

Forestry and Basic Payment Matters 2019

A 2019 Basic Payment Scheme (BPS) application that is fully completed and submitted **online** to the Department by any farmer or his/her authorized agent will be accepted as a valid application provided that all other conditions are met. The 2019 application deadline is 15 May (midnight).

Eligibility of Forestry for Basic Payment Scheme (BPS)

Eligible land that was declared in a Single Payment Scheme (SPS) application in 2008 and which **was** afforested in any year since 2009 or which **will be** planted in 2019 can continue to be eligible for an BPS payment in 2019 provided it satisfies a number of conditions including the following:

- The land to be planted was declared on a 2008 SPS application.
- The declared land was eligible for SPS in 2008.
- The area must have given a right to payment under the 2008 Single Payment Scheme.
- Applicants, who plant part of their holding from 2009 onwards **must 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**, in order to continue to be regarded as an active farmer for the purpose of retaining eligibility for BPS.
- If the applicant is a new entrant to farming, the minimum area to be retained in an agricultural activity will be fixed by the Department on a case by case basis.
- Applicants who wish to benefit from the BPS on afforested land **must continue to be an active farmer, as defined**, and also be the person or persons in joint management of receipt of the afforestation premium. This applies to members of the same family. The BPS applicant's name should appear on both the herd number and forestry contract number.
- Afforested land must continue to meet all requirements of the relevant Department of Agriculture Food and Marine (DAFM) scheme under which it was afforested. This will be checked by BPS section annually.

When filling the BPS application, the status of forestry parcels must be accurately reflected in terms of Parcel Use on the back of the form. Applicants in receipt of payments under the Afforestation Grant and Premium Scheme **are required to declare all land parcels** on their holding in their 2018 BPS application form.

If submitting a BPS application online it should be borne in mind that any land displayed as Forestry Eligible on the parcel list online, if amended for any reason, cannot be changed back to Forestry Eligible online, it will be necessary to write to the Department requesting this change.

Table 1 below provides a summary of the BPS application requirements for *applicants* with forestry parcels which will vary according to the timing of their forest establishment.

Table 1: BPS Form inputs according to Time of Forestry Establishment

Timing of Forest Establishment	Input on BPS Form (Parcel Use)
Parcels planted before 2009	Forestry
Eligible parcels planted in between 2009 and 2018 (inclusive)	<p>If pre-printed as Forestry Eligible on online form, LEAVE AS IS.</p> <p>Otherwise should be entered according to the forestry year e.g. if planted in 2018, it should be entered with a parcel use of "Forestry 2018". Following admin checks in BPS processing these parcels (if eligible) will be amended to 'forestry eligible'.</p>
Eligible Parcels planted or in the process of being planted in 2019 before BPS deadline of 15 th May	Forestry 2019
<p>Parcels to be planted in 2019 but not yet started at the date of BPS submission</p> <p>For such parcels planted after the date of BPS submission <u>appropriate amendment must be made online</u></p> <p><u>It is important that applicants who plant forestry in 2019 after BPS submission either make this amendment themselves or otherwise notify their agent to make the necessary changes</u></p>	<p>Accurate parcel use <u>as of date of BPS form submission</u></p> <p>Input Forestry 2019 as parcel use <u>on amendment</u></p>

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

- Eligible Forestry parcels declared on BPS applications to activate entitlements will also be subject to cross-compliance requirements
- Areas under Foliage Crops are eligible for the BPS (Parcel Use Foliage)
- Areas under Short Rotation Coppice are eligible for the BPS (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 BPS.
- Areas unplanted under ESB lines may be eligible for BPS provided (a) it has proper access, (b) it is fenced, (c) it has a water supply and (d) an agricultural activity is being carried out on it by the applicant.
- Land acquired (through purchase or inheritance) can be planted and considered eligible for an BPS 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.

Two Year Usage of Entitlements

All entitlements allocated under BPS and the National Reserve are subject to a two year usage rule. Any entitlement that remains unused for two consecutive years will revert to the National Reserve. The rotation of entitlements that was available under SPS will not be available under BPS. Your entitlement usage position can be viewed on the DAFM online facility www.agfood.ie

GLAS ‘Grove of Native Trees’

The ‘Grove of Native Trees’ is an environmental action which has to be located within a (productive) parcel that retains its maximum eligible area (MEA). If this ‘Grove of Native Trees’ action is being implemented within a parcel, the relevant area for this action should be **marked/redlined as an exclusion** within a parcel and not digitised out as a separate parcel.

Greening

All farmers eligible for payment under the BPS are subject to greening. However, over 90% of applicants will automatically qualify for the Greening Payment on the basis of their current farming practices (e.g. more than 75% permanent pasture). In broad terms, it is the arable sector that will have greening obligations. Arable farmers should be aware of their obligations, relevant greening area calculations and should also be aware of any exemptions that may apply in their situations in relation to greening obligations. For example if an applicant has more than 15 hectares of eligible arable land, 5% of this area must be in Ecological Focus Area (EFA), apart from exempted categories.

