

# 2019

## Guide to the Greening Payment

*A living, working, active landscape valued by everyone.*



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)



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This guidance explains the Greening Payment rules for scheme year 2019. The purpose of the guidance is to assist farmers and advisors/consultants with the implementation of the agricultural practices beneficial for the climate and the environment commonly referred to as “Greening”. Please read this guidance as well as the applicable guidance at the web addresses below before you start to fill in your Single Application.

The submission of paper Single Applications (SAs) will not be allowed in 2019. All applications **MUST** be completed online.

To help you complete your application online, the Department will be running a series of workshops at a number of local DAERA Direct Offices. The Single

Application Advisory Service, based in Orchard House, will also be available to provide advice and help you to complete your online application.

In addition you can authorise someone, using a Nomination of Authorised Person Form, to act on your behalf and they can complete the application for you. You can download this form from the DAERA website:

<https://www.daera-ni.gov.uk/articles/area-based-schemes-2019-guidance-and-forms>

The Department's website:

<https://www.daera-ni.gov.uk/topics/grants-and-funding/area-based-schemes-2019>

contains a lot of guidance and information regarding the application form including 'How to' videos.

**Note:** If you have an ecological focus area (EFA) requirement you must complete your Single Application, **including your EFA Declaration**, online. Failure to submit an EFA declaration (if you have an EFA requirement) may result in reductions and penalties being applied to your Greening Payment which can, in some instances, result in total loss of payment and may also result in a reduction in other payments, including the Basic Payment as well.

If you are not already registered for DAERA online services, you can find help on the following link – [www.daera-ni.gov.uk/services/daera-online-services](http://www.daera-ni.gov.uk/services/daera-online-services)

To find out more about registering for DAERA Online Services you can call 0300 200 7848, email [onlineservices@daera-ni.gov.uk](mailto:onlineservices@daera-ni.gov.uk) or Text Easy to 67300.

Guidance for completing your Single Application and your EFA Declaration online is provided in the following web link:

<https://www.daera-ni.gov.uk/publications/how-complete-your-single-application-online-2019>

## IMPORTANT POINTS TO NOTE FOR 2019

### UK Exit from the EU (Brexit)

We will pay Direct Payments for the 2019 scheme year on the same basis as before. Rules derived from current EU legislation for the BPS, Greening and Young Farmers' Payment will apply throughout the whole of 2019 scheme year. EU legislation will continue to have effect during the entire 2019 scheme year either as directly applicable EU law or as a result of being retained in UK law (after EU Exit).

### IMPORTANT CHANGES LAST YEAR THAT REMAIN UNCHANGED THIS YEAR

1. The European Union introduced a **complete ban on the use of Plant Protection Products (PPPs) on nitrogen fixing crops and fallow land declared as EFA**. In the case of nitrogen fixing crops the ban is applicable during the calendar year in which the crop is declared as EFA. Therefore, if the nitrogen fixing crop you want to declare as EFA in 2019 was sown in autumn 2018, the ban on the use of PPPs would apply from 1 January 2019 until 31 December 2019 or the date of harvest if earlier than 31 December 2019. The ban also applies to seed treated with a PPP that was sown in autumn 2018 if the crop is to be declared as EFA in 2019. This is because the PPP will be active in 2019 which is not allowed under the Rules introduced in 2018.

In the case of fallow land, the ban will apply during the EFA fallow period which is 1 February 2019 to 31 July 2019 inclusive.

2. From 2018 the following changes to the Crop diversification (CD) and EFA were made: -

- The removal of the limit of 30ha of arable land that currently applies to some of the CD and EFA exemptions; and
- The addition of leguminous crops to the list of uses which if they exceed 75% of the arable area of the holding will result in exemption from both CD and EFA.

These changes align the CD and EFA exemptions and are beneficial to farmers. The exemptions are detailed in full alongside examples of their application on pages 25 to 32.

**3. In 2018 changes to the conversion matrix that is used for calculating the value of the different types of EFA was introduced as follows:**

The conversion factors for short rotation coppice (SRC), nitrogen fixing crops (NFC) and sheughs increased in 2018 and remain as follows:

- SRC increased from 0.3 to 0.5
- NFC increased from 0.7 to 1.0.
- The conversion factor for sheughs was increased in 2017 from 3 to 5 and it remains at 5 for 2019.

The changes increase the value of these EFAs and are beneficial for farmers. Examples of their application can be found on pages 68 to 69.

**4. *Triticum spelta*** (a type of wheat) continues to be regarded as a separate crop for CD purposes for 2019. The land use code for this crop is MS1.

**5.** The sowing of mixtures of wild flower seeds on fallow land declared for EFA purposes remains as an acceptable fallow land cover.

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# Section 1 - Introduction

## Overview of the Greening requirements

- 1.1 All farmers applying for payment under the Basic Payment Scheme will have to comply with Greening requirements on all the eligible agricultural land on their holding. In return, they will receive a Greening Payment calculated as a percentage of the total value of the Basic Payment Scheme payment entitlements they activate each year.
- 1.2 Non-compliance with the Greening requirements will result in the loss of some or all of the Greening Payment. Therefore, it is important that you understand the Greening requirements and comply with them, where necessary.
- 1.3 There are three Greening requirements. These are:

- **Permanent grassland (PGS)**

This relates to the requirement to retain permanent grassland and to protect environmentally sensitive permanent grassland.

