

Shass Landslide Scheme (Measure 3. Fencing and Gateways)

Application Form and Terms and Conditions

Separate applications forms should be submitted for the other schemes, if the applicant is eligible. Applicants should be mindful that the overall maximum level of funding across all three Measures and the Forest Reconstitution Scheme is €20,000 per applicant.

Background

The Shass Landslide Scheme (Fencing and Gateways) is being implemented by the Department of Agriculture, Food and the Marine in response to a localised landslide which originated on Shass Mountain, close to the village of Drumkeeran, Co. Leitrim on the 28th June 2020.

Objective

The objective of the Shass Landslide Scheme (Fencing and Gateways) is to provide financial aid to landowners in recognition of the difficulties arising from utilising their agricultural land that was affected by the landslide overspill in 2020. This measure will provide support towards the costs of fencing off of overspill areas and the provision of one access gateway to the overspill area per field division of agricultural land.

Applicant Details (to be completed by applicant)

Herd number(if Applicable)

Name:.....

Address:.....

Phone Number: Mobile.....

Fencing and Gateways Payment - Terms and Conditions

1. Financial assistance will only be paid in respect of areas of agricultural land where overspill from the landslide event on June 28th 2020 occurred, which were subsequently included in the affected area polygon mapped by DAFM and which had an affected area

>50sqm. Payment under this measure will only apply to landowners and will not be made in respect of land held in a forestry contract in 2020 or in the case of commonage land.

2. **To qualify for the Shass Landslide Scheme (Fencing and Gateways) payment, the applicant must have been the landowner of the land in the affected polygon area for the 2020 Calendar year. The affected land parcel must also have been submitted in a BPS application in 2020.** Land ownership documentation may be required to support your application. A single payment for fencing and gateways will be made in respect of each land parcel. **In the case of leases or short-term rentals i.e. 11 month rental the owner of lands is eligible for payment only.**
3. For fencing, a payment rate of €6.75/metre (ex VAT) for fencing shall be provided. This fencing shall be constructed of sheep fencing + 1 strand of barbed wire in accordance with current Targeted Agricultural Modernisation Scheme (TAMS) specifications. The VAT element of any works funded under this measure is not eligible for payment.
4. For gateways, a payment of €343.85 (ex-VAT), including Hanger and Closer shall be provided for one gateway per field division to permit access to the overspill area. The construction and materials used shall be in accordance with current TAMS specifications. The VAT element of any works funded under this measure is not eligible for payment. Applicants must ensure that the Vat is displayed on all/any invoices submitted.
5. **The total aid payable across all Measures under the Shass Landslide Scheme will be capped at €20,000 per applicant.**
6. In cases where the landowner has already undertaken such works, the Department will consider payment of claims for such works, based on vouched receipts. Payment rates shall not exceed those rates specified at paragraphs (3) and (4) above. Payment will be made on the lesser of vouched receipts of the Department rates as outlined at paragraphs (3) and (4) Where a claim is being submitted for works previously undertaken, the payment of such claims will be at the discretion of DAFM following documentary and on-site verification checks.
7. All applications will be subject to on-farm verification by the Department of Agriculture, Food and the Marine, following submission of a valid application under this Scheme. This verification shall include an assessment of the land affected, verification of the fencing

requirements and any measures being applied for or funded by this Scheme. By submitting an application, the applicant agrees to facilitate such inspections.

8. **Where an applicant submits an application under the Fencing and Gateways measure the fencing and gates must be erected by 31st August 2023. Failure to complete the works by this date will result in the aid being recouped.**
9. The details provided on this form will be subject to verification by means of administrative checks conducted by the Department of Agriculture, Food and the Marine. Applicants may be required to provide additional information or documentation as part of these administrative checks.
10. In the event of eligible applications exceeding the total budget available for the DAFM Shass Landslide Scheme (Fencing and Gateways) being received, the Department of Agriculture, Food and the Marine will implement reduced payments, as appropriate.
11. The responsibility for ensuring compliance with land designation restrictions (e.g. NPWS Protected Sites), local authority planning permission and/or other statutory requirements rests solely with the applicant. The applicant may be asked to provide evidence of such permissions as part of the administrative checks conducted on this measure.
12. Where financial aid is received in respect to fencing, that length of fencing will not be eligible for similar support under any other DAFM capital investment scheme for a period of 5 year from the date of payment of aid.
13. This measure shall not apply to commonage or forestry land.
14. Where, for the purposes of obtaining payment under the Measure to which these Terms and Conditions relate, the applicant knowingly makes a false or misleading statement or withholds essential information, or if there is any material change in the circumstances of the applicant which would be in conflict with the letter or the spirit of the Measure his/her the applicant which would be in conflict with the letter or the spirit of the Measure his/her shall be reimbursed.
15. Where an applicant is unhappy with a decision of the Department in relation to the Shass Landslide scheme Fencing and Gateways Measure. They have a right of review. Any request for a review should clearly set out the grounds for a review and should be

accompanied by supporting documentation where appropriate. The request for review should be submitted to the address below. The applicant shall be informed in writing of the outcome of that review