Both BPS eligible forestry and Short Rotation coppice **are reckonable as Ecological Focus Areas (EFA’s) if declared** as EFA in the application. For forestry to be eligible, ensure it satisfies the [eligibility requirements](#) under the Basic Payment Scheme (page 73). Each hectare of eligible forestry is equal to 1.0 hectares of EFA. Each hectare of Short Rotation Coppice (SRC) can be deemed equivalent to 0.3 hectares of EFA. BPS eligible afforested land and Short Rotation Coppice must be located on your holding. **Farmers are required to separately declare all their EFA areas and features.** Provision is made to on the online facility to make the EFA declaration at the level of each parcel.

Short Rotation Coppice is classified as a permanent crop under EU regulations (*see BPS Terms and Conditions page 56 for further details*). Therefore, while the area is not classified as arable land, the area under SRC may be taken into account when initially calculating the 5% EFA requirement (if the SRC is declared as an EFA area). BPS eligible forestry is also used to calculate the 5% EFA requirement if declared as an EFA area.

Hedgerows and trees in a line have been designated as Landscape Features under Cross Compliance and such qualifying features are eligible to draw down payments under BPS and greening (*see BPS Terms and Conditions pages 52-54 re qualification criteria, conversion and weighting factors for EFA purposes*).

Field copses are areas of trees/scrub that, to be eligible as an EFA, **must be in or adjacent to an arable parcel**. A Field Copse greater than 0.3 hectares qualifies as an EFA area from 2018 but the EFA contribution is capped at 0.45 ha (0.3 X 1.5). A field copse of 0.3 ha is equivalent to 0.45 ha of EFA. To qualify as a Field Copse an area must meet the following requirements:

- Must be adjacent to (touching) or within the arable land and be declared by the claimant. EFA's are considered to be adjacent to arable land when they are physically touching an agricultural parcel on the longest edge of the concerned EFA. Illustrated examples are given in a *Guide to Greening*, available on the DAFM website
- Must contain trees and/or scrub
- The area must have a separate LPIS number and be declared as 'Copse'. A copse is not eligible for payment under the BPS and/or Area of Natural Constraint (ANC)
- It cannot be removed by the claimant in the year in which they are being claimed for EFA purposes
- A copse greater than 0.3 ha (digitised area) qualifies as EFA from 2018 but the EFA contribution is capped at 0.45 ha, that is 0.3 X 1.5
- A field copse of 0.3ha is therefore equivalent to 0.45 ha of EFA

BPS eligible afforested land and short rotation coppice can both be located on any agricultural land on the holding i.e. they do not have to be located on arable land. Hedges, drains, buffer strips, field margins and field copses may be located either **on** or **adjacent** to arable land (See *BPS Terms and Conditions*, page 57.).

Additional Important Questions and Answers:

1. **Question: Where a farmer who has previously planted up to almost 50% of his/her holding and stacked his/her entitlements (pre 2009), can (s)he now plant more of his/her holding?**

Answer: Yes. (S)he can plant additional land subject to retaining at least 10% of eligible hectares declared in 2008 as forage and actively farm this retained forage area (subject to a minimum area of 3ha).

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

Answer: Yes, provided all eligibility requirements are met, the forestry contract number is in the name of the applicant and the applicant is eligible for forest premium payment in the BPS scheme year in question.

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

Answer: Yes

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

Answer: Applicants in receipt of payments under the Afforestation Grant and Premium Scheme **are required to declare all land parcels** on their holding in their 2018 BPS application form.

5. Question: I own a parcel of land that met the BPS requirements in 2008 (The planted was declared on a 2008 SPS application, was eligible for SPS in 2008 and gave a right to payment under the 2008 Single Payment Scheme). The land was redlined in 2010 for SPS purposes due to encroachment of furze. Can I now plant this parcel and use it to draw down BPS entitlements as well as the forestry premiums?

Answer: Yes provided:

- The land met all the required SPS criteria in 2008
- The land receives DAFM approval for planting and is carried out to required DAFM specifications
- The BPS retention requirements of land in an agricultural activity on his/her are met by the applicant
- If in doubt, clarify with BPS section in advance of planting

6. Question: I recently received entitlements from the National Reserve, am I allowed planting part of my holding and using eligible forestry to activate these entitlements?

Answer: Yes

7. 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. This means it is not necessary to make deductions to parcel areas to account for these features but they must be retained. Where in exceptional circumstances, it is necessary to remove a hedgerow, remove a line of trees or fill in a drain for good reasons such as farmyard expansion, the farmer may do so (not between 1st March-31st August) provided a new hedgerow, new line of trees or drain of equal length and like for like i.e. a hedgerow is replaced with a hedgerow comprising traditional hedgerow species is planted or dug in advance of the removal of the old hedgerow, line of trees or drain on the farm holding.

8. 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.

Further information:

Contact your local Teagasc Forestry Development Officer. Contact details can be found on <https://www.teagasc.ie/crops/forestry/staff/>

Information on **enhanced grants and premiums under mid-term review of the Forestry Programme 2014-2020** is available on the Teagasc Forestry website: <https://www.teagasc.ie/crops/forestry/grants/>

- **DAFM Direct Payments Helpdesk: 0761 064420**

March 2019