- **Crop Diversification (CD)**

This is designed to encourage a diversity of crops on holdings with 10 or more hectares of arable land.

- **Ecological Focus Areas (EFA)**

This is designed to improve biodiversity on farms and to provide habitats for species in decline or at risk of extinction on holdings with more than 15 hectares of arable land.

- 1.4 **Note:** There are a number of exemptions from the Greening requirements meaning that certain applicants, depending on their land use, will not have to undertake some or all of the Greening requirements but will still receive the Greening Payment. Details of the exemptions available for the CD and EFA requirements can be found in Sections 4 and 5 of this guidance.
- 1.5 If you farm land organically, you should also read Section 6 for details of the exemption that applies to organic land.

### How to assess the Greening requirements for your holding:

Step 1	Familiarise yourself with the definitions of the different field classifications.
Step 2	Check the field classifications for all of the eligible land you farm (arable land, permanent grassland, environmentally sensitive permanent grassland and permanent crops).
Step 3	Work out if you qualify for an exemption from any or all of the Greening requirements.
Step 4	If you do not meet any of the exemptions, identify the Greening requirements that apply to you.

- 1.6 The information you need to make the above assessments is contained in this guidance. You are advised to read this information carefully so that you can correctly assess whether or not you have to undertake some or all of the Greening requirements.

### A note of caution regarding exemptions

- 1.7 You should only rely on an exemption if you are certain that it applies to you. If field areas change due to a revised measurement by DAERA, field boundary changes or the presence of ineligible area and, as a result of these changes you no longer qualify for an exemption, failure to meet the Greening requirements will result in a reduction to your Greening Payment.

Therefore, if you are very close to the CD and/or the EFA thresholds, you may wish to carefully consider whether you need to take action to meet the requirements in order to protect your payment.

## Section 2 - Key definitions

In order to determine whether you have a Greening requirement, it is important that you firstly understand a number of key definitions. Details of these are outlined below:

### Holding

- 2.1 Greening applies to all eligible agricultural land on your holding irrespective of whether or not it is used to activate entitlements under the Basic Payment Scheme.
- 2.2 A holding is defined as comprising all of the units used for agricultural activities and managed by a farmer situated within the territory of the same Member State.
- 2.3 If you own all of the land that you farm, own some of the land that you farm and take additional land in conacre, or take all of the land that you farm in conacre, **all of this land (i.e. all of the land you are farming)** should be taken into account when determining your Greening requirements. The tenure of land, for example, owned, leased or conacre is irrelevant; the Greening requirements are applicable to all of the eligible land that you are farming.
- 2.4 It is important to note that the area used to assess the Greening requirements that apply to your holding may, in some cases, be different to the area used to calculate the value of your Greening Payment. **The Greening requirements for your holding** will be calculated on the basis of the total eligible agricultural area of your holding, i.e. all of the eligible agricultural land that you actively farm, whereas, **the value of your Greening Payment** will be calculated on the basis of the number of Basic Payment Scheme entitlements activated in 2019.

## Calculating the Greening requirements for your holding – points to note

2.5 When calculating the total eligible agricultural area of your holding for Greening purposes, you must take into account the following areas:

- The eligible area of the fields you are using to activate Basic Payment Scheme payment entitlements, i.e. areas recorded in column titled 'BPS Area (ha)' of the Single Application.

### Plus

- The eligible area of any fields that you are actively farming but not using to claim the Basic Payment (i.e. fields where no area has been declared in Column titled 'BPS Area (ha)'. **Note:** Where no area has been entered in Column titled 'BPS Area (ha)' we will use our assessment of the Maximum Eligible Area of the field when calculating your Greening requirements.

2.6 In addition, you must enter the land use(s) for every field you declare on your Single Application). Failure to do so may delay the processing of your application.

### 2.7 Example

Field Number	Field Area (ha)	Land Type	Field class	MEA (ha)	Usage	BPS Area (ha)
xxxx/1	5.1	LL	Arable	5.0	CO2 (winter barley)	5.0
xxxx/2	2.6	SDA	Permanent Grassland	2.3	FR1 (grass)	
xxxx/3	4.5	SDA	Permanent Grassland	4.0	FR1 (grass)	4.0
xxxx/4	5.5	LL	Arable	5.5	HV1 (potatoes)	5.2
xxxx/5	2.0	LL	Arable	2.0	CO1 (spring barley)	

