWS Farm Plan Scheme will apply in Target Areas. These are areas that fall into the following categories:

High Nature Value Farmland

Natura 2000 sites (SAC and SPA sites)

Natural Heritage Areas

Specific areas/sites with species and habitats listed under the Annexes of the EU Birds Directive (2009/147/EC) and EU Habitats and Species Directive (92/43/EEC)

- Ireland's Prioritised Action Framework<sup>1</sup> shall be used to determine priorities for trialling and delivering measures for applied conservation management. A steering group shall decide on priority actions for the NPWS Farm Plan Scheme from year to year, identifying specific needs, as well as gaps in applied conservation action and knowledge. The scheme is not however intended to replace or be in competition with larger financed co-financed schemes under the Rural Development Programme.

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<sup>1</sup> <http://www.npws.ie/sites/default/files/general/PAF-IE-2014.pdf>

- The NPWS will introduce a pre-application screening process to ensure that available resources are targeted to the best effect.
- The NPWS Farm Plan Scheme shall be administered by the Agri-Ecology Unit of the NPWS with the support of other pillars of NPWS, including Science & Biodiversity Unit, Site Designations Unit, GIS Unit and Regional Staff. The scheme shall be available to landowners both within and outside of Natura 2000 sites, but focussed on Ireland's requirements under the Birds and Habitats Directives.
- Participation in the NPWS Farm Plan Scheme does not in any way affect the property rights of applicants.
- Participation in the NPWS Farm Plan Scheme does not impose a right of access to lands for the general public. It is implicit in the scheme that audits and inspections will be carried out by or on behalf of the NPWS. Audits can be carried at any stage after the submission of an application until 3 months after the expiry of the contract period.
- The payment levels in existing plans will be honoured for the remainder of their term provided the participant(s) and lands involved are not found to be ineligible and there is no change in the target area managed.
- The NPWS shall not be compelled to accept an application where they believe that the objectives of the scheme will not be achieved or where it is believed that the cost of the plan exceeds the biodiversity value of the enhancement provided for.
- Designation of land, including but not limited to Special Areas of Conservation, Special Protection Areas and Natural Heritage Areas is not an entitlement to a farm plan under the NPWS Farm Plan Scheme, which is intended to support landowners to go above and beyond the legal requirements that pertain to such designations.
- The NPWS reserve the right to suspend or terminate the scheme or any part of it at any time.
- The NPWS reserve the right to alter or change these regulations at any time.
- The NPWS will determine which applicants are accepted into the scheme.

### **1.3 Conflicts with earlier instructions to applicants or planners**

- The Terms and Conditions document (2017) shall take precedence over instructions and guidelines issued to planners that predate it. It will apply to all new plans and existing plans that require an amendment in the future.
- The new NPWS Farm Plan format – *see Appendix 1 – Documentation and Guidelines on Plan Preparation* must be used for all plans submitted after the formal approval of the Terms and Conditions 2017.

Any planner undertaking plans in the NPWS Farm Plan Scheme must familiarise themselves fully with the Terms & Conditions contained in this document and adhere to same.

## **Section 2:      *Eligibility Issues.***

### **2.1 Eligibility of participants**

Applicants to the NPWS Farm Plan Scheme must;

- Be aged over 18 years on the date of application.
- Be resident in the Republic of Ireland.
- Be able to provide proof of entitlement to farm/manage the lands e.g. folio, long term lease – *see Appendix 2 Title Requirements*. All lands owned, leased, and rented in or out, farmed or used by the applicant must be included.

### **2.2 Eligibility of lands for payment**

To receive payments on lands in the NPWS Farm Plan Scheme, the lands must be owned by the applicant or a family member or held under a qualifying lease. For full details on title requirements - *see Appendix 2 Title Requirements*. All of the lands managed by the applicant must be included in the plan. This includes lands that are ineligible for payment, e.g. conacre and lands where no actions are planned. Works will only be required on lands identified for particular actions. Lands with no associated action will not be paid on, unless in exceptional circumstances (e.g. if actions in one parcel have a direct or indirect impact on another parcel).

A participant remains free to sell, lease or rent out their property in any way they see fit. However if by exercising this right during the course of an NPWS Farm Plan contract they reduce the target area of their holding, it will result in a reduction in the payments made to them (and will necessitate a plan amendment).

All of the target land managed by an eligible applicant as outlined above is eligible to be considered for payment with the exception of the following;

- Rented or leased land where the unexpired lease period is less than five years from the commencement date of the agri-environmental plan under the scheme (exceptions may be made, where approved by a steering group e.g. where capital works undertaken during the period of the plan will have longer term benefits).
- Public roads and tarmac or concreted farm roads.
- Lakes and other water bodies (unless the lake/water body is central to the plan).
- All land on which forestry premia is being paid, state aided forestry and commercial forestry. Orchards and coppices of native broadleaved trees (cutting cycles in excess of 10 years) are not considered as commercial forestry. Commercial forestry for the purposes of the NPWS Farm Plan Scheme is defined as including all of the following;
  - Plantations of conifers in excess of 0.1 hectares, whether grant aided or not.
  - Plantations of native tree species that are in receipt of forest premia payments.
  - Plantations of any other non-native woody plant species e.g. Eucalyptus.
- Crops grown for the production of Bio-energy whether aided under the Bio-energy establishment scheme or not. These include all of the following.
  - Willow or other broadleaved trees, coppiced on cycles of less than 10 years for use as an energy crop.
  - Plantations of Elephant grass (*Miscanthus spp*).
- Land in public ownership unless a valid lease with in excess of 5 years to run is in place.

- Lands not managed for agriculture or as wildlife habitats, e.g. active quarries, active turbary, certain recreational areas e.g. golf courses, football pitches etc.
- Lands managed for a similar purpose to the primary interest of NPWS, under other agri-environmental plans (e.g. GLAS). NPWS may consider paying on such lands where the actions are clearly additional to what is already being paid for.
- Lands where turbary rights are held by third parties the land can only be considered as eligible for payment if a sworn affidavit is provided declaring that the turbary rights in question have not been exercised for the past 5 years. If these rights are exercised during the course of the plan then the plan will have to be amended and the area in question removed from the area eligible for payment (unless the extraction of turf is deemed benign to the objectives of the plan).
- Where an applicant has encroached onto commonage the applicant's share of the remaining commonage lands should be reduced accordingly. The sum of the encroached land and the commonage land should not exceed the shareholding in the commonage.

In plan types where a management prescription exists, categories of land other than those listed above may be ineligible for payment where the prescription is not or cannot be delivered.

Where payments were made on lands that are subsequently found to be ineligible, such overpayments shall be recouped by making an appropriate deduction from future payments under the scheme.

### **2.3 Split holdings**

The NPWS will not approve applications to the NPWS Farm Plan Scheme where it considers that holdings have been artificially created, enlarged or reduced solely for the purpose of increasing payments under the scheme. If an applicant has a genuine explanation as to why their holding has recently been enlarged or reduced in size then this should be explained to the NPWS Agri-Ecology Unit prior to the submission of an application.

If a holding that was artificially created, enlarged or divided for the purpose of drawing down increased payments is inadvertently approved, the NPWS reserves the right to terminate the participant's contract and to seek the repayment of funds already issued.

The NPWS may consult with the Dept. of Agriculture, Food & the Marine in cases where it is suspected that an attempt has been made to split a holding for the purposes of increasing eligibility for payments. If a planner is deemed to have assisted an applicant/ participant to get approval for a split holding, it may result in a significant sanction for the planner (see Protocol 6: Sanctions on Approved NPWS Farm Planners).

### **2.4 Grazing of livestock owned by third parties**

Participants in the scheme can allow the short term grazing of animals owned by others provided;

- That the arrangement complies with current animal health regulations as laid down by the Dept. of Agriculture, Food & the Marine.



- Any arrangement to take in stock belonging to third parties must be fully described in the NPWS farm plan and the NPWSc (third party interaction) form. This form must be signed by the applicant/ participant and the owner of the livestock.
- The planned stocking density in the farm plan must take animals owned by a third party into account.
- The NPWSc form is signed by the applicant/ participant and the owner of the livestock.
- The participant is responsible for the day to day management of the stock.
- If there are any changes to this arrangement during the course of the farm plan contract then the NPWS Agri-Ecology Unit must be informed. An amended plan may be required in such cases.
- No breach of GAEC, the Statutory Management Requirements or the Nitrates Directive Regulations can be allowed to result from the operation of this agreement.
- It is the responsibility of the participant with the support of his/ her planners to ensure that the above conditions are met.
- Taking in of stock belonging to a third party does not necessarily satisfy the requirement to be actively managing the land on which payment is sought.
- The management of the land is ultimately the responsibility of the participant and not any third party.

## **2.5 Housing of livestock in buildings owned by a third party**

The housing of livestock owned by the participant in a building owned by a third party is permitted provided;

- This arrangement must be in place prior to the application to join the scheme and must run for the full term of the plan.
- The arrangement is clearly set out and described in the Farm Plan. Maps and ownership details of the relevant lands or facilities belonging to the third party must be submitted with the NPWS Farm Plan.
- The numbers and type of livestock involved and the months each year when the agreement is in force are described in the NPWS Farm Plan and the NPWSc Form.
- The NPWSc form must be signed by the applicant/ participant and the owner of the animal housing.
- If there are any changes to this arrangement during the course of the farm plan contract then the NPWS Agri-Ecology Unit must be informed. An amended plan may be required in such cases.
- The arrangement must conform with current animal health regulations, and Statutory Management Requirements.
- The planners must certify that the housing and waste storage facilities are fit for purpose and comply with Cross Compliance requirements.
- No breach of GAEC, the Statutory Management Requirements or the Nitrates Directive Regulations or any wildlife or environmental laws or regulations can be allowed to result from the operation of this agreement.
- If the waste produced by animals housed off farm is not spread on the participant's land then the details must be given on the NPWSc. This form and its associated maps must be completed and enclosed with the application.
- It is the responsibility of the participant with the support of his/ her planners to ensure that the above conditions are met.

## **Section 3      *Interaction with Other Schemes***

### **3.1    Interaction with other Agri-Environmental Schemes**

A participant in the NPWS Farm Plan scheme cannot be in receipt of payments from public funds for any other agri-environmental scheme, without the consent of the NPWS. Applicants to the NPWS Farm Plan Scheme cannot be in an existing contract with the Department of Agriculture, Food & the Marine, unless agreed by the NPWS and the Department of Agriculture, Food & the Marine (e.g. where there is clearly no issue of double funding).

As a general rule, farmers who are in another agri-environment scheme contract with the Department of Agriculture, Food & the Marine must withdraw from that scheme before submitting a pre-application screening form (NPWSi) for the NPWS Farm Plan Scheme. If it is discovered that a participant in the NPWS Farm Plan Scheme is also participating in an agri-environment scheme administered by Department of Agriculture, Food & the Marine, where there is an issue or risk of double-funding, the NPWS will seek the repayment of all funds paid out to date in the NPWS Farm Plan Scheme. NPWS Farm Plan Scheme participants wishing to apply for an agri-environment scheme administered by Department of Agriculture, Food & the Marine must first declare their intention to do so, in writing, to Agri-Ecology Unit, 7 Ely Place, Dublin 2.

Farm Plan Scheme planners and participants should ensure that the above conditions are met.

In applying and participating in the NPWS Farm Plan Scheme, individuals agree to allow NPWS reference their herd number (where applicable) to cross-check relevant information with the Department of Agriculture, Food & the Marine (e.g. to avoid any risks of double funding, NPWS will use the herd number to check with the Department of Agriculture, Food & the Marine that the participant is not partaking in another agri-environment scheme such as GLAS).

### **3.2    Interaction with the Basic Payment Scheme**

The NPWS will liaise with the Dept. of Agriculture, Food & the Marine in relation to compliance with GAEC and all Statutory Management Requirements (SMRs). If the Dept. of Agriculture, Food & the Marine impose a penalty on a participant then the NPWS reserve the right to impose deductions from potential payments on payments due under the NPWS Farm Plan contract. In cases of breaches of SMRs relating to biodiversity, the NPWS will reduce payments in the manner described in *Protocol 5 – Non-compliance (participants)* and Cross Report to the Dept. of Agriculture, Food & the Marine.

NPWS reserve the right to allow agri-environmental payments under the NPWS Farm Plan Scheme on land that has been deemed ineligible under the Basic Payment Scheme, provided that land is deemed by NPWS to be of integral importance to the ecological functioning of the farm and that there is a cost incurred or income foregone associated with its maintenance.

### **3.3 Interaction with forestry schemes**

- Payment cannot be claimed in the NPWS Farm Plan Scheme in respect of land included in any forestry scheme (including the Native Woodland Scheme).
- If a participant in the NPWS Farm Plan Scheme proposes to plant some or all of their target area, then their plan will require amendment and the area involved will cease to be eligible for payment. There is a possibility that planting in certain cases may render the functioning of the farm plan untenable, through direct or indirect effects. If damage is caused by the planting of target area lands without the approval of the NPWS, a deduction from potential payments will ensue. This deduction from potential payments can include the termination of Farm Plan contracts and claw back of payments if planting results in the loss of valuable habitats or is contrary to the spirit of the scheme.
- If all of the target area land has been planted, the Farm Plan contract will be terminated.
- In all cases, the change in eligibility or payment shall be taken as the date on which approval for planting was granted by the Forest Service.

## **Section 4: NPWS Farm Plan Contract**

### **4.1 The NPWS Farm Plan**

The Farm Plan is the basis of the contract between NPWS and the participant. Payment through the NPWS Farm Plan Scheme is for the costs (including opportunity costs) associated with, or losses incurred due to creating or maintaining valuable habitats in target areas. There is no automatic right of entry to the scheme. Applications can be rejected for failing to reach an acceptable standard or for failing to plan for the delivery of adequate habitat enhancement or maintenance. The NPWS also reserve the right to reject applications on the basis that the planned environmental enhancement does not represent an efficient use of public funds.

All NPWS Farm Plan Contracts are classed as one of the following;

- Restrictive Contracts. These are contracts where the applicant faces real and ongoing restrictions on their enterprise as a result of the designation of target lands and where this is accepted by NPWS.
- Enhancement Contracts. These are contracts where the applicants are being paid to change the management of their lands in a manner that will improve key habitats. The enhancements involved, are over and above the legal requirements under Cross Compliance or the Wildlife Act 1976 as subsequently amended.

Farm plans can be drawn up directly by NPWS Agri-Ecology Unit, or approved planners. In all cases, consultation with the applicant/participant should be central to the design of a farm plan.

### **4.2 Pre-application screening process**

A potential applicant wishing to join the NPWS Farm Plan Scheme does so by making an application through an approved planner(s) or directly to NPWS Agri-Ecology Unit. The applicant is free to pick any planner, but the planner will need to be approved for the plan in question by the NPWS Wildlife Inspectors with responsibility for the Agri-Ecology Unit. Such approval shall be assessed according to the experience and qualifications of the planner, bearing in mind that NPWS farm plans are deemed “high-end” interventions to deliver bespoke solutions to intricate environmental issues for habitats and species of conservation concern. Thereby, there will be an emphasis on ecological expertise and experience as much as agricultural expertise and experience. NPWS staff can refer a potential applicant to a planner or planners if they consider such action is appropriate. Planners are under no obligation to prepare an NPWSi (screening form) for a potential applicant. The decision in relation to the selection of a farm planner rests with the participant, although the suitability of the planner must be confirmed by NPWS. Planners should inform landowners who they feel are unsuitable for the scheme of their opinion; this does not preclude the landowner from seeking another planning team’s opinion. There is no fee payable by the NPWS to planners for their work in submitting an NPWSi (screening form).

As part of this process planners will submit an NPWSi (Screening form) – *see Appendix 1 Documentation*. Basic information on the following is requested on this form.

- Applicant name.

- Address
- Herd Number (where applicable), or unique Department of Agriculture, Food & the Marine identifier number (obtainable via RH1 form).
- Farm Enterprise
- Farm size
- Size of target areas on farm.
- Map (boundaries only, it is not required to survey the land at this stage).
- Name and Code for designated sites on the farm.
- Proposed plan type
- Key deliverables
- Declaration as to whether the applicant is a participant in another agri-environment scheme (including GLAS and Organics)
- Copy of the most recent BPS application

Planners should note that no fee will be paid for completing this form. This process is required to ensure that resources are targeted at farms where conservation imperatives are greatest.

The decision on which cases will be authorised to proceed will be made by the NPWS. The screening process will operate as follows;

- Initial Screening Applications are made by NPWS farm planners on behalf of applicants. These are made on an NPWSi form and consist of a short description of farm enterprise, dominant habitat types and a set of maps showing location of land parcels and assessment of the maximum cost.
- NPWS will make a decision on which of these applications should proceed to farm plan stage.
- Authorisation to produce full NPWS farm plans issued to the approved farm planner(s).
- Farm Plans can be submitted at any stage after the issue of authorisation by the NPWS.
- NPWS Farm Plans to be submitted in a timely manner (typically within 1 month) of authorisation by the NPWS.
- Plans must be approved before November 30<sup>th</sup> of the year in which authorisation was given. Any plan which has not had any requested amendments, clarifications or supporting documentation submitted by October 15<sup>th</sup> will not be approved in that year. The applicant is free to apply again the following year but will have to go through the screening process again. There is no guarantee that a repeat application will be selected for progression to farm plan stage.

**Note:**                      **The planner(s) retain(s) ownership of the plan until approval by the NPWS.**

### **4.3 NPWS Farm Plan submission**

- An applicant who has been selected through the pre-application screening process makes an application to the NPWS Farm Plan Scheme through an approved planning

team. In normal circumstances this will be the team who prepared the initial Screening Application.

- The farm plan and associated documents will be based on the format and guidelines given in *Appendix 1*.
- The planner(s) must ensure that the plan meets the requirements of the NPWS and is viable for the land concerned. This will require the active input of the applicant.
- The applicant and the planning team will be paid by NPWS in accordance with the system described in *Appendix 3 Payments* after the plan is approved.
- Applicants should note that continued participation in the scheme requires annual Compliance Certification by an approved planner or by NPWS Agri-Ecology Unit – see *Protocol 4 Applications for 2<sup>nd</sup> and Subsequent Payments*.
- Non-compliance will result in reduced payments - see *Protocol 5 Non-compliance (participants)*.
- Derogations will only be granted in exceptional circumstances. Planners seeking derogation should apply in writing to the Wildlife Inspector Grade II in the NPWS Agri-Ecology Unit. Applications for a derogation will normally only be considered prior to the submission of the plan. If derogation is granted, the Derogation Offer Letter must be enclosed with the application to join the scheme.

The plan will be assessed by NPWS and if considered adequate will be approved for payment – see *Protocol 1 Plan Submission, Assessment and Approval Process*. As part of this process up to 10% of Applications may be selected for a pre-approval audit – see *Protocol 7 Plan Audits and Protocol 8 Risk Analysis in the Selection of Plans for Audit*. Applicants are expected to co-operate in allowing access by the NPWS or their agents for the purpose of pre-approval audits. It is important to note that the NPWS reserve the right to refuse applications that fail to meet the requirements of the scheme.

The planner(s) who submit(s) a plan will take equal responsibility for the plan contents. Plans that are misleading in respect of key information on the farm enterprise or planned management requirements may be rejected and the planners involved may face sanction by the NPWS. In the case of planning teams, a Lead Planner must be identified for each application. The lead planner will be the primary contact for all communications regarding that plan. They will be named on the cover letter accompanying the application and on the front page of the Farm Plan.

Completed NPWS Farm Plans and associated documents should be sent to;

**Wildlife Inspector Grade II  
NPWS Agri-Ecology Unit  
7 Ely Place  
Dublin 2**

Electronic versions of the plans, including shapefiles, should be sent to [Agri.Ecology@ahg.gov.ie](mailto:Agri.Ecology@ahg.gov.ie)

#### **4.4 Limitation on the liability of the NPWS for approved farm plan content**

The NPWS is not responsible for any losses or costs incurred by the participant as a result of an error in or an omission from their farm plan. The NPWS will not accept responsibility for any losses or costs incurred as a result of compliance with a farm plan beyond the level of payment agreed during the plan approval process.

#### **4.5 NPWS Farm Plan: duration**

The standard contract will be for a 5 year period. In certain situations longer or shorter term contracts may also be approved, but only where this is clearly stated in the letter of acceptance.

#### **4.6 NPWS Farm Plan: purpose**

The farm plan will contain a description of the lands, commonage (if present) and current activities; a description of the habitats and species on the lands; the future management commitments that the participant is entering into; and a calculation of what is to be paid by NPWS. The goal of the plan and the relevant conservation objectives will be outlined in the plan. The plan will help achieve these objectives by advising on all matters relating to the scheme including;

- Stocking rates and grazing regimes
- Scrub, grassland and rush management
- Adjustments to the current management regime
- Itemised list of undertakings and deliverables
- Specialised training that must be undertaken (a requirement to attend a course of training may be introduced for certain plan types)
- Capital works (e.g. specialised fencing, creation of particular habitats, building repairs for bats, erection of structures, removal of negative impacts, etc.)

In the case of results-based plans, payment will reflect the condition of the habitat produced by the plan participant and while advice can be given to achieve higher scores, the advice is not a 'prescription' to follow; it is ultimately in the plan participant's gift as to how s/he wishes to deliver habitat condition.

Compliance with the Farm Plan does not excuse the participant from compliance with the requirements of cross compliance obligations, Nitrates Directive Regulations and GAEC requirements.

#### **4.7 NPWS Farm Plan: structure**

The layout of the plan will adhere to the revised NPWS Farm Plan Format - *see Appendix 1 Documentation and Guidelines on Plan Preparation*. Guidelines on how each section of the plan should be completed are also included here.

The plan will include a description of current activities, planned future operations and calculation of payment to the applicant.

Where relevant and available, plans will incorporate the guidelines for appropriate management based on the Conservation Objectives for Natura 2000 site(s). Such guidelines will appear at [www.npws.ie/farmers-and-landowners/schemes/npws-farm-plan-scheme](http://www.npws.ie/farmers-and-landowners/schemes/npws-farm-plan-scheme).

If no appropriate guidelines are available, the planner will consult with the NPWS prior to submitting the plan.

#### **4.8 NPWS Farm Plan: maps**

An NPWS Farm Plan will incorporate a number of maps at various scales. The plan itself shall refer to the maps associated with it - *see Appendix 1 Documentation and Guidelines on Plan Preparation*. In all instances where possible, NPWS Farm Plans will be digitised as shapefiles and held on file by both the Planner and NPWS Agri-Ecology Unit, with any amendments undertaken by the Planner being notified to and approved by NPWS Agri-Ecology Unit.

#### **4.9 Rejection of applications**

The NPWS are under no obligation to accept a plan that does not meet the requirements of the scheme. Furthermore in situations where a participant has recently destroyed, damaged or removed habitats prior to applying for the scheme, applications will **normally** be rejected. In certain exceptional cases the NPWS reserve the right to accept such applications subject to the following;

- The habitats (that were destroyed, damaged or removed) are reinstated or where this is not possible that alternative habitat enhancement works are implemented. This requirement is over and above the normal requirements of the scheme and will not be funded by the scheme. Agreement on this point must be made prior to submitting an application.
- The relevant regional management of the NPWS should be given the opportunity to comment on the plan.
- Any agreement does not in any way preclude the NPWS from taking legal action against the landowner or others involved.

#### **4.10 Payments to participants**

The annual payment made under an NPWS Farm Plan contract is intended to pay the participant for losses suffered or costs incurred (including opportunity costs where relevant) due to compliance with the plan/delivering habitat condition. Payments can only be made on land that is owned by the applicant or a close relative (NPWSd form required) or in respect of land that is held under a qualifying lease with at least 5 years to run from the date of plan approval and to cover the full term of the plan. Planners and participants should note that no plan can be paid at a rate exceeding the state aid limits – *see Appendix 3 Payments*.

NPWS will determine at the outset, whether a plan will be paid on a flat rate (per hectare) basis or on a results basis (e.g. payments on a scale of 0-10, with 10 achieving the highest possible payment and scores below 4 receiving no payment) and this shall be clear as part of the plan and communicated to the plan participant.



#### **4.11 Activities Requiring Consent (ARC) and Notifiable Actions (NAs)**

Activities Requiring Consent (ARC) and Notifiable Actions (NAs) apply to designated sites. Planners must consider the relevant ARCs when preparing a farm plan. Any planned activity which requires consent must be clearly identified in the plan. If this is done an approved NPWS Farm Plan is considered as consent for the planned activity.

Participation in the scheme does not confer consent for any activity not included in the plan. Such activities will still require consent from NPWS. Planners should first discuss with NPWS about other activities which are proposed, which may have direct or indirectly impacts on a designated site or protected species. Depending on the activity, consent may be required by an authority other than the Minister for Arts, Culture & Heritage (e.g. planning permission or consent under the EIA (Agriculture) Regulations may be required for certain activities).

#### **4.12 Appropriate Assessment**

Plans shall be screened for Appropriate Assessment to discern whether the actions planned as part of the plan may have a negative impact on habitats or species of conservation concern. Where screening cannot rule out negative impacts, an Appropriate Assessment (AA) shall be required. The screening for AA shall be carried out by the Wildlife Inspector Gr. 2 responsible for the Agri-Ecology Unit with input from relevant staff or external expertise and shall be approved by the Wildlife Inspector Gr. 2 responsible for the Agri-Ecology Unit. The standard templates for undertaking the Appropriate Assessment screening are included in Appendix 4.

#### **4.13 Changes to approved plans**

The Farm Plan can be amended or updated to ensure that it is fit for purpose. It is important that at all times the plan reflects the reality on the farm itself and that it is amended in response to significant changes in landholding size or enterprise.

#### **4.14 Plan amendments – see Protocol 3 Plan Amendments**

A formal plan amendment is required to deal with major changes to the plan. These include;

- a. Major changes to the habitat and species management guidelines issued to planners.
- b. Changes to the boundaries of the designated area initiated by the NPWS.
- c. Changes to the landholding area. This only applies where target area is involved or where the change is a greater than 20% or 5 hectares (whichever is least) of the area of non-target land farmed.
- d. Significant changes to the farm enterprise, e.g. this could include a change from grazing cattle to tillage.
- e. Changes to the eligibility of lands managed, e.g. where land previously rented on a short term basis becomes subject to a long term lease.
- f. To correct a significant error in the plan.

