

# Forestry and Direct Payment Matters 2024

**Important dates to note:** The deadline for submission of BISS and related area-based schemes 2024 application is **(midnight) May 15**. The deadline for amending a BISS application area declare, without penalty, is **(midnight) May 31**.

## Eligibility of Forestry for BISS 2024

Eligible land which **was** afforested in any year since 2009 or which **will be** planted in 2024 can be eligible to draw down the BISS Scheme payment in 2024 provided satisfies a number of conditions, including the following:

- For forestry planted in 2023 and 2024, the area must have been eligible and given a right to payment under the **Basic Payment Scheme (2015-2022)**
- For forestry planted between 2009 and 2022 (inclusive, the land must have been **deemed eligible land in 2008 and must have received SPS payment in 2008**
- Farmers who wish to benefit from the BISS Payment on afforested land **must be the person or persons named as the forestry scheme beneficiary or joint beneficiary**. This means that you, as the BISS applicant, must be the person or persons eligible for the payment of the forestry premium in the relevant year. **Note: this requirement may impinge on and must be fully considered in advance in cases where planted land is being transferred, including within families.** The Department of Agriculture Food and Marine's (DAFM) Forestry Division must be notified in advance if there is a change of ownership of a grant-aided plantation during the term of the forestry contract. (See example covered in Question 1, page 11)
- Afforested land must continue to meet all requirements of the relevant DAFM scheme under which it was afforested
- DAFM will examine forestry parcels each year to ensure they meet all the requirements of the relevant scheme. The forestry premium must be paid on each claimed parcel as part of the terms and conditions, in order for BISS section to examine the plots for eligibility.
- Eligible Forestry parcels that are declared on BISS applications to activate entitlements will also be subject to conditionality requirements.

The pre-2020 requirement where applicants, planting part of their holding were obliged to retain at least 10% of the eligible hectares declared in 2008 (by themselves or their predecessor) in an agricultural activity, subject to a minimum area of 3 hectares, for the purpose of retaining eligibility does not apply for new planting in 2024.

If you are in receipt of aid under the Afforestation Grant and Premium Scheme (including the FEPS, the Native Woodland Establishment Scheme, the Agroforestry or the Forestry for Fibre Scheme) or the Native Tree Area Scheme, you are **obliged to declare all the land parcels on your holding on your 2024 BISS application**.

All land parcels in receipt of payment under the Afforestation Grant and Premium Scheme or the Native Tree Area Scheme are registered on the Department's Land Parcel Identification System (LPIS) with a unique identification number. Failure to declare afforested parcels under these schemes on LPIS could affect future forestry grant/premium payments.

When filling the BISS application, the status of forestry parcels must be accurately reflected in terms of **Crop Category** on the online application. **Table 1** provides a summary of the BISS requirements for applicants with forestry parcels that will vary according to the timing and nature of their forest establishment.

**Table 1: BISS Form inputs according to Time/Nature of Forestry Establishment**

Timing of Forest Establishment	Input on BISS Form (Crop Category)
Parcels planted <u>before 2009</u> (Ineligible)	<b>"Forestry"</b> (Claimed area should be zero)
Eligible parcels (including granted-aided agroforestry) planted in between 2009 and 2023 (inclusive)	<p>1) If pre-printed as <b>"Forestry Eligible"</b> on online form, <u>LEAVE AS IS</u></p> <p>2) Otherwise, enter <b>"Forestry 2023"</b> (irrespective of the planting year since 2009) and ensure the correct and <b>appropriate CLAIMED AREA</b> is included</p> <p>For 2) above, also <u>PROVIDE SUPPORTING INFORMATION</u> regarding the forestry parcel in the <b>"Notes"</b> section of the <b>"Review and Submit"</b> screen, and include the following:</p> <ul style="list-style-type: none"> <li>• Forestry parcel number</li> <li>• Planting year</li> <li>• Eligible and claimed areas</li> <li>• Confirm such parcels meet <b>all BISS requirements for eligible forestry (as appropriate)*</b></li> </ul>
Eligible parcels (including grant-aided agroforestry) planted or in the process of being planted in 2024 <u>before BISS deadline</u>	<p><b>"Forestry 2024" *</b> (if planting is under the <a href="#">Afforestation Scheme</a>) <b>OR</b> <b>"Native Tree Area"</b> (if planting is completed/being completed under the <a href="#">Native Tree Area Scheme</a>)</p>
Parcels to be planted in 2024 <u>but not yet started at the date of BPS submission</u> <b>Applicants who plant forestry in 2024, after BISS submission are not required to amend the parcel use to Forestry. This will be picked up by Direct Payments section when processing the application</b>	<p><u>Accurate parcel use as of date of BISS form submission</u></p> <p><u>No requirement for parcel use amendment upon subsequent planting</u></p>

### **\*Applicants with agroforestry entering the Organic Farming Scheme 2024**

Under the Terms and Conditions of the [Organic Farming Scheme \(OFS\) 2024](#) (20<sup>th</sup> October 2022 / Revised 1<sup>st</sup> November 2023), afforestation is recognised as contributing to the creation of a valuable landscape mosaic at farm-level. Parcels which are included in an OFS contract can be converted to forestry during the OFS contract period without penalty. Parcels declared as "forestry" will not be eligible for OFS payment. Also under the OFS 2024, land declared as **Agroforestry** can qualify for OFS payment, at the drystock rate (see Section 9) subject to meeting eligibility criteria.

