

## Afforestation 2023-2027 Scheme Farmer Definition FAQs

**Farmer definition:** Section 6.8 Afforestation 2023–2027 Scheme document.

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To be considered a Farmer for the purpose of this Scheme, an applicant must meet **all three of the following eligibility conditions:**

- (a) Pass the Department's "Active Farmer check"

**Note:** 'Active Farmer' means the applicant claiming payments on the land must be the person farming and/or managing the land. Farming activities may include meeting a minimum stocking rate (0.10 livestock unit per forage hectare), producing crops, cutting hay/silage, maintaining landscape features. See BISS terms and conditions for further information.

and

- (b) Be an approved member of Basic Income Support for Sustainability (BISS) scheme in the calendar year during which your forestry planting is completed.

and

- (c) Be a member of Basic Income Support for Sustainability (BISS) **or** Basic Payment Scheme (BPS) in each of the 4 years immediately prior to the calendar year during which your forestry planting is completed.

**Note:** If you are a new or young farmer who cannot meet the criteria at (c), you require BISS or BPS membership from the time you entered the Young Farmer/National Reserve for New and Young Farmer schemes up to the completion date of your forestry planting.

**This farmer eligibility criteria will apply for the lifetime of the Afforestation Scheme 2023 – 2027.**

**Applicants who do not meet the eligibility criteria described above are considered non-farmers for the purposes of this Scheme.**

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**1. Does an applicant already qualifying as a farmer in previous forestry schemes qualify under the new farmer definition?**

No. Applicants must meet the Farmer eligibility criteria of the 2023–2027 scheme, i.e. pass the Active Farmer Check, be a member of BISS in the year of completion of forestry planting and be a member of BISS or BPS in each of the previous 4 years.

**2. What is the active farmer check?**

The 2023–2027 Afforestation Scheme uses the Active Farmer definition from the current BISS Terms and Conditions, which can be found at the following link:

[gov.ie - Basic Income Support for Sustainability \(BISS\) Scheme \(www.gov.ie\)](http://gov.ie - Basic Income Support for Sustainability (BISS) Scheme (www.gov.ie))

Section 10 of this 2024 BISS Terms and Conditions defines the Active Farmer Check. This definition may evolve over the lifetime of the scheme.

**3. Does this Farmer Definition apply to other DAFM schemes?**

No, the farmer definition in the Afforestation 2023–2027 scheme document only applies to that scheme.

**4. Does an applicant have to be in BISS/BPS for one year in the previous 4 years, or all four previous years?**

They need to be a member of BISS/BPS in all 4 years prior to the year during which their forestry planting is completed.

Example if applying in 2024, the applicant requires BISS/BPS membership in years 2020-2023 (inclusive).

Applicants who became a member of the Young Farmers Scheme or the National Reserve Scheme ([gov.ie - Complementary Income Support for Young Farmers \(www.gov.ie\)](http://gov.ie - Complementary Income Support for Young Farmers (www.gov.ie))) within the four years prior to completion of forestry planting require BPS/BISS membership since entering either scheme.

Example:

- If an applicant is in BISS/BPS for only 2 years before completion date of forestry planting in 2024 (i.e. 2023 and 2022) but had entered the Young Farmers Scheme or the National Reserve Scheme in 2022, they would meet the farmer eligibility criteria.
- If an applicant has just joined BISS, they must also become a member of the Young Farmers Scheme or the National Reserve Scheme in the same year to meet the farmer eligibility criteria. This must be completed prior to the completion of the forestry planting.

In both examples, the applicant must also pass the Active Farmer check.

**5. Do BISS/BPS payments in each of the previous 4 years have to relate to the lands being planted?**

No, BISS/BPS is individual-based and not linked to land. A landowner will use their own history of BISS/BPS payments, regardless of the land these payments relate to.

**6. *Can I get farmer status on land I purchased?***

Yes. If you are a farmer in BISS in the year of completion of forestry planting, you may use your established history of BISS/BPS payments to meet the farmer eligibility criteria after the purchase.

If you become a farmer after purchasing the land, it would be necessary to enter the Young Farmers Scheme or the National Reserve Scheme in the year of completion of forestry planting and become a member of BISS, to meet the farmer eligibility criteria.

**7. *Can a landowner lease land to a qualifying farmer to meet the farmer eligibility criteria?***

No. BISS/BPS is individual-based and not land-based, so it is the farmer to whom the land is leased (and not the landowner) who is using their BISS/BPS. Therefore, when the landowner takes back management of the land following the end of the lease, the landowner cannot use the history of the lands being in BISS/BPS previously. This is because the BISS/BPS that was used was an asset of the farmer who was leasing the lands. The farmer (but not the landowner) may use that BISS/BPS period as a history for the new scheme following the end of the lease.

**8. *What is the minimum area to qualify as a farmer?***

There is no minimum area to qualify as a farmer in BISS. The minimum area threshold relevant to Forestry is defined within Annex 2 (Section 2.4 Minimum Areas) of the Afforestation Scheme 2023 – 2027 Document. Minimum area requirements vary for conifer and broadleaf forests and their associated plots.

**9. *Does an active bovine herd or flock number with no BISS/BPS involvement qualify as a farmer?***

No, the applicant cannot qualify without BISS or BPS membership in the relevant years.

**10. *On inheriting land, can the new landowner get farmer status?***

- If the deceased person had been in receipt of the farmer rate of premium and the new applicant is not a member of the immediate family of the deceased, the new owner/s may claim farmer rate if they qualify as farmers as defined within the Afforestation Scheme 2023-2027 at the time of the land transfer.
- If the deceased person was claiming premiums at the farmer rate and if the new applicant is a member of the immediate family of the deceased, (i.e. husband, wife, parent, son, daughter, brother or sister) the premium may be claimed at the farmer rate. Such new applicants do not have to prove their farmer status to qualify for the farmer rate of premium.
- If the deceased person was claiming premiums at the farmer rate and if the new applicant is a member of the immediate family of the deceased, (i.e. husband, wife, parent, son, daughter, brother or sister) the premium may be claimed at the farmer rate. Such new applicants do not have to prove their farmer status to qualify for the farmer rate of premium. If the original applicant was claiming premiums at the farmer rate and if the new applicant is in receipt of a documented approved BISS “anticipated inheritance” or “gift” from the original applicant, then they will also qualify for the farmer rate. Such new applicants do not have to prove their farmer status to qualify for the farmer rate of premium. However, if the anticipated inheritance or gift does not include the transfer of the ownership of the forestry lands in question, then a Joint Management Consent (JMC) will be required.

This document does not cover all scenarios. However, it is envisaged that if applicants do not fit into one of the above scenarios, they will not obtain farmer status on inheritance of land.

The Department must be notified in advance of any change of ownership of any part of a plantation on which a grant was paid. The new owner will be entitled to apply for all future annual premiums remaining under the afforestation contract, subject to providing proof of ownership and a completed and signed Form 5 to take over the obligations of the Scheme.

***Note: If the deceased owner qualified for the contract at the (lower) non-farmer rate, that rate will apply to that plantation for the full duration of the contract regardless of the farmer status of any new applicant. It cannot be increased to the farmer rate, even if a new applicant would otherwise qualify as a farmer or has that status under other schemes operated by the Department.***

**11. Native Tree Area (NTA) scheme, which is for 10 years. Does the farmer definition apply?**

The farmer definition will not apply to this scheme. Please read Section 3.3 (iv) of the NTA scheme document which states that: “For the purposes of eligibility and payment of grant and premiums, no differentiation is made between farmers and non-farmers.”