In the case of 4.14.a & 4.14.b above if the participant is unwilling or unable to accept the implications of such changes they are free to withdraw from the scheme. This does not affect their right to appeal any boundary changes to the designated area (if such a right exists).

In the case of 4.14.c and 4.14.d, the planner should consult with NPWS Agri-Ecology Unit to establish if a formal amendment is required. All changes to farm area must be notified in writing to the NPWS on the subsequent NPWSg (Compliance Report) and Form NPWSe. This applies whether the lands involved are designated or not and irrespective of whether a plan needs to be amended or not.

With the exception of amendments required to correct an error in the plan, the planners are paid by NPWS for amending plans - *see Appendix 3 Payments*. NPWS reserve the right to ask the participant to pay for the plan amendment, where the change is initiated by the applicant or could have been foreseen at plan entry.

#### **4.15 Plan updates**

A plan update is prepared by the planning team. It is a mechanism for making minor changes to a participants plan. The update supplements the plan rather than replaces it. An example would be a plan update required to incorporate soil test results that were not available at the time that the original plan was produced. The cover of the plan should be clearly marked with “Plan Update” and the relevant date. Once approved by the Agri-Ecology Unit a copy will be sent to the participant along with an NPWSf form. This form must be signed by the participant and returned to the NPWS before any further payments can be issued.

Other examples of where a plan update is required include;

- Minor changes in landholding size.
- Minor changes in enterprise,
- Changes in plan participant contact details, notified in writing by planner to NPWS.
- Minor changes to implementation section of NPWS Farm Plan.
- Remedial action required after a failed compliance check or audit.
- In response to minor issues that were not anticipated by the habitat management guidelines.
- Minor errors in the NPWS Farm Plan.
- LPIS Plot changes

**Note:**                      **No fee is payable to planners for producing a plan update.**

#### **4.16 NPWSf form**

In all cases where a farm plan is amended or updated, the participant must sign an NPWSf form confirming that they have received a copy of the amended plan or update and are aware of the changes involved. Where an amended or updated plan is required no further payments will be made to a participant until a signed NPWSf form has been returned to the NPWS Agri-Ecology Unit - *see Appendix 1 Documentation and Guidelines on Plan Preparation*.

#### **4.17 Post approval derogations**

The NPWS will consider derogations from the requirements of the Farm Plan contract where these are required for conservation reasons. The granting of a post-approval derogation is entirely at the discretion of the Wildlife Inspector Grade II in the NPWS Agri-Ecology Unit.

In all cases participants and planners should note the following;

- The planner should consult with the relevant local staff of the NPWS or relevant agents prior to making an application for derogation.
- The application for derogation should be made in writing to the Inspector Grade II in the NPWS Agri-Ecology Unit prior to carrying out any changes in a plan. Documentation arising from consultations with relevant NPWS staff or agents should also be submitted.
- The NPWS Agri-Ecology Unit appreciate that certain requests may be time sensitive and will endeavour to make a decision as quickly as possible.

**Note:** **Post approval derogations will only be available in exceptional circumstances. Planners and participants should not assume that such a derogation will be granted.**

#### **4.18 Termination of NPWS Farm Plan contracts**

The NPWS Farm Plan contract will end after;

- The expiry of the term of the contract, see paragraph 4.5 above.
- The death of the participant - see *4.19 below and Protocol 4, Applications for Second and Subsequent Payments, Section 4b, Question 4.*
- The voluntary withdrawal of the participant, - *see Protocol 4, Section 4b, Question 5.*
- As a result of serious or repeated non-compliance with the terms of the contract, *see Protocol 5 Non-compliance.*
- If a participant is unable to ensure that they have a planning team available to certify compliance, see paragraph 5.11 below.
- If a farm plan contract is deemed abandoned by the NPWS, see paragraph 4.20 below.
- If the NPWS believe that the continuation of the contract would bring the scheme or the NPWS into disrepute - *see Protocol 5 Non-compliance.*
- If, since designation, the destruction, damage or removal of habitat in a Natura 2000 site (prior to joining the scheme) is not disclosed in the initial application and is discovered subsequent to the plan being approved, the applicant may be expelled from the scheme.
- The NPWS will in all cases write to the applicant confirming the termination of the farm plan.

#### **4.19 Death of a Participant**

Where a participant dies within the contract period, the following will apply;

- Where there is no legal successor willing or able to take over the contract, force majeure shall be applied terminating the agreement, payment to the estate of the deceased participant will be made up to the date of the participant's death
- Alternatively, where the contract is in the sole name of the deceased participant, his or her legal successor(s) may apply to take it over for the period remaining.
- The personal representatives of a deceased participant may take over the contract pending the Grant of Probate or Letters of Administration. An individual must be named as the farm manager for the purposes of delivering the measures at farm level until transfer of ownership is complete.
- Where the contract is in joint names, the surviving partner(s) shall have the option of taking over the Farm Plan Contract.

When a participant or joint participant dies, the executor or the NPWS Farm Planner should contact the NPWS Agri-Ecology Unit with the details of the situation.

A person or persons applying to take over by way of inheritance an NPWS Farm Plan contract must produce any one of the following documents to confirm his/her/their status as a rightful successor(s);

- Certified copy of Will and Probate
- Certified copy of Letters of Administration
- Deed of Transfer and Dealing Number issued by Land Registry for registration
- Copy of Land Folio from the Land Registry

#### **4.20 Plan abandonment**

A plan shall be deemed abandoned if the NPWSe and NPWSg (Compliance Report) are not submitted within six months of the participant's anniversary date. Before a farm plan would be terminated under this heading the following procedures will be carried out;

- The NPWS will consult with the relevant lead planner approximately two months after the anniversary date has passed to ascertain the reason for the delay.
- If the NPWSe and NPWSg (Compliance Report) have not been submitted five months after the anniversary date the NPWS will write to the participant to explain the seriousness of the matter.
- If one month after such a letter is sent, there is no response from the participant or there is no prospect of an application for payment being made then the participant's contract will be terminated.
- Where compliance certification has not been issued within 9 months of the anniversary date, irrespective of communications to/from NPWS Agri-Ecology Unit, NPWS reserves the right to suspend or terminate the contract.

## **Section 5: NPWS Farm Planners.**

NPWS farm planners have a key role in the operation and success of the scheme. Their integrity and professionalism are essential if the objectives of the scheme are to be achieved.

### **5.1 Role of NPWS approved farm planners**

NPWS farm plans are drawn up by either one or two suitably qualified approved planners - *see Protocol 2 Planner Approval Process*. NPWS approved farm planners act as agents on behalf of the NPWS, they are not employees of the NPWS; their role is to support participants in the NPWS Farm Plan Scheme by;

- Providing general information about the scheme.
- Producing NPWS Farm Plans.
- Acting as a liaison between the NPWS and the participant.
- Certifying compliance with NPWS Farm Plan Scheme contracts.
- Scoring the quality of plots for particular habitats or species (in the case of results-based plans).

Approved planner status can only be held by an individual. A limited company or other legal entity cannot be approved as a planner. The planner's status as an approved farm planner applies to that person only. Approval as a planner has no intrinsic value, it cannot be bought/sold or transferred to any other person or legal entity nor can it be transferred within a company.

The following points apply to all planners;

- NPWS approved farm planners are paid on a case by case basis for their work on behalf of the NPWS - *see Appendix 3 Payments*.
- The NPWS will not be held responsible for the actions of approved planners.
- As per 4.2, applicants are free to pick any planner, but the planner will need to be approved for the plan in question by the NPWS Wildlife Inspectors with responsibility for the Agri-Ecology Unit. Such approval shall be assessed according to the experience and qualifications of the planner, bearing in mind that NPWS farm plans are deemed "high-end" interventions to deliver bespoke solutions to intricate environmental issues for habitats and species of conservation concern. Thereby, there will be an emphasis on ecological expertise and experience as much as agricultural expertise and experience. NPWS staff can refer a potential applicant to a planner or planners if they consider such action is appropriate.
- If a planner decides to no longer be a farm planner in the Scheme, they must notify the Agri-Ecology Unit of this, and cannot transfer the details of the plans they hold without the prior consent of the Agri-Ecology Unit.

### **5.2 Responsibilities of planners**

NPWS approved farm planners are expected to maintain certain minimum standards. These are essential if the scheme is not to be undermined. These standards include ensuring that;

- Applicants are eligible to join before applications are submitted.
- Payment is only claimed on lands eligible for payment.
- Applications are submitted with all required documentation.

- Plans are of adequate quality and reflect the current landholding practices, describe habitat types on the farm and include a planned management regime that can meet the conservation objectives for the site.
- Plans comply with the Terms of the Wildlife Act 1976 and subsequent amendments.
- Plans comply with relevant Conservation Management Plans and Commonage Framework Plans if relevant.
- Plans comply with habitat and species management prescriptions and guidelines, where these exist (including requirements under the Birds and Habitats Directives)
- Applicants are aware of and fully understand the obligations they are taking on in the scheme including those obligations under Nitrates Directive Regulations and Cross Compliance requirements.
- Applicants understand that sites/areas included in the plan may be subject to audits and inspections by the NPWS or their agents.
- Compliance checks are carried out and non-compliance by a participant with their farm plan is reported to the NPWS Agri-Ecology Unit.
- Planners have a responsibility to participants to ensure that applications for second and subsequent payments are made in a timely manner.
- Ensures that no conflict of interest exists between themselves and the participant.
- Applicant's personal data is kept secure and only used for the purpose for which it was collected. Planners must comply with all relevant data protection legislation.
- NPWS Agri-Ecology Unit are kept informed of any changes to the planner's or farmer's contact details, e.g. address, phone number, e-mail address etc.

Planners are reminded that they are not permitted to sub-contract or delegate any aspect of the farm planning or compliance certification processes to persons who are not approved by NPWS.

### **5.3 Duty of planner to support participants in the scheme**

A person's status as an approved planner is not compatible with refusing or failing to carry out compliance checks and applications for second and subsequent payment.

If a planner or planning team is unable to adequately support participants in the scheme for any reason, they should inform the NPWS Agri-Ecology Unit so that alternative arrangements can be made. In normal circumstances it is envisaged that the individuals planning partner will take over responsibility for the plans in question.

### **5.4 Planner teams**

NPWS Farm Plan can either be prepared by both an Agriculturalist and an Environmentalist working as a planning team, or by a single planner with appropriate agri-environmental experience (at the discretion of NPWS Agri-Ecology Unit). An approved planner can work in conjunction with more than one approved planning partner.

#### **Approved planner/ participant relationships.**

An approved planner may not produce a plan for or certify compliance in respect of land owned or managed by that planner (or a family member of that planner without the prior written consent of the Agri-Ecology Unit). If a planner wishes to join the scheme as a

participant he or she must engage another planning team to submit an NPWSi (pre application screening Form) and to produce an NPWS Farm Plan and application. No member of this planning team can have produced a plan with the planner in the previous two years. If the planner is employed by a company, or is the proprietor of, a partner or a director in a business that is engaged in NPWS farm planning then the planning team that prepares their application must not be associated or linked with that business.

It is not appropriate for an approved planner to produce a plan or certify compliance for a close relative. For this purpose a close relative is defined as;

- A spouse/partner, parent, grandparent, sibling, aunt, uncle or first cousin or the parent, grandparent, sibling, aunt, uncle or first cousin of their spouse/partner).

If during the course of a participant's contract the relationship between the planner and the participant changes in a manner that may create a conflict of interest, then the participant must seek a new planner. The Wildlife Inspector Grade II in the NPWS Agri-Ecology Unit must be informed of the circumstances, in writing, by the planner.

### **5.5 Planner fees**

It is not appropriate for the planner to charge any fee or expense to a participant for any aspect of their work on the NPWS Farm Plan Scheme. The planner's fees are paid directly by the NPWS, with the approval of the participant - *see Appendix 3 Payments and Appendix 5 – Selection of Farm Planner*.

It is permissible for a planner to charge a participant for services provided in the case where an applicant withdraws his application prior to approval. A planner may at his or her own discretion, assist a participant with minor matters outside the scope of the NPWS Farm Plan contract. This could include assistance with BPS declarations or assistance with completing Central Statistics Office census forms or Farm Profiles for the Revenue Commissioners.

### **5.6 Planners professional indemnity insurance**

Planners are not required to have professional indemnity insurance at present. They are however reminded of the value of having insurance cover in place. Planners should inform applicants of the insurance cover that they have.

### **5.7 Restrictions on submission of plans**

A lead planner is not permitted to submit an application for a new farm plan contract if there is an outstanding request (>2 months) for clarifications or updates in respect of another plan in the approval system.

### **5.8 Change of planners (at the request of a participant)**

A participant may change planners at any time. Participants considering such a move should be aware of the following;

- Applications to change planners must be made in writing by the participant to the NPWS Agri-Ecology Unit.

- The participant must nominate a new planner in writing to the NPWS. Once the new planner/planning team confirm that they are willing to take over the plan a copy of the approved farm plan and associated documents will be sent to the new lead planner.
- The new planner/planning team will receive no fee for this, other than future payments for supporting this participant.
- If a participant requests a change of planners the NPWS will notify the original planner(s) that such a request has been made.
- The participant should be aware that no advantage can result from changing planner(s).
- A request to change planner(s) subsequent to the planner(s) reporting an incident of non-compliance will be considered as a risk factor in selecting plans for audit.
- The participant must have a planner at all times. If the participant decides to change planner(s), they must get a new planner to take on their case within one month. If this is not possible then they will have to withdraw from the scheme.
- A request by a participant to change planner(s) will not result in any increased cost to the NPWS. The new planner(s) will not receive any payment (other than for an amended plan if one is required) until they complete the compliance certification at the participants next anniversary date in the scheme.

### **5.9 Change of planner(s) (at the request of a planner)**

A planner may withdraw from supporting a particular participant where;

- The relationship between the planner and the participant has completely broken down.
- Where the planner is unable to adequately support the participant's continued participation in the scheme.

The planner must appreciate that he or she has a responsibility to participants. The termination of support to an individual participant should only be made in the first six months of a participant's recording year. This is to allow the participant adequate time to acquire a new planner. This restriction does not apply in force majeure cases, e.g. planner illness.

A planner who wishes to withdraw from supporting a particular participant in the scheme must provide written notice to both the participant and the Wildlife Inspector Grade II in the NPWS Agri-Ecology Unit. The planner is advised to keep a Certificate of Postage for the notice letter to the participant. In such circumstances the NPWS Agri-Ecology Unit will provide a list of possible alternative planners to such a participant. The onus to obtain a new planner lies with the participant who must do so within 3 months of being notified by the NPWS of this requirement. The Planner who is withdrawing from the being a NPWS farm planner may not transfer his clients to another farm planning team without the written consent of the NPWS Agri-Ecology Unit. In force majeure cases the NPWS may at their discretion certify compliance directly.

### **5.10 Implications for planning partner, clients and NPWS following death, retirement, resignation of planner or removal of planner approval**

A planner must appreciate that they have a responsibility to the NPWS and to the participant's with whom they are dealing. If the planner wishes to resign or retire he or she



must inform the NPWS Agri-Ecology Unit. They should also inform the participants that they are dealing with, as a matter of courtesy.

A planner who is resigning or retiring is reminded of their obligations under the Data Protection Act. Confidential information in relation to participants should be returned to the participant or to the NPWS.

In most circumstances the former planner's approved planning partner will take over the support of all participants on which they collaborated. If the planner was a partner, employee or director of a business that engaged in NPWS farm planning then support for the plans concerned will be retained by that business. This will only apply in cases where the business continues to trade and has suitable NPWS approved planners as principals or employees.

If the former planner's planning partner is unable or unwilling to take over the support of these participants he/ she must inform the NPWS Agri-Ecology Unit in writing. If this occurs, the NPWS Agri-Ecology Unit will write to the participants informing them of the need to engage another planner.

If a planner ceases to be an approved planner for any reason, their former planning partner must seek a new partner who must in turn be approved by NPWS Agri-Ecology Unit.

### **5.11 Changes to planning structures**

If it becomes apparent to the NPWS that the Approved Planner system is not capable of delivering the level of compliance certification required, then NPWS reserve the right to replace the role of approved planners with a suitable alternative. An alternative system could include;

- A small number of planners under direct contract to provide planning services, particularly completion of NPWS and associated paperwork, to the NPWS.
- All compliance control to be carried out by NPWS auditors only.

### **5.12 Communications**

The primary means of communication between the NPWS and planners will be by e-mail and telephone. It is essential that all planners keep the NPWS Agri-Ecology Unit updated as regards their contact details. The NPWS will continue to explore how the effectiveness of the Farm Plan Scheme could be enhanced by improvements in information technology.

The NPWS may from time to time communicate general information to planners by means of numbered circulars. These will be distributed by e-mail. The circulars will detail changes to habitat and species management guidelines, policy changes, changes to fee structures, details of seminars or training courses etc.

NPWS reserve the right to use plan participant contact details to communicate on matters relating to nature conservation, but outside the direct scope of the farm plan.

### **5.13 Disciplinary measures (planners)**

A planner may be sanctioned for failure to maintain the standards expected. The system for issuing sanctions against planners is detailed in *Protocol 6 Sanctions on Approved Planners* and will be enforced from the issue date of this document. The sanction system described in protocol 6 will apply to all planners and in respect of all approved plans and NPWSg (compliance reports) submitted by them, including those submitted before the publication of this document.

## ***Section 6: Applications for Second and Subsequent Payments.***

A valid application for a second or subsequent payment consists of the following;

- NPWSe Form.
- Current BPS Return (copy of).
- Completed NPWSg (Compliance Report).
- Soil report and fertiliser recommendations (if required).
- Tax Clearance Certificate (where appropriate)
- In the case of results-based payments, payments are based on the quality of habitat condition and the above forms (apart from TCC where necessary) do not directly apply.

**Note:**                      ***For full details on this process – see Protocol 4 Applications for Second and Subsequent Payments.***

The amount of advance payment to be issued at the outset of an approved plan is at the discretion of NPWS, but generally advance payments are in the order of 30% (in some instances advance payments up to 50%) of the annual payment. The applicant is also allocated a ref. number and a start date at this time. This is communicated to the applicant by letter. For various reasons, the start date for the plan and the approval date of the plan may be separate dates and will be shown on the front of the plan. In most cases this is the date when the plan was signed by NPWS administration, but it may cover a period for which it is accepted by NPWS Agri-Ecology Unit that the participant observed the requirements of the plan, where these requirements had been discussed with NPWS Agri-Ecology Unit while the plan was being drawn up/yet to be finalised. This date appears on the front page of the plan.

At the end of year 1, it is necessary for the planner to formally apply on behalf of the participant, for the second payment. The second payment consists of the remainder of the preceding year's payment plus the option of an advance payment for the year ahead. The final payment at the end of year 5 (on whenever the contract ends) shall be for the portion of the final year payment that is made in arrears, e.g. 70% if the first advance instalment was 30%.

The participant is expected to co-operate with the planner in this procedure. The application for a second or subsequent payment should be made in the two months following the participants' anniversary date. If for any reason this is not possible, the Grade II Inspector in the Agri-Ecology Unit should be informed.

The NPWS will aim to make second and subsequent payments within 10 weeks of the receipt of the NPWSe and NPWSg (Compliance Report) and other relevant documentation. There is no penalty for the participant for late submission (excluding plan abandonment cases – see paragraph 4.19) at present but the NPWS reserve the right to introduce such a penalty if late submission of applications for payment becomes problematic.

## ***Section 7: NPWS Farm Plan Audits***

All plans shall be subject to annual compliance checks and may be subject to audits. Plan audits will be carried out by a suitable person appointed by the NPWS. All participants must co-operate with the carrying out of audits. For full details on Audit procedures – *see Protocols 7 & 8.*

### **7.1 Right of entry for inspections and audits**

The NPWS reserves the right to carry out audits and inspections at reasonable times of any or all of the following; land, agricultural buildings, title documents, plant, equipment, livestock and records of applicants/ participants.

Inspections may be carried out at any time from the date of application until 12 weeks after the participants' completion of the Farm Plan contract.

## ***Section 8: Non-compliance, Deductions from Potential Payments & Appeals***

### **8.1 Deductions from potential payments for non-compliance**

Detected cases of non-compliance with a Farm Plan Contract will result in deductions from potential payments - *see Protocol 5 Non-compliance (participants)*.

- Deductions from potential payments may result from;
  - Non-compliance noted by the farm planner.
  - Non-compliance noted by an NPWS Farm Plan Auditor.
  - Cross reporting communication with the Dept. of Agriculture, Food & the Marine.
  - Reports from Regional Management of the NPWS.
- Deductions from potential payments will be in the range of 5-100% of a full year's payment.
- All participants will be informed in writing of any proposed deductions from potential payments. For full details on deductions from potential payments see *Protocol 5 Non-compliance (participants)*.
- Once a deduction from potential payments has been decided on, the NPWS will issue the remainder of the payment (if any) due to the participant.
- In the case of results-based payments, reductions from potential payments are essentially reflected in the deduction of points in the score applied to the habitat.
- In serious cases of non-compliance the NPWS reserve the right to terminate the participants Farm Plan contract.
- The NPWS reserve the right to take firmer action including termination of a participant's contract in cases of repeat non-compliance.
- The NPWS will where appropriate, cross report non-compliance to the Dept. of Agriculture, Food & the Marine.
- In cases where the NPWS Agri-Ecology Unit suspect that a criminal offence has been committed the matter will be reported to the Regional Management of the NPWS and if necessary to An Garda Síochána or other relevant authorities.
- In cases where the NPWS believe that there are serious animal welfare issues, the matter will be reported to the Dept. of Agriculture, Food & the Marine.

### **8.2 Appeals**

A participant who has been informed of a proposed deduction from potential payments has the right to an appeal the deduction from potential payments – *see Protocol 5 Non-compliance (participants)*.

## **Section 9: Other Issues**

### **9.1 Information and data protection**

Personal Data collected by the NPWS during the operation of the scheme will only be used for the purpose for which it was collected.

- The NPWS reserves the right to make public, information regarding the areas covered by the NPWS Farm Plan Scheme including the number of participants, farms, historical and archaeological sites, hectares covered, species/ habitats present/ absent etc. The NPWS also reserve the right to make information available to other Government Departments and/ or agencies involved with the implementation of EU and National legislation concerning environmental protection.
- The NPWS reserve the right to make data available for legitimate research purposes. An applicant or a participant's personal details will not be disclosed for this purpose without their consent.

### **9.2 Monitoring**

The NPWS Agri-Ecology Unit in association with Regional Management of the NPWS and the Scientific Unit of the NPWS will monitor the effectiveness of the scheme. The guidelines and management prescriptions used in the scheme will be kept under review to ensure that they are fit for purpose. Planners are encouraged to make a contribution to this process by noting the effectiveness of plans in terms of their impact on key species. Any such comments may be incorporated into the NPWSg (Compliance Report) or notified separately to the NPWS Agri-Ecology Unit. Habitat and species management guidelines will be amended if monitoring suggests that they are ineffective in achieving the objectives of the scheme or are failing to deliver the conservation objectives of the designated area. If this occurs the NPWS may require certain approved plans to be amended.

### **9.3 Training**

The NPWS may from time to time arrange further training for approved farm planners, participants and others. Such training will be arranged if the NPWS considers that it would contribute to achieving the scheme objectives. Attendance at further training may be made compulsory in certain cases. If this occurs the NPWS will endeavour to give adequate notice and where feasible offer alternative dates. The NPWS may select a small number of sites/landholdings as demonstration sites/landholdings to facilitate such training. If this occurs a supplementary payment will be made to the participants involved - *see Appendix 3 Payments*.

### **9.4 Eligibility for a second or subsequent NPWS Farm Plan scheme contract**

After the expiry of a farm plan contract, the participant shall be eligible to apply for a subsequent contract. This acceptance of such an application is subject to the availability of funding. There is no absolute guarantee that after the completion of a 5 year contract that a second five year contract will be approved. Subsequent plans will depend upon;

- The availability of funding.

- The continued operation of the scheme or the relevant plan type.
- A decision as to whether the original plan met its objectives, or whether ongoing intervention is necessary.
- A decision as to whether the first contract constituted a transition arrangement, to allow the farmer to meet his future cross compliance requirements.
- A decision as to whether the participant is being restricted in activities as a result of the designation.

The conservation value relative to cost of a repeat application will have to be considered as part of the NPWS pre application screening process.

## **9.5 Habitat definitions**

All references to habitat types in this document and in NPWS Farm Plans will be as defined in “Guide to Irish Habitats”<sup>2</sup>.

## **9.6 Further conditions**

The NPWS may at any time lay down further conditions under this scheme.

## **9.7 Amendments to the Terms and Conditions document and other instructions to planners and participants**

If it is necessary to amend or update this document or any other instructions or guidelines pertaining to the scheme then the NPWS;

- Will issue the information on changes going forward to all stakeholders and if appropriate to participants by means of a numbered Official Circular, e.g. Circular NPWS FPS5/2018. This example would represent the 5<sup>th</sup> such circular in the year 2018.

This circular will contain a date from which the change going forward will be considered to be in force.

## **9.8 Interpretation of Terms and Conditions document**

The NPWS may expand upon, explain, interpret or define the meaning of any aspect of the Terms or Conditions document at any time. If necessary such an interpretation will be circulated to all approved planners in the manner described in the preceding paragraph.

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<sup>2</sup> [http://www.heritagecouncil.ie/fileadmin/user\\_upload/Publications/Wildlife/Guide\\_to\\_Habitats.pdf](http://www.heritagecouncil.ie/fileadmin/user_upload/Publications/Wildlife/Guide_to_Habitats.pdf)

## ***Protocol 1, Plan Submission, Assessment and Approval***

Only applications which have received authorisation from NPWS to proceed to plan stage – *paragraph 4.2 Terms and Conditions Document* are to be submitted. The NPWS will make a decision on all valid applications within 14 weeks of the date of submission of a valid application. The 14 week period does not include any period awaiting a response from the planners or participant in relation to any queries or requests for clarifications, amendments or extra documentation made by the NPWS. All plans submitted to the NPWS will be tracked through the approval process. Applications received by the NPWS Agri-Ecology Unit will be assigned a Plan Reference number. This plan number will be unique. It will consist of;

- The year of application.
- The county code,
  - The county code will be the county where the target area is located. There are situations where the target area is located in more than one county. In these cases the county in which the greater part of the target area is included will be used in allocating a plan number
- A three digit identification number.