OFS applicants with land planted under agroforestry prior to 2024 should have a preprinted parcel use of “**Forestry Eligible**”. For agroforestry being planted in 2024 under the Forestry Programme 2023-2027, the parcel use should be “**Forestry 2024**”. In addition, **OFS** applicants should **confirm the agroforestry status of all eligible agroforestry parcels** by including the parcel number, planting year, eligible and claimed areas and confirming the parcel is **agroforestry**, is used for agriculture and meets all requirements under the OFS, as appropriate, within the **Notes** section in the **Review and Submit** screen.

## Ensure correct areas for all eligible parcels on BISS:

It is essential to check the statement of land and maps and ensure the correct eligible hectare areas and claimed areas are entered in the BISS application for all eligible forestry parcels. **For example, if the claimed area is pre-printed as “0” for any eligible forestry parcel, this WILL NEED TO BE CHANGED TO THE APPROPRIATE AREA** to ensure eligibility for that forestry parcel.

## Making required amendments:

To facilitate the amendment of a parcel, DAFM have created the **side drawer** on the online application platform. Within this feature, clicking on the parcel allows the editing of elements such as parcel claimed area, ownership status and parcel use. Applicants can also request a change to eligible hectare, subdivide the parcel or delete it.

Amendments to a 2024 BISS application area declared may be made online up to **May 31 (midnight), 2024**, without being subject to a penalty. The late application BISS deadline is June 9, 2024.

## If planning to transfer a forestry parcel:

Plan in advance and in good time for this transfer:

Notify the Forestry Division of DAFM in advance if there is a change of ownership of a grant-aided forest during the term of the forestry contract

- Remember, farmers who wish to benefit from the BISS on afforested land must be the person (or persons) **named as the forestry scheme beneficiary (or joint beneficiary)**. In order for a transferee to avail of BISS payment on eligible forestry parcels that being transferred, he/she must be named as the forestry scheme **beneficiary in the year of transfer** i.e. the transferee (rather than the transferor) should be the person eligible for payment of the forestry premium
- **Advanced planning**, appropriate timing and a coordinated approach between the transferor and transferee are essential in such cases to help ensure continued eligibility and avoid issues arising
- It is therefore important to **check in advance with the Direct Payments section** and plan accordingly.

## When premium payments conclude:

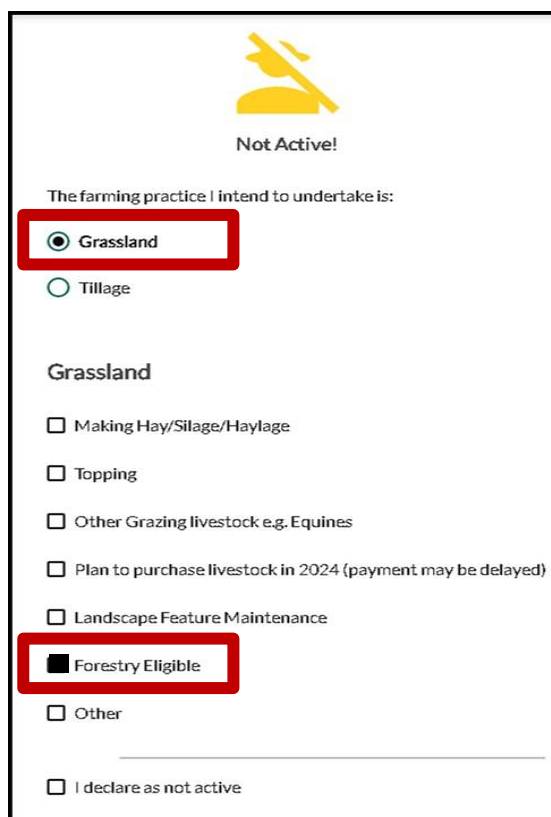
Once the period of premium payments under your Afforestation measure has concluded, these parcels can remain eligible for BISS, subject to maintaining your mandatory commitment to that particular Afforestation measure by complying with the provisions set out in the Forestry Act 2014. This includes **Agroforestry**.


## Active Farmer

Active Farmer is a requirement of the CAP 2023-2027 and is effective from January 1, 2023. The “active farmer check” is to ensure that the person receiving the scheme payments is the person farming the land being claimed. Active farmer status will be presented to applicants as part of their BISS application.

If Active Farmer status is not satisfied by stocking level (0.1 LU/ha) then additional steps are required as part of the BISS application. Applicants will need to choose from a menu of options to indicate how they will satisfy the active farmer requirements for the scheme year. One element from this menu is **Grassland/Tillage Options**.

**Applicants with only forestry eligible parcels can meet the Active Farmer status through its ongoing management. In 2024, there is a “Forestry Eligible” box within the menu of Grassland options** of their application (within the Active Farmer screen, Fig 1). This should be ticked if the applicant has eligible forestry, including if the applicant has 100% forestry, which will satisfy the active farmer status requirement.