- 2.8 **The total eligible agricultural area of this holding = 18.5ha** (i.e. the sum of the areas highlighted yellow in the above table). This is the area that will be used to determine whether the holding has a CD and/or an EFA.
- 2.9 **The area to be used for the calculation of the Greening Payment = 14.2ha** (i.e. the sum of the areas declared in Column titled 'BPS Area (ha)' of the Single Application for the activation of BPS payment entitlements) or the number of BPS entitlements held if lower than 14.2.
- 2.10 If, as you are strongly advised, you declare the entire area which you are sure is eligible and are farming in 2019 to activate Basic Payment Scheme entitlements, then this will equal the total eligible agricultural area on your holding. If, in the example above, you declare 2.3ha and 2ha column titled 'BPS Area (ha)' for fields 2 and 5 respectively, then the area used for the calculation of the Greening Payment would be 18.5ha or the number of Basic Payment Scheme entitlements held if lower than 18.5.
- 2.11 The number of hectares on which the Greening Payment may be made cannot exceed the number of Basic Payment Scheme entitlements held. For example, if you hold 15 Basic Payment Scheme entitlements and declare 20 eligible hectares you will receive a Basic Payment and Greening Payment based on 15ha.
- 2.12 However, if DAERA finds more eligible area than that actually claimed on, reductions or penalties may apply if entire fields containing eligible area have not been declared, or the Greening requirements have not been met when the entire eligible area is taken into account.
- 2.13 Businesses which do not use the entire maximum eligible area of their fields to activate Basic Payment Scheme entitlements will be subject to particular scrutiny to check that there is no eligible area that has not been claimed on. Checks will also be put in place to detect businesses which do not declare all of the land on their holding.
- 2.14 Fields may count towards Greening requirements only on the holding of the

farm business which is farming them. It is not possible for more than one farm business to use the same field to meet Greening requirements in the same calendar year.

## **Permanent Grassland**

- 2.15 Permanent grassland is land used to grow grasses or other herbaceous forage (this can be self-seeded or sown) that has not been used for an arable crop in the previous five years or more. In effect, this relates to six years (i.e. for 2019 this would relate to 2019 and the previous five years (2014 -2018)). Therefore, if for example, you declared the land use of your fields on your Single Application as FR1 (grass) in six consecutive years, they will be classified as permanent grassland in the year of the sixth application.
- 2.16 If permanent grassland is ploughed and re-seeded immediately with grass or other herbaceous forage, it will still be classified as permanent grassland. However, it should be noted that it is not permissible to plough and/or convert permanent grassland in environmentally sensitive areas.
- 2.17 'Other herbaceous forage' consists of the following crops and no others: clover, lucerne, sainfoin and forage vetches.
- 2.18 Grazed heather that meets the eligibility conditions is also classified as permanent grassland.

## **Arable land**

- 2.19 An arable crop use will be the use of land to grow crops other than grass and permanent crops (see definition of permanent crops below). Forage crops such as maize, fodder beet, fodder rape, stubble turnips or any cereal crop used for forage are also regarded as an arable crop use.
- 2.20 Sainfoin, clover, lucerne and forage vetches are regarded in the same way as grass and therefore are not deemed to be an arable use.

- 2.21 If your land will be used to grow an arable crop in 2019 or has been used to grow an arable crop in any of the years 2014 - 2018, then it will be classified as arable in 2019.
- 2.22 Land used to grow grass in 2019 but which has been used to grow an arable crop in any of the years 2014 - 2018, i.e. temporary grassland, will also be classified as arable in 2019.
- 2.23 Areas available for crop production but lying fallow, including areas set aside under EU schemes, in any of the years 2014 - 2018 will also be classified as arable land. Fallow land in grass for six consecutive years will be classified as permanent grassland if it is not used as an EFA.

### **Permanent Crops**

- 2.24 Permanent crops are non-rotational crops other than permanent grassland that occupy the land for five years or more and yield repeated harvests. The most common examples of permanent crops are orchards, short rotational coppice, *Miscanthus*, ornamentals and nurseries, and multi-annual crops. Land used to grow these in 2019 will be classified as permanent crops. A larger list of examples of permanent crops is published on the DAERA website at:  
<https://www.daera-ni.gov.uk/publications/eligible-crops-purposes-crop-diversification>

### **Field Classification and its importance for the correct assessment of your Greening requirements**

- 2.25 Individual fields have been provisionally classified by DAERA as permanent grassland (PG), environmentally sensitive permanent grassland (PGS), arable (AR) or permanent crops (PC).
- 2.26 The provisional classifications for each of the fields that you declared in 2018 are viewable in the column entitled 'Field Classification' of your 2019 Single Application.

2.27 A field may have a provisional classification of unclassified (UC). This may be because the field has not been declared on a Single Application in the previous five years, the field has had ineligible usages recorded against it or was most recently declared under a forestry usage.

2.28 The pre-populated provisional classifications of fields in the 2019 Single Application are on the basis of the land use codes declared in the 'Eligible Usage Code' column of the Single Application in the years 2014 - 2018, inclusive.

**2.29 The ultimate and final 2019 classification of fields will be dependent upon the land use codes declared in the Field Data Section of your 2019 Single Application.**

2.30 For example, if a field was declared as FR1 (grass) in each of the years 2014 - 2018, inclusive, it would be classified as permanent grassland in the 2019 Field Data Section.

2.31 However, if, in 2019, the declared use of the field is (CO1) spring barley, the classification of the field would be amended to arable, as it would not meet the definition of permanent grassland.