**The reference code shall be the constant and unique identifier that should be used in any correspondence relating to the NPWS Farm Plan. Herd numbers shall not be used as a substitute.**

**Note: All plans must be fully approved by November 30<sup>th</sup> of the year in which consent to proceed to plan stage was granted by NPWS. All required amendments/clarifications must be with NPWS by October 15<sup>th</sup> of the year in which consent to proceed to plan stage was granted.**



## ***Protocol 2, Planner Approval Process – becoming a Planner***

### **1 Planner Approval - becoming a Planner**

Planners will need to be approved for individual plans by the NPWS Wildlife Inspector Grades 1 and 2 with responsibility for the Agri-Ecology Unit. Such approval shall be assessed according to the experience and qualifications of the planner, bearing in mind that NPWS farm plans are deemed “high-end” interventions to deliver bespoke solutions to intricate environmental issues for habitats and species of conservation concern. Thereby, there will be an emphasis on ecological expertise and experience as much as agricultural expertise and experience. NPWS staff can refer a potential applicant to a planner or planners if they consider such action is appropriate.

The minimum qualifications for an approved Agriculturalist are;

- B. Ag. Sc. HETAC level 8 in Agricultural Science.
- M. Ag. Sc HETAC level 9 in Agricultural Science.
- Other qualifications which in the opinion of the NPWS are equivalent to the above.
- Approval as a planner or FAS Advisor is desirable.

The minimum qualifications for an approved Environmentalist are:

- B.Sc. HETAC level 8 in Botany, Ecology, Environmental Science or Zoology.
- M.Sc. HETAC level 9 in Botany, Ecology, Environmental Science or Zoology.
- Other qualifications which in the opinion of the NPWS are equivalent to the above.
- Approval as a REPS/AEOS/GLAS planner or FAS Advisor is desirable.

**Note:** Some persons seeking NPWS farm planner status may satisfy both of the above.

### **2 Proof of Qualifications**

As noted, proof of qualifications must be supplied to the NPWS by persons seeking approval as NPWS farm planners. This requirement can be satisfied by submitting one or more of the following.

- An original letter from the awarding institution detailing the degree awarded and the subjects passed. This letter must be stamped by the awarding institution.
- A certified copy of the original parchment. This must be certified by the awarding institution or by a practising Solicitor.
- Proof of REPS/GLAS/AEOS planner or FAS advisor status requires written confirmation from the Dept. of Agriculture, Food & the Marine.
- A Curriculum Vitae detailing experience and expertise.

### **3 Interviews**

The NPWS may decide to introduce an interview process for approving planners.

## **4 Training Courses**

Persons whose qualifications are deemed adequate may be invited to attend a training course run by the NPWS. This training course will cover the requirements of the scheme and specific advice on the conservation requirements of key species. The course may also include the production of a farm plan on a training farm chosen by the NPWS.

Further training courses for existing planners may be required at any time. Planners will be expected to attend such further courses in order to remain as approved planners for particular habitats/species.

## **5 Final Planner Approval – Plan Assessment Phase**

Planners that are approved in accordance with the 2017 Terms & Conditions document will at first be classed as having probationary approval. Such planners can produce a farm plan subject to the following;

- The plan must be of the type for which they have received probationary approval.
- At least one of the first three plans produced by a planner with probationary approval will be audited by the NPWS. The planner with probationary approval is expected to attend this audit. Their planning partner will not normally be invited to attend this audit.

If the standard of the audited plan is deemed adequate by the NPWS the planner will receive full approval.

If the standard of the audited plan is not deemed adequate by the NPWS, the planner will be allowed to produce one more plan. This plan will be audited, if it is deemed adequate the planner will receive approval. If this second audited plan is not deemed adequate the probationary approval will be revoked. The decision of the Wildlife Inspector Grade II based on the recommendation of the NPWS Farm Plan Auditor shall be final.

The planner with probationary approval will receive written correspondence from the NPWS Agri-Ecology Unit confirming their probationary approval status. This correspondence would be issued following a training course for new planners.

## **6 Duration of Probationary Approval**

A planner with probationary status who has not submitted a plan within 1 year of attending receiving probationary status will have their probationary approval revoked.

## ***Protocol 3            Plan Amendments***

### **1    Plan Amendments**

The reasons as to why a plan may require an amendment are given in 4.13 (Plan Amendments) of the Terms and Conditions document. They are summarised here;

- Major changes to the habitat and species management guidelines issued to planners.
- Changes to the boundaries of the designated area initiated by the NPWS.
- Changes to the landholding area. This only applies where target area is involved or where there is a greater than 20% or 5 hectares (whichever is least) change to the area of non-target land farmed.
- Significant changes to the landholding enterprise, e.g. this could include a change from cattle to tillage.
- Changes to the eligibility of lands managed, e.g. where land previously rented on a short term basis becomes subject to a long term lease or where land previously farmed with the consent of a family member is inherited by the participant.
- To correct an error in the original plan.

**Note: A plan cannot be amended to retrospectively justify actions of the participant**

A plan amendment replaces the original plan, once approved it becomes the basis of the participants contract for the remainder of its term. The amended plan will be copied and distributed in the same manner as a new plan. However the participant will also receive an NPWSf form, - *see Paragraph 4.15 & Appendix 1 Documentation and Guidelines on Plan Preparation*. This form must be returned to the NPWS before any further payments can be issued.

#### **1.1    Payments for Plan Amendments**

An amended plan is produced by NPWS approved farm planners. With the exception of amendments required to correct an error in the plan the planners are paid by the NPWS for this task - *see Appendix 3 Payments*.

#### **1.2    Changes to payable area (Increase or Decrease)**

If the change in target area is due to the acquisition of new target land by the applicant occurs by way of a lease, by consent of a family member or by purchase, no extra payment will be made for that year of the contract period. In plan types where a flat rate of payment per hectare exists, the two year rule comes into play before payment can be claimed. The land in question will have to be managed by the participant, with suitable proof (e.g. declared on the BPS returns for 2 years before payment can be claimed). In the case of plans where the designation imposes real and ongoing costed restrictions on the farm enterprises, payment will be made from the date of approval of an amended plan incorporating the additional land.

The NPWS will increase the contracted payment if the acquisition of extra target area land was by inheritance. The increase in payment in these cases will be made from the anniversary date following the plan amendment.

The following will be required along with the amended plan in these cases;

- Proof of inheritance e.g. a Grant of Probate and a copy of the will.

- Proof that the previous owner was actively managing the site/land for at least two of the previous three years. In the case of farmland, submission of a copy of a BPS return is the normal proof required. If a copy of a BPS return is not available the NPWS may at their discretion accept other types of proof of management.

If a reduction in target area is caused by the sale, lease or relinquishment of land, the amount payable will be reduced from the effective date the land ceased to be eligible for payment.

**Note: It is the planners' responsibility to establish the date on which the change in area became effective. NPWS require proof of the date from which the land was no longer actively farmed.**

### 1.3 Changes in the eligibility of land.

If a participant acquires title to target area lands which had been rented on a short term basis at the time that the initial plan was approved. These lands will become eligible for payment from the date of approval of an amended plan.

If the change in target area is due to **changes in the boundaries of target areas** made by the NPWS since the plan was approved the following will apply;

- Increases in target area. Extra pro-rata payments will be made for adherence to a relevant prescription from the official date of the approval of a plan amendment.
- Decreases in target area. Payment will be reduced from the anniversary date following a reduction in the target area.

In the case of plans where payments are based on permitted stock numbers, e.g. commonage destocking plans, changes in payments will be made where a change in land farmed forces a change in the number of ewes that are to be destocked/ overwintered.

### 1.4 Errors in Payment

If the change is due to an **error** that led to an overpayment to the participant then the following will apply:

- The amount over paid is owed by the participant to the NPWS. The NPWS will write to the participant informing him of the situation and the steps required for repayment of the money involved.
- If the overpayment is not returned to the NPWS then it can be deducted from future payments - *see Appendix 3, part 1, paragraph 11.*
- If the amount overpaid cannot be collected in the manner described above then the NPWS may take whatever steps it deems appropriate to recover the sums involved.

If the change is due to a **planner error** and this error led to an underpayment to the participant, the correct amount (including any payments due from previous years) will be paid to the participant following the approval of an amended plan and the submission of the NPWSe and NPWSg (Compliance Report).

**1.4.1** Errors of the type described in 1.4.2 & 1.4.3 are serious matters. If an overpayment to a participant occurred because of planner error; the NPWS will seek the refund of the

amounts involved. If planner error caused an over/ under payment in excess of 10% or €500 the following planner sanctions will apply;

- If discovered in the course of an audit, they will be considered as mid-level breaches (deficient/ serious in scale) of expected standards.
- If reported by the planner they will be considered as a mid-level breach (careless in scale) of expected standards.

**Note: Intentionally claiming an overpayment in collusion with a participant would represent an intentional and serious breach of expected standards**

**1.4.2** If the scale of the error is less than 10% of the sum calculated on the initial plan or less than €500, the Wildlife Inspector Grade II or on appeal, the Wildlife Inspector Grade I may impose a lesser sanction than those described in 1.5.

**1.4.3** If the error was due to material facts being concealed from the planner by a participant, a lesser sanction than those described in 1.10 may be imposed. If such a claim is being made the planner will have to state their case in writing. The NPWS reserve the right to decide on the final outcome as regards both planner and participant. Claims by planners that material facts were concealed from them by applicants/ participants will not be entertained in respect of issues which the planner had a duty to establish.

**1.4.4** The NPWS reserve the right to deduct the cost of a plan amendment from payments to the participant where non-disclosure of material facts contributed to the need for an amendment.

## **2 Amendments to Plans where the Plan has been transferred to a New Planning Team**

Special arrangements where a plan is transferred to a new planner as a result of the original planner's approval being removed or where a participant wishes to change planner. If the new planner discovers an error in the original plan he should report it to the Inspector Grade II. The planner should also request authorisation to amend the plan. If this is granted they should make the required amendments. No sanctions will be applied for one year to any planner who takes over a plan in these circumstances and who assumes responsibility for supporting the participant in the scheme.

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## ***Protocol 4 Applications for Second and Subsequent Payments, including Compliance Reports and NPWSe form***

This protocol is for applications for second and subsequent payments for all NPWS farm plans except results-based plans. The procedure for formally applying for second and subsequent payments is described. This protocol consists of the following parts.

- |               |  |
|---------------|--|
| <b>Part 1</b> | <b>Procedures for carrying out farm inspections.</b> |
| <b>Part 2</b> | <b>Documentation.</b>                                |
| <b>Part 3</b> | <b>Reporting Procedures.</b>                         |

### **1 Procedures for Carrying Out Farm Inspections during Completion of NPWSe and NPWSg (Compliance Report)**

NPWS Farm Plan Scheme payments are made under a contract between the NPWS and the participant. It is not feasible to continue making payments to participants without a mechanism for determining compliance with the contract. This requirement will be satisfied by annual compliance certification by planners and by NPWS audits.

NPWS approved farm planners are responsible for the annual certification of compliance by scheme participants. Participants are expected to co-operate in this process. In addition the NPWS will also arrange for a proportion of participating farms to be audited by NPWS staff or their agents. These audits are considered essential for quality control purposes. It is important that farm inspections and audits are carried out thoroughly and professionally. Planners must ensure that the inspection process is carried out in a manner that respects the participant and his/her enterprise. The following should be taken into consideration by planners when arranging or carrying out inspections:

Planner inspections should normally take place in the two months following the participant's anniversary date. In certain cases, seasonal issues, e.g. certain Geese plans may dictate that additional inspections are required. These would represent exceptional situations but the planner's fee would reflect the extra work involved. The issue of planner fees is dealt with in *Appendix 3 Payments*.

The participant does not have to be present at an inspection but s/he **must** be notified of it in advance and of its outcome. All cases where assigned tasks are not completed represent non-compliance. Non-compliance may be justifiable or excusable for force majeure or other reasons, but it must still be reported. A planner can comment on the scale or impact of non-compliance. This can be done in the comments by planner part of section D of the NPWSg (Compliance Report). The request for recommendations from the planner does not compel the planner to say what deductions from potential payments if any he or she thinks should be imposed. A planner can of course make such a comment if he or she wishes.

The planner should qualify any comments that s/he makes to the participant in relation to deductions from potential payments by stating that the issue of deductions from potential payments is not his/her decision.

The issue of deductions from potential payments is a matter solely for the NPWS – *see Protocol 5 Non-compliance (participant)*.

## **2 Documentation - Applications for Second and Subsequent Payments including NPWSg (Compliance Report)**

A formal application for a second or subsequent payment requires the submission of the following by the planner;

- NPWSe form
- Copy of a current BPS return
- Other NPWS forms, e.g. NPWSc or NPWSd forms (if there is a change in area farmed or in the title to the land farmed).
- NPWS Farm Plan Scheme NPWSg (Compliance Report) (sections A-D).
- Photographs of non-compliance (if any)
- Maps showing location where photographs were taken - only required in non-compliant cases.
- Plan Update or amendment if required.
- Results of soil tests and an updated Table 1 - if applicable - only required where soil testing was not possible when the original plan was produced.

### **2.1 Completing the NPWSe form, see Appendix 1 Documentation and Guidelines on Plan Preparation**

This form should be filled in by the planner and signed by the applicant. It details the amount of payment due to the applicant. A refusal to sign the NPWSe form will be considered as a withdrawal from the scheme. In joint applications, the NPWSe form must be signed by all of the participants. Continued participation in the scheme must have the unanimous support of the participants - see paragraph 6 in the core Terms and Conditions document.

**The Reference Number** consists of;

- The year of approval,
- A letter code for the county and
- A number

An example of a Ref. Number is **2017/ DL/ 105**.

This code is on the letter sent to the applicants confirming his acceptance into the scheme. It is also on the front cover of the plan when it is sent to planner. If it is not known the planner should seek assistance from the administration section of the NPWS Agri-Ecology Unit.

### **2.2 Receipts**

Except in the case of particular capital works, there is generally no requirement for receipts in respect of plans unless stated by NPWS Agri-Ecology Unit at the outset of the plan or planning process.

## 2.3 Anniversary date

The anniversary date was issued to the applicant when their plan was approved. It is generally the date the plan was signed by NPWS Administration. It is normally given on the 2<sup>nd</sup> line of the title page of the plan.

## 2.4 Other outlays

The other outlays amount relates to once-off payments due in certain cases and already approved in the plan. If this is not applicable, then a figure of “0” should be included here. This section should not be left blank.

## 2.5 Total amount due

The total amount due is the sum of the annual payment plus any once-off Payment due. The amount that will actually be paid may be reduced for non-compliance. Irrespective of possible deductions from potential payments, the contracted amount (100% as per compensation table) should be filled in on the NPWSe form. The issue of deductions from potential payments will be dealt with internally by the NPWS.

## 2.6 Current BPS return

In the case of farmers, a copy of the Current BPS return must be included with the application for payment. Any differences between it and the plan should be noted in Part B of the NPWSg (Compliance Report). Differences should be duly explained in the comments by planner section D of the NPWSg (Compliance Report).

## 2.7 Other NPWS forms, leases etc.

- NPWSc or NPWSd forms or leases. If there are changes to the rented, leased or Familial area managed or to certain management practices (e.g. export of Animal wastes), a current NPWSc, NPWSd forms, waste export agreement or leases will be required. These documents should be enclosed with the application for payment.
- NPWSc or NPWSd forms do not have to be resubmitted for lands included in the original plan. Copies of these forms should be kept by the planner. They will be needed if an amended plan is required later.

## 2.8 NPWSg (Compliance Report), see Appendix 1 Documentation and Guidelines on Plan Preparation

Planner inspections are a key component in the operation of the NPWS Farm Plan Scheme. The planner’s role in certifying compliance is **very different** from his role in the other schemes such as GLAS. The key difference is that in the NPWS Farm Plan Scheme planners are acting as an agent of the NPWS and are paid by the NPWS for their services in this regard.



Compliance Certification requires a **Farm Inspection and the completion of an NPWSg (Compliance Report) (sections A-D)**. The report can be prepared by either the agriculturalist or the environmentalist.

Where multiple planners are employed by the same employer, compliance certification can be carried out by any planner approved to carry out NPWS plans, of the relevant type, working for that agency. If a planner notes a serious case of non-compliance they should consult with their planning partners. Planners should note that payment for the inspection is per plan, not per number of persons carrying out the inspection.

The NPWSg (Compliance Report) itself consists of four sections (A-D). Instructions on completing each section are given below.

**Section A: Participant details - NPWSg (Compliance Report)**

- The applicants Name, address, NPWS Ref. number and anniversary date must be included in this section.
- The plan type should be filled in the space provided.

**Section B, Inspection Details - NPWSg (Compliance Report)**

All Questions in this Section must be answered.

- The date of inspection must be included here.
- The names of the persons present at the inspection should be listed here. These could include the participant, NPWS regional staff, family members and or third parties.
- The Wildlife Inspector Grade II in the NPWS Agri-Ecology Unit should be notified if;
  - A third party present at the inspection will not identify themselves and their interest in the inspection. In such a case, the inspection should be abandoned.
  - The participant or any third party attempts to improperly influence or restrict the work of the planner.
- Circle or mark off which of the 5 years of the plan duration you are checking.

Questions 1-5 on the NPWSg (Compliance Report). When completing this, the planner should consider the following;

Question 1. The planner must confirm that a copy of the **current BPS return** is included. In the case of farmers, applications for payment without a copy of the current BPS return cannot be processed.

Question 2. The planner must certify that the **NPWSe form** has been completed and signed by the applicant. Applications for payment without a signed NPWSe form cannot be processed.

Question 3. The planner must explain any **changes to the details declared on the BPS return** since the plan was approved. Details of these changes will be described in the comments by planner, section D of this form. Changes to BPS apply to both target area plots and undesignated plots. The addition of new lands or the loss of land should be

noted by ticking the “Yes” box. Likewise changes of use in a parcel should be noted by ticking the “Yes” box.

- Minor changes to areas of a parcel, i.e. less than 3% and less than 0.3 hectares caused by the BPS Unit of the Dept of Agriculture, Food & the Marine re-digitising plot areas do not have to be notified on the NPWSg (Compliance Report).
- New LPIS numbers should be reported. For example, a parcel was described as Plot 1 on the 2017 BPS return. If in 2017 it receives a LPIS number, the planner should report the relevant details here.
- Land use change includes changes necessitated by the acquisition of extra land, termination of rental agreements, changes to cropping type etc. These will have to be explained in the comments by planner, section D of this form.

Question 4. Any changes to the **participant’s details** should be noted here by ticking the “Yes” box. This would include change of address, change of surname on marriage etc. A full description should be given in the changes to participants details, section D of this form.

If the participant has died during the course of the year, a reduced payment may still be due to the estate. In these cases the NPWSe should be signed by the representatives of the deceased. Full details including date of death and a copy of the Death Certificate should accompany the NPWSe form. The calculation on the payment due in these cases will be made by the NPWS. An inspection and NPWSg (Compliance Report) are still required.

If the next of kin wish to continue in the NPWS Farm Plan Scheme, a new contract will be required. This contract will be based on the existing plan and will be for the period remaining in the original agreement. In situations like this the planner should consult with the Wildlife Inspector Grade II in the Agri-Ecology Unit for guidance. Proof that the next of kin will inherit the land and that the herd number has been transferred or that the next of kin has been registered as the herd keeper with the Dept. of Agriculture, Food & the Marine must be provided. If there is no change in the area of target land involved then the planner will be paid as for an amended plan - *see Appendix 3 Payments*. If the person inheriting the land already has target land in their own name and wishes to join the NPWS Farm plan scheme then the planners will be paid as for a new plan – *see Appendix 3 Payments*.

In the case of joint applications where one of the partners has died, the surviving partners can continue with the existing contract. If this occurs the planner should tick the “Yes” box. Full details will be required in the changes to participant Details, section D. A Death Certificate will be required. **Proof that the details on the herd number have been updated must be provided before payment can issue.**

Question 5. If the participant(s) wish(es) **to withdraw entirely from the scheme**, the planner should tick the “Yes” box. Details should be given in section D of this form. Confirmation in writing will be required from the participant(s).

Joint applications, if one or more of the partners are ceasing their involvement in the farm, the remaining partner(s) can continue with the contract if they so wish. If this

occurs the planner should tick the “Yes” box. Full details will be required in the changes to participant Details; section D. Confirmation in writing from the partners wishing to withdraw will be required. In the case of farmers, the remaining applicant will have to have a Herd Number in his/ her own name before payment can issue. The partners must be unanimous in their desire to continue with their farm plan contract. Otherwise it will be considered as a withdrawal from the scheme.

In cases of voluntary withdrawal from the scheme:

- The inspection will still have to be carried out.
- The effective date of withdrawal will have to be established by the planner. The NPWS Agri-Ecology Unit will calculate what payment if any is due to the former participant. This does not apply in the situation where a partner in a joint application dies and the surviving partner wishes to continue with the NPWS Farm Plan contract.

### Section C: Compliance Check - NPWSg (Compliance Report)

All questions in this section must be answered.

The most recently approved version of the plan is to be used in an inspection. Updates to the plan issued by the NPWS Agri-Ecology Unit must be considered.

Question 6. The planner **must establish if all planned tasks have been completed**. All tasks planned for the preceding year must be considered before completing this section. All tasks associated with once-off payments that may be due to the participant must be checked. Evidence of non-compliance should be noted here by ticking the “Yes” box. Details are to be given in the details of non-compliance, section D of this form. This is a straight yes or no question.

It is important that the planner takes photographs to demonstrate any non-compliance and in the case of capital works, that it is shown what works have been undertaken.

If animal housing or waste storage facilities are located on the target Area, the planner must check that the farmer is compliant with his obligations under the Nitrates Directive Regulations. This is in addition to any obligations under his NPWS Farm Plan.

Question 7. If the applicant has complied with the **planned grazing regime** and the nutrient management plan, tick the “Yes” box. If not then tick the “No” box. In cases of non-compliance details should be given in section D. Evidence could include excessive poaching or evidence of supplementary feeding where none was planned. It is important to take photographs to demonstrate this. This is a straight yes or no question.

Question 8. If you feel that an **amendment to the plan** is required, tick the “Yes” box. Full details including any key dates should be given in the comments by planner (section D) of the report. This could include sale or transfer of all or part of the farm or changes in farm enterprise. If the NPWS agree that a formal amendment is required then authorisation for this will be issued to the planner. Payments due to the participant may be delayed until the amended plan is approved.

Question 9. Note any concerns that the plan **may not reach its objectives** here. These could include actions by third parties or force majeure issues such as fire, flooding etc. Full details should be given in the comments by planner part of section D of this form. Any documentation to back up your concerns should also be included.

Question 10. If the answer to both Questions 6 and 7 is “Yes” then tick the COMPLIANT box. If the answer to either is “No”, then tick the NON-COMPLIANT box.

COMPLIANT/ NON COMPLIANT If the participant is fully compliant; Questions 11-14 are not applicable. In compliant cases, answer these questions by stating N/ A in the Yes box.

Question 11. **The participant should be informed of any non-compliance issue.** The participant should also be asked if they accept that they were not compliant. Their response should be noted here by ticking Yes or No as appropriate. This is a straight Yes or No question.

Question 12. If the participant offers an **explanation for non-compliance** it should be noted here by ticking “Yes”. Details of explanations should be given in the explanations offered by participant, section D. Such reasons could include flooding for a prolonged period, fire, failed TB test, illness etc.

Question 13. **Could the plan have been clearer?** Have inconsistencies within the plan contributed to the non-compliance? If this is the case it should be noted here. Details should be given in the comments by planner, section D of this form. If the participant explains non-compliance by pointing out inconsistencies in the plan, the NPWS must be informed. This may be considered by the NPWS in a decision on any deductions from potential payments. If the participants point is justified, the planner will have to amend the plan. No fee will be paid for such an amendment. The error will not be considered in an assessment of a planner’s performance, **if** the error is reported by the planner in the NPWSg (Compliance Report).

Question 14. if you have **any comments to add** regarding appropriate remedial action tick the “Yes” box. Details should be given in the comments by planner, section D of this form.

#### **Section D: Further Information –NPWSg (Compliance Report).**

Further information regarding the inspection should be provided in the relevant part of section D. If there is not enough space on this page you can attach extra pages. Each page must identify the participant by name and Ref. number. Each page should also be signed and dated by the planner. Section D should include a reference to any extra material.

**Recommendations by planner.** In cases of non-compliance, the planner may find it necessary to elaborate on the scale or impact of noted non-compliance. This can be done in section D of the NPWSg (Compliance Report).

#### **Plan Update - Remedial Action**

In all cases of non-compliance the tasks planned for must be completed in the following year in addition to the tasks planned for that year. There will be situations where the requirement for remedial action will affect future tasks in the plan. This requirement is irrespective of whether a deduction from potential payments is imposed for the non-compliance or not. The planner should suggest appropriate remedial action to the participant. Once agreed with the participant, these should be described in the comments by planner section. The NPWS Agri-Ecology Unit will assess these proposals. A plan amendment or update may be requested. When a remedial action programme **is written up** and approved, the NPWS will issue a formal update to the plan. This update will be sent to the participant. A copy of the update will be sent to the planner and relevant Regional NPWS staff.

Such remedial action could have implications for tasks planned for later years in the plan. Where this occurs changes to the schedule of Work in the plan may be required. This will be done by means of an update to the farm plan.

If a planner is attaching any other documentation to the report such as photographs or additional pages these should be described under comments by planner in section D of this form, e.g. "4 photographs of plot 8 taken on 21/ 06/ 16 are attached".