  
Not Active!

The farming practice I intend to undertake is:

☒ Grassland

☐ Tillage

**Grassland**

☐ Making Hay/Silage/Haylage

☐ Topping

☐ Other Grazing livestock e.g. Equines

☐ Plan to purchase livestock in 2024 (payment may be delayed)

☐ Landscape Feature Maintenance

☒ Forestry Eligible

☐ Other

☐ I declare as not active

Figure 1: Entry within active farmer screen where applicants have only eligible forestry in their application

## Two-Year Usage of Entitlements:

All entitlements allocated under BISS and the National Reserve are subject to a two-year usage rule. In this regard, if a farmer has unused entitlement for two consecutive years, the lowest value entitlements held by that farmer revert to the National Reserve in the second year of non-usage. As 2023 was the start of a new payment scheme, **all entitlements were treated as in year one of the two-year usage rule in 2023 and if not used in 2023, must be used in 2024. It is important to ensure that forestry parcels retain their eligibility on an annual basis.** Your entitlement usage position may be viewed on the DAFM online facility.

## Complementary Redistributive Income Support for Sustainability (CRISS) Scheme

The CRISS Scheme, (also referred to as “Front Loading”) has an objective is to redistribute funds from larger to smaller and medium-sized farms. The CRISS Scheme is independent of payment entitlements in that it is paid per eligible hectare but requires applicants to **have at least one payment entitlement** as part of scheme eligibility. Eligible farmers will receive a payment of about €42 per hectare up to a maximum of 30ha.

**Forestry parcels deemed eligible in the BISS application in 2024 can also receive payment under the CRISS.**

## Complementary Income Support for Young Farmers (CIS-YF)

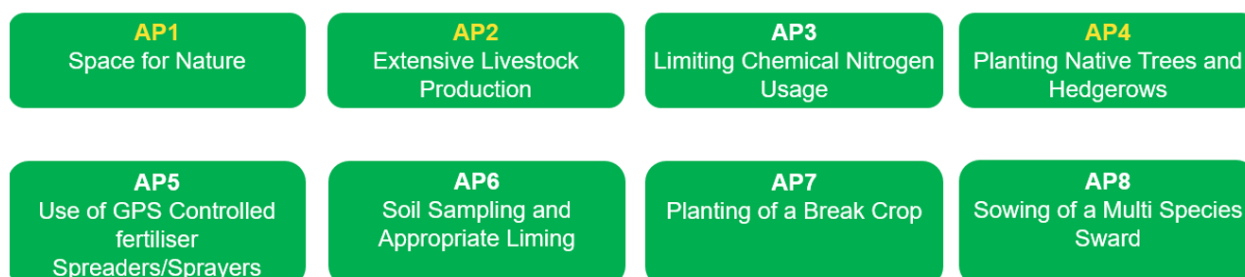
The CIS-YF will provide a payment per eligible hectare, subject to a maximum of 50 hectares, to eligible young farmers for a maximum period of five years. The payment is not linked to the number of payment entitlements held by the successful applicant. The scheme requires the submission of an annual BISS application. Payment of approximately €155 (on average) per eligible hectare is available over the five-year term under the CIS-YF Scheme. The scheme applies to eligible applicants (see [BISS Terms and Conditions](#) pages 38/39) setting up as head of the holding (solely or jointly) for the first time or has set up such a holding during the five years preceding the first submission of an application under the CIS-YF).

**If an applicant for the Complementary Income Support for Young Farmers (CIS-YF) has set up a holding during the five preceding years and the holding includes eligible forestry parcels, that applicant can be deemed eligible in that case for CIS-YF payment.**

## Eco-Scheme and Trees/Forestry

The Eco-Scheme is a voluntary annual scheme open to all active farmers to participate in. To qualify for payment, farmers are required to undertake specific agricultural practices on their farms. Payment under the Eco-Scheme will be an annual payment for all eligible hectares covered by the commitments undertaken. Each farmer will have the opportunity to opt in or out of the scheme on an annual basis. Agricultural practices chosen may also be changed on a yearly basis at the farmer’s discretion based on their capacity to qualify. Farmers will apply for the Eco-Scheme at the same time as their application for the BISS from 2023 onwards. Entitlements are not required for the Eco-scheme. A farmer may submit their Eco-Scheme application in conjunction with their BISS application. Entitlements are not required to apply for the Eco-Scheme

The Eco-Scheme has **8 Agricultural Practices** (APs, see Fig. 2) to choose from, with 3 of these practices having an enhanced option. A farmer **must deliver two agricultural practices (or one enhanced option under AP 1, AP 2, or AP 4)** and meet the requirements for those selected practices they intend to undertake to qualify for an Eco-Scheme payment.



**Figure 2: Agricultural practice option under the Eco Scheme** Source: DAFM 2023

## GAEC 8 and Eco Scheme Space for Nature

All forestry lands are exempt from GAEC 8 estimates. Within the parameters of GAEC 8 and Eco-Scheme Space for Nature, the following important definitions apply:

- **Forestry** comprises areas planted for commercial or other purpose (including currently or previously grant-aided forests)
- **Woodland** is a naturally occurring area of land on which many trees grow over time and has not previously been grant aided.