16. Data Protection : Your attention is drawn to the Data protection Notice at Annex 1

17. Application of the Terms and Conditions will be at the discretion of the Minister for Agriculture, Food and the Marine.

18. The 'Force Majeure' exemption will not apply to overspill areas from the 2023 Scheme year onwards.

19. In applying for aid under this Scheme the applicant acknowledges and accepts that any aid due under the Scheme is paid in full and final settlement of any loss or damage caused by the landslide that occurred on Shass Mountain Co. Leitrim in 2020. In applying for and accepting aid under this Measure the applicant agrees to manage the affected area in an environmental manner e.g. not to remove the peat.

20. Approval for this scheme is being sought from the EU Commission please note that these terms and conditions may be subject to change as part of the approval process. No payment will issue until the scheme has been approved.

21. Applications must be submitted by Monday 30th January 2023. DAFM will not process more than one application per applicant in respect of this measure.

Details of Parcels affected by the landslide overspill on your holding in 2020 (to be completed by applicant)

Parcel number	Length of Fencing	Number of gateways

Have you undertaken fencing or gateway works prior to this application? Yes No

If yes, please provide details below and append documentary evidence (Contractor Receipts, bank statements in your name etc):

I have included evidence of my land tenure for the claimed area for this measure (folio):
Yes No

Declaration

I agree to fully comply with the Terms and Conditions of the DAFM Shass Landslide Scheme (Fencing and Gateways). I certify that to the best of my knowledge the details provided by me on this form are true and complete.

Signature:..... Date.....

*Certification and Signature: Please note that application for the Shass Landslide Scheme (Fencing and Gateways) will not be accepted unless submitted with this sheet completed and appropriately signed. Where more than one person is the registered herdowner all parties must sign the application. Where this application is made on behalf of a company or other legal entity, please enter the official status of the signatory, e.g. company secretary. **Completed applications must be received by close of business Monday 30th January 2023 at the address below:***

**Department of Agriculture, Food and the Marine,
Direct Payments Unit (Shass Landslide Scheme),
Government Offices,
Old Abbeyleix Road,
Portlaoise,
Co Laois.**

Alternatively scanned and email versions of the application will be accepted at the email address given below.

Queries can be directed to:

Direct Payments Helpdesk

Phone (057) 8674422

Email: Shasslandslidescheme@agriculture.gov.ie

Annex 1

Data Protection Notice:

Part A:

Information applicable to all Department of Agriculture, Food and the Marine customers:

1. The Department of Agriculture, Food and the Marine (DAFM) is fully committed to keeping all personal data submitted by its customers, fully safe and secure during administrative processes. All necessary technical measures have been put in place to ensure the safety and security of the systems which hold this data. Department staff are also considered as customers of the Department from a Data Protection perspective and may exercise their data protection rights in the same way.
2. Transparency and openness in the use of personal data held is important to the Department and therefore we aim to fully inform all our customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere and why and how long their data may be held by the Department. Information on the rights of the customers will also be provided.
3. The current legislation for Data Protection in Ireland is the Data Protection Act 1988 as amended by the 2003 Data Protection Act, The Data Protection Act 2018 and The General Data Protection Regulations (EU 2016/679) which came into effect on 25 May 2018 and The Data Sharing and Governance Act 2019. (It should be noted that the 1988 Data Protection Act as amended in 2003 will likely be repealed in full, in due course).
4. Under Data Protection Legislation, The Department of Agriculture, Food and the Marine, as a data controller is responsible for the collection and processing of all personal data under its administration.
5. The Data Protection Officer can be contacted via the email address; dataprotectionofficer@agriculture.gov.ie
6. Personal data processed by the Department will only be used for the specific purpose (s) as outlined when the data is collected, or in later communications, and will only be used in accordance with the Data Protection legislation in force.
7. Rights of the individual in relation to personal data held by the Department:

When you, as a customer, provide personal data to the Department you have certain rights available to you in relation to that data. However, it should be noted that not all rights listed shall be applicable in every circumstance. These rights are outlined below and can be exercised by contacting the Data Protection Officer, as detailed above, indicating which right(s) you wish to exercise:

Our customers have the following rights :

- access to their data
- rectification of their data

- erasure of their data
- right to lodge a complaint with the Supervisory Authority
- restriction of processing
- data portability
- objection to processing
- withdraw consent if they previously gave it in relation to processing of their personal data
- relating to automated decision making, including profiling.