## **2.9 Photographs associated with NPWSg (Compliance Report)**

In non-compliant cases, the planner should take photographs which demonstrate the extent of non-compliance. These should be identified by participant name, ref. number, plot number and date. If the relevant plot contains a station the photographs should if possible be taken from the station location. Sufficient photographs to demonstrate the extent of non-compliance should be taken. The photographs should include overview shots of the plot concerned. Photographs are also required to illustrate non-compliance with tasks such as sources of water pollution prevention, or non-clearance of rubbish, etc.

Similarly, in the case of capital works, representative photographs should be taken and supplied to NPWS Agri-Ecology Unit to show the works that have been undertaken. In certain cases, the benefits of capital works will increase over time and representative photographs of such transition should be taken and supplied.

## **2.10 Maps associated with NPWSg (Compliance Report)**

A map is required;

- To show the locations where photographs were taken (if taken at locations other than a station).
- Where it is necessary to illustrate partial compliance, e.g. rushes cut in half of a plot.

ArcGIS is the preferred platform for mapping.

## **2.11 Soil Testing Results associated with NPWSe**

Soil testing may be required for certain plan types or in specific circumstances. If soil testing was not possible when the original plan was prepared (due to the application of lime, chemical fertiliser or animal wastes in the 3 months preceding fieldwork), soil test results will be required with the application for a second payment. An amended Table 1 Nutrient Management Plan is also be required at this stage. If they are not presented the participants payment will still be processed, however the planner's fee will be withheld until the results are forwarded.

## **2.12 Miscellaneous Issues**

- All parts of the NPWSg (Compliance Report) should be completed, signed and forwarded to the NPWS. This is the case whether the participant is compliant or not.
- All parts of section D must be answered. If they are not relevant you should state "Not Applicable". They must not be left blank or unanswered.
- Section D has to be signed and submitted even if no part of it is applicable.
- Extra pages, photographs or maps should also be signed (by the planner). This material should be dated and identified by the participants name, address and Ref. Number. They should also be referred to in the comments by planner part of Section D.
- If Compliance reports are incomplete whether due to an accidental omission by the planner or otherwise, the planner should be requested to send in the complete documentation. Processing of the application for payment should not be made in the absence of required documentation, including Section D, NPWSe and current BPS from Dept. of Agriculture, Food & the Marine.

## **3 *Reporting Procedures in respect of Compliance Checks***

Applications for second and subsequent payments should not be made until after the participant's anniversary date. Applications should be received by the NPWS within two months of the anniversary date.

The NPWSe form and associated documents should be sent to the;

**Wildlife Inspector Grade II  
NPWS Agri-Ecology Unit  
7 Ely Place  
Dublin 2**

## ***Protocol 5      Non-compliance (participants)***

### **1      Deductions from potential payments for Non – Compliance**

Detected cases of non-compliance with the NPWS Farm Plan contract will result in deductions from potential payments. The scale of deductions from potential payments to be imposed on a participant in cases of non-compliance with the NPWS Farm Plan is solely a matter for the NPWS. The deductions system described in this protocol acts as a guideline for deductions from payment, but alternative methods may be used, where they are rationalised and explained to the participant.

Deductions from potential payments may result from;

- **Non-compliance noted by the farm planner (normally on the NPWSg (Compliance Report)).**
- **Non-compliance noted by an NPWS Farm Plan Auditor.**
- **Cross reporting with the Dept. of Agriculture, Food & the Marine.**
- **Reports from Regional Management of the NPWS.**

#### **1.1      Decision on Deductions from Potential Payment**

The decision on what deductions from potential payments to apply will be made by the Wildlife Inspector Grade II in the NPWS Agri-Ecology Unit. In non-compliant cases the Wildlife Inspector Grade II may;

- Issue a written warning to the participant requiring remedial actions within a given period.
- Impose a monetary penalty. Penalties can range from 5% to 100% of whole plan payment, or can apply solely/entirely to the particular field or management unit where the compliance issue arose (in the case of damage to habitats, penalties will normally apply to the whole plan payment).
- In cases where there is also a cross compliance breach (of GAEC or SMR 1 and/ or SMR 5), report the case to the Dept. of Agriculture, Food & the Marine.
- In cases where there is a breach of the Wildlife Act report the case to NPWS Regional Management.
- Recommend that the Participant be removed from the scheme (this requires confirmation from the Wildlife Inspector Grade I in the Agri-Ecology Unit).

The percentage deduction to be applied can be calculated by reference to Table A shown below, or to equate to the percentage of target area or prescribed works on which non-compliance occurred.

**Table A Deductions from potential payments: Calculation Table.**

		<b>Type of Non-Compliance</b>		
<b>Scale of Non-Compliance</b>		<b>Minor</b>	<b>Mid-Level</b>	<b>Serious</b>
	<b>Small Scale</b>	<b>5%</b>	<b>10%</b>	<b>25%</b>
	<b>Mid-Scale</b>	<b>25%</b>	<b>50%</b>	<b>75%</b>
	<b>Large Scale</b>	<b>50%</b>	<b>75%</b>	<b>100%</b>

## 1.2 Scale of non-compliance

The scale of the deduction from potential payments is calculated by % of the planned commitment for the year in question that was not achieved;

<b>Small Scale =</b>	<b>1- 10%</b>
<b>Mid-Scale =</b>	<b>11- 40%</b>
<b>Large Scale =</b>	<b>41-100%.</b>

Not all types of non-compliance will lend themselves to assessment by scale. In cases where there is any doubt as to the appropriate scale to apply the default position will be to apply the mid-scale penalty. The Wildlife Inspector Grade II in the NPWS Agri-Ecology Unit will make the determination as to the scale of non-compliance. In certain cases, deductions from potential payment can be calculated to equate to the percentage of target area on which non-compliance occurred.

## 1.3 Types of non-compliance

Non-compliance falls into one of three categories. These are;

- **Minor**
- **Mid-Level**
- **Serious**

Examples of the issues that would be considered in each of these categories are shown below.

### 1.3.1 Minor non-compliance

- Exceeding planned stock levels by between 10% & 20%, where damage to protected habitats or species does not occur and the farmer is not in a destocking plan.
- Failure to ensure that the current BPS return reflects the reality on the farm.
- Not ensuring that changes in the area of non-designated lands are notified to the NPWS.
- Failure to implement planned improvements to Animal Housing or Waste Storage Facilities, (where these facilities have not been used and no pollution results).
- Failing to manage Rushes in accordance with a Hen Harrier Plan.

### 1.3.2 Mid-level non-compliance

- Failing to maintain Hedgerows as specified in the plan.
- Non-Compliance with a reversion programme for improved grassland in a Hen Harrier Plan.
- Exceeding of planned stocking levels in excess of 20%, with the exception of compulsory destocking plans.
- Outwintering stock (i.e. between November–April, both months inclusive) on areas where this practice is not permitted in the plan.
- Failure to maintain minimum stocking levels where required in an NPWS Farm Plan. (There will be a tolerance of 10% below planned levels).



- Grazing a Corncrake meadow after March 15<sup>th</sup>.
- Introduction of livestock types (e.g. sheep in coastal grasslands) not permitted in the plan or the relevant prescription.
- Cutting a Corncrake meadow without giving the required notice to the NPWS or its agents.
- Failure to control self-sown Conifers or Rhododendron in Heath/ Blanket Bog Areas in Hen Harrier SPAs.
- Failure to remove rubbish, waste or other materials as required in the plan (depends on the scale).
- Failure to plant a new hedgerow as required in the plan.
- Failure to maintain and protect a new hedgerow throughout the period of the plan.
- Failure to maintain records where required.
- Failure to notify the NPWS of the acquisition of designated lands.
- Non-compliance with the Nitrates Directive Regulations in respect of the storage or disposal of animal wastes on designated areas (where no proof of pollution can be demonstrated).
- The spreading of organic wastes, chemical fertilisers or lime in a target area in excess of the allocation provided for in the plan.
- Failure to obtain a stocking rate derogation from the requirements of the Nitrates Directive Regulations if such a derogation is required.
- Obstructing an NPWS Auditor, Conservation Ranger or other official or agent of the NPWS in the course of their work.

### 1.3.3 Serious non-compliance

- Any Breach of ARCs in a designated area which results in damage to habitat.
- Causing Pollution of any watercourse.
- Exceeding of planned stocking levels in excess of 40%, with the exception of destocking plans.
- Exceeding planned stocking levels by more than 5% in a compulsory destocking plan
- Removal of hedgerows, stonewalls, Watercourses or Earth Banks except where this is provided for in the plan.
- The cutting of turf by any method in SAC designated bogs where turf cutting is prohibited.
- Causing the destruction of or serious damage to an Archaeological or Historical site.
- Cutting a Corncrake Meadow or a Curlew nesting area before the allotted cutting date for that year.
- Failure to implement centre out mowing in a Corncrake meadow.
- Cutting a Corncrake Meadow without giving the required Notice to the NPWS or its agents where this has been specifically requested by the NPWS or its agents.
- Failure to notify the NPWS of the disposal or acquisition of designated lands.
- The application of fertilisers, lime, slurry, farmyard manure, pesticides or herbicides in a designated area where this is not permitted in the plan.
- Interfering with nest sites of protected birds.
- Engaging in or permitting illegal hunting or fishing within an SAC or SPA designated area on their farm.
- Attempting to conceal material facts concerning the eligibility of lands from the NPWS.

- The use of poisoned meat baits for the control of pests.
- Attempting to conceal material facts from the NPWS regarding activities, existing infrastructure or damage to habitats on the farm.

#### **1.4 Multiple non-compliance issues**

In cases of multiple incidents of non-compliance under different headings in a single year, deductions from potential payments shall be cumulative. The sum of deductions from potential payments incurred in a single year under different headings shall not exceed 100%.

#### **1.5 Partial mitigation for bad weather**

In cases where the non-compliance relates to planned tasks that would be seriously hindered by prolonged wet weather, a partial mitigation of penalty may apply.

These tasks could include rush cutting in marginal/heavy soil areas. Data from Met Éireann will be used to determine if rainfall in the period May-September of the applicant's recording year was above average. Planners and participants should be aware of the following in respect of partial mitigation of deductions from potential payments;

- The decision on whether a particular deduction from potential payments is eligible for mitigation of penalties due to inclement weather is a matter for the NPWS.
- If rainfall exceeded 130% of the average rainfall for the nearest recording station (where adequate long term data is available) in at least 4 of the 5 months between May and September of the participants recording year, the penalty will be reduced by 50% (of the penalty). If rainfall exceeded 130% of the average rainfall for the nearest recording station (where adequate long term data is available) in at least 3 of the 5 months between May and September of the participants recording year the penalty will be reduced by 25% (of the penalty).
- If the participant's anniversary date occurs between May and September, then rainfall for the months after the anniversary date will be taken as those recorded in the previous calendar year.
- If the participant's anniversary date is in the middle of a month then the rainfall figure for that month in the current year shall be used.
- Even if the NPWS allow a partial mitigation of deductions from potential payments, a plan update requiring that the uncompleted work be carried out in the following year still applies.

#### **1.6 Partial Mitigation due to flooding caused by a river, turlough or lake**

In cases where the non-compliance relates to planned tasks rendered impossible by prolonged flooding, a mitigation of the penalty may be considered. Non-compliance with the plan on plots which were subject to unseasonal flooding by a river, turlough or lake will not result in a penalty if;

The flooding is confirmed by river depth gauges monitored by the OPW, the EPA, ESB or other reputable organisations or the flooding is confirmed by the Regional Management of the NPWS or their agents. The flooding must have been of sufficient duration to make the completion of the planned tasks impossible during the participant's recording year.

## 1.7 Penalties in respect of once-off payments

In the case of once-off payments, the only penalty is **100%** of the once-off payment. The Grade II may at their discretion offer the participant the opportunity to complete the work the following year. In some cases non-compliance in respect of a once-off payment may also create difficulties for the basic payment, e.g. once-off payment to finance basic improvements to emergency animal housing in an SAC. If the planned works are not carried out, this may result in the following;

- A **non-compliance penalty of 100%** of the once-off payment.
- If non-compliance results in escape of seepage to a watercourse then a penalty on the basic payment will also apply - if such exists. In this case, cross reporting to the Dept. of Agriculture, Food & the Marine will occur and a **penalty of 75-100%**, depending on scale, will apply to payments under the NPWS Farm Plan Scheme.

**Note:** No once-off payment will be paid in respect of partial completion of a planned task. The once-off payment cannot be made until the planned task is fully completed.

## 1.8 Repeat non-compliance

If two deductions from potential payments of 50% or more for a participant are confirmed (in separate years) the participant's contract may be terminated.

In cases of repeat non-compliance where the second or subsequent incident is considered of equal or lower severity than the original non-compliance, the scale will be increased by one step on the deductions from potential payments calculation table. This will have the effect of treating all cases of repeat non-compliance as mid-level or serious non-compliance.

## 1.9 Notice of proposed deductions from potential payments

In all cases where a penalty is imposed the Wildlife Inspector Grade II will write to the participant informing him/ her that the NPWS will be imposing a penalty or are proposing to remove them from the scheme and the reasons for that decision will be given. The participant will have 1 month from the date of that letter to respond. If no response is received after 1 month or if the participant indicates that they accept the penalty, the penalty will be confirmed. That portion of a payment (if any) not in dispute will be processed for payment when a decision on a penalty is made.

**Note:** If NPWS Offices are closed on the day on which the period for making a submission expires, then the closing date shall be extended to the next day on which the NPWS offices are open.

## 2 Removal from the Scheme

Removing a participant from the scheme requires confirmation from the Wildlife Inspector Grade I in the NPWS Agri-Ecology Unit.

The Wildlife Inspector Grade I **may** remove a participant from the scheme for the following reasons;

- If the Participant has been convicted in court of a breach of any environmental/wildlife/conservation legislation.
- Following the imposition of a total penalty of 100% or greater.
- Following the imposition in different years of two deductions from potential payments totalling 50% or more.
- Following a determination by the NPWS that the plan has been abandoned - *see paragraph 4.19* of the Terms and Conditions Document.
- Where the NPWS believe that the continuation of an NPWS Farm Plan Contract would bring the scheme or the NPWS itself into disrepute. For example where an applicant concealed the fact that they had destroyed, damaged or removed habitats from a designated area at any time since its designation.

### **3 Appeals**

The following points apply to all situations where an applicant or participant wishes to appeal a decision in relation to their case;

- The request for an appeal must be requested in writing within 1 month of the issue of the letter informing the participant of the proposed penalty. The request for a review should identify the participant by name, address and NPWS Ref. Number
- The participant must ensure that any materials required to support their case, e.g. photographs are sent along with the initial request for a review.
- The NPWS will aim to make a decision within 10 weeks of the receipt of a request for an appeal.
- The participant will be notified in writing of the result of the appeal.
- If an appeal is successful or partially successful the NPWS will issue any payment due to the participant as soon as possible.
- The request for an appeal of a proposed deduction from potential payment should be sent to;

**Wildlife Inspector Grade I  
c/o Agri-Ecology Unit  
NPWS  
7 Ely Place  
Dublin 2**

The appeal will be assessed by a senior official in the NPWS (Grade I or higher). This Official will not have been involved in the initial decision to impose a penalty. In a case where the proposed penalty includes the removal of the participant from the scheme the appeal will be assessed by an NPWS Official of Wildlife Inspector Grade I or higher other than the Inspector who confirmed the original decision.

If the participant is not satisfied with the result of the appeal process they may bring the matter to the Ombudsman's Office for an independent review.

## **4 Force Majeure**

- 4.1** If the Participant makes a claim of Force Majeure it will be considered by the Wildlife Inspector Grade II in the Agri-Ecology Unit.

Force Majeure Issues could include;

- Death of the participant,
- Long term professional incapacity of the participant,
- Expropriation of a large part of the holding if such expropriation could not have been anticipated on joining the Scheme, e.g. a compulsory purchase order.
- A Natural disaster affecting the holdings agricultural land,
- The accidental destruction of livestock buildings on the farm,
- An outbreak of disease affecting all or part of the livestock on the farm.
- The disposal or vacation of land to satisfy a court order or legal settlement in cases of marital breakdown.

- 4.2** A claim of Force Majeure should normally be made via the planner and indicated on the NPWSg (Compliance Report).

- 4.3** The Wildlife Inspector Grade II can request whatever documentation they feel is necessary from the participant to substantiate the force majeure claim.

- 4.4** The Wildlife Inspector Grade II will write to the participant informing them of their decision on the claim of Force Majeure.

- 4.5** If the participant is not satisfied with the determination made by the Wildlife Inspector Grade II they can request a review.

- 4.6** The following points apply to all cases where a review of a determination on Force Majeure is requested;

- This review will be carried out by the Wildlife Inspector Grade I in the Agri-Ecology Unit.
- The NPWS will aim to make a decision within 10 weeks of the receipt of an application for a review of the decision on a Force Majeure claim.
- The Wildlife Inspector Grade I will write to the participant informing them of their decision on the review of the claim of Force Majeure.
- If the review of the determination on a claim of Force Majeure overturns or partially overturns the original decision then the NPWS will issue whatever payment is due to the participant as soon as possible.
- The participant will be notified in writing of the result of the review.
- If a participant is not satisfied with the result of the review they may bring the matter to the Ombudsman's Office for an independent review.

## **5 Deductions from potential payments incurred in the Final Year of an NPWS Farm Plan Contract**

If a penalty is confirmed in the final year of a contract it will be deducted from the 70% to be paid in arrears. If the penalty exceeds 70% the balance will be requested from the participant. If this amount is not paid the participant will be barred from future Farm Plan Contracts.

## ***Protocol 6            Sanctions on NPWS Approved Farm Planners***

The sanction system described in this protocol will apply to all planners and in respect of all approved plans and NPWSg (compliance reports) submitted by them including those submitted before the publication of this document.

The NPWS Agri-Ecology Unit will, if necessary, maintain a file on each approved planner. Such a file would contain;

- The details of plans for which the planner is responsible.
- Correspondence received from or in relation to the planner or plans that they have produced.
- References to audits carried out on plans prepared by that planner.
- The details of Compliance Certifications by that planner will also be recorded.
- The details of all penalties imposed on the planner.

### **1       Standards Expected from NPWS Approved Farm Planners**

Planners must ensure that;

- Applicants are eligible for and suited to join the scheme before applications are submitted.
- Payment is only claimed on lands eligible for payment.
- Applications are submitted with all required documentation.
- Plans are of adequate quality and reflect the current agricultural practices, describe habitat types on the farm and include a management regime that can meet the conservation objectives for the site.
- Plans comply with the Terms of the Wildlife Act 1976 and subsequent amendments.
- Plans comply with relevant Conservation Management Plans and Commonage Framework Plans if relevant.
- Plans comply with the guidelines for appropriate management based on the Conservation Objectives for Natura 2000 site(s). Plans comply with available habitat and species management prescriptions as published when available on the [www.npws.ie](http://www.npws.ie) website.
- Applicants are aware of and fully understand the obligations they are taking on in the scheme including those obligations under Nitrates Directive Regulations and Cross Compliance requirements. Planners should note that if an applicant is unwilling to implement the required changes in management practices, the plan may be found unsuitable and rejected. In these circumstances the planner will not be paid.
- That applicants understand that their farm may be subject to audits and inspections by the NPWS or their agents. That compliance checks are carried out and non-compliance by a participant with their farm plan is reported to the NPWS Agri-Ecology Unit.
- Planners have a responsibility to participants to ensure that applications for second and subsequent payments are made in a timely manner.
- That the planner ensures that no conflict of interest exists between themselves and the participant.
- That applicant's personal data is kept secure and only used for the purpose for which it was collected. Planners must comply with all relevant data protection legislation.

- The NPWS Agri-Ecology Unit are kept informed of any changes to the planner's contact details, e.g. address, phone number, e-mail address etc.

## **2 Breaches of Expected Standards**

The penalty system is based on allocation of points for breaches of the standards described above.

Type of breaches of expected planning standards for NPWS approved farm planners;

- **Serious Breaches.**
- **Mid-Level Breaches.**
- **Minor Breaches.**

### **2.1 Serious breaches of planner standards**

These would include;

- Fraudulent behaviour intended to draw down payments to which the planner or participant was not entitled.
- Collusion with an applicant wishing to join the scheme or a participant in the scheme to draw down payments to which they were not entitled or to conceal damage to habitats in SAC or SPA sites.
- Any attempt to charge a fee to a participant in the scheme for work connected with the production of an NPWS farm plan or amendments to a plan or in respect of compliance certification – *see paragraph 5.8.*
- Any abusive behaviour towards NPWS staff or NPWS farm plan participants and relevant parties.
- Failure to report non-compliance with the NPWS farm plan resulting from illegal activity.
- Any attempt to conceal information from the NPWS where that information is required for a risk analysis procedure.
- Drawing up a plan or submitting an application for payment for a relative, a spouse or partner, or a relative of a spouse or partner.
- A failure to assess the eligibility of an applicant to join the scheme is very serious – *see paragraph 2.1 of the Terms and Conditions Document.* A planner should consult with NPWS in cases where any doubt exists prior to submitting an application.
- Any attempt by omission or commission to mislead the NPWS as to the eligibility of an applicant or participant.
- Sub-contracting of farm planning work or compliance certification to individuals or firms that are not on approved by NPWS.
- Failure to walk the farm to ensure that works have been carried out.

### **2.2 Mid-level breaches of planner standards**

These would include;

- Failure to establish that the applicant has proper title for owned land and that leases or consents of family members have been inspected and verified as being eligible – *see paragraph 2.2 of the terms and Conditions Document.* The planner should ascertain if the applicant is in fact eligible to join the system. If NPWS determine, after plan



submission, that the applicant is not eligible, the planner will be held accountable, will be subject to sanction and will not get paid.

- Plan rejection due to poor quality plan preparation. Where an application to join the scheme is rejected on the basis of inadequate plan quality- *see Protocol 1 paragraph 1.2.*
- Planners should be aware that to date the greatest number of errors in Farm Plans relate to failures to explain differences between BPS declarations and the plan; incorrect identification of grazing management units, e.g. plots which are not adjacent being included in the same unit; failure to plan appropriate stocking density and inadequate nutrient management planning.
- Failure to adequately plan for key components of an NPWS Farm Plan.
- Failure to identify and map habitats on the farm.
- Failure to report non-compliance with the NPWS Farm Plan. Farm visits and inspections must be carried out by the planner at the end of each year. The results of the inspection must be given on the NPWSg (Compliance Report) form. This should be sent to NPWS with the NPWSe as part of the application for a second or subsequent payment.
- Invoicing errors, or incorrect calculation of fees where an overpayment is claimed (error is in excess of 20%).
- Errors that result in an over or under payment to a participant in excess of 10% or €500 whichever is greatest.

### 2.3 Minor breaches of planner standards

These would include;

Poor quality plan presentation by fully approved planners - lack of consistency between different, e.g. section 3.10, Implementation section and paragraph 4.14 of the plan.

- The lack of correct paperwork such as folios, leases, maps, copies of required BPS returns etc.
- Minor errors in documentation.

The breaches listed in paragraphs above are not exhaustive and are given as examples only. The determination as to whether a breach of planner standards is Minor, Mid-level or Serious will be made by the Wildlife Inspector Grade II in the NPWS Agri-Ecology Unit.

## **3 Scale of a Breach of Expected Planner Standards**

The scale of a breach of expected standards will also be taken into account by the NPWS. Breaches can be classed as;

- **Careless**
- **Deficient**
- **Intentional**

### **Example**

**Failure to check title would be considered as Intentional, failure to submit title documentation with the application would be considered as Careless.**

The determination as to whether the scale of a breach of Planner Standards is Careless, Deficient or Intentional will be made by the Wildlife Inspector Grade II in the NPWS Agri-Ecology Unit.

#### **4 Penalty Points Matrix**

The system for allocating these points is shown on Table B. Penalty points will be imposed in this manner for all new and existing plans and for misleading or incorrect NPWSg (Compliance Report) and Intentional planning errors.

**Table B**

	<b>Minor</b>	<b>Mid level</b>	<b>Serious</b>
<b>Careless</b>	1	3	6
<b>Deficient</b>	3	6	9
<b>Intentional</b>	6	9	15

Planners who have been found to have breached the minimum expected standards will receive penalty points. The issuing of penalty points to a planner is the decision of the Wildlife Inspector Grade II in the Agri-Ecology Unit.

**Examples of how penalty points would be imposed are as follows.**

— **Failure to check title for lands on which payment is claimed could be considered as a mid-level breach, if this was considered intentional it would warrant the imposition of 9 penalty points.**

**The issuing of 15 penalty points for a single incident would only happen in very serious cases.**

— **A conviction in a Criminal Court for an offence relating to the planners work as an NPWS approved farm planner would automatically lead to the imposition of 15 penalty points.**

#### **5 Administration of the Penalty System**

- The penalty system for participants and planners will apply from the date of publication of the terms and conditions document and will apply to all plans (both new and existing). The NPWS reserve the right to impose sanctions on planners in respect of serious eligibility issues associated with plans that they have already produced or where the information provided is misleading or inaccurate. Sanctions may also be imposed on planners in respect of inadequate or inaccurate compliance reports for plans that are already approved.
- A planner will be informed of all penalty points issued against them.
- An appeals system is in place and is described below.
- In an individual plan where there are multiple issues, the penalty that will apply is that for the most serious error.
- In the case of penalties arising from issues related to a new or an amended plan, the penalty points will apply equally to both planners. In the case of penalty points arising from issues concerned with the submission of a compliance certification, the penalties shall apply only to the planner who signs the compliance certification.

- If a planner reports an error in a plan that they have produced to the NPWS (prior to being notified of an audit of that plan) the penalty points applicable for that error will be reduced by 3. In such cases the Wildlife Inspector Grade II has the discretion not to impose any sanction.
- Penalty points, where the accumulative total is less than 15, will lapse in the following manner;
  - Three new plans approved without penalty. This will reduce the number of penalty points held against the planner by three.
  - Satisfactory audits of three compliance checks will reduce the number of penalty points by three.

**Official Notification** will be sent to the planner by the Wildlife Inspector Grade II in the Agri-Ecology Unit when the planner has received **9 or more penalty points**.