## Agricultural Practices under Eco Scheme

### ***Agricultural Practice 1:***

Under **Agricultural Practice 1**, the Eco-scheme will reward farmers who allocate **7%** of their land (including eligible forestry) to features listed as Space for Nature. This will count as one Eco-Scheme practice and is the standard option. Farmers can also choose, as appropriate, to devote at least **10%** of their land to Space for Nature (non-productive areas and landscape features, where deemed available) and can thereby qualify for their full Eco-Scheme Payment.

### ***Suitable non-productive features in forestry parcels***

Suitable boundary/internal hedges, drains and sub-features (e.g. scrub,) that are present on eligible forestry parcels can be mapped and counted towards Eco-Scheme Space for Nature percentage.

Where the same features also **exist on ineligible forestry**, these **feature areas only may be included in the Space for Nature % estimate** (but ineligible forestry will not receive an Eco Scheme Payment).

**Please note:** while hedgerows within forestry parcels can increase the SFN value on the farm, the farmer/advisor, when making their BISS application, will be making a declaration to DAFM that these hedgerows are viable quality hedges that are contributing to the biodiversity of the farm. **Also, please ensure the correct weighting applies** to hedgerows (i.e. either 5 or 10). In addition, if considering mapping a feature as Space for Nature, check that it is not already included.

Page 21 of the [BISS Terms and Conditions](#) tabulates the features qualifying under Space for Nature and their relevant area weighting. **Please note that “Native Tree Area” within this table refers to areas of naturally occurring native trees** (not those supported via a forestry scheme/measure).



## Plantings under Agricultural Practice (AP) 4

Under **Agricultural Practice 4**, a minimum of 3 native trees OR 1 metre of hedgerow must be planted per eligible hectare. This will be termed the standard option. Increasing the planting rate to 6 native trees OR 2 metres of hedgerow per eligible hectare per year OR a combination of 3 native trees and 1 metres of hedgerow per hectare per year can qualify as two measures under Eco Scheme and can qualify for the full Eco Payment. **Pages 25-29 of the [BISS Terms and Conditions](#)** outlines the requirements and technical specifications for AP 4.

**Please note:** to satisfy the requirement for AP 4 for 2024, trees/hedgerows must be planted between October 01, 2023 and November 30, 2024.

- Native trees/hedgerows planted under Agricultural Practice 4 in the Eco-Scheme **for the farmer's 2023 application** (i.e. planted between 01 October 2022 and the 30 September 2023) did not contribute to a farmers Space for Nature percentage **for 2023**. **They can contribute to a farmer's Space for Nature percentage in 2024 and subsequent years if they are marked on the map by the farmer/FAS advisor.**
- Native trees/hedgerows planted under Agricultural Practice 4 in the Eco-Scheme **for the farmer's 2024 application** WILL NOT contribute to a farmers Space for Nature percentage for 2024. They may contribute to a farmers Space for Nature percentage for subsequent years if marked on the map by the farmer/FAS advisor from 2025 onwards.
- Trees and hedgerows must be maintained for the duration CAP Programme 2023 - 2027 and will be liable to inspection in future years. When taking this practice, farmers should ensure that the planted trees/hedgerows are on land at their disposal for the duration of the programme. Likewise, when planting a new hedgerow on a farm boundary, the applicant must have control of and access to maintain both sides.

## Eco-Scheme and forestry parcels

All herds with eligible forestry will be required to complete 2 x Eco-Scheme (or one enhanced) action(s) in order to qualify for the Eco Scheme payment.

- Where a farmer has **eligible forestry only on his/her application**, Agricultural Practice 1 (AP 1, Space for Nature) is the only available Eco-Scheme option. AP 1 will only be available for **relevant Space for Nature features within the eligible forestry** for example, hedgerows, drains and sub-features such as scrub. Relevant non-productive features are listed on Page 21 of the [BISS Terms and Conditions](#).
- The forestry crop itself (i.e. its productive area) does not qualify as Space for Nature.
- Where a farmer has a mixed holding i.e. eligible forestry and small/large area of permanent pasture or arable lands **the farmer will be required to meet the 2 x Eco-Scheme actions (or one enhanced action) on the non-forestry lands**. See the examples provided in Table 3.