2.32 The table below provides some worked examples of field classifications

Year Field Number	2014	2015	2016	2017	2018	2019	2019 Field Classification
x/xxx/xxx/1	Grass	Grass	Grass	Grass	Grass	Grass	Permanent Grassland
x/xxx/xxx/2	Potatoes	Grass	Grass	Grass	Grass	Grass	Arable
x/xxx/xxx/3	Grass	Grass	Grass	Grass	Grass	Short Rotation Coppice	Permanent Crop
x/xxx/xxx/4	Potatoes	Winter Wheat	Spring Barley	Spring Barley	Carrots	Carrots	Arable



- 2.33 The online system will automatically update the classification of your fields to take account of a change in land use.
- 2.34 It should be noted that for the purposes of the provisional classification of fields in 2019, fields which had more than one use in 2014 - 2018 have been classified according to the majority use in the field. For example, if a 1.5 hectare field had two uses, of which 1.1 hectares was declared as code CO1 (spring barley which is an arable crop) and 0.4 hectares as FR1 (grass), the entire field will be given an arable classification.
- 2.35 Land which was eligible and claimed for Single Farm Payment in 2008 and has since been converted to Forestry under an EU scheme, remains eligible for the duration of the scheme and may be used to establish and activate entitlements under the Basic Payment Scheme. Land which was eligible and claimed for Single Farm Payment in 2008 but no longer meets the eligibility conditions due to implementation of the Habitats Directive, Water Framework Directive or Birds Directive may also be used to establish and activate entitlements. These special categories of land are recorded in the field classification column of the Field Data Section as unclassified (UC). It should be noted that they count towards the total eligible area on your holding when calculating Greening requirements.

## **Section 3 – The Permanent Grassland Requirements Explained**

- 3.1 There are two elements to the permanent grassland component of Greening. The first relates to the retention of permanent grassland and the second to environmentally sensitive permanent grassland.

### **Retention of permanent grassland**

- 3.2 DAERA has decided to monitor permanent grassland at regional level. A reference ratio of the amount of permanent grassland relative to the total agricultural area has been established. If the ratio of permanent grassland in Northern Ireland compared to the area of agricultural land falls by more than 5%, DAERA will have to introduce measures placing restrictions on the conversion of permanent grassland and requiring individual farmers to re-convert land back to permanent grassland. If this situation arises, DAERA will contact you to provide you with further information. Therefore, you will have no action to take in relation to land classified as permanent grassland with the exception of that classified as environmentally sensitive (see below), unless you are notified otherwise by DAERA.

### **Protection of environmentally sensitive permanent grassland**

- 3.3 The CAP Reform regulations contain a requirement to designate permanent grassland in areas, including in peat and wetlands, covered by the Wild Birds Directive and/or the Habitats Directive which are environmentally sensitive and which need protection to meet the requirements of these Directives. From 1st January 2015, ploughing or conversion of permanent grassland in areas designated as environmentally sensitive is not permitted.
- 3.4 DAERA has identified permanent grassland fields located in these areas and in January 2015 wrote to all relevant farmers concerned.

- 3.5 If you declared one of these fields in 2018, they will be denoted by the acronym 'PGS', i.e. Permanent Grassland Sensitive, in the column entitled, 'Field Classification' in the Field Data Section of your 2019 Single Application.
- 3.6 Permanent grassland fields, including peat and wetlands, in these areas are classified as PGS if 10% or more of the field area or an area greater than 0.1 hectare lies within the designated areas.
- 3.7 Any permanent grassland field that has been identified as having less than 10% of the field area and not more than 0.1 hectare inside the designated area will not be classified as PGS and will not be subject to the ploughing and conversion ban. However, if you have permanent grassland fields that fall into this category, i.e. that are located in the designated areas but which fall below the area thresholds, you must still observe any management requirements imposed by the Northern Ireland Environment Agency for these sites.
- 3.8 Sites designated under the Wild Birds Directive are known as Special Protection Areas (SPA) and under the Habitats Directive are known as Special Areas of Conservation (SACs). These sites may also have a national designation status such as Area of Special Scientific Interest (ASSI). You are also subject to the Cross-Compliance requirements for these areas.
- 3.9 Certain fields classified as PGS will only be partly located in the designated areas. In these cases, the ploughing and conversion ban will apply only to the part of the field designated under the Habitats Directive and/or the Wild Birds Directive.
- 3.10 If any of your fields have been classified as PGS, you can find out whether this relates to the entire field or only part of the field by contacting your local DAERA Direct Office, or phone the EFS/Single Application Advisory Service and ask to speak to a CMU or LPIS advisor regarding any designations within a field.

3.11 If a PGS classification relates to only part of a field, you will have the following options:

**Option 1:** Refrain from ploughing or converting the entire field.

**Option 2:** Erect a permanent fence along the designated boundary and request a mapping change to split the field.

**Option 3:** The field is not split but you refrain from ploughing or converting the designated area.

**Please note that for option 2 and option 3, it will be crucial that you ascertain the precise area that has been designated as environmentally sensitive.**

3.12 You can do this by contacting your local DAERA Direct Office, or phone the EFS/ Single Application Advisory Service and ask to speak to a CMU or LPIS advisor regarding any designations within a field. They will be able to advise you on the precise areas within your field(s) that are covered by the Habitats Directive and/or the Wild Birds Directive, the restrictions that apply and the options available to you.