A **Warning Letter** will be sent to the planner by the Wildlife Inspector Grade I in the Agri-Ecology Unit when the planner has received **12-15 penalty points**. Permission to produce new plans will be revoked for any planner with 12-15 penalty points. The planner can still carry out compliance checks. Permission to produce new plans will only be restored after the planner drops below 12 penalty points (see above). The planner may also be required to attend a course of training. The restoration of the planner's approved status must be confirmed by the NPWS Agri-Ecology Unit.

- Notes:**
- 1) Where a planner who is already on 6 or more penalty points receives a penalty of 6 penalty points or more, NPWS deem that the issuing of a Warning Letter is sufficient.
  - 2) Where a planner who is already on 3 or more penalty points receives a penalty of 9 penalty points or more, NPWS deem that the issuing of a Warning Letter is sufficient.
  - 3) Warning Letters will be sent by e-mail and by post. Proof of Postage will be retained by the NPWS.

Should the accumulative total reach or exceed 15 points the process of removing the planner's approval will commence.

## **6 Removal of Approved Planner status**

The process of removing a planner's approval status begins when a planner reaches **15 or more penalty points**. If this occurs, the Wildlife Inspector Grade I in the NPWS Agri-Ecology Unit will write to the planner. The Notice Letter will inform the planner that it is proposed to remove their approval status. Where it is proposed to remove a planner's approval status, the planner's approval status shall be removed one month after the issue of the Notice Letter.

## **7 Appeals against Decisions on Planner Sanctions**

A planner can make a submission on any penalty points issued against him. Any such submission must comply with the following;

- The submission must be in writing.
- It must be signed by the planner.

- It must be made within 1 month of the issue of the penalty points.
- It should include all facts relevant to the incident where penalty points were imposed.

**Note:**                **If the period for making a submission expires on a day when NPWS Offices are not open then the closing date shall be extended to the next day when NPWS offices are open.**

Appeals should be addressed to the;

**Wildlife Inspector Grade I  
c/o Agri-Ecology Unit  
NPWS  
7 Ely Place  
Dublin 2**

The Wildlife Inspector Grade I in the Agri-Ecology Unit will consider such submissions. The Inspector can in such cases;

- **Revoke the sanction.**
- **Reduce the sanction.**
- **Confirm the sanction.**

The following will apply in all cases where a submission is made in respect of a proposed sanction on a planner;

- No change in the planner's status will occur while a decision is pending.
- In the event that the submission relates to the issue of penalty points that have been confirmed by the NPWS Wildlife Inspector Grade I then the review will be carried out by another official (not previously involved with the case) within the NPWS of Wildlife Inspector Grade I or higher or by a suitable person appointed by the NPWS for this purpose.
- The NPWS will endeavour to ensure that a decision is made within 1 month of the receipt of a submission.
- The result of the decision on such a case will be communicated to the planner in writing.

## **8 Confidentiality of Planner Sanction System**

The details of sanctions and the level of points held against individual planners are considered confidential and will not be disclosed to anyone other than the planner involved.

## **Protocol 7      NPWS Farm Plan Audits**

### **1      NPWS Farm Plan Audits**

Audits are required to ensure the credibility of the scheme. They are essential to ensure adequate plan quality, compliance control and value for money. Audits will be based on a field inspection and the assessment of the farm plan, supporting documentation and title documents.

The NPWS may request the applicant/ participant or the planner to provide further information, clarifications or supporting documentation in respect of any relevant issue during the course of an audit. If such a request is made the NPWS may stipulate that it be provided within a set period. This will not be less than two weeks from the date of the request.

#### **Audits will be carried out on**

- Up to 10% of new applications for a pre-approval audit.
- Up to 10% of approved plans will be selected (some randomly) each year to ensure adequacy of compliance certification.
- Plans selected for audit as part of the new planner approval process.

**Notes:**

- 1) Certain plans may be subject to repeat audits.
- 2) The discovery of significant eligibility issues in a post approval audit will have very serious consequences for the planning team.

#### **The audit will assess;**

- The eligibility of the applicant.
- Evidence of land title as described in the plan.
- Adequacy of supporting documentation.
- The quality of the plan.
- The quality of mapping associated with the plan.
- That commitments made to date in an agreed NPWS Farm Plan have been achieved (Post Approval Audits only).
- Accuracy of planner NPWSg (Compliance Report, post approval audits only).

### **2      Selection of Plans for Audit**

Farms will be selected for audit using a risk analysis procedure. This procedure is designed to identify cases where the risk of non-compliance or the consequences of non-compliance are greatest. The risk analysis procedure to be used from January 1<sup>st</sup> 2017 is described in *Protocol 8 Risk Analysis in the Selection of Plans for Audit*.

- The NPWS reserve the right to withhold information relating to changes to the risk analysis procedure from both NPWS approved planners and participants.
- Any attempt by a planner or a participant to withhold information so as to reduce the risk of being selected for an audit will result in sanction against the planners and the possible rejection of a farm plan application.

## 2.1 Notice of audit

The NPWS will write to the participant regarding a proposal to audit their farm. The notice provided will be at least 48 hours.

## 2.2 Timing of audits

Audits can be carried out at any time from plan submission to 3 months after the contract period has ended. The NPWS will aim to carry out at least 50% of the audits of approved plans in the 8 weeks following a participant's anniversary date.

The NPWS will endeavour to carry out audits of plans prepared by planners with probationary approval within 8 weeks of plan submission.

**Note:**                    **The NPWS will where possible avoid scheduling a field audit during sensitive periods, e.g. lambing.**

## 2.3 Attendance at audits

The following will be invited to attend the audit;

- The applicant.
- Relevant regional staff of the NPWS.
- Other NPWS staff or NPWS contractors as deemed appropriate by the Wildlife Inspector Grade II.
- The planning team may be invited at the discretion of the Wildlife Inspector Grade II or the Farm Plan Auditor.

**Notes:**    1)    **A failure to successfully contact the participant prior to an audit does not require the audit to be delayed or cancelled. The NPWS will not consider claims that a participant was not notified of an audit as grounds in an appeal against a deduction from potential payments.**

                  2)    **The applicant/ participant does not have to be present at an audit.**

## **3 Obstruction of an Audit by a Participant**

Where the applicant/ participant does not allow access for auditing purposes, the matter will be reported to the Wildlife Inspector Grade II. The Inspector will write to the applicant reminding them of the seriousness of the issue. A penalty of 50% will be imposed for frustrating the audit procedure. Continued refusal after this will result in the termination of the participant's contract. Refusal to co-operate with an audit is not compatible with remaining in the scheme.

## **4 Delays in Payments to Participants as a Result of Selection for Audit**

No application for a second or subsequent payment will be delayed for more than 8 weeks as a result of an uncompleted audit unless the delay is due to the failure of the participant or their planner to provide additional information, clarifications or supporting documentation. The 8 weeks are deemed to commence from the date the application for payment (NPWSe) was received by the NPWS. If it is not possible to carry out the selected audit in the 8 weeks after the participant submits an NPWSe form, authorisation to issue the normal payment will be made. The audit will still be carried out but any deductions from potential payments resulting from non-compliance detected during the audit will be deducted from the following year's payment. The planner must make the participant aware of this. In the case of an audit carried out after the submission of the final NPWSe for the participant, the final payment can be delayed for a maximum of 3 months. If the audit has still not been carried out at that stage, it will be abandoned and the participant paid.

## **5 NPWS Farm Plan Auditor**

Farms selected for Audit will be inspected by the Wildlife Inspector Grade II in the Agri-Ecology Unit. This role can be delegated by the Inspector to a suitable person acting as an NPWS Farm Plan Auditor.

- 5.1** The Farm Plan Auditor will make an initial report to the Wildlife Inspector Grade II as soon as possible after completing the audit. If faults in the plan are of a significant nature the Wildlife Inspector will decide on the appropriate course of action. This could include;
- Requesting amendments to the application and or the farm plan.
  - Issuing penalty points against the planners – *see Protocol 6 Sanctions on NPWS approved Farm Planners.*
  - Reject the application- *in the case of pre-approval audits.*
  - Penalise the participant – *see Protocol 5 Non-compliance (participants).*
- 5.2** If the requirement as a result of an audit is an amendment only, the Farm Plan Auditor will issue a Plan Assessment Note to the planner detailing any faults in the plan.
- 5.3** If a request for amendments is made the Farm Plan Auditor will assess the planner's response. When the auditor is satisfied that the plan meets the basic requirements of the scheme he will send a Final Report to the Wildlife Inspector Grade II. The planner is not eligible for payment for amendments required to correct errors in the plan.

A failure to submit an amended plan within 2 months of such a request being made may result in a sanction on the planner involved.

## ***Protocol 8 Risk Analysis in the Selection of Plans for Audit***

### **1 Selection of Plans for Audit**

#### **1.1 Pre-Approval Audits.**

All applications received will be scored on a risk analysis table. The highest scoring application received each month will be selected for a pre-approval audit. In addition to this a number of other applications will be randomly selected. Up to 10% of plans received each year may be subject to a pre-approval audits. The selection of which plans are to be audited is the prerogative of the Wildlife Inspector Grade II.

Risk Analysis Table –							
Applicant	No	Payment			Farm Structure	Planner Record	TOTAL
		<€5000	€5000- €10000	>€10000	>20% rented leased	or	
		1	3	5	3	0-8	

#### **1.2 Planner approval audits**

Planners who have received probationary approval will have one of their first three plans audited before they receive full approval.

#### **1.3 Post approval audits**

Selection of plans for audit will be carried out early in the year, i.e. January/ February. All plans will be scored by reference to risk - see below.

The Wildlife Inspector Grade II may order discretionary audits at any time. These audits could include plans not selected under the Risk Analysis Procedure.

## **2 Risk Analysis in the Selection of Plans for Post Approval Audits**

### **2.1 Rationale behind risk factors**

- Participant Risks: The participant's past record is one of the best indicators of their likely future compliance
- Change of Planner: While the participant is allowed to change planners, it carries the risk that it represents an attempt to obtain an easing of compliance reporting standards. No advantage will accrue to a participant who takes this course of action.
- Participant Payments: The selection procedure must take into account the scale of the risk to the efficient use of public funds.



- **Farm Structure:** A high dependence on rented land increases the risk that farming systems may be undermined by the termination of rental agreements. This could result in overgrazing of remaining lands.
- **Farm Infrastructure:** Poor quality farm infrastructure suggests a history of management shortcomings in the past. This is considered to increase the risk of management failings in the future.
- **Waste:** The presence of a significant waste problem noted in the plan or in previous audits suggests a failure in farm management systems. This suggests an increased risk of non-compliance.
- **Planner Risks:** Planner standards are a key risk factor. Poor standards in plans among certain planners may constitute a risk to the scheme. The selection of plans for audit must incorporate this as a key factor.
- **Plan Type:** An appropriate range of plan types should be audited over time.

## 2.2 Assigning scores to risk factors

- **Participant (Compliance history) Score 0-10 depending on past compliance record;**
  - Participants who have previously received a deduction from potential payments deemed to be large in scale or serious in type; score of 10.
  - Participants who have received deductions from potential payments in more than one year; score of 10.
  - Participants who have previously received a deduction from potential payments deemed to be mid-level in scale or type; score of 5.
  - Participants who have previously received a deduction from potential payments deemed to be Minor in scale or type; score of 1.
  - In the absence of data regarding a particular participant a score of “0” will be given.
- **Change of planners in the past two years (if requested by the participant post the issuing of a deduction from potential payments); Score 5.**
- **Farmer Payments (1-5)**
  - A plan receiving in excess of €10,000 per annum receives a score of 5.
  - A plan receiving €5,000 - €10,000 receives a score of 3.
  - A plan receiving less than €5,000 receives a score of 1.
- **Farm Structure.**
  - 20% of lands rented or leased receive a score of 3.
  - < 20% of lands rented receives a score of 0.
- **Farm Infrastructure and Farming systems.**
  - If animal housing, waste storage or boundaries are inadequate; score of 3
  - If the farming system is dependent on the export of animal wastes; score of 3.
- **Rubbish noted as a problem on the farm by the planner or by a previous audit; score of 3.**

- Planner (record in relation to plan quality and past compliance certification), Score 0-8 depending on past record. The degree of risk associated with each planner is not directly linked to the levels of formal sanctions applied to that planner. The assessment of planner risk will be ongoing and subject to review.

**Procedure for selecting plans for post approval audit.**

The maximum score in the risk analysis system is 40. Participants with a score of 22 or more are considered high risk and will be audited in all cases. The number of participants in this category will be deducted from the NPWS Agri-Ecology Unit's audit capacity. Sufficient plans to account for one third of the remaining capacity will then be selected at random. The remainder will be picked in turn from the highest scoring plans within each plan type remaining on the list. The number of plans within each plan type that will be selected is the prerogative of the Wildlife Inspector Grade II. Any plans in this final selection that were audited in the previous year and received no deductions from potential payments as a result will not be reselected. For operational reasons the NPWS will not disclose the results of the risk analysis procedure pertaining to individual participants to anyone.

## ***Appendix 1, Part 1 - Documentation and Guidelines on Plan Preparation and Management***

This section deals with all of the documents and forms that may be required in the NPWS Farm Plan Scheme. A Glossary explaining each document is included in part 6 of this appendix.

### **1.1 Documents required in a valid NPWS Farm Plan application**

The following documents may be required as part of an application for an NPWS Farm Plan Contract;

- A cover letter listing all of the contents enclosed and designating the lead planner involved.
- Completed NPWSa.
- Completed NPWSc and NPWSd forms (if relevant)
- Current BPS return (copy of).
- Copies of amendments to current BPS return (if relevant).
- Copies of most recent BPS return and amendments to same (if relevant).
- Farm Plan Maps 1:10,000 (Extensive areas only), 1:5000, 1:2500. Other scales can be provided if needed to show key details. All maps are to be produced on ArcGIS.
- Location Map (1: 50,000 scale). Maps to be produced on ArcGIS.
- NPWS Farm Plan.
- Copies of Notice of Appeal results and associated maps (produced by NPWS mapping section) if applicable.
- Copies of formal leases > 5 years where payment is being claimed on the leased land. The period covered by the lease and map of lands must be shown. Copies of Leases are to be certified by the planner or by a practising solicitor as being true copies of the original.
- Copies of folio(s) for the land claimed as owned are to be provided in digital format. These are available from the Property Registration Authority. Scanned copies are acceptable. These may be checked during the plan approval process or in the course of an audit.
- Affidavits regarding beneficial occupation, use of turbary rights held by third parties etc. Affidavits must be witnessed by a practising Solicitor or Commissioner for Oaths. An affidavit regarding beneficial occupation is required where the participant is not the registered owner as the folio has not been updated or where no folio exists. The affidavit **must** declare that the applicant has been in undisputed beneficial occupation of the lands for the past 5 years and has been in receipt of all rents or profits arising from these lands. Full details of the relationship between the applicant and the registered owner must be provided. If a folio exists for the land in question it should be referred to by number in the affidavit. The folio in question should accompany the affidavit.

An affidavit is also required where turbary rights are held by third parties if payment is being sought on the areas involved. The affidavit must declare that these rights have not been exercised for the past 5 years. If the rights are exercised in the future

the plan will have to be amended and the turbary area in question removed from the area eligible for payment.

- **Station Data.** This includes Station Cards, Station Assessment Cards and Photographs. All of which are to be identified by Applicant name, Plot number, Station number and Date of Survey. Stations are to be located by use of a GPS. The location is to be given on the Station Card in the Irish National Grid format. More detail on station selection is given in Part 6 of this Appendix. Station Cards and Station Assessment Cards for different Habitats are included in part 3 of this Appendix.
- **Soil Test Results** (originals) or a reason as to why they are not required or an undertaking to take them within 1 year must be supplied. Such an undertaking should be made on Nutrient Management Plan (Table 1) in the NPWS Farm Plan Document.
- **Nutrient Management Plan** (Table 1), within the plan, to be signed by planner.
- **Farmyard Sketch** (where animal housing, waste storage or fodder storage facilities) occur on Target Land.
- **Sketches of buildings** (if relevant).
- **Proof of ownership of buildings** (if relevant).
- **Copies of Commonage Framework Plan** (if relevant).
- In the case of farms where animal wastes are exported, a waste import agreement (NPWSc) signed by the importing farmer must be provided along with maps and ownership details of the spread lands.
- In the case of farms where stock owned by third parties are grazed, the planner must provide details of the duration of the agreement, the type and numbers of stock involved and the name and contact details of the stock owner.
- **ARCs for relevant habitat types** (SAC and SPA lands only) or for key species, e.g. Hen Harrier (*Circus cyaneus*). These should be included in the Additional Notes part of the Farm Plan itself. Any other documentation that is relevant to the case, e.g. allotted cutting sequences for Corncrake hay meadows.
- A CD or DVD containing copies of all of the documentation enclosed (incl. folio(s) but excluding the Invoice(s)). The CD itself is to be labelled with lead planner's name, applicant's name, herd number, county, date and plan type. The CD should be adequately protected with a sleeve.
- Invoices for planners fees.

**Note:** **Incomplete Applications will not be considered as valid. The commitment to process plans within 14 weeks will only apply in the case of complete applications.**

## **1.2 Documents required in an Application for a Second or Subsequent Payment**

A formal application for a second or subsequent payment requires the submission of the following by the planner;

- NPWSe form,
- Copy of a current BPS return
- Other NPWS forms, e.g. NPWSc or NPWSd forms (if there is a change in area farmed or in the title to the land farmed).
- NPWSg (Compliance Report) (sections A – D)

- Photographs of non-compliance (if any)
- Maps showing location where photographs were taken. Only required in non-compliant cases.
- Results of soil tests - if applicable. This is only required where soil testing was not possible when the original plan was produced.
- Amended Table 1. This is only required where soil testing was not possible when the original plan was produced.

### 1.3 Other Documents

**NPWSf Form.** This is sent by the NPWS along with an amended plan or plan update to the applicant. It must be signed by the applicant and returned to the NPWS before any further payments can be issued. This form will not be issued by the planner.

### 1.4 Maps

ArcGIS is the preferred mapping platform. Shapefiles pertaining to the plans shall be forwarded to the Wildlife Inspector Gr. 2 with responsibility for the Agri-Ecology Unit.

When preparing maps planners should take note of the following;

- The farm/land should be divided into 'Plots' or 'Management Units' that make sense from an agricultural and ecological point of view. Different management types or timings may be required in different plots or management units.
- Plots should be numbered West to East and North to South.
- Sub-plots, where a plot has to be sub divided to describe different habitats or management practices or because a notional boundary divides land parcels then each portion should be considered as a sub plot and be labelled A,B,C etc. For example if Plot 1 contains an area of scrub this could be mapped and named as sub plot 1A, the remaining grassland part can be named sub plot 1B.
- If distinct habitats exist within a plot e.g. scrub these should be mapped. If these exceed 0.1 hectare in size they should receive their own sub-plot number. If they are smaller than this, the location should be marked on the map. If two or more habitats are mixed together, e.g. scrub and grassland in a manner that cannot be mapped then the plot should be considered as a mosaic of these habitats.
- The following colour coding system shall be used on maps;
 

— Red:	External farm boundaries
— Blue:	Watercourses
— Green:	Stonewalls
— Yellow:	Hedgerows and Tree lines
— Brown:	Rights of way and private roads.
- A dashed line (-----) shall be used to signify fences,
- A dotted line (.....) shall be used to signify notional boundaries.
- Boundaries that no longer exist should be marked with two parallel lines perpendicular to the boundary line in question.
- The location of Wells, historical monuments and Dwelling Houses should be marked on the map with appropriate symbols.
- Target area plots should be identified as such on the maps/shapefile.

- The maps must be fully completed in a digital format. No handwriting other than the planner signature and date in the margin is permitted on the maps. This is to ensure that the map can be fully downloaded by the NPWS.
- Planners' names should be printed onto the map.

## **2 NPWS Farm Plan**

Plan templates will be made available by the NPWS in both excel and word versions. The planner is free to choose which version is most appropriate to their needs. The planner is permitted to make minor modifications to the format, e.g. to include extra Implementation pages or extra grazing tables.

A copy of the new plan format along with guidelines on how each section should be completed is in Part 2 of this Appendix.

## **3 NPWS forms**

Copies of the following forms are given in part 4 of this appendix;

- NPWSa (Application form).
- NPWSb (Farm Plan).
- NPWSc (interaction with third party form).
- NPWSc (consent of family member form).
- NPWSe (Application for a second or subsequent payment).
- NPWSf (Plan Amendment/ update form).
- NPWSg (Compliance Report).
- NPWSh (Compliance Check Payment Claim form).
- NPWSi (Pre-application Screening form).

## **4 Station Cards and Associated Documents**

The recording of plant species and/or habitat condition at fixed monitoring stations is essential for any monitoring of the schemes effectiveness. It also serves to provide historical data for future researchers. The minimum number of stations per plan is calculated as follows;

- 3 stations will be surveyed in plans where the privately owned target area is less than 10 hectares.
- 3-6 stations will be surveyed in plans where the privately owned target area is between 10 and 20 hectares.
- 6-10 stations will be surveyed in plans where the privately owned target area is between 20 and 30 hectares.
- In plans where the privately owned target area is in excess of 30 hectares 10+ stations must be surveyed.
- No stations need be taken in commonage plots (except where the applicant owns all the shares).

Stations should be representative of the principal habitats found on the farm. In most cases the data collected from stations is recorded on a station card and on a station assessment card. There are a small number of situations where a station assessment card is not available, e.g.

upland grassland. In these cases a station report card alone will suffice. Copies of the station cards and explanatory notes are given in Part 3 of this Appendix.

**Photographs;** In addition to the cards, the planner is required to take a series of photographs to provide a visual record. These should be taken using a digital camera with at medium to high resolution. At least four photographs should be taken at each station; these are to consist of two overview photographs and two close ups of the vegetation. The overview photographs will show the station in the context of its surroundings. The direction of the overview photographs should be recorded on the station card in degrees (a compass will be required for this). If possible the directional bearings should be to a prominent fixed landscape reference point, e.g. a house, a mountain etc.

**e.g. Farm Complex 330<sup>0</sup> , Hilltop 210<sup>0</sup> or Farm Complex NNW, Hilltop SSW.**

The close up photographs should show the vegetation in the station in greater detail. It is also feasible to include photographs of plots where no station was recorded.

In the case of capital works outlined on the plan, photographs of before and after must be supplied to NPWS Agri-Ecology Unit. In certain cases, the benefits of capital works will increase over time and representative photographs of such transition should be taken and supplied.

***Appendix 1, Part 2 Guidelines on how each section should be completed are shown in italics***

## **NATIONAL PARKS AND WILDLIFE SERVICE**

### **Farm Plan**

**Applicant Name(s)** *In the case of farmers, this must be the same as on the current BPS return.*

**Address:** *In the case of farmers, this must be the same as on the current BPS return.*

**Reference Number** *Blank in a new plan, it will be added by NPWS Administration.*

**Herd Number** *Applicants Herd/ Flock No. / BPS Ref. No. where applicable*

**NHA/ SAC/ SPA Name:** *Name of NHA/ SAC/ SPA*

**Site Code(s)** *NPWS Code for NHA/ SAC/ SPA*

**NPWS Region** *If more than one, list them all. (put primary in bold)*

**Planner(s)** *Planner name(s)*

**Lead Planner** *Principal contact for NPWS in connection with this plan*

**NPWS Staff**

**Administrative Check**

**PLAN Period**

**Start  
Date**

**End Date:**



## SECTION 1: DETAILS OF LANDS

Details of all lands subject to this Plan whether owned, rented, leased, commonage or grazing rights

	Owner	Plot No.	Land Parcel Number (LPIS Number)	Plot Area (Ha)	Townland	County	Land Use
<b>1.Lands farmed</b>	<i>All Plots must receive their own row in this section. They must not be grouped together even if a LPIS share numbers.</i>						
<b>(includes 3 below)</b>	<i>Make sure that plots are placed opposite the appropriate land title description as shown in column 1.</i>						
<b>Owned Lands (non-commonage)</b>	<i>If land parcel boundaries do not reflect the reality on the ground then an amended BPS will be required</i>						
<b>Lands leased (&gt;5 years)</b>	<i>The land tenure situation for each parcel should be the same as on the current BPS return. The land use should be compatible with that declared on the current BPS return. If it is not Then an amended BPS return may be required.</i>						
<b>Lands rented (&lt; 5 years)</b>							
<b>Owned Commonage</b>							
<b>Grazing rights</b>	<i>Any amended BPS returns should be referred to in the Additional Notes Section.</i>						
<b>Rented Commonage/ Grazing rights</b>							
<b>TOTAL OF 1</b>							
<b>2.Lands owned (non farmed)</b>							
<b>Lands leased/ rented out</b>							
<b>TOTAL OF 2</b>							
	A	<b>TOTAL FOR 1 &amp; 2</b>					
<b>3.Farmed Target Area</b>	Owner	Plot No.	Designation SAC/ SPA	Plot Area (Ha)	Townland	County	Land Use
<b>Owned SAC/ SPA</b>	<i>All Plots must receive their own row in this section. They must not be grouped together even if they hare a share a LPIS Number. This may cause this section to extend to two or more pages</i>						
<b>Owned Commonage</b>							
<b>Grazing rights</b>							
<b>Leased SAC/ SP (&gt; 5 years)</b>	<i>Make sure that plots are placed opposite the appropriate land title description as shown in column 1.</i>						
<b>Leased Commonage (5 years)</b>							
<b>Rented/ leased SAC/ SPA</b>							
<b>Rented/ leased Commonage</b>							

## SECTION 2 NPWS CONSERVATION PLAN

The plan shall be map based, using high quality satellite imagery, highlighting plot numbers, detailing what is to be done in each plot in each year of the plan, and the associated payment for these actions. Examples of existing farm plan templates are available from the NPWS Agri-Ecology Unit. While a standard template is preferable, NPWS remain flexible with regard to adapting the template to suit the particular needs of certain types of plans.