Part B – Information specific to the personal data being collected:

The following data is specific information in relation to the personal data processed for Shass Landslide Scheme Fencing and Gateways.

8. Specified purpose:

The personal data sought from you, the applicant, is required for the purpose of making an application under the Shass Landslide Scheme Fencing and Gateways. Failure to provide all the personal data required to facilitate the processing of the application, under the scheme will result in DAFM being unable to process the application.

The Department may also use data provided in submitting an application under the Shass Landslide Scheme Fencing and Gateways for the purposes of updating information on the relevant databases held by the Department of Agriculture, Food and the Marine in connection with this scheme (e.g. mapping database).

In addition, the following divisions also process information obtained via the Shass Landslide Scheme Fencing and Gateways application process to facilitate the administration of the scheme and compliance with the terms and conditions of the scheme:

- Integrated Controls Division
- Direct Payments Division
- Finance Division

9. Legal basis:

The Shass Landslide Scheme Fencing and Gateways is implemented pursuant to Section 1 (vi) of the Minister and Secretaries Act 1924 and applicable EU State Aid rules.

The Department will use existing customer data held for the purpose of aiding administrative efficiencies and the use of the data in this way is considered compatible with its original purpose of collection.

10. Recipients:

Information provided as part of the Shass Landslide Scheme Fencing and Gateways application will be shared, with other divisions within the Department, for the purposes of processing applications in a timely and efficient manner.

When you submit a Shass Landslide Scheme Fencing and Gateways application some of your personal data will be made available to other Government Departments/Agencies/Local Authorities, but only where there is a valid legal basis to do so. Where appropriate, a Data Sharing Agreement will be put in place. Personal information may be released under the terms of the relevant Data Protection legislation in force and the Freedom of Information Act 2014.

Information will be shared within the Department to facilitate the administration of the scheme, to ensure compliance with the terms and conditions and to allow for monitoring and evaluating of the scheme.

Personal data may be used for statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation in force. Data used for such purposes will be pseudonymised (masked) or anonymised, as appropriate, to protect the security and confidentiality of the data. The use of the data in this way may facilitate the Department in informing policy decisions into the future, which would benefit the Irish farmer and the Agriculture Sector.

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochana, and other bodies and this will take place in accordance with Data Protection legislation.

If you are approved into the programme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to the Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the terms and conditions of the scheme. Not to supply such information may invalidate/cancel your application.

11. Transferred outside the EU:

Information provided in support of an application under the Shass Landslide Scheme Fencing and Gateways is not currently transmitted outside of the EU.

12. Retention Period:

The data submitted in support of the application by the data subject under the Shass Landslide Scheme Fencing and Gateways will be retained by DAFM for seven years in line with the purposes for which it was collected.

After this time, it will be marked for destruction and will be destroyed in line with internal guidelines or guidelines for destruction received from the National Archives Office or associated permissions received from them.

13. Data provision being statutory or contractual obligation:

The data provided for this purpose is being requested under the requirements of the Ministers and Secretary Act 1924 and State Aid rules to support the economy following the Shass Landslide and if the customer chooses not to provide this information their application for compensation cannot proceed.

14. Automated Decision Making:

Personal data provided in the submission of an application under the Shass Landslide Scheme Fencing and Gateways will be processed automatically for the purpose of the efficient running of the scheme, and the timely payment of participants.

Automated decision making will also be used for the purposes of selecting participants for inspection.

15. Information from Third Party:

Data may be provided to DAFM by a third party on behalf of the individual, for example the individual's Agricultural Advisor, where it can be shown that authorisation has been given by the individual for this to take place.

In addition, the Department may be in receipt of data from third parties, to facilitate, among other things, the fulfilment of the obligations placed on Member States and objectives of the CAP Strategic Plan (CSP) and other legislative provisions. This may cover areas such as management, control, audit and compliance, monitoring and evaluation obligations, and statistical purposes.

16. System generated text messages

The Department uses personal data supplied to it in order to issue system generated text messages in relation to the scheme to applicants. These text messages may relate to correspondence issued or payments.

17. Technical information on data collected:

Technical information on the cookies used on our Department's website is available at the following link: <https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>