3.13 You are advised to be cautious when ploughing close to designated areas and leave a margin to ensure that you do not plough or convert the designated area. DAERA will undertake checks to ensure compliance with these rules. Failure to comply with the above restrictions may result in a reduction to your Greening Payment.

3.14 If you are farming land in 2019 that you did not farm in 2018, you are advised to ascertain whether it is classified as PGS via DAERA's online services eMap or by contacting your local DAERA Direct Office, or phoning the Single Application /EFS Advisory Service.

## Section 4 – The Crop Diversification Requirements Explained

4.1 CD is designed to encourage a diversity of crops on holdings with 10 or more hectares of arable land. CD requirements apply only to the arable land of the holding - not to permanent grassland or permanent crops.

### Exemptions

4.2 Your holding will be exempt from the CD requirements if you satisfy any of the following exemptions:

#### 4.3 Exemption 1

- Farmers with **less than** 10 hectares of arable land on their holding are exempt from CD requirements.

#### 4.4 Exemption 2

Farmers will also be exempt from CD requirements where more than 75% of the **eligible agricultural area of the holding** is:

- permanent grassland,
- used to produce grass or other herbaceous forage (temporary grassland),
- or a combination of these uses.

#### 4.5 Exemption 3

Farmers will also be exempt from CD requirements where more than 75% of the **arable land of the holding** is:

- used to produce grass or other herbaceous forage (temporary grassland);

- used for the cultivation of leguminous crops;
- land lying fallow;
- or a combination of these uses.

4.6 Leguminous crops that can be used to meet this exemption are:

Spring Peas Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea, Vining pea
Spring Field Beans Includes Broad beans, Field beans, Tic beans
Winter Field Beans Includes Broad beans, Field beans, Tic beans
Spring Sweet Lupins
Winter Sweet Lupins

#### 4.7 Exemption 4

Farmers will also be exempt from CD requirements if the following rules are met:

**Rule 1:** Where more than 50% of the areas of arable land declared in the Single Application was not declared by the same business in their Single Application for the previous year,

**and**

**Rule 2:** All arable land is being cultivated with a different crop compared to that of the previous calendar year. This exemption is mainly of interest to specialist potato, and in some cases, vegetable growers.

**Note:** For the purposes of the second rule of exemption 4, the land use declared in the Field Data Section of the 2019 Single Application compared to the land use declared in the Field Data Section of a 2018 Single Application must conclusively show that all arable fields in 2019 are being cultivated with a different crop compared to 2018. For example, if a field is declared as potatoes in 2019 and was declared as Spring Barley in 2018, this would be regarded as evidence that a different crop is being cultivated in 2019 compared to 2018.

4.8 If the arable classified fields you declare in 2019 were not declared (with a land use code) in the Field Data Section in 2018, you will be unable to meet the requirements of exemption 4. Consequently, before applying for this exemption you must:

- (i) check that every arable classified field you declare in your 2019 Field Data Section was declared with a land use code in a 2018 Field Data Section; and
- (ii) check that the land use declared in 2019 is different to the land use declared in 2018.

4.9 If you are having difficulty establishing whether an arable field was declared with a land use code in the 2018 Field Data Section of the Single, you should contact the department for confirmation.

#### 4.10 **Exemption 5**

If all of the land that you farm is organic, providing that you can provide evidence to demonstrate that it is certified, you will be exempt from the Greening requirements.

The organic farming exemption only applies to those fields which are organically farmed. Therefore, if your holding is part organic and part non-organic, the Greening exemptions, thresholds and requirements (with the exception of the environmentally sensitive permanent grassland requirement) are applicable only to the non-organically farmed areas of the holding. Please see Section 4 for further information.

**Advice Regarding Exemptions:** You should only rely on an exemption if you are certain that it applies. If you are very close to the 75% thresholds referred to in the exemptions, or 10 hectares of arable land, you may wish to carefully consider whether you need to take action to meet the CD requirements in order to protect your payment. If field areas change due to a revised measurement by DAERA, field boundary changes or the presence of ineligible area and as a result you no longer qualify for an exemption, failure to meet the CD requirements will result in a reduction to your Greening Payment.

## Worked examples of the CD exemptions

### 4.11 Example 1

The eligible agricultural area of your holding is 16.5 hectares. The land use is as follows:

Spring barley	3.5 hectares
Grasses or other herbaceous forage that is part of an arable crop rotation (temporary grassland as it was in an arable crop use in one of the years 2014 - 2018)	6 hectares
Permanent grassland	7 hectares

#### Outcome:

In this example, the arable area of the holding is 9.5 hectares (i.e. 3.5 hectares of spring barley and 6 hectares of grasses or other herbaceous forage (temporary grassland)). Therefore, the holding is exempt from the CD requirements as it has less than 10 hectares of arable land.

### 4.12 Example 2

The eligible agricultural area of your holding is 16.5 hectares. The land use is as follows:

Spring barley	4 hectares
Grasses or other herbaceous forage that is part of an arable crop rotation (temporary grassland as it was in an arable crop use in one of the years 2014 - 2018)	6 hectares
Permanent grassland	6.5 hectares

#### Outcome: Result for exemption 1



The arable area of the holding is 10 hectares (i.e. 4 hectares of spring barley and 6 hectares of grasses or other herbaceous forage (temporary grassland)). As the arable area of the holding is not less than 10 hectares, this holding is not exempt under exemption 1 from the CD requirements.