**Table 3: Eligible Forestry and Eco-Scheme Requirements**

Proportion of Eligible Forestry	Eco Scheme AP Options
All of applicants holding consists of Eligible Forestry	<p><b>Achieving at least 10% Space for Nature is only option</b></p> <p>This 10% must comprise appropriate <b>non-productive areas</b> within the eligible forestry</p>
Less than 50% of the holding is eligible forestry and the remainder is permanent pasture or arable	<p><b>2 suitable Agricultural Practices or one enhanced option on the non-forest lands</b></p> <p>Suitable non-productive features within forestry parcels can contribute to Space for Nature under Agricultural Practice (AP) 1</p>
50% or more of the holding as eligible forestry and the remainder is permanent pasture or arable	<p>The choice of Agricultural Practice is more limited where the <b>eligible forestry/and or commonage area exceeds 50% of the holding (see below)</b></p> <p>Where <math>\geq 50\%</math>, options would be AP1 or AP4, AP 8</p> <p>Farms with 100% forestry, 100% Natura and 100% commonage <b>are not</b> eligible for AP 4</p> <p>Farms with <math>\geq 90\%</math> forestry, <math>\geq</math> commonage or a combination <b>are not</b> eligible for AP 8</p> <p>Suitable non-productive features within forestry can contribute to Space for Nature under AP 1</p>

### Limits to Eco Scheme Agricultural Practice options based on forestry and/or commonage proportion on holdings

When Eco Scheme applicants are selecting agricultural practices, **it is important to consider the proportion of eligible forestry (and commonage) on their holding.**

As outlined below, if the proportions of eligible grassland (for AP 2) or planted eligible arable crops (for AP 7) do not meet the required minimum percentages or if the proportions of forestry (and/or commonage) exceed outlined thresholds (for APs 3, 5, 6 and 8) the agricultural practices outlined will not be available for selection to meet Eco Scheme requirements. Farms with 100% forestry, 100% Natura and 100% commonage are not eligible for AP4.



## Eco Scheme Agricultural Practices (APs) – Area % Limits



### AP 2 – Extensive Livestock Production

Applicants must have declared more than 50% of their 2024 BISS land area as eligible grassland to be eligible for this practice



### AP 3 – Limiting Chemical N Use

Farm holdings of equal to or greater than 50% commonage area and/or forestry area are ineligible for this practice.



### AP 5 – Use of a GPS Controlled Fertiliser Spreader or GPS Controlled Sprayer

Farm holdings with 50% or greater of their BISS 2024 land area declared as commonage and/or forestry are ineligible for this practice.



### AP 6 – Soil Sampling and Appropriate Liming

Applicants with 50% or more commonage and/or 50% or more forestry area will not be eligible for this practice.



### AP 7 – Planting a Break Crop

Applicants must have planted more than 50% of their 2024 BISS land area as eligible arable crops to be eligible for this practice



### AP 8 – Sewing a Multi Species Sward

Applicants with 90% or more commonage and/or 90% or more forestry area will not be eligible for this practice.

## ACRES actions and Eco-Scheme

Native trees/hedgerows/non-productive features or other elements created as part of an ACRES action (e.g. planting a new hedgerow, planting a traditional orchard, planting trees in riparian buffer zones, tree belts for ammonia capture from farmyards, tree planting **will not qualify** towards an applicant's Space for Nature percentage.

**The completion deadline for hedgerow establishment and tree planting actions under ACRES has been extended from 31<sup>st</sup> March 2024 to March 31<sup>st</sup>, 2025 because of current market restraints and the limited supplies of suitable hedgerow and tree plants.**

## Other BISS eligibility issues:

A range of other BISS issues with forestry relevance may arise, some of which are listed below:

- Areas under Foliage Crops **are eligible** for the BISS (Parcel Use: **Foliage**)
- Areas under Short Rotation Coppice **are eligible** for the BISS (Parcel Use: **Short rotation Coppice**)
- Areas under Energy Crops such as willow and miscanthus **are eligible** for the BPS (Parcel Use: **Willow** or **Miscanthus Sinensis**, as appropriate).
- Areas under Christmas Trees **are not eligible** for the BISS.
- Areas unplanted under ESB lines **may be eligible for BISS provided** (a) they have independent and proper access, (b) they are fenced, (c) they have a water supply (for stock) and (d) an agricultural activity is being carried out on such parcels by the applicants (Parcel Use: **Forestry ESB Corridor Eligible**)
- Land acquired (through purchase or inheritance) can be planted and considered eligible for a BISS payment **provided** it satisfies all of the eligibility criteria outlined on page 1.
- Where land was planted and entitlements consolidated in the past, it is no longer necessary to continue farming the remaining land for a five-year period.
- Eligible forestry parcels declared on BISS applications to activate entitlements will also be **subject to cross-compliance requirements**
- For further information, consult the [BISS 2024 Terms and Conditions](#)

## Hedgerows, trees in a line and drains/ditches requirements

A hedge or hedgerow is a line of closely spaced bushes/shrubs and/or tree species, planted and trained in such a way as to form a barrier or to mark the boundary of an area. Briars on an earthen bank are also considered as a Landscape Feature; however earthen banks on their own are not. A hedgerow was traditionally planted on a raised earthen bank, which was formed by digging one or two shallow trench(s). The dug material used to form the bank in the middle. In later year's hedges were generally planted on the flat. A gappy hedge, where there is at least 20% of hedgerow species (including briars, gorse etc.) dispersed along the length of the hedge is considered a hedgerow and is classified as a Landscape Feature. A hedge starts and ends at the nodes or intersection with another hedge.

From a GAEC landscape features perspective, hedgerows can range from neatly trimmed lines of dense shrub and tree species, which generally form a stock proof barrier to a line of individual mature trees with no stock proofing characteristics and all states in between. So same 20% pertains in the new GAEC 8 and for Space for Nature in Eco.