***Appendix 1, Part 3 List of NPWS Forms used in the operation of the Farm Plan Scheme***

- 1) NPWSa Application Form.
- 2) NPWSb NPWS Farm Plan.
- 3) NPWSc Third Party Interaction Form also used for export of animal wastes and short term grazing or housing of animals off farm.
- 4) NPWSd Consent of Family member form.
- 5) NPWSe Application for a second or subsequent payment form.
- 6) NPWSfPlan Amendment or Update form.
- 7) NPWSg Compliance Report.
- 8) NPWSh Compliance check payment claim form.
- 9) NPWSi Pre-application screening form.

**NPWS Farm Plan Scheme (Forms).****Department of Culture, Heritage and the Gaeltacht****National Parks and Wildlife Service****Farm Plan Scheme*****Application Form (NPWSa)***

FOR OFFICE USE ONLY

Reference No: \_\_\_\_/ \_\_\_\_/ \_\_\_\_

Date of receipt of Application

\_\_\_\_/ \_\_\_\_/ \_\_\_\_

<b>Name of Applicant:</b> (BLOCK CAPITALS)			
<b>Name(s) of other partners:</b> (Applicable where the farm is managed/ co-owned/ farmed jointly with another land owner)			
<b>Address:</b>			
<b>County:</b>			
<b>Tel. No.</b>	<b>E-mail</b>	<b>PPS No.</b>	<b>Date of Birth</b>
<b>Herd No.</b>			
<b>NHA Site Code</b>	<b>SAC Site Code</b>	<b>SPA Site Code</b>	
<b>Area of target lands in plan (ha):</b>			

**Applicants Signature**

I/ we..... (Applicant A)

..... (Applicant B)

The above named applicant(s) apply to have my/ our lands included in a NPWS Farm Plan. The information provided to the planners is correct and is accurately presented in the accompanying plan. I/ we understand the terms and conditions of the Scheme and agree to abide by them for the duration of the farm plan. Documents verifying land entitlements are available for inspection. I/ we agree to abide by any relevant environmental legislation (e.g. cross compliance requirements and Good Farming Practice over the period of the plan).

**Department of Culture, Heritage and the Gaeltacht**

**National Parks and Wildlife Service Farm Plan Scheme**

***Third Party Interaction (NPWSb)***

FOR OFFICE USE ONLY

Reference No: \_\_\_\_/ \_\_\_\_/ \_\_\_\_

Date of receipt of form

\_\_\_\_/ \_\_\_\_/ \_\_\_\_

<b>Name of applicant/ participant (and partners):</b>			
<b>Name and address of third party:</b>			
<b>Telephone No.</b>		<b>Duration of agreement</b>	
Tick Boxes below as appropriate.			
<b>A1 Import of organic wastes.</b>			
<b>A2 Export of organic wastes.</b>			
<b>B1 Short term rental of land/ grazing of animals on land owned by third parties.</b>			
<b>B2 Short term rental of animal housing owned by third parties.</b>			
<b>C Grazing of animals owned by third parties</b>			
Maps will be required in the case of A2 (spread lands), B1 & B2			
<b>Section A</b>	<b>A1 Import of wastes</b>		<b>A2 Export of wastes</b>
<b>Type of Waste</b>		<b>Quantity of Waste</b>	
<b>Section B</b>	<b>Rental of lands/ housing or grazing of animals on land owned by third parties.</b>		
<b>No. of Stock</b>		<b>Type of Stock</b>	
<b>Start Date</b>		<b>Finish Date</b>	
<b>Area of target lands involved, if any (ha) and type of designation:</b>			
<b>Section C</b>	<b>Grazing of Animals owned by third parties.</b>		
<b>No. of Stock</b>		<b>Type of stock</b>	
<b>Start Date</b>		<b>Finish Date</b>	

**Signature/ s**

I/ we ..... (Applicant A)

..... (Applicant B)

The above named confirm that the above details are correct.

.....Signature of Third Party

Date .....

**Department of Culture, Heritage and the Gaeltacht**  
**National Parks and Wildlife Service Farm Plan Scheme**

***Consent of Family Member form (NPWSd)***

FOR OFFICE USE ONLY

Reference No: \_\_\_\_/ \_\_\_\_/ \_\_\_\_

Date of receipt of form

\_\_\_\_/ \_\_\_\_/ \_\_\_\_

<b>Name of Applicant (and partners):</b>																									
<b>Name and Address of the consenting family member:</b>																									
<b>Details of the land in question and nature of the agreement:</b>																									
<b>Consenting family member details:</b>																									
<b>Telephone No.</b>					<b>E-mail</b>																				
<b>Relationship to applicant</b>										<b>Duration of the agreement</b>															
										<b>(dates)</b>															
<b>NHA Site Code of consent</b>										<b>SAC Site Code of consent</b>										<b>SPA Site Code of consent lands</b>					
<b>lands (if any)</b>										<b>lands (if any)</b>										<b>(if any)</b>					
<b>Area of target lands, if any (ha):</b>																									

**Signature of consenting family member/ s**

I/ we ..... (Applicant A)

..... (Applicant B)

The above named consenting family member/ s permit my/ our lands to be included in the above NPWS Farm Plan for the specified period.

**Department of Culture, Heritage and the Gaeltacht**  
**National Parks and Wildlife Service Farm Plan Scheme**

***Application for payment form (NPWSe)***

FOR OFFICE USE ONLY

Reference No: \_\_\_\_/ \_\_\_\_/ \_\_\_\_

Date of receipt of Application

\_\_\_\_/ \_\_\_\_/ \_\_\_\_

<b>Name of Applicant (and Partners):</b> (BLOCK CAPITALS)																	
<b>Nominate the person to whom the payment will issue:</b>																	
<b>Address:</b>																	
<b>County:</b>										<b>Herd No. :</b>							
<b>Tel. No.</b>				<b>E-mail</b>						<b>PPS No.</b>				<b>Date of Birth</b>			
<b>Year of plan completed (encircle shade)</b>					<b>Compensation Due</b> (as specified in NPWS plan)						<b>Other outlays</b> (as specified in NPWS plan)						
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>													
<b>Requirement for receipts?</b>					<b>Receipts provided?</b>						<b>Records kept?</b>						
Yes      No					Yes      No						Yes      No						
<b>Total Amount due (in words):</b>																	

**Applicants Signature**

I/ we ..... (Applicant A)

..... (Applicant B)

The above named applicant(s) apply for compensation/ payment for losses incurred/ outlays made in adhering to my/ our NPWS Farm Plan. I/ we have adhered to the terms and conditions of the plan in Year ..... I/ we have abided by any relevant environmental legislation (e.g. cross compliance requirements and Good Farming Practice) for the recording year.

**Department of Culture, Heritage and the Gaeltacht****National Parks and Wildlife Service****Farm Plan Scheme*****Plan Amendment/ Update Form (NPWSf)*****FOR OFFICE USE ONLY****Code:** *assigned by NPWS Admin***Reference No:** \_\_\_\_/ \_\_\_\_/ \_\_\_\_**Date of receipt of Application**

\_\_\_\_/ \_\_\_\_/ \_\_\_\_

<b>Plan Reference Number:</b>
<b>Name of Applicant (and Partners):</b>
<b>Address:</b>
<b>County:</b>
<b>Planners:</b>
<b>Date of Amendment to Plan/ Plan Update:</b>
<b>Reason for Change:</b>

**Declaration:**

I have received a copy of the amended plan/ plan update and understand that the commitments/requirements described in that document now form part of my NPWS Farm Plan Contract.

**Signed.****Date**

Participant

**Signed.****Date**

Participant

**Signed.****Date**

Participant

In the case of joint participant all the partners must sign this form.

No further payments can be issued until this form is returned to NPWS.



**Department of Culture, Heritage and the Gaeltacht**  
**National Parks and Wildlife Service Farm Plan Scheme**

*NPWSg (Compliance Report page 1 of 2)*

Section A (participant details):

<b>Name of Participant:</b>		
<b>Address of Participant:</b>		
<b>Plan Reference Number:</b>	<b>Anniversary Date:</b>	<b>Plan Type:</b>

Section B (Inspection Details):

<b>Date of Inspection:</b>	<b>Eligible Area</b>				
<b>Persons present at inspection:</b>					
<b>Year of Plan Completed:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1. Current BPS		Yes	<input type="checkbox"/> No	<input type="checkbox"/>	
2. NPWSe		Yes	<input type="checkbox"/> No	<input type="checkbox"/>	
3. Any difference between the current BPS return and the farm plan		Yes	<input type="checkbox"/> No	<input type="checkbox"/>	
4. Are there any changes to the participants details		Yes	<input type="checkbox"/> No	<input type="checkbox"/>	
5. Does the participant wish to withdraw from their NPWS Farm Plan Contract?		Yes	<input type="checkbox"/> No	<input type="checkbox"/>	

Section C (Compliance Check):

Planned Tasks

6. Has the participant completed the tasks assigned in the farm plan for the preceding year?	Yes	<input type="checkbox"/> No	<input type="checkbox"/>
7. Has the participant complied with the grazing and Nutrient Management components of their plan?	Yes	<input type="checkbox"/> No	<input type="checkbox"/>
8. Is there a need for a plan amendment?	Yes	<input type="checkbox"/> No	<input type="checkbox"/>
9. Are there any other issues of concern arising from the inspection?	Yes	<input type="checkbox"/> No	<input type="checkbox"/>
10. COMPLIANT	<input type="checkbox"/>	NON-COMPLIANT	<input type="checkbox"/>
11. Does the participant accept that not all planned tasks were completed?	Yes	<input type="checkbox"/> No	<input type="checkbox"/>
12. Has the participant an explanation why planned tasks were not completed?	Yes	<input type="checkbox"/> No	<input type="checkbox"/>
13. Could the plan have been clearer as to what was required?	Yes	<input type="checkbox"/> No	<input type="checkbox"/>
14. Have you any comments on appropriate action in his case?	Yes	<input type="checkbox"/> No	<input type="checkbox"/>
<b>Signed:</b>	<b>Date:</b>		
.....	.....		

**Department of Culture, Heritage and the Gaeltacht****National Parks and Wildlife Service****Farm Plan Scheme***NPWSg (Compliance Report page 2 of 2)*

<b>Name of Participant:</b>	
<b>Address of Participant:</b>	
<b>Plan Reference Number:</b>	

Section D (further information):

Changes to participant's  
details:

Changes to SPS details

Farmed area/ parcel use:

Changes to Farm practice or  
Enterprise:

Details of Non Compliance:

Explanations offered by the  
Participant:

Comments by Planner:

Recommendations including  
Proposed remedial action.

**Signed**

**Date:**

**Department of Culture, Heritage and the Gaeltacht**

**National Parks and Wildlife Service**

**Farm Plan Scheme**

***NPWS<sub>h</sub> (Compliance check payment claim form)***

**Period for which Invoice(s) relate:**

**Section A**

<b>Name of Participant</b>	<b>Ref No.</b>	<b>Anniversary Date</b>	<b>Amount Claimed</b>
----------------------------	----------------	-------------------------	-----------------------

<b>Total</b>	<b>€</b>
--------------	----------

**Section B**

<b>Name of Participant</b>	<b>Ref No.</b>	<b>Anniversary Date</b>	<b>Reason for delay</b>
----------------------------	----------------	-------------------------	-------------------------

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Planner A**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Planner B** *(required if two planners are invoicing for the same work)*

**Department of Culture, Heritage and the Gaeltacht**

**National Parks and Wildlife Service**

**Farm Plan Scheme**

**NPWSi (Screening Form)**

**Page 1 of 2**

<b>Applicant(s) Name</b>		
<b>Address</b>		
<b>County</b>		
<b>Herd Number</b> <b>Farm Enterprise</b>		
<b>Designated Areas on Farm</b> <b>(give name and code)</b>		<b>Code:</b>
		<b>Code:</b>
		<b>Code:</b>
		<b>Code:</b>
<b>Area of non-designated land</b> <b>Area of target land (privately owned)</b> <b>Area of target land (leased or rented)</b> <b>Area of target land (commonage)</b>		
<b>Total Farm Size</b>		<b>Hectares</b>
<b>Proposed Plan Type</b>		
<b>Objectives of the plan</b>		
<b>Key Deliverables</b>		

## Department of Culture, Heritage and the Gaeltacht

## National Parks and Wildlife Service

## Farm Plan Scheme

## NPWSi (Screening Form)

Page 2 of 2

<b>Applicant(s) Name</b>  <b>Costings</b>  <b>In the case of plan types paid at a flat rate this is to be based on the planners knowledge of the extent of the eligible area and the agreed rate for that plan type.</b>  <b>In the case of plans where proposed payments are to meet actual costs incurred or losses suffered by the applicant the source of the costings to be used should be given, e.g. Dept. of Agriculture figures, Teagasc, Central Statistics Office or Planners estimate.</b>  <b>If it is likely that an application will be made under the provision for a once off payment this should be indicated and described here. The source of costings to be used and an estimate of the maximum cost given.</b>  <b>Planners and applicants should note that value for money will be a factor in the decision as to which plans should proceed. Value for money should not be confused with cost.</b>		
	<b>A Maximum Annual Payment</b> <b>B Maximum Once Off Payment</b>	
<b>Maximum Cost (over term of plan)</b> <b>= 5A + B</b>		<b>€</b>

## ***Appendix 1, Part 4 Station Cards, Station Assessment Cards and Photographs***

Station Cards and Station Assessment Cards for a range of different habitats are given below. Planners should note the following when filing in these forms.

- Make sure you use cards appropriate to the habitat type. For certain habitats, e.g. upland grassland there is no station assessment card. In these cases the station card is adequate by itself.
- Station Cards and associated paperwork must be completed electronically.
- Station Cards, Station Assessment Cards and Photographs must be labelled with the
  - **Applicants Name.**
  - **Plot Number.**
  - **Station Number.**
  - **Date of Survey.**
- The Grid Reference for a station must be given in the Irish grid format. This is the system used in the Discovery series maps. A grid reference using this system consists of a letter denoting the grid square and numeric values denoting the easting's and northing's, e.g. **R 23423 56737**
- Planners can make minor modifications to cards, e.g. remove species that are not present and add in species that are found in the station.
- The direction of overview photographs should be indicated on the page with the photographs.

**Station Cards and Station Assessment Cards.**  
**Coastal Station Report Card**  
**Coastal**

<b>Assessors</b>	<b>Applicants Name</b>	
<b>Plot No.</b>	<b>Station No.</b>	<b>Date</b>
<b>Assessment Unit/ Station No.</b> (10mx10m recommended) _____		
<b>Locational details</b> (including GPS reading, Irish Grid format only) _____		
<b>Photographs taken @ Assessment Unit</b> (Record / Film No/ Frame No's and view direction) _____		

<b>Soil Type</b> <i>Tick</i>	<b>Soil Depth</b> <i>/ use probe</i>
Sand	< 15 cm
Humic Sand	15 - 30 cm
Mineral	> 30cm
Peat	> 1m

**Habitat (tick only one)**

Dune	Unimproved Wet grassland	Coastal Heath (use peatland card)	
Improved Grassland	Unimproved Dry grassland	Other	

**Ground Cover of Vegetation** *Estimate % Cover*

*D = Dominant >50%; A = Abundant 25 - 50%; F = Frequent 5 - 25%; O = Occasional < 5%.*

Ling Heather ( <i>Calluna</i> )	cover: % carpet:	% topiary: % drumstick: %
Bell Heather ( <i>E. cinerea</i> )		Ragwort ( <i>Senecio jacobea</i> )
Marram Grass ( <i>Ammophila arenaria</i> )		Thistles ( <i>Cirsium spp</i> )
Gorse ( <i>Ulex spp</i> )		Nettles ( <i>Urtica spp</i> )
Red Fescue ( <i>Festuca rubra</i> )		Composites
Lady's Bedstraw ( <i>Galium verum</i> )		Rye Grass ( <i>Lolium perenne</i> )
Creeping Willow ( <i>Salix repens</i> )		Silverweed ( <i>Potentilla anserina</i> )
Other Grasses (Bents/ <i>Poa</i> )		Sea Holly ( <i>Eryngium maritimum</i> )
Plantains ( <i>Plantago</i> species)		Sedges ( <i>Carex arenaria / other</i> )
Burnet Rose ( <i>Rosa pimpinellifolia</i> )		Clovers ( <i>Trifolium spp</i> )
Mosses		Other Legumes
Bushy lichens ( <i>Cladonia</i> species)		Crustose lichens
Other species which might have an indicative value _____		

<b>Vegetation cover</b>	<b>% Bare sand</b>	<b>% Rock</b>	<b>% Litter</b>
<b>Grass cover</b>	<b>% Herb cover</b>	<b>% Moss cover</b>	<b>% Lichen cover</b>
<b>Main sward height: cm</b>	<b>Variability: uniform/</b>	<b>clumpy/</b>	<b>variable/</b>
<b>Av. Ammophila height: cm</b>	<b>Grass height: cm</b>	<b>Herb height: cm</b>	

<b>Dung</b> <i>Tick</i>	<b>Clumps/ Pats</b>	<b>Scattered</b> <i>DAFO</i>	<b>Age</b> <i>Old/ fresh/ both</i>
Sheep			
Cattle			
Rabbit			
Other			

<b>Damage assessment for station:</b>
<b>Damage assessment for sub-unit:</b>
<b>Reasons for difference:</b>

**Grassland Station Report Card (Not coastal)****Assessors** \_\_\_\_\_ **Applicants Name** \_\_\_\_\_**Plot No.** \_\_\_\_\_ **Station No.** \_\_\_\_\_ **Date** \_\_\_\_\_**Assessment Unit/ Station No.** (10mx10m recommended) \_\_\_\_\_**Locational details** (including GPS reading, Irish Grid format only) \_\_\_\_\_**Photographs taken @ Assessment Unit** (Record / Film No/ Frame Nos. and view direction) \_\_\_\_\_

<b>Soil Type</b> <i>Tick</i>	<b>Soil Depth</b> <i>/ use probe</i>
Mineral	< 15 cm
Peat	15 - 30 cm
Marl	30 - 80cm
	80 cm

**Habitat (tick only one)****Dry Heath** (use peatland card)**Unimproved Wet grassland****Unimproved Dry grassland****Fen/ Marsh Swamp****Improved Grassland****Other****Ground Cover of Vegetation** *Estimate % Cover**D = Dominant >50%; A= Abundant 25 - 50%; F= Frequent 5 - 25%; O = Occasional < 5%.*

<i>Holcus lanatus</i>	<i>Anthoxanthum odouratum</i>
<i>Dactylis glomerata</i>	Ragwort ( <i>Senecio jacobea</i> )
<i>Cynosurus sp</i>	Thistles ( <i>Cirsium spp</i> )
Other Grasses (Bents/ Poa)	Forget-me-not ( <i>Myosotis spp.</i> )
Perennial Rye Grass ( <i>Lolium perenne</i> )	Eyebright ( <i>Euphrasia spp.</i> )
Sheep's Fescue ( <i>Festuca ovina</i> )	Nettles ( <i>Urtica spp</i> )
Red Fescue ( <i>Festuca rubra</i> )	Composites
Cockspur ( <i>Dactylis glomerata</i> )	Umbellifers
Marsh marigold ( <i>Caltha palustris</i> )	<i>Parnassia palustris</i>
Ladies bed straw ( <i>Galium verum</i> )	Orchid spp
Marsh pennywort ( <i>Hydrocotyle vulgaris</i> )	Mosses
Blackthorn ( <i>Prunus spinosa</i> )	Cats Ear. ( <i>Hypochaeris spp.</i> )
Silverweed ( <i>Potentilla anserina</i> )	Hawkweed ( <i>Hieracium spp.</i> )
Creeping Buttercup ( <i>Ranunculus repens</i> )	Mint ( <i>Mentha aquatica</i> )
Meadow Buttercup ( <i>R acris</i> )	Cowslip ( <i>Primula veris</i> )
Spearwort ( <i>R flammula</i> )	Knapweed ( <i>Centaurea spp.</i> )
Coltsfoot ( <i>Tussilago farfara</i> )	Self-heal ( <i>Prunella vulgaris</i> )
Clovers ( <i>Trifolium spp</i> )	Other Legumes
Floating sweetgrass ( <i>Glyceria fluitans</i> )	Crustose lichens
Yellow rattle ( <i>Rhinanthus minor</i> )	Willow ( <i>Salix spp.</i> )
Devils bit scabious ( <i>Succisa pratensis</i> )	Speedwell ( <i>Veronica spp.</i> )
Water-purslane ( <i>Lythrum portula</i> )	Gorse ( <i>Ulex sp</i> )
Meadowsweet ( <i>Filipendula ulmaria</i> )	Speedwell ( <i>Veronica spp.</i> )
Marsh lousewort ( <i>Pedicularis palustris</i> )	Bogbean ( <i>Menyanthes trifoliata</i> )
Marsh cinquefoil ( <i>Potentilla palustris</i> )	Plantains ( <i>Plantago species</i> )
Cuckoo flower ( <i>Cardamine pratensis</i> )	Sheeps bit ( <i>Jasione montana</i> )
Broad leaved Dock ( <i>Rumex obtusifolius</i> )	Iris ( <i>Iris pseudoacorus</i> )
Crispy Dock ( <i>R crispus</i> )	Rushes ( <i>Juncus spp</i> )
<i>R acetosella</i>	Sedges ( <i>Carex spp.</i> )
<i>R acetosa</i>	Ragged robin ( <i>Lychnis spp.</i> )
Other species which might have an indicative value	



Grassland Station Report Card (Not coastal) – continued

<b>Vegetation cover</b>	<b>%</b>	<b>Bare soil</b>	<b>%</b>	<b>Rock</b>	<b>%</b>	<b>Litter</b>	<b>%</b>
<b>Grass cover</b>	<b>%</b>	<b>Herb cover</b>	<b>%</b>	<b>Moss cover</b>	<b>%</b>	<b>Lichen cover</b>	<b>%</b>
<b><u>Main sward height: cm    Variability: uniform/    clumpy/    variable/</u></b>							
<b><u>Grass height: cm    Herb height: cm</u></b>							

<b>Dung</b> <i>Tick</i>	<b>Clumps/ Pats</b>	<b>Scattered</b> <i>DAFO</i>	<b>Age</b> <i>Old/ fresh/ both</i>
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SheepCattleGeeseOther**Damage assessment for station:****Damage assessment for sub-unit:****Reasons for difference:**

***Limestone Pavement (> 50%) Station Report Card***

<b>Assessors</b>	<b>Applicants Name</b>	
<b>Plot No.</b>	<b>Station No.</b>	<b>Date</b>
<b>Assessment Unit/ Station No.</b> (10mx10m recommended) _____		
<b>Locational details</b> (including GPS reading, Irish Grid format only) _____		
<b>Photographs taken @ Assessment Unit</b> (Record / Film No/ Frame Nos. and view direction) _____		
Rendzina	< 15 cm	
Grey-Brown Podzolic	15 - 30 cm	
Brown Earth	> 30cm	
<b>Habitat (tick only one)</b>		
<b>Habitat(s) occurring</b> (Tick)		
<i>Limestone pavement (&lt; 75% outcropping)</i>	<i>Improved Grassland</i>	
<i>(&gt; 75% outcropping)</i>	<i>Dry unimproved grassl'd</i>	
<i>Wet unimproved grassl'd</i>	<i>Scrub</i>	<i>Woodland</i>
<i>Dry heath</i>	<i>Fen/ Marsh/ Swamp</i>	<i>Other</i>
<b>Ground Cover of Vegetation</b> Estimate % Cover		
<i>D = Dominant &gt;50%; A= Abundant 25 - 50%; F= Frequent 5 - 25%; O = Occasional &lt; 5%.</i>		
Ling Heather ( <i>Calluna</i> ) cover:	% carpet:	% topiary: % drumstick: %
Spindle ( <i>Euonymus europaeus</i> )	Blue moor-grass ( <i>Sesleria albicans</i> )	
Sweet Vernal Grass ( <i>A odoratum</i> )	Quaking Grass ( <i>Briza media</i> )	
Perennial Rye Grass ( <i>Lolium perenne</i> )	Yorkshire Fog ( <i>Holcus lanatus</i> )	
Fescues ( <i>Festuca</i> spp.)	Crested Hair-grass ( <i>Koeleria macrantha</i> )	
Heath Grass ( <i>Danthonia decumbens</i> )	Downy Oat-grass ( <i>Avenula pubescens</i> )	
False Oat-grass ( <i>Arrhenatherum elatius</i> )	Cocksfoot ( <i>Dactylis glomerata</i> )	
Nettle ( <i>Urtica dioica</i> )	Daisy ( <i>Bellis perennis</i> )	
Sedges ( <i>Carex</i> spp.)	Other Composites	
Hawthorn ( <i>Crataegus monogyna</i> )	Blackthorn ( <i>Prunus spinosa</i> )	
Gorse ( <i>Ulex</i> spp.)	Thyme ( <i>Thymus praecox</i> )	
Buckthorn ( <i>Rhamnus cathartica</i> )	Ash ( <i>Fraxinus excelsior</i> )	
Maidenhair fern ( <i>Adiantum capillus-veneris</i> )	Plantains ( <i>Plantago</i> spp.)	
Potentilla spp.	Ladys bedstraw ( <i>Galium verum</i> )	
Bramble ( <i>Rubus fruticosus</i> agg.)	Stone bramble ( <i>Rubus saxatilis</i> )	
Ivy ( <i>Hedera helix</i> )	Guelder-rose ( <i>Viburnum opulus</i> )	
Alder buckthorn ( <i>Frangula alnus</i> )	Clovers ( <i>Trifolium</i> spp.)	
Bloody cranesbill ( <i>Geranium sanguineum</i> )	Doves-foot cranesbill ( <i>Geranium molle</i> )	
Eyebright ( <i>Euphrasia</i> spp.)	Stonecrop ( <i>Sedum acre</i> )	
Mountain avens ( <i>Dryas octopetala</i> )	Water Germander ( <i>Teucrium scordium</i> )	
Spring gentian ( <i>Gentiana verna</i> )	Buttercups ( <i>Ranunculus</i> spp.)	
Cowslip ( <i>Primula veris</i> )	Primrose ( <i>Primula vulgaris</i> )	
Bellflower ( <i>Campanula</i> spp.)	Milkwort ( <i>Polygala vulgaris</i> )	
Birds-Foot Trefoil ( <i>Lotus corniculatus</i> )	Wall lettuce ( <i>Mycelis vulgaris</i> )	
Meadow-rue ( <i>Thalictrum</i> spp.)	Orchid spp	
Harts Tongue ( <i>Phyllitis scolopendrium</i> )	Holly ( <i>Ilex aquifolium</i> )	
Hoary Rock Rose ( <i>Helianthemum canum</i> )	Hazel ( <i>Corylus avellana</i> )	
Other species which might have an indicative value		