The next step is to check whether the holding meets exemption 2

**Outcome:** Result for exemption 2

The area in permanent grassland and/or grasses or other herbaceous forage (temporary grass) is 12.5 hectares (75.75% of the total eligible agricultural area). Therefore the holding is exempt from the CD requirement under exemption 2.

#### 4.13 Example 3

The eligible agricultural area of the holding is 47 hectares. The land use is as follows:

Fallow - grass	1 hectare
Spring Wheat	11 hectares
Spring peas (leguminous crop)	1 hectare
Grass or other herbaceous forage that is part of an arable crop rotation (temporary grassland as it was in an arable crop use in one of the years 2014-2018)	34 hectares

**Outcome:** Result for exemption 1

The area of arable land of the holding is 47 hectares. As the arable area of the holding is not less than 10 hectares, this holding is not exempt under exemption 1 from the CD requirements.

The next step is to check whether the holding meets exemption 2.

**Outcome:** Result for exemption 2

The area in permanent grassland and/or grasses or other herbaceous forage (temporary grassland) is 34 hectares (72.34% of the total eligible agricultural area). Therefore, the holding is not exempt under exemption 2 from CD requirement.

The next step is to check whether the holding meets exemption 3.

**Outcome:** Result for exemption 3

The area in grasses or other herbaceous forage (temporary grassland), leguminous crops and/or fallow is 36 hectares (76.59% of the arable area). Therefore, the holding is exempt under exemption 3 from the CD requirement.

**4.14 Example 4**

In 2019, Business ID 123 declares and claims the following (**Note:** the following includes only some of the columns of the 2019 Single Application Field Data Section):

Field No.	Total Field Area (Ha)	Classification	Maximum Eligible Area (Ha)	Eligible Usage Code	Area to activate entitlements for Basic Payment and Greening (Ha)
x/xxx/xxx/1	1	Permanent Grassland	1	FR1 (Grass)	1
x/xxx/xxx/2	3	Arable	3	HV1 (Potatoes)	3
x/xxx/xxx/3	3	Arable	3	HV1 (Potatoes)	3
x/xxx/xxx/4	2.5	Arable	2.5	HV1 (Potatoes)	2.5
x/xxx/xxx/5	2.5	Arable	2.5	HV1 (Potatoes)	2.5

In 2018, Business ID 123 declared and claimed the following: (Note. the following includes only some of the columns of the 2018 Single Application Field Data Section):

Field No.	Eligible Usage Code	Total Field Area (Ha)	MEA (Ha)	Area to activate entitlements for Basic Payment and Greening (Ha)
x/xxx/xxx/1	FR1 (Grass)	1	1	1
x/xxx/xxx/2	NF1 (Spring Peas)	3	3	3
x/xxx/xxx/6	NF1 (Spring Peas)	2	2	2
x/xxx/xxx/7	HV1 (Potatoes)	1	1	1
x/xxx/xxx/8	HV1 (Potatoes)	2	2	2

In 2019, the area of arable land declared and claimed by business ID 123, is 11 hectares, i.e.

Field number x/xxx/xxx/2 - 3 hectares,

Field number x/xxx/xxx/3 - 3 hectares,

Field number x/xxx/xxx/4 - 2.5 hectares,

Field number x/xxx/xxx/5 - 2.5 hectares.

In 2018, the same business declared and claimed only one of the arable fields declared and claimed in 2019, i.e. field number x/xxx/xxx/2.

The area of arable land declared and claimed in 2019 that was not declared and claimed by the business in the Single Application in 2018 is 8 hectares, i.e. field numbers x/xxx/xxx/3 - x/xxx/xxx/5. Therefore, 72.7% of the areas of arable land declared and claimed in 2018 (11 hectares) were not declared and claimed in 2018 (8 hectares). Therefore, rule 1 has been met as more than 50% of the areas of arable land declared in 2019 were not declared by the same business in the Single Application in 2018.

In 2018, field numbers x/xxx/xxx/3, x/xxx/xxx/4 and x/xxx/xxx/5 were declared and claimed by a different farmer using the following land use codes:

Field number x/xxx/xxx/3 – CO1 (Spring Barley)

Field number x/xxx/xxx/4 – NF1 (Spring Peas)

Field number x/xxx/xxx/5 – CO1 (Spring Barley)

Rule 2 has also been met because based on a comparison with 2018, all arable land declared in 2018 (fields 2, 3, 4 and 5), is being cultivated with a different crop (potatoes in 2019) compared to that of the previous calendar year.