Hedgerows and drains/ditches have been designated as landscape features under Good Agricultural and Environmental Condition since 2009. This means that it is not normally necessary to make deductions to parcel areas to account for these features, but they must be retained. The only exception to this is where hedgerows have not been maintained and where the average width exceeds 7 metres, or where individual bulges are in excess of 12 metres. In such circumstances, the feature no longer qualifies as a hedgerow but will be considered an area of scrub (see [gov.ie](http://gov.ie) – [www.gov.ie](http://www.gov.ie)).

## GAEC 8 Landscape Features

Hedgerows, trees in a line, drains/ditches, designated habitats (former REPS 3, 4, 4A Habitats) small ponds to a maximum of 0.2ha (from 2023), archaeological sites and monuments are designated as Landscape Features under GAEC and are eligible for payments under the BISS and other area based schemes. Under GAEC 8, beneficiaries are obliged to retain designated landscape features.

A hedge or hedgerow is a line of shrubs and/or tree species, planted and maintained in such a way as to form a barrier of sufficient width to control animals or to mark the boundary of an area of land. Traditionally they may have been planted on a raised earthen bank formed by digging one or two shallow trenches, with the dug material used to form the bank in the middle. Hedgerows can range from neatly trimmed lines of dense shrub and/or briars and tree species, which generally form a stock proof barrier to a line of individual mature trees with no stock proofing properties and all states in between.

## Parcels within ACRES

If you are participating in the **Agri-Climate Rural Environment Scheme (ACRES)** and benefitting from payment under that Scheme you will be reminded that, when you are completing the 2024 Basic Income Support for Sustainability (BISS) application, farmers admitted to ACRES must submit a payment claim annually within the deadline of for the submission of applications for BISS.

For the purposes of ACRES, the annual payment claim shall form part of the annual BISS application. Where you reduce the area claimed on an ACRES land parcel or where you fail to declare the correct crop use or where you fail to declare that parcel altogether it may result in a reduction/recoupment and/or penalty.

All applicants approved into ACRES must submit a valid BISS application form in each of the years of their contract, in the Business ID their (ACRES) scheme contract is currently held. Failure to do so will result in the application of sanctions up to and including termination of contract and recoupment of all monies previous paid.

ACRES participants should ensure that the declarations in relation to parcel use and crop category on their 2024 BISS application for ACRES parcels also meet the requirements of ACRES, as failure to abide by the Terms and Conditions of the scheme may lead to parcels becoming ineligible for ACRES and may also lead to recoupment and penalty.

Participation in ACRES is subject to compliance with the Terms and Conditions of the relevant Tranche under which contract was approved and the Specifications for that Tranche. These documents may be accessed at <https://www.gov.ie/en/service/f5a48-agri-climate-rural-environment-scheme-acres/>

If you are an ACRES participant, remember that all lands brought into the ACRES must be declared on the participant's BISS application for all of the years of ACRES participation.

## Additional Questions and Answers:

1. **Question: A farmer applies for the forestry premium in January 2024 and is paid for this year. The forestry is eligible for BISS purposes. Then in April of 2024 decides to put the herd number into his daughter's name. Is there any way to ensure the daughter is paid for the entitlements on the forestry?**

Answer: Farmers who wish to benefit from the BISS Payment on afforested land **must be the person or persons named as the forestry scheme beneficiary or joint beneficiary. This means the BISS applicant must be the person or persons eligible for the payment of the forestry premium.** The name on the forestry contract will need to be changed to match that on the Herd number. Prior to making an application to BISS, this should be checked with the Direct Payments unit that payment can be made. If it cannot, the entitlements to be claimed using forestry may need to be leased out for a year. In 2025, if the daughter were paid forestry premium, she would then be okay to be considered for BISS/Eco Scheme eligibility also once relevant criteria are met.

In some situations, the parent may want to keep the forestry payment as retirement income. Let us assume that in this case the parent has only planted some of the land involved. The parent cannot claim forestry premium while the daughter claims BISS on the same land. If this is to happen the parent and daughter need separate herd numbers (one can keep the current herd number, discuss with local DVO), and both parties make separate BISS applications on their respective lands.

2. **Question: Can an applicant who buys forested land that meets all the requirements to be BISS-eligible (referred to in Page 1) use this forestry to activate purchased entitlements?**

Answer: Yes, provided all eligibility requirements are met, the BISS applicant(s) is the person or persons named as the forestry scheme beneficiary or joint beneficiary.

3. **Question: Can a farmer who owns land and entitlements chose to plant the owned land and claim BISS entitlement payments on land (s)he might rent/lease in?**

Answer: Yes

4. **Question: All land in my holding is under forestry, do I still need to fill in a BISS application?**

Answer: If you are in receipt of aid under the Afforestation Grant and Premium Scheme (including the FEPS, the Native Woodland Establishment Scheme, the Agroforestry or the Forestry for Fibre Scheme) or the Native Tree Area Scheme, you are obliged to declare all the land parcels on your holding on your 2024 BISS application.

5. **What is the protocol for updating the name on the forestry contract?**

Answer: The applicant should get in touch with the [Forestry Section of the Department of Agriculture, Food and the Marine, Change of Applicant Section](#) and they will reply with details of the procedures and required forms to be completed.