Limestone Pavement Station Report Card - (continued)

<b>Vegetation cover</b>	<b>%</b>	<b>Bare soil</b>	<b>%</b>	<b>Rock</b>	<b>%</b>	<b>Litter</b>	<b>%</b>
<b>Grass cover</b>	<b>%</b>	<b>Herb cover</b>	<b>%</b>	<b>Moss cover</b>	<b>%</b>	<b>Lichen cover</b>	<b>%</b>
<b>Main sward height:</b>		<b>cm.</b>		<b>Variability: uniform/</b>		<b>clumpy/ variable/</b>	
<b>Grass height: cm</b>		<b>Herb height: cm</b>					

<b>Dung Tick</b>	<b>Clumps/ Pats</b>	<b>Scattered</b>	<b>DAFO</b>	<b>Age</b>	<b>Old/ fresh/ both</b>
Sheep _____					
Cattle _____					
Goat _____					
Other _____					

**Damage assessment for station:** \_\_\_\_\_**Damage assessment for sub-unit:** \_\_\_\_\_**Reasons for difference:** \_\_\_\_\_

**General Station Report Card**  
**Upland Habitats**

<b>Assessors</b>	<b>Applicants Name</b>	
<b>Plot No.</b>	<b>Station No.</b>	<b>Date</b>
<b>Assessment Unit/ Station No.</b> (10mx10m recommended) _____		
<b>Locational details</b> (including GPS reading, Irish Grid format only) _____		
<b>Photographs taken @ Assessment Unit</b> (Record / Film No/ Frame Nos. and view direction) _____		

<b>Soil Type</b> <i>Tick</i> <small>use probe</small>	<b>Soil Depth</b> /
Peat	< 15 cm
Peaty podsol	15 - 80 cm
Mineral	> 80cm
<b>Habitat (tick only one)</b>	
Blanket Bog	Wet Heath
Grassland	Dry Heath
	Other

**Ground Cover of Vegetation** *Estimate % Cover*

*D = Dominant >50%; A= Abundant 25 - 50%;*

*F= Frequent 5 - 25%; O = Occasional < 5%.*

Ling Heather ( <i>Calluna</i> )	% cover/	% carpet/	% topiary /	% drumstick /
Cross-leaved Heath ( <i>Erica tetralix</i> )			Orchid spp	
Bell Heather ( <i>E. cinerea</i> )			<i>Rhododendron ponticum</i>	
Tormentil ( <i>Potentilla erecta</i> )			Gorse ( <i>Ulex spp</i> )	
<i>Galium palustre</i>			Bog Myrtle ( <i>Myrica gale</i> )	
<i>G saxatile</i>			Bilberry ( <i>Vaccinium myrtillus</i> )	
Bog Asphodel ( <i>Narthecium ossifragum</i> )			Crowberry ( <i>Empetrum nigrum</i> )	
Butterwort ( <i>Pinguicula vulgaris</i> )			Willows ( <i>Salix spp</i> )	
Bog Pimpernel ( <i>Anagallis tenella</i> )			Bracken ( <i>Pteridium aquilinum</i> )	
Milkwort ( <i>Polygala serpyllifolia</i> )			Hard Fern ( <i>Blechnum spicant</i> )	
Lousewort ( <i>Pedicularis sylvatica</i> )			Bladderwort ( <i>Utricularia spp</i> )	
Devils bit scabious ( <i>Succisa pratensis</i> )			Thistles ( <i>Cirsium spp</i> )	
Buttercups ( <i>Ranunculus spp</i> )			<i>Rhynchospora alba</i>	
Purple Moorgrass ( <i>Molinia caerulea</i> )			Deergrass ( <i>Scirpus caespitosus</i> )	
Black Bog Rush ( <i>Schoenus nigricans</i> )			Bogbean ( <i>Menyanthes trifoliata</i> )	
Bog Cotton ( <i>Eriophorum spp</i> )			Mat grass ( <i>Nardus stricta</i> )	
Heath rush ( <i>Juncus squarrosus</i> )			Sedges ( <i>Carex spp</i> )	
Mat Grass ( <i>Nardus stricta</i> )			Woodrush ( <i>Luzula spp</i> )	
<i>Festuca vivipara</i>			Crustose lichens on peat	
Other Grasses (Fescues/ Bents/ Heath Grass)			<i>Cladonia portentosa</i>	
<i>Leucobryum glaucum</i>			<i>Cladonia uncialis</i>	
<i>Hylocomium splendens</i>			<i>Peltigera canina</i>	
<i>Racomitrium languinosa</i>			<i>Pleurozia purpurea</i>	
<i>Polytrichum commune</i>			<i>Odontoschisma sphagni</i>	
<i>Campylopus spp</i>			<i>Sphagnum spp</i>	
<i>Rhytidiadelphus spp</i>			Other Mosses	
Other species which might have an indicative value				

Upland Habitats Station Report Card - (continued)

<b>% Vegetation</b>	<b>% Bare peat</b>	<b>% Rock</b>	<b>% Litter</b>
<b>Average height</b> Ling <b>cm</b>	Bell heather <b>cm</b>	Cross-leaved heath <b>cm</b>	<b>cm</b>
<b>Rest of sward</b>	<b>cm</b>		

Damage assessment for station: \_\_\_\_\_

Damage assessment for sub-unit: \_\_\_\_\_

Reasons for difference: \_\_\_\_\_

**STATION ASSESSMENT CARD -BLANKET BOG or WET HEATH**

Tick as appropriate **H** = Heavy, **M** = Moderate, **L** = Light, **NA** = Not applicable.

adapted from Mac Donald et. al. 1998, Scottish Natural Heritage.

Applicant Name	Plot No.	Station No.	Date
<b>Trampling and grazing of pool systems and water tracks.</b> <b>H</b> Edges of pools broken down, neither abrupt vertical sides nor sloping <i>Sphagnum</i> covered edges. Wet hollows obviously trampled, hoof prints abundant.  <b>L</b> No evidence of trampling or grazing around pools particularly those containing Bog Bean ( <i>Menyanthes</i> ) and water tracks. Wet hollows with intact <i>Sphagnum cuspidatum</i> cover.  <b>NA</b>		<b>Trampling of <i>Sphagnum</i> moss hummocks lawns.</b> <b>H</b> Most <i>Sphagnum</i> moss surfaces broken by hoof prints over most of the bog surface. Loose and bleached portions of <i>Sphagnum</i> mosses present <b>M</b> Minority of <i>Sphagnum</i> moss surfaces broken by hoof prints, locally distributed of the bog surface. Loose and bleached portions of <i>Sphagnum</i> mosses very local. <b>L</b> Most <i>Sphagnum</i> moss surfaces intact. Evidence of <b>NA</b> hoof prints found only after extensive searching. Loose +bleached portions of <i>Sphagnum</i> absent or very infrequent.	
<b>Extent of ground cover of mosses and or lichens among + between dwarf-shrub, sedge and plants.</b> <b>H</b> <i>Sphagnum</i> mosses and/ or lichens absent or very patchy. "Feather" mosses may be abundant but if so then forming thin (<< 5cm deep) mats. <b>M</b> <i>Sphagnum</i> mosses and/ or lichens present but patchy. Feather mosses if present, forming thin to moderately deep mats and low hummocks (< 10 cm deep). <b>L</b> <i>Sphagnum</i> mosses and/ or lichens extensive and abundant. Feather mosses, if present, forming deep mats and low hummocks (> 10 cm deep). <b>NA</b>		<b>Abundance of bare peat in the transect station.</b>  <div style="display: flex; justify-content: space-around;"> <span>&lt;1%</span> <span>&lt;5%</span> <span>5-10%</span> <span>&gt;10%</span> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <span><b>L</b></span> <span><b>M</b></span> <span><b>H</b></span> <span><b>H</b></span> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>	
<b>Firmness of ground underfoot.</b> <b>H</b> Hard or firm over most of the bog surface. [Note: drainage and frequent burning can have similar effects] <b>M</b> <b>L</b> Soft to very soft, spongy, over most of the bog surface. <b>NA</b>		<b>Signs of browsing on Cross-leaved heath (<i>Erica tetralix</i>) and Crowberry (<i>Empetrum nigrum</i>).</b> <b>H</b> Some. [Note: <i>E. tetralix</i> is very rarely browsed. <b>M</b> <i>E. nigrum</i> is almost never browsed, although it may be damaged by trampling. If these species show extensive signs of browsing this is a good indication of heavy browsing and grazing in the immediate area] <b>L</b> <b>NA</b> None	
<b>Amount of flowering bog cottons (<i>Eriophorum</i> spp).</b> <b>H</b> Little or none. Inconspicuous. <b>M</b> Abundant or widespread but thinly scattered. <b>L</b> Widespread and abundant, very conspicuous and may give a colour cast to large areas of the bog. <b>N/A</b>		<b>Evidence of browsed woody material on Bog myrtle (<i>Myrica gale</i>).</b> <b>H</b> Any extensive browsing into old woody material beyond current year's growth <b>M</b> Browsed shoots easy to find but not immediately conspicuous. <b>L</b> Browsed shoots difficult to find or absent <b>NA</b>	

**STATION ASSESSMENT CARD – *Unimproved grassland (not coastal)***

Tick as appropriate **H** = Heavy, **M** = Moderate, **L** = Light, **NA** = Not applicable

**Applicant Name****Plot No.****Station No.****Date**

<p><b>Presence of weed* species.</b></p> <p>Very obvious, easy to find</p> <p>H Weed species present but not throughout/ widespread</p> <p>M Very limited, patchy, negligible</p> <p>* = nettles, thistles, ragwort</p>	<p><b>Signs of scrub expansion.</b></p> <p>Little or no evidence of encroachment of scrub</p> <p>H</p> <p>M Some evidence of scrub encroachment</p> <p>L</p> <p>NA</p>
<p><b>Amount of bare soil in station.</b></p> <p>H Frequent 5 - 10% &gt;10 %</p> <p>M Occasional 1 - 5 %</p> <p>L Insignificant &lt; 1%</p> <p>Estimate actual percentage = %</p>	<p><b>Presence of stock paths.</b></p> <p>Very obvious and numerous</p> <p>H</p> <p>M Tracks present but not widespread</p> <p>L Tracks absent or infrequent, not obvious</p> <p>NA</p>
<p><b>Amount of flowering heads (not including grasses/ sedges) – flowering can sometimes be encouraged by grazing (NB).</b></p> <p>H Very limited, patchy, negligible</p> <p>M Some present but not throughout/ widespread</p> <p>L Very obvious, easy to find</p> <p>NA</p>	<p><b>Amount of domestic herbivore dung present.</b></p> <p>H Very conspicuous.</p> <p>M Not very conspicuous but easy to find.</p> <p>L Rare and difficult to find or absent. NB. Dung can be relatively abundant in resting areas, and areas which provide shelter, without these areas necessarily being heavily grazed.</p>
<p><b>Amount of rabbit/ feral goat dung present.</b></p> <p>H Very obvious, easy to find</p> <p>M Some present but not throughout/ widespread</p> <p>L Very limited, patchy, negligible</p> <p>NA</p>	<p><b>Assessors overall evaluation of the current condition of vegetation in station based on evaluating the above indicators (selected category in bold).</b></p> <p>U* U M/ U M M/ S S S*</p>

**STATION ASSESSMENT CARD - DRY HEATH**

Tick as appropriate **H** = Heavy, **M** = Moderate, **L** = Light, **NA** = Not applicable.

*adapted from Mac Donald et. al. 1998, Scottish Natural Heritage.*

**Applicant Name****Plot No.****Station No.****Date**

<p><b>Summer browsing of Ling (<i>Calluna vulgaris</i>).</b></p> <p>H Extensive, obvious, easy to find.</p> <p>M Very limited, patchy, negligible. Though infrequent may still be obvious due to removal of flowering shoots.</p> <p>L</p> <p>NA</p>	<p><b>Type of shoot material removed From Ling (<i>Calluna vulgaris</i>) and/or Frauchan (<i>Vaccinium myrtillus</i>).</b></p> <p>H Frequent evidence of browsing of woody shoot material older than the most recent year's growth.</p> <p>M Little or no browsing of woody shoot material older than most recent year's growth. Mainly shoot tips removed.</p> <p>L Only tips of shoots browsed.</p> <p>NA</p>
<p><b>Amount of bare ground in station.</b></p> <p>H Frequent 5 - 10% &gt;10 %</p> <p>M Occasional 1 - 5 %</p> <p>L Insignificant &lt; 1%</p> <p>Estimate actual percentage = %</p>	<p><b>Uprooting of dwarf-shrub seedlings in recently burnt patches.</b></p> <p>H Conspicuous.</p> <p>M Not conspicuous, but possible to find with limited searching.</p> <p>L Little or none.</p> <p>NA</p>
<p><b>Dwarf-shrub stem breakage as a result of trampling by large herbivores (check for hoof prints).</b></p> <p>H Conspicuous. &gt; 50m from supplementary feeding locations.</p> <p>M Common in immediate vicinity of supplementary feeding locations or other locations where animals become unusually concentrated even when average stock densities are low.</p> <p>L Inconspicuous, except &lt; 50m from supplementary feeding locations.</p> <p>NA</p>	<p><b>Depth of carpet of mosses and liverworts or "bushy" <i>Cladonia</i> lichens, under and between the dwarf-shrubs.</b></p> <p>H } Thin &lt;5cm deep, and patchy.</p> <p>M }</p> <p>L Thick and luxuriant &gt; 10cm deep, extensive.</p> <p>NA</p>
<p><b>Amount of trampled, bare ground.</b></p> <p>H Frequent, especially in recently burnt patches.</p> <p>M</p> <p>L Little or none except for sporadic sheep scars.</p>	<p><b>Assessors overall evaluation of the current condition of vegetation in station based on evaluating the above indicators (selected category in bold).</b></p> <p>U* U M/U M M/S S S*</p>



## STATION ASSESSMENT CARD 2c – *Dune* (incl. *Foredune/ Ammophila* and fixed dune)

Tick as appropriate **H** = Heavy, **M** = Moderate, **L** = Light, **NA**= Not applicable

**Applicant Name.**

**Plot No.**

**Station No.**

**Date**

<p><b>Signs of grazing or browsing of <i>Ammophila</i>, <i>Carex arenaria</i>, <i>Elymus farctus</i>.</b></p> <p>H Any signs of grazing of <i>Ammophila</i> etc</p> <p>L No grazing of <i>Ammophila</i> etc</p> <p>NA</p>	<p><b>Presence of loose sand / broken surface due to disturbance by domestic animals.</b></p> <p>H Very obvious, easy to find</p> <p>M Some present but not throughout/ widespread</p> <p>L Very limited, patchy, negligible</p> <p>NA</p>
<p><b>Amount of bare sand in station.</b></p> <p>H Frequent 5 - 10% &gt;10 %</p> <p>M Occasional 1 - 5 %</p> <p>L Insignificant &lt; 1%</p> <p>Estimate actual percentage = %</p>	<p><b>Presence of stock paths.</b></p> <p>H Very obvious and numerous</p> <p>M Tracks present but not widespread</p> <p>L Tracks absent or infrequent, not obvious</p> <p>NA</p>
<p><b>Amount of flowering heads (not including grasses and sedges).</b></p> <p>H Very limited, patchy, negligible</p> <p>M/ L Very obvious, easy to find</p> <p>NA</p>	<p><b>Amount of domestic herbivore dung present.</b></p> <p>H Very conspicuous.</p> <p>M Not very conspicuous but easy to find.</p> <p>L Rare and difficult to find or absent. NB. Dung can be relatively abundant in resting areas, and areas which provide shelter, without these areas necessarily being heavily grazed</p>
<p><b>Amount of rabbit dung present.</b></p> <p>H Very obvious, easy to find</p> <p>M Some present but not throughout/ widespread</p> <p>L Very limited, patchy, negligible</p> <p>NA</p>	<p><b>Assessors overall evaluation of the current condition of vegetation in station based on evaluating the above indicators (selected category in bold).</b></p> <p>U* U M/ U M M/S S S*</p>

**STATION ASSESSMENT CARD – Limestone Pavement (>50%)**

Tick as appropriate **H** = Heavy, **M** = Moderate, **L** = Light, **NA**= Not applicable

**Applicant Name.****Plot No.****Station No.****Date.**

<p><b>Signs of grazing of dominant grass/sedge</b></p> <p>H Grasses heavily grazed.  M Grasses moderately grazed.  L Lightly grazed (U) or rank (U*).  NA</p>	<p><b>Grazing of shrubs (<i>Rosa/ Juniperus/ Helianthemum/ heather</i>).</b></p> <p>H Shrubs heavily grazed.  M Shrubs moderately grazed.  L Shrubs lightly grazed or not at all.  NA</p>
<p><b>Amount of bare soil in station.</b></p> <p>H Frequent      5 - 10%      &gt;10 %  M Occasional    1 - 5 %  L Insignificant &lt; 1%    Estimate actual percentage =      %</p>	<p><b>Presence of stock paths.</b></p> <p>H Very obvious and numerous.  M Tracks present but not widespread.  L Tracks absent or infrequent, not obvious.  NA</p>
<p><b>Amount of flowering heads (not including grasses/ sedges) – flowering can sometimes be encouraged by grazing (NB).</b></p> <p>H Very limited, patchy, negligible.  M Some present but not throughout/ widespread.  L Very obvious, easy to find.  NA</p>	<p><b>Amount of domestic herbivore dung present.</b></p> <p>H Very conspicuous.  M Not very conspicuous but easy to find.  L Rare and difficult to find or absent.  NB. Dung can be relatively abundant in resting areas, and areas which provide shelter, without these areas necessarily being heavily grazed.</p>
<p><b>Amount of rabbit/ feral goat/ deer/ dung present.</b></p> <p>H Very obvious, easy to find .  M Some present but not throughout/ Widespread.  L Very limited, patchy, negligible.  NA</p>	<p><b>Assessors overall evaluation of the current condition of vegetation in station based on evaluating the above indicators (selected category in bold).</b></p> <p><u>U*   U   M/U   M   M/S   S   S*</u></p>

## ***Appendix 1, Part 5   Glossary of Forms and Documents used in the NPWS Farm Plan Scheme***

<b>Affidavit</b>	A sworn affidavit is required to demonstrate undisputed beneficial occupation of lands in cases where title documents are unavailable or do not accurately define the ownership of the lands in question. An affidavit is also used in cases where turbary rights are held by third parties. In all cases the affidavit must be witnessed by a practising Solicitor.
<b>Boundary Appeal Documents</b>	A letter from NPWS stating the outcome of an appeal against Natura 2000 site boundaries. If applicable it must be submitted with any application to join the Farm Plan Scheme. If the appeal was successful or partially successful this letter must be accompanied by a map produced by the NPWS showing the amended boundaries.
<b>Conservation Management Plan</b>	A plan produced by the NPWS describing planned future management of Natura 2000 sites. It also provides information on conservation objective, current land use and species or habitats of interest. Published plans are available on the NPWS web site.
<b>Commonage Framework Plan</b>	A plan produced for the NPWS and the Dept. of Agriculture, Food & the Marine detailing the condition of a commonage or group of commonages. The plan also prescribes destocking and other measures required to allow the site to recover. These can be obtained through the Dept. of Agriculture, Food & the Marine website ( <a href="http://www.commonage.agriculture.gov.ie">www.commonage.agriculture.gov.ie</a> ).
<b>Invoice</b>	Invoice issued by planner claiming payment for services.
<b>Land Registry Folios</b>	Title Documents showing the records of title held by the Property Registration Authority (formerly Land Registry). These can be obtained through the Property Registration Authority website ( <a href="http://www.landregistry.ie">www.landregistry.ie</a> ).
<b>Leases</b>	Where payment is claimed on lands on the basis of a long term lease (> 5 years) a copy of the lease must be provided. The copy must be certified by the planner or by a practising solicitor and the original must be available for inspection if so requested by the NPWS. All leases must contain a start date, an end date, and the signatures of both lessor and lessee along with a map of the lands involved.
<b>Farm Plan Maps</b>	Maps used to locate plots and features referred to in the NPWS Farm plan. ArcGIS is the preferred mapping platform.

<b>NPWSa</b>	<b>NPWS Farm Plan Application Form.</b> This is the Application form to join the Farm Plan Schemes. It must be completed and signed by the applicant. It should be forwarded to the NPWS Agri-Ecology Unit as part of the initial application.
<b>NPWSb (Farm Plan)</b>	<b>The NPWS Farm Plan</b> is the central document in the contract between the NPWS and the participant. It outlines the conservation objectives for the designated site. It details the planned future management for the farm and the payments that the NPWS will make to the participant. The plan can be amended to reflect changes in farm enterprise or management guidelines.
<b>NPWSc</b>	<b>Third Party Interaction Form.</b> This form is used to account for land rented or leased for less than 5 years or the short term rental of grazing or animal housing. This form must be signed by the applicant/ participant and the third party.  It is also used in situations where animal wastes are exported on or off the farm, and where stock belonging to third parties are grazed on the holding. If this form is being used to describe short term rental of land/ grazing/ housing or the export of waste then it must be accompanied by a map showing the lands involved (spread lands/ grazing land or housing as appropriate). If a farm enterprise is dependent on exporting animal wastes, an agreement must be in place throughout the planned period to accept this waste onto suitable spread lands.
<b>NPWSd</b>	<b>Consent of Family Member Form.</b> This form can be used where land belongs to a close family member, i.e. Grandparent, Parent, Aunt, Uncle, Spouse, Son or Daughter. This form can only be used in situations where the family member consents to all of their land (excepting dwelling houses) being farmed by the applicant. If the land owner retains any land for their own use or rents or leases

	land to a third party then a formal lease is required farmed by the applicant.
<b>NPWSe</b>	Application for second or subsequent payment. This form is submitted along with the NPWSg (Compliance Report) and a copy of the current BPS to claim payment for second and subsequent payments for a participant. It is prepared by the planner and signed by the participant.
<b>NPWSf</b>	Plan Amendment/ Update Form. This form must be signed by the participant confirming that he is aware that the NPWS Farm Plan has been amended/ updated. This form is sent out by the NPWS along with a plan amendment or update. <u>It is not supplied</u> by the planner. It must be signed by the participant confirming that he has received a copy of the plan amendment or update. The form should then be returned to NPWS. No further payments will issue to the participant until this form is received by the NPWS.
<b>NPWSg</b>	NPWSg (Compliance Report). This is used for annual certification of compliance with NPWS Farm Plan. This form is prepared by the planner at the anniversary date for each plan and is presented with a copy of the current BPS return, the NPWSe and soil test results where stipulated when claiming a second or subsequent payment. This will require a farm visit and field inspection
<b>NPWSH</b>	NPWSH (Compliance Check Payment Claim Form). This form is used by planners who wish to batch their claims for payment for annual compliance certification.
<b>NPWSi</b>	NPWSi (Screening Form). This form is used to supply the information required for a pre-application screening.
<b>NPWS Farm Plan Update</b>	An NPWS Farm Plan Update is a document used to make minor changes to the farm plan. This may be done to insert soil test results, to correct minor errors or to plan for remedial work after incidents of non-compliance.
<b>ARCs (Activities Requiring Consent)</b>	A list of activities that require the consent of the NPWS or in certain cases the Dept. of Agriculture, Food & the Marine or Local

<b>formerly known as Notifiable Actions</b>	<b>Authorities.</b> These have been published for a range of different habitats and for certain species. ARCs are available on the NPWS website ( <a href="http://www.npws.ie">www.npws.ie</a> ).
<b>Site Synopsis</b>	A document produced by the NPWS for each Natura 2000 site and NHAs. It describes the site in question and lists species or habitats of particular interest.
<b>Soil Test Reports</b>	Where soil test results are required, the results must be submitted to the NPWS. Soil Samples must be analysed by a Laboratory approved by the Dept. of Agriculture, Food & the Marine. The original laboratory report is required.
<b>BPS Return</b>	An annual declaration of lands farmed made by farmers to the Dept. of Agriculture, Food & the Marine. In the case of farmers, applications for new NPWS Farm Plan contracts or for second and subsequent payments must be accompanied by a copy of the current BPS return. Applications for new contracts also require copies of the previous year's BPS return. All parcels must be within 3% or 0.3 hectares whichever is smallest of the area declared on the current BPS return.
<b>BPS Amendment Form</b>	The BPS return must reflect the reality on the ground both in terms of areas declared and parcel use. This may require an BPS amendment to be submitted to the Dept. of Agriculture, Food & the Marine if the current BPS is inaccurate. A copy of this will be required by the NPWS.
<b>Station Cards</b>	A card used to describe vegetation including species present at monitoring stations. Station Cards are available in a number of formats depending on habitat type, (see Appendix 1 Part 4).
<b>Station Assessment Card</b>	A card used to assess vegetation condition at fixed monitoring stations. Station Assessment Cards are available in a number of formats depending on habitat type, (see Appendix 1, Part 4).

**Station  
Photographs**

**A series of photographs (at least 4) taken by the planner at fixed monitoring stations. These are used to assist in plan assessment, compliance and monitoring.**

## ***Appendix 2, Title Requirements for Target Lands Eligible for Payment***

### **1.1. Acceptable proof of Title includes the following.**

**REGISTERED LAND** - an up-to-date certified copy of the Property Registration Authority of Ireland (PRAI) folio and File Plan, showing the applicant/ s as owner/ s on title or a certified copy of a stamped Deed of Transfer or Assent where transfer has taken place and registration has not been completed, together with the Property Registration Authority of Ireland (PRAI) Dealing Number and a map of the lands so transferred.