#### 4.15 Example 5

In 2019, Business ID 133 declares and claims the following (**Note:** the following includes only some of the columns of the 2019 Single Application Field Data Section):

Field No.	Total Field Area (Ha)	Classification	Maximum Eligible Area (Ha)	Eligible Usage Code	Area to activate entitlements for Basic Payment and Greening (Ha)
x/xxx/xxx/10	1	Permanent Grassland	1	FR1 (Grass)	1
x/xxx/xxx/11	3	Arable	3	HV1 (Potatoes)	3
x/xxx/xxx/12	3	Arable	3	HV1 (Potatoes)	3
x/xxx/xxx/13	2.5	Arable	2.5	HV1 (Potatoes)	2.5
x/xxx/xxx/14	2.5	Arable	2.5	HV1 (Potatoes)	2.5

In 2018 Business ID 133 declared and claimed the following: (N.B. the following includes only some of the columns of the 2018 Single Application Field Data Section):

Field No.	Eligible Usage Code	Total Field Area (Ha)	MEA (Ha)	Area to activate entitlements for Basic Payment and Greening (Ha)
x/xxx/xxx/10	FR1 (Grass)	1	1	1
x/xxx/xxx/11	NF1 (Spring Peas)	3	3	3
x/xxx/xxx/12	NF1 (Spring Peas)	3	3	3
x/xxx/xxx/13	HV1 (Potatoes)	2.5	2.5	2.5
x/xxx/xxx/14	HV1 (Potatoes)	2	2	2

In 2019, the area of arable land declared and claimed by business ID 133, is 11 hectares, i.e.

Field number x/xxx/xxx/11 - 3 hectares,

Field number x/xxx/xxx/12 - 3 hectares,

Field number x/xxx/xxx/13 - 2.5 hectares,

Field number x/xxx/xxx/14 - 2.5 hectares.

In 2018, the same business, declared and claimed three of the arable fields declared and claimed in 2019, i.e.

Field number x/xxx/xxx/11 - 3 hectares,

Field number x/xxx/xxx/12 - 3 hectares,

Field number x/xxx/xxx/13 - 2.5 hectares.

The area of arable land declared and claimed in 2019 that was not declared and claimed by the business in the Single Application in 2018 is 2.5 hectares, i.e. field number x/xxx/xxx/14. Therefore, 22.7% of the areas of arable land declared and claimed in 2019 (11 hectares) were not declared in 2018 (2.5 hectares).

Therefore, rule 1 has not been met as less than 50% of the areas of arable land declared and claimed in 2019 were not declared and claimed in the Single Application in 2018.

In 2018, field number x/xxx/xxx/14, was declared and claimed by a different farmer using land use code HV1 (Potatoes).

Based on a comparison between 2018 and 2019, we can see that field number numbers x/ xxx/xxx/13 and x/xxx/xxx/14 are not cultivated with a different crop compared to that of the previous calendar year. i.e. the use of these two fields in both years is potatoes. Therefore, rule 2 has also not been met because based on a comparison with 2018, all arable land declared in 2019, is not cultivated with a different crop compared to that of the previous calendar year.

- 4.16 If your holding does not qualify for one of the CD exemptions you will need to comply with the CD requirements (see below). Non-compliance with these requirements will result in reduction to your Greening Payment, therefore, it is important that you understand the requirements and comply with them, where required.
- 4.17 It is important that you can show that you grew the crops as declared on your Single Application. Therefore it is important that you retain all evidence that would allow you to do this, e.g. receipts for the purchase of inputs and for the sale of the crop. You may also be required to produce evidence that you farm any grassland declared on your Single Application.

### **The CD requirements**

- 4.18 If you have between 10 hectares and 30 hectares (inclusive) of arable land you are required to grow at least two different crops. The main crop must not cover more than 75% of your arable land. There is no requirement on the remaining 25% of your arable land as to the number of crops that can be grown.
- 4.19 If you have more than 30 hectares of arable land you are required to grow at least three different crops. The main crop must not cover more than 75% of your arable land and the two main crops added together must not cover more than 95% of your arable land. There is no requirement on the remaining 5% of your arable land as to the number of crops that can be grown.

## Summary of the CD requirements

Area of Arable Land	Minimum number of crops that must be grown	Maximum percentage crop share
Less than 10 hectares	No CD requirement	Not applicable
Between 10 and 30 hectares (inclusive)	Minimum of two different crops on arable land	<ul style="list-style-type: none"> <li>The main crop must not cover more than 75% of the arable land</li> </ul>
More than 30 hectares	Minimum of three different crops on arable land	<ul style="list-style-type: none"> <li>The main crop must not cover more than 75% of the arable land; and</li> <li>The two main crops added together must not cover more than 95% of the arable land</li> </ul>

4.20 The maximum percentage thresholds in the table above, do not apply to holdings where grasses or other herbaceous forage (i.e. temporary grassland) or land lying fallow cover more than 75% of the arable land. In these cases, the main crop on the remaining arable area shall not cover more than 75% of that remaining arable land, except where this remaining area is covered by grasses or other herbaceous forage (temporary grassland) or land lying fallow.

### Worked examples of the CD requirements

#### 4.21 Example 1 – Compliant with the two crop rule

You have 25 hectares of arable land. Therefore, you have a requirement to grow a minimum of two different crops on your arable land.