**6. BISS system says trees/hedges planted as an Eco Scheme measure must be planted by 30<sup>th</sup> November 2024. How late can a farmer plant bare root plants this spring?**

Answer: Trees should be planted before they show signs of buds swelling/opening up. It is strongly recommended to engage with a registered supplier of trees re availability as early as possible. Where available, it may be an option to plant trees that have been in cold storage in a nursery but they would need to be planted as soon as possible once purchased and delivered, avoiding prolonged dry spells following planting.

**7. Do my grant-aided eligible forestry parcels qualify in terms of contributing to the Space for Nature under the Eco Scheme (Agricultural Practice 1)?**

Answer: Only relevant features that exist in the forestry can contribute to making up the Space for Nature percentage. These can include appropriate hedgerows, drains and sub features such as scrub (see [Page 21 of the BISS Terms and Conditions](#)). The forest crop itself does not get an area-based weighting.

**8. Are forestry hectares eligible for the Eco Scheme payment?**

Answer: The Eco Scheme Space for Nature eligible hectare (for payment) can include **Eligible Forestry lands** (full claimed area) **once Eco Scheme requirements are appropriately and fully met.** Ineligible forestry (e.g. planted prior to 2009) will not receive Eco Scheme payments.

**9. If an applicant has 50ha permanent pasture, 25ha eligible forestry and 25ha ineligible forestry, what area of AP1 Space for Nature (enhanced option) is required for Eco Scheme eligibility?**

Answer: The applicant would require to show 10% Space for Nature on all eligible land 75 ha (eligible forestry and pasture) which is 7.5ha.

If s/he has acceptable Space for Nature features on the ineligible forestry, these can contribute towards the required 10% but the 25 ha of ineligible forestry will not attract an Eco Scheme payment (i.e. **it is only the 75 ha of eligible area that can attract Eco Scheme payment**)

However, if there is 1ha of acceptable Space for Nature features mapped within the ineligible forestry parcel, the applicant would **need to declare 10% Space for Nature on 76 ha** (50+25+1) ha rather than the 75 ha.

**10. If an applicant has 20ha eligible forestry and 20ha permanent pasture, what area of AP1 Space for Nature is required for Eco Scheme eligibility?**

Answer: The applicant would require to show 10% of the 40 ha (eligible forestry and pasture).

- 11. An applicant has 30 entitlements claimed on 20ha of grassland and 10ha of eligible forestry. In 2024, he/she leases out all 20ha grassland. Can he/she continue to get BISS, CRISS and Eco Scheme on the 10ha forestry?**

Answer: In the case where the applicant leases out the grassland area and retains the forestry, assuming the forestry fully meets the conditions of eligibility, he/she can continue to draw down BISS and CRISS.

In the case of Eco Scheme, the only Agricultural Practice available would be AP1, Space for Nature. Eligibility will depend on the existence of sufficient and appropriate non-productive features within the forestry area as outlined in page 7. The applicant must therefore have appropriate non-productive features of at least 10% to secure Eco Scheme payment.

- 12. An applicant has 20ha of grassland and 10ha of forestry but has no entitlements. The 20ha grassland is leased out for the last 8 years. Are BISS or CRISS payable on the 10ha forestry?**

Answer: The applicant would need to acquire entitlements in order draw BISS payment (and at least one entitlement to draw CRISS on the forestry area) but should check in advance that this forestry area meets all the eligibility requirements for the schemes.

- 13. I have eligible forestry parcels. Why might there be 2 different estimates provided for GAEC 8 and Eco Space for Nature respectively?**

Answer: All forestry is excluded from GAEC 8 Calculations but eligible forestry (as Eligible Hectares) will be included in the AP1 - Space for Nature calculations for Eco-Scheme. Where the eligible forestry has beneficial features this will be included in the AP1 – SFN estimate and this is why there may be two different estimates (GAEC8 estimate and Eco-SFN estimate).

- 14. Where can the farmer that is buying the forestry find out when it was planted?**

Answer: The farmer should either ask the previous owner or auctioneer/selling agent for proof of date of planting. For example, if it was planted before 2009 and/or did not give a right to payment under the Basic Payment Scheme, it would not be eligible forestry.

- 15. Question: Do I need to include older, post-premium and ineligible forestry in my 2023 BISS application?**

Answer: Yes, it should include all parcels on your holding. For example, non-grant-aided woodland may as, appropriate, contribute to the percentage as the Space for Nature.

- 16. Question: I recently received entitlements from the National Reserve, am I allowed to plant part or all of my holding and using eligible forestry to activate these entitlements?**

Answer: Yes



**17. Question: What is the situation regarding removal of trees or scrub?**

Answer: Before any tree or trees are felled, removed, or caused to fall, it is important to note that a **tree felling licence may be required**. In addition, land parcels described as “scrub” in the context of BISS may include trees and the entire area could be considered forestry under the Forestry Act, 2014.