**COMMONAGE** - Lands belonging to more than one owner (excluding tenants in common or joint ownership) are considered as commonage. Shares in commonage must be owned by the applicant or a close relation in order to draw down a payment. If all the shares in a commonage are owned by the same owner then it shall no longer be considered as commonage. To be eligible to draw down payment it must be possible to define Grazing Rights in terms of area. Evidence regarding Grazing Rights such as folios, original grants by the Landlord of the time or by the Land Commission may be considered. The use of rates records held by local authorities may be an acceptable mechanism for converting grazing rights to an area basis.

**UNREGISTERED LAND** - an original or certified copy of stamped Deed/ s of Conveyance, Assignment or Assent showing the applicant/ s as owner/ s and duly registered in the Registry of Deeds.

**LAND COMMISSION LAND** - a copy of the Purchase Agreement, Vesting Order, Partition Order or a Certificate from the Lands Division, Department of Agriculture and Food confirming the lands have been allotted to applicant/ s or the relevant Grant of Probate including Deed of Assent.

**LEASED LAND** - an original or certified copy of the signed lease(s) is required in all cases where payment is sought on leased land. This lease must cover the full period of the plan and include maps, commencement and end dates. Leases must be signed by the landowner, the tenant and witnessed by an appropriate person. Copies of leases are to be certified by a practising solicitor or an NPWS approved planner.

**BENEFICIAL OCCUPATION** - Where the applicant has been in undisputed occupation and possession of lands and they are in receipt of the rents and profits for at least the previous 5 years, but they are not in a position to produce title, a sworn affidavit to that effect will be furnished in lieu of title documentation. This affidavit is to be witnessed by a practising Solicitor or Commissioner for Oaths. The affidavit **must** declare that the applicant has been in undisputed beneficial occupation of the lands for the past 5 years and has been in receipt of all rents or profits arising from these lands. Full details of the relationship between the applicant and the registered owner must be provided. If a folio exists for the land in question it should be referred to by number in the affidavit. The folio in question should accompany the affidavit.



**OTHER LANDS** - for other lands farmed during any period of the contract in short term leases, conacre or lettings, a copy of the completed form (NPWSc) will be supplied with the NPWS Farm plan.

- 1.2. An Applicant who is not the owner/ leaseholder/ beneficial occupier of land/premises involved shall only be admitted to the scheme if she/ he is a family member who is managing the land/premises. Such an application can only be made with the written permission of the landowner(s). Such permission (NPWSd) must include all of the lands owned by the landowner(s) in question and must be submitted with the initial NPWS Farm Plan application. The land must be declared on the current BPS return in the NPWS Farm Plan applicant's name.
- 1.3. In the case of farmers, the areas used in the Farm Plan will be based on the land parcel areas as shown in the most recent BPS declaration. If the land parcel boundaries are incorrect and do not reflect reality on the ground then a BPS amendment is required. Likewise the land tenure situation as described in the farm plan should match that shown on the most recent BPS return.
- 1.4. If the folio map boundaries differ from the land parcel boundaries used in the current BPS return then the differences should be explained on the "Additional Notes" page in the NPWS Farm Plan. A BPS amendment may be required.
- 1.5. The status of any lands without proper title should be explained on the "Additional Notes" page. Any such explanations should be supported by whatever documentation is required to demonstrate the applicant's entitlement to these lands. This could include affidavits regarding beneficial occupation, copies of wills, Grants of Probate, Deeds of Transfer etc.
- 1.6. If no entitlement can be demonstrated but the applicant is managing the lands then they should be included in the plan but no payment should be sought. The situation should be explained on the "Additional Notes" page.
- 1.7. If the folio includes lands or premises that are not managed by the applicant the situation should be explained by the planner on the "Additional Notes" page. This could include land rented/ leased to third parties or lands swapped, sold or abandoned where the changes in ownership were never registered.
- 1.8. Lands which have not been declared on BPS are not eligible for payment until year 3. The BPS should be amended at the start of the plan.
- 1.9. Planners are invited to discuss unusual land tenure situations with the NPWS Agri-Ecology Unit prior to submitting an application. Obtaining a common position on how such situations should be approached, prior to submitting an application will be of value to the applicant, the planner and the NPWS.

## ***Appendix 3, Part 1 Payments to Participants***

### **1 Structure of Payments**

The payment structure in NPWS Farm Plans can be split into 3 groups. These are;

- a) Payment at a flat rate,
- b) Payment for costs incurred or income forgone,
- c) Results-based (payment based on associated scoring systems e.g. 0-5 or 0-10, with higher scores for higher environmental quality deriving higher payments). Where this is to be applied, it shall be fully explained in the plan or to the plan participant.

When a plan of type **a** or **b** is approved, the normal situation is that 30% of the annual payment is made. The remaining 70% along with a 30% advance on the following year's payment shall be made at the end of the year. This second payment is subject to compliance being certified by the planner and an application for payment being made. NPWS will aim to make second and subsequent payments within 10 weeks of receiving the NPWSe, Compliance Check Form (NPWSg) and other associated paperwork in the application for payment - *see Protocol 4 Applications for Second and Subsequent Payments*. The final payment at the end of year 5 shall be for the 70% outstanding at that time.

**Note:**                      **In certain plans and plan types an initial payment of up to 50% may be made at the discretion of the NPWS.**

In the case of plans of type **c**, the scoring regime will be identified in the plan.

### **2 Payment for Cost incurred or Income Forgone**

The cost of compliance will be calculated by the planner subject to the following.

- Labour will be paid at standard rates based on standard costings provided by the Dept. of Agriculture, Food & the Marine or Teagasc.
- Losses due to lower production or loss of a crop will be paid at the rate calculated by Teagasc and/or chartered agricultural consultants. If no comparable price data is available the rate of payment will be negotiated with the Agri-Ecology Unit Inspector Grade II on an annual basis.
- Issues that fall within the remit of Good Agricultural and Environmental Condition and SMRs other than those for habitats and species will not be paid for.

An example of this could be where a crop e.g. fodder beet is grown specifically as feed for Greenland White-fronted Geese (*Anser albifrons*) or Whooper Swans (*Cygnus Cygnus*). Due to crop rotation requirements, the area involved may change from year to year. This would obviously change the amount of any payment due. Planners who wish to make such a proposal **must** discuss the matter with the NPWS Agri-Ecology Unit before submitting a plan. Adequate safeguards would have to be put in place to ensure that such payments continue to be warranted. These could include additional auditing, liaison with local NPWS staff and declaration of the crop type on the lands involved on the annual BPS return.

**Note:** The cost of materials and services must be backed up by invoices when payment is being claimed where this is specified in the farm plan. The requirement for an invoice does not include the participants own labour or of casual labour assisting him in completing a planned task.

### **3 Payments on Non Target Land**

In certain limited circumstances the NPWS may agree to make payments on non-target land. This will only occur in situations where NPWS deem that appropriate management of the non target land is required to protect a designated site or a protected species present on the farm. Payment can only be made on where real costs are being imposed on an applicant by virtue of essential changes in management that result from the plan.

### **4 Changes in Rate of Payment as a Result of Management - Post Approval**

Situations may arise where the plan proposes measures which will change the rate of payment during the course of the plan. An example of this would be grazed callows being converted to hay meadow. If this arises the planners should discuss the matter with the NPWS Agri-Ecology Unit prior to submitting the application. The payment compensation table should be based on the payment rate for the first year of the plan with a note stating how and when this rate will change inserted below the table.

### **5 Once-off Payments**

There is a facility within the NPWS Farm Plan Scheme to make once-off payments to participants in addition to an annual payment. NPWS also retain the capacity to pay landowners or land managers or contractors, not involved in long term plans to undertake particular capital works. These payments may be justified in cases where once-off tasks are essential to achieving the objectives of a plan or specific biodiversity objectives. These could include removal of redundant fencing, provision of water troughs, eradication of difficult invasive species e.g. Japanese Knotweed (*Fallopia japonica*), large scale scrub control on eskers, blocking or unblocking of drains, removal of pioneering conifers, etc. The planner is advised to consult with the Wildlife Inspector Grade II before including a claim for once-off payments onto an NPWS Farm Plan.

Certain capital works are excluded from consideration for once-off payments. Payment for the erection of new fencing shall be at the discretion of the NPWS. Once-off payments will generally only be made in arrears. They will be made subject to confirmation by the planner that the required works were carried out. Receipts or approved calculations for capital works shall be used to determine the amount of payments. Landowners can invoice the NPWS for works undertaken as agreed with NPWS Agri-Ecology Unit. Estimates of capital works costs should be provided at the planning stage, prior to approval.

### **6 Other Payments**

Other payments will be made to certain participants for the purpose of field trials or training;

- **Field trials.** The NPWS may select certain farms for trials of proposed pro-active management techniques. If this occurs the participants will be paid an extra annual payment up to **€3,000**.
- **Demonstration Plans.** The NPWS may select certain plans for demonstration or training purposes. If this occurs then the participants will be paid **€125 per day** (for days when training actually occurs on the farm) up to a maximum of **€2,000 per year**. To receive this payment the farm must be available at reasonable notice for NPWS use in the running of training courses.
- The NPWS may require participants to attend a **training course**. In such circumstances a payment of **€75 will be paid per day** to cover a participant's expenses.

## **7 Method of Payment**

Payments are made by Electronic Funds Transfer (i.e. payment directly into a bank account) to the participant or his nominee (written request).

## **8 Errors in Payments.**

In the event that a participant claims that they have not been paid, the NPWS administration section will determine if a payment was issued. .

If a participant claims to have been paid an incorrect amount then they should submit a written request to have the matter investigated to the Wildlife Inspector Grade II in the Agri-Ecology Unit.

## **9 Overpayments**

In cases where a participant has been overpaid, irrespective of the reason for such an overpayment the NPWS will seek the repayment of the monies involved. The NPWS will write to the participant involved informing them of the situation. In the absence of an agreed repayment schedule the monies will be recovered by a deduction of up to 100% in the remaining years of the Farm Plan Contract. If this is inadequate to recover the amounts involved then the applicant will be asked to pay the balance. The participant will be barred from future Farm Plan Contracts until the sums involved are recovered in full. In certain situations interest may be charged on the amounts outstanding. The NPWS reserve the right to take whatever actions it sees fit to recover the outstanding sum.

## **10 Second and Subsequent Payments**

*See Protocol 4 Applications for second and subsequent payments.*

## **11 Tax Clearance Certificate**

The NPWS reserve the right to request a tax clearance certificate from any participant before payment issues.

## **12 Review of Payment Levels**

The NPWS reserve the right to vary, where occasion so demands, the amount of financial aid wherever specified in the scheme subject at all times to the provisions of any relevant legislation.

- All rates of payment to participants are subject to ongoing review and can be changed at any time by the NPWS.
- The NPWS Agri-Ecology Unit will notify participants and planners of any changes to payment rates that affect approved participants.
- The NPWS Agri-Ecology Unit will notify planners of any changes to payment rates for new participants.

## ***Appendix 3, Part 2 Payments to Planners - New Plans and Plan Amendments***

### **1.1 Production of new plans**

For the production of NPWS Farm plans, planners will be paid at a rate agreed in advance. NPWS may from time to time select planners on the basis of Requests for Tenders, choosing the Most Economically Advantageous Tender for particular work packages.

### **1.2 Amendments to plans**

Planners will be paid for amending a Farm Plan will be paid at a rate of €350 per plan. The requirement for an amendment must be approved in advance by the Inspector Grade II in the NPWS Agri-Ecology Unit.

### **1.3 Soil analysis**

Planners will be compensated for the actual cost of soil analysis where required and agreed with NPWS. The rate will be determined annually by the NPWS based on the rates charged by approved soil testing laboratories and considering the cost of postage and packing. No payment will be made for labour costs associated with soil sampling (these are covered by the initial planning fee). Where more detailed soil sampling is required, e.g. for Molybdenum or organic matter a higher rate will apply. Application for this rate requires the submission of a copy of the invoice from the laboratory.

## **2 Other Payment related Issues**

- Payments will not be made in advance.
- All rates of payment to planners are subject to ongoing review and can be changed at any time by the NPWS (except in the case of contracts awarded after tender).
- The NPWS Agri-Ecology Unit will notify planners of any changes to payment rates.
- Payments to planners are made on the basis that the planner is in possession of a current tax clearance certificate. The NPWS is entitled to request the Tax Clearance Certificate before issuing a payment. The tax clearance certificate will be returned to the planner by the NPWS when the planners file has been updated.
- All invoices for new or amended plans should accompany the plans concerned - *see Appendix 1 Documentation and Guidelines on Plan Preparation.*
- Any overpayments to planners as a result of an error of the NPWS will have to be refunded. In the event of this occurring the NPWS will liaise with the planners concerned to arrange a repayment schedule.

## ***Appendix 3, Part 3 Payments to Planners for Certifying Compliance.***

### **1 Rates of payment**

The NPWS have delegated the task of certifying compliance to planners (apart from where NPWS have designed the plans 'in-house'). This will involve an annual farm visit and field certification of completed tasks and plan compliance. This work will be paid for at a rate agreed in advance of planning.

### **2 Invoicing Procedures**

- 2.1** All invoices should detail which farms were inspected and the rate at which payment is claimed.
- 2.2** Planners can invoice for each plan inspection if they wish. Planners with a large number of plans can batch them together if this is more convenient. If plan inspections are batched then the planner should enclose NPWS<sup>h</sup> (Compliance Check Payment Claim) Form - *see Appendix 1 Documentation and Guidelines on Plan Preparation* in addition to the invoice.
- 2.3** If planners are submitting a claim for a batch of inspections then the period covered by these inspections should be detailed on both the invoice and the NPWS Compliance Check Payment Claim Form (if included) e.g. processing of NPWS<sup>e</sup> forms in the period Sept 1<sup>st</sup> –Dec 31<sup>st</sup> 2017.
- 2.4** Invoices and NPWS Compliance Check Payment Claim Form (if applicable) should be sent to;

**Wildlife Inspector Grade II  
NPWS Agri-Ecology Unit  
7 Ely Place  
Dublin 2**

## ***Appendix 4, Part 1 (Draft Appropriate Assessment template)***

Standard templates for undertaking the Appropriate Assessment screening



## NPWS FARM PLAN SCHEME

**Appropriate Assessment Determination Pursuant to Article 6(3) of the Habitats Directive and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011.**

### SCHEME APPLICANT:

#### SECTION 1 - OVERVIEW

##### **1.1. Scheme Applicant**

LANDOWNER

##### **1.2. Persons Involved**

PLANNER	AGRI-ECOLOGY UNIT	OTHER NPWS SCIENTIFIC	NPWS
		UNIT STAFF	ECOLOGICAL
			ASSESSMENT

##### **1.3. Type Of Farm Plan Scheme**

TYPE (AS CATEGORISED BY NPWS AGRI-ECOLOGY UNIT)	PRIMARY TARGET(S)
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**1.4. Designated Sites Of Relevance**

DESIGNATED SITE NAME	SITE CODE	DISTANCE FROM DESIGNATED SITE (KM) (0.0KM IF WITHIN)
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**1.5 Relevant Conservation Objectives**

QI/SCI	QI CODE	CONSERVATION OBJECTIVE
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**SECTION 2 - PROPOSAL****2.1 Draft Farm Plan / Maps and Photographs**

See initial draft attached.

**2.2 Change in Practice / Land-use**

<i>INCREASE</i>	<i>INCREASE</i>	<i>DECREASE</i>	<i>DECREASE</i>	<i>CHANGE</i>	<i>PERIODIC</i>	<i>OTHER</i>
<i>AREA</i>	<i>INTENSITY</i>	<i>AREA</i>	<i>INTENSITY</i>	<i>IN TYPE</i>	<i>CONTROLS</i>	

GRAZING

CROPS

EARLY AND

COVER

**2.3 Prescribed Works**

	<i>INTRODUCE</i>	<i>TAKE OUT</i>	<i>AUGMENT</i>
HEDGEROWS**			
FENCING**			
SCRUB			
COVER CROP			
DRAINAGE**			
ALIEN INVASIVE SPECIES			

FIELD MARGINS

WET FEATURES

PREDATOR CONTROL

OTHER

\*\* CONSENT OF ANOTHER AUTHORITY, SUCH AS A PLANNING AUTHORITY OR DAFM, MAY BE REQUIRED IN CERTAIN CIRCUMSTANCES. SEE REGULATION 27(1) ETC.

**2.4 Details of Prescribed Works** *(include herein or attach draft NPWS Farm Plan Scheme “Prescribed Works” form and cross-reference to Activities Requiring Consent and/or Natura Impact Statement, as appropriate.*

Plot Number	Prescribed Works	Complete By	Estimated Cost
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## 2.5 ARCS OF RELEVANCE

ARC NUMBER	ARC NAME
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10	Construction, removal or alteration of fences, stone walls, hedgerows, banks or any field boundary other than temporary electric fencing.
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### SECTION 3 – EUROPEAN SITE(S)

#### **3.1. EUROPEAN SITE(S) THAT MAY BE OR ARE LIKELY TO BE AFFECTED BY THE PROPOSAL.**

SAC / SPA	Site Number	Site Name	Conservation Objective-	Conservation Objective-
			Date of	Document
			Publication	Version

#### **3.2. SUMMARY OF CURRENT CONSERVATION CONDITION OF RELEVANT SITE(S), HABITATS AND SPECIES AS REFERENCED IN SECTION 3.1 (IN A LOCAL AND NATIONAL CONTEXT). INCLUDE WHERE KNOWN, TRENDS IN STATUS, POPULATIONS ETC. (WITH REFERENCES TO SOURCES).**

**3.3. DESCRIBE IN BRIEF HOW THE IMPACTS ARISING FROM THE PROPOSAL MAY OR WILL AFFECT THE SPECIES AND HABITATS THAT ARE QUALIFYING INTERESTS FOR THE SITE, ITS CONSERVATION OBJECTIVES AND SITE INTEGRITY.**

**Impact (see Section 2.4 Prescribed**

**Works for relevant plots numbers)**

***Possible Effects on the Conservation Objective***

**(include conclusion re effect)**

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**3.4. ARE THERE EFFECTS ARISING FROM OTHER PROJECTS AND ACTIVITIES THAT MAY, IN COMBINATION WITH THIS PROPOSAL, AFFECT THE SITE IN QUESTION? PROVIDE DETAIL**

**Project**

**Impact**

**Effects**

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**3.5. WILL THE ABOVE AFFECT SITE INTEGRITY? CONSIDER THE FOLLOWING INDICATORS (AFTER BOX 10, EUROPEAN COMMISSION, 2001).**

<b>Conservation objectives: does the project or plan have the potential to:</b>	<b>Yes/No</b>
Cause delays in progress towards achieving the conservation objectives of the site?	
Interrupt progress towards achieving the conservation objectives of the site?	
Disrupt those factors that help to maintain the favourable conditions of the site?	
Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site?	
<b>Other objectives: does the project or plan have the potential to:</b>	<b>Yes/No</b>
Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem?	
Change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the site?	
Interfere with predicted or expected natural changes to the site (such as water dynamics or chemical composition)?	
Reduce the area of key habitats?	
Reduce the population of key species?	
Change the balance between key species?	
Reduce diversity of the site?	
Result in disturbance that could affect population size or density or the balance between key species?	
Result in fragmentation?	
Result in loss or reduction of key features (e.g. tree cover, tidal exposure, annual flooding, etc.)?	
Others?	

**3.6. INSERT DETAILS ON THE PROPOSED AND NECESSARY MITIGATION TO AMELIORATE ALL IDENTIFIED EFFECTS**

Effect Arising	Mitigation	Implementation	Timing	Monitoring
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**SECTION 4 – NON-QUALIFYING INTEREST, BUT HABITATS AND SPECIES OF CONSERVATION INTEREST****4.1. IRISH SITE(S) THAT MAY BE OR ARE LIKELY TO BE AFFECTED BY THE PROPOSAL**

NHA /

pNHA / Nature Reserve / Wildfowl Sanctuary etc.	Site Number	Site Name	Proposal benign or beneficial to site	Proposal potential Negative impact on site
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**4.2. ANNEXED HABITATS THAT MAY BE OR ARE LIKELY TO BE AFFECTED BY THE PROPOSAL**

Annex number	Habitat Code	Habitat Name	Proposal benign or beneficial to habitat	Proposal has potential negative impact on site
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**4.3. ANNEXED SPECIES THAT MAY BE OR ARE LIKELY TO BE AFFECTED BY THE PROPOSAL**

Annex	Species Code	Species Name	Proposal benign or beneficial to species (pre-mitigation)	Mitigation against potential negative impact on listed species	Residual Effect (after mitigation)
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**4.4. FLORA (PROTECTION) ORDER SPECIES RECORDED ONSITE**

<b>Annex number</b>	<b>Species Code</b>	<b>Species Name</b>	<b>Proposal benign or beneficial to species</b>	<b>Proposal has potential negative impact on species</b>
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**4.5. OTHER SPECIES OF CONSERVATION CONCERN RECORDED ONSITE (E.G. BOCCI, RED DATA SPECIES)**

<b>Scientific Name</b>	<b>Common Name</b>	<b>Proposal benign or beneficial to species</b>	<b>Proposal has potential negative impact on species</b>
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**4.6. COGNISANCE OF ALL-IRELAND POLLINATOR ACTION PLAN (NOTE IF ANY ACTIONS OF THE ALL-IRELAND POLLINATOR PLAN WILL BE CARRIED OUT OR INFRINGED UPON)****SECTION 6 – DETERMINATION**

Recommended by:

Approved by:



**SECTION 7 – LIST OF RELATED DOCUMENTS CONTAINING FULL PROJECT DESCRIPTION, THE BEST SCIENTIFIC KNOWLEDGE AND OBJECTIVE INFORMATION ON WHICH THIS DETERMINATION IS BASED**

*those with \* are mandatory records that must inform an appropriate assessment*

Ref No.	Document Type	Author	Filed at:
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(as

applicable)

Application for consent\*

Screening Decision\*

Natura Impact Statement

N.B. if one is required, it must be retained.

*Other scientific or objective information submitted by the applicant, including*

- *maps,*
- *photographs,*
- *literature review*
- *survey methodology*
- *and results,*
- *analysis and*
- *associated results*

*Other scientific or*

*objective information*

*including Department's own*

- *data*
- *information*
- *publications*
- *any further scientific an*  
*undertaken*

AA Checklist/review

document and Determination

Record of Subsequent

Consent/Refusal\*

## ***ANNEX I: GUIDANCE ON ARTICLE 6 OF THE HABITATS DIRECTIVE AND RELATED MATTERS***

- Department of Environment, Heritage and Local Government. 2009. Appropriate assessment of plans and projects in Ireland: Guidance for planning authorities. Available on [www.npws.ie](http://www.npws.ie).

*All European Commission guidance and publications available at:*

*[http://ec.europa.eu/environment/nature/natura2000/management/guidance\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm).*

- European Commission, 2000. [Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC](#).
- European Commission, 2001. Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission, 2012. [Inland waterway transport and Natura 2000](#) - sustainable inland waterway development and management in the context of the EU Birds and Habitats Directives.
- European Commission, 2012. [Guidance on Aquaculture and Natura 2000](#) - Sustainable aquaculture activities in the context of the Natura 2000 Network.
- European Commission, 2007/2012. [Guidance document on Article 6\(4\) of the Habitats Directive 92/43/EEC](#).
- European Commission, 2011. [The implementation of the Birds and Habitats Directives in estuaries and coastal zones](#).
- European Commission, 2011. [Wind energy developments and Natura 2000](#).
- European Commission, 2013. EC Study on evaluating and improving permitting procedures related to Natura 2000 requirements under Article 6.3 of the Habitats Directive 92/43/EEC.
- European Commission, 2014. Guidance Document: Farming for Natura 2000.
- European Commission, 2012. Draft Guidelines on Climate Change and Natura 2000: Dealing with the impact of climate change on the management of the Natura 2000 Network.

## ***ANNEX II: EXAMPLES OF JURISPRUDENCE RELEVANT TO ARTICLE 6 (3) APPROPRIATE ASSESSMENT***

### **European Court of Justice:**

- European Court of Justice Ruling C-241/08 concerning the term “*not directly connected with or necessary for the management of the site*”.
- Sweetman v An Bord Pleanála (Case C-259/11) (2013)

### **Mitigation 6(3) or Compensation 6(4)**

- Briels (2014) Case C-521/12

### **Ireland:**

#### Procedural Obligations

Kelly v An Bord Pleanála (Judicial Review, Ireland, 2014)

***Appendix 4, Part 2 (Prescribed Works Form)***

Plot Number

Prescribed Works

Complete By

Estimated Cost

## ***Appendix 5      Selection of Farm Planner by Participant***

I, the undersigned, hereby state that I wish to have the consultant named below, assigned as the farm planner for the purposes of my NPWS Farm Plan Scheme. I also hereby state that I agree for National Parks & Wildlife Service to pay the farm planner for the costs incurred in the process of designing this plan and checking compliance, at a rate agreed between National Parks & Wildlife Service and the farm planner.

Plan Participant: \_\_\_\_\_Block Capitals

Plan Participant: \_\_\_\_\_Signature

Farm Planner: \_\_\_\_\_Block Capitals

## ***Appendix 6, List of documentation to accompany NPWS Farm Plan Application***

Application Form (NPWSa) fully completed and signed by the applicant

Fully completed NPWS Farm Plan (NPWSb) signed by approved planners

NPWS 1:50,000 location maps showing all plots

NPWS Farm Plan Maps showing all plots at an appropriate scale

Copy of Folio of land

Copy of Lease of land (if applicable)

Current and previous years BPS returns

NPWSc and NPWSd forms (if appropriate)

Copy of completed Electronic Funds Mandate Form

NPWSi form

NPWSc and NPWSd forms (if appropriate)

Soil Analysis Report or reason as to why they are not being submitted

Nutrient Management Plan

CD containing all of the above along with digital copies of the documents

Standard templates for undertaking the Appropriate Assessment screening

Invoices

### **Declaration**

All of the question on the above table need to be answered.

I/we certify that the NPWS Farm Plan set out herein *same as on plan cover sheet*

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Conforms in all respects to the Terms and Conditions (2017) of the National Parks and Wildlife Farm Plan Scheme and any subsequent amendments to same.

**Signature of Agriculturalist:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of Environmentalist:** \_\_\_\_\_ **Date:** \_\_\_\_\_