Landowners wishing to fell trees or clear scrub are **strongly advised to contact the Forestry Division of the Department, to ensure a valid tree felling licence is in place before any work begins**. See also <https://www.gov.ie/treefelling/> for further information and requirements in relation to tree felling activities. The felling of a tree or trees or scrub that may be considered forestry, without a valid tree felling licence, could result in prosecution and might put BISS payments at risk.

**18. Question: What are the requirements for hedgerows and trees in a line?**

Answer: Hedgerows, trees in a line and drains/ditches have been designated as landscape Features under Good Agricultural and Environmental Condition (GAEC) and are eligible for payments under the BISS and other area-based schemes. Under GAEC 7, beneficiaries are obliged to retain and maintain designated landscape features. This means it is not necessary to make deductions to parcel areas to account for these features but they must be retained.

Some landscape features, namely hedges/line of trees/ditches or drains may be removed, **in exceptional cases only and only to the length that is needed**, provided it meets the criteria as outlined at gov.ie - [Conditionality \(www.gov.ie\)](http://www.gov.ie/Conditionality) and a replacement hedge/line of trees/ditch or drain is planted/dug in advance of the removal. Where, in exceptional cases/circumstances, it is necessary to remove a hedgerow, **the new hedgerow must be twice the proposed removal length and must be as close as possible, within the farm/holding as declared on the applicant's BISS application, of the removed feature**.

Hedgerow species used must be traditional to the area and cannot include amenity species such as laurel or conifers. A hedgerow or line of trees planted in front of another hedgerow or planting a line of trees, or planting a grove of trees, is not considered fulfilling the replacement requirement. Every effort must be made to protect the newly created landscape feature e.g. fencing from cattle.

Failure to abide by these rules will result in a Conditionality penalty. Where it has been detected that a landscape feature has been removed/damaged in previous years, a sanction may be applied in the current year i.e. the year of the finding. In addition to the application of the sanction, a new hedgerow, line of trees or drain/ditch of equal length to the feature removed, must be planted or dug within 12 months. Otherwise a further Conditionality sanction will be applied.

**19. Question: What is the situation regarding hedgerows?**

Hedgerows cannot be removed between **1 March and 31 August**. In the case of land designated as SAC or SPA, hedgerows or drains cannot be removed without the prior approval of the National Parks and Wildlife Service. In addition, Hedgerows are field boundaries and, as such, are protected by the Environmental Impact Assessment (Agriculture) Regulations 2011 and 2017.

Where new hedgerows are planted or drains dug to replace hedgerows or drains removed, these become landscape features once the old hedgerow or drain is removed and consequently must be retained. Hedgerows or lines of trees planted under AEOS or GLAS are additional and cannot be accepted as replacement hedgerows for hedgerows removed.

**20. Question: What is the situation regarding leases and forestry?**

Answer: An applicant who is leasing land may be eligible to receive the Afforestation Scheme grant and premiums with the appropriate documentation. However, the **lease must comply with a number of requirements** including the required duration of the lease. The duration of the term of the lease must be at least 50 years where the crop is predominantly coniferous in nature, i.e. approximating the length of the conifer crop rotation and allowing time for reforestation. Longer leases may be required for broadleaf species as decided by DAFM.

**21. Question: What is the situation regarding burning of growing vegetation**

Answer: **Under Section 40 of the Wildlife Act, 1976, as amended by the Wildlife (Amendment) Act, 2000** growing vegetation **cannot be burnt** between 1 March and 31 August of any given year, on any land not yet cultivated. Where land has been burned between 1 March and 31 August, it is not deemed in a state suitable for grazing or cultivation and therefore is not eligible for the remainder of the year.

Under **Section 39 of the Wildlife Act, 1976 (as amended)**, it is prohibited to burn any vegetation within one mile of a wood, without prior notification to the Gardaí and the owner of the wood.

**22. Question: For areas under ESB lines within forestry, that are fenced off with independent access and water supply, and eligible for BISS what parcel use should be entered for this?**

Answer: Any ESB corridors which the herd owner wishes to claim as permanent pasture will be subject to a forestry inspector site visit. The inspector will determine if the fencing meets the required fencing standards and if it can be claimed as pasture. If a herd owner does not have sufficient fencing in place, it is advisable to leave the corridor off the BISS application, if they do then DAFM can arrange for inspections to take place; leave a note in the comments stating they are fenced off with access etc.

**Further information:**

Contact your local Teagasc Forestry Development Officer. Contact details can be found on [www.teagasc.ie/forestrystaff](http://www.teagasc.ie/forestrystaff)

Information on **grants and premiums of the Forestry Programme 2023-2027** is available on the Teagasc Forestry website: <https://www.teagasc.ie/crops/forestry/grants/>

- **DAFM Direct Payments Helpdesk: 057 8674422**
- **Email:** [DirectPaymentsCorrespondence@agriculture.gov.ie](mailto:DirectPaymentsCorrespondence@agriculture.gov.ie) (BISS and CRISS)  
[BISSOnline@agriculture.gov.ie](mailto:BISSOnline@agriculture.gov.ie) (BISS Online Facility Assistance)  
[Ecoscheme@agriculture.gov.ie](mailto:Ecoscheme@agriculture.gov.ie) (Eco Scheme)