The main crop must not cover more than 75% (18.75 hectares) of your arable land. You grow the following crops:

Crop	Area of the crop (ha)	Percentage of arable land covered by the crop
Spring barley	17	68% [i.e. 17ha ÷ 25ha x 100]
Potatoes	8	32% [i.e. 8ha ÷ 25ha x 100]
Totals	25	100%

**Outcome:** You have met your CD requirement. The area of your main crop (spring barley) = 17 hectares (68% of your arable land), therefore you meet the maximum 75% crop share rule.

#### 4.22 Example 2 – Not compliant with the two crop rule

You have 25 hectares of arable land. Therefore, you have a requirement to grow a minimum of two different crops on your arable land. The main crop must not cover more than 75% (18.75 hectares) of your arable land. You grow the following crops:

Crop	Area of the crop (ha)	Percentage of arable land covered by the crop
Spring barley	20	80% [i.e. 20ha ÷ 25ha x 100]
Potatoes	5	20% [i.e. 5ha ÷ 25ha x 100]
Totals	25	100%

**Outcome:** You have NOT met your CD requirement.

The area of your main crop (spring barley) = 20 hectares (80% of your arable land), therefore you do NOT meet the maximum 75% crop share rule.

#### 4.23 Example 3 – Compliant with the three crop rule

You have 70 hectares of arable land. Therefore you have a requirement to grow a minimum of three different crops on your arable land. The main crop must not cover more than 75% (52.5 hectares) of your arable land. The main crop and second main crop added together must not cover more than 95% (66.5 hectares) of your arable land. You grow the following crops:



Crop	Area of the crop (ha)	Percentage of arable land covered by the crop
Spring barley	40	57.14% [i.e. 40ha ÷ 70ha x 100]
Potatoes	20	28.57% [i.e. 20ha ÷ 70ha x 100]
Spring wheat	7	10.00% [i.e. 7ha ÷ 70ha x 100]
Temporary grass	3	4.29% [i.e. 3ha ÷ 70ha x 100]
Totals	70	100%

**Outcome:** You have met your CD requirement.

The area of your main crop (spring barley) = 40 hectares (57.14% of your arable land), therefore you meet the maximum 75% crop share rule.

The area of your two main crops added together (spring barley + potatoes) = 60 hectares (85.71% of your arable land), therefore you meet the maximum 95% crop share rule.

#### 4.24 Example 4 – Not compliant with the three crop rule

You have 70 hectares of arable land. Therefore, you have a requirement to grow a minimum of three different crops on your arable land. The main crop must not cover more than 75% (52.5 hectares) of your arable land. The main crop and second main crop added together must not cover more than 95% (66.5 hectares) of your arable land. You grow the following crops:

Crop	Area of the crop (ha)	Percentage of arable land covered by the crop
Spring barley	50	71.43% [i.e. 50ha ÷ 70ha x 100]
Potatoes	17	24.29% [i.e. 17ha ÷ 70ha x 100]
Temporary grass	3	4.28% [i.e. 3ha ÷ 70ha x 100]
Totals	70	100%

**Outcome:** You have NOT met your CD requirement.

The area of your main crop (spring barley) = 50 hectares (71.43% of your arable land), therefore you meet the maximum 75% crop share rule.

However, the area of your two main crops added together (spring barley + potatoes) = 67 hectares (95.71% of your arable land), therefore you do NOT meet the maximum 95% crop share rule.

## Definition of a crop for CD

4.25 For the purposes of CD, a crop is defined in the EU Regulations as any of the following:-

- A culture of any of the different genera defined in the botanical classification of crops;
- A culture of any of the species in the case of *Brassicaceae*, *Solanaceae* and *Cucurbitaceae*;
- Land lying fallow;
- Grass or other herbaceous forage (i.e. clovers, lucerne, sainfoin and forage vetches) on land classified as arable (referred to as “temporary grass”).
- Mixed crops

4.26 It is important to note that individual crops which fall within a single genus or single species (in the case of *Brassicaceae*, *Solanaceae* and *Cucurbitaceae*) **count as only one crop** for the purposes of CD. Therefore, if for example, you have a requirement to grow two crops, and you grow only cabbage and cauliflower, these would count as only one crop because they fall within the same species (*Brassica oleracea*). In this scenario, you would not meet your CD requirement and there would be a reduction in your Greening Payment.

4.27 With effect from 2018, *Triticum spelta* (spelt) will be counted as a separate crop for CD purposes.

4.28 Winter and spring varieties of crops count as separate crops. The classification of crops as winter or spring for the purposes of crop diversification will be according to the classification of the variety planted and

not the time of planting. For example, a winter barley crop planted in the spring will be regarded as winter barley.

- 4.29 The end use of the crop has no impact on how it is counted for the purposes of CD. For example, if you grow some winter wheat as whole crop and some for grain, this counts as one crop (winter wheat).
- 4.30 Similarly, the end use of grass has no impact on how it is counted for the purposes of CD. For example, if you grow grass and use some for forage and some for anaerobic digestion, this will count as one crop (grass), provided it is not permanent grassland.
- 4.31 Grasses or other herbaceous forage grown on arable land (i.e. temporary grass) is considered to be a separate crop under the CD rules. This is land declared as grass (FR1) in 2019 that was used to grow an arable crop in any one of the years –2014 - 2018 i.e. which has been classified as arable by DAERA.
- 4.34 Land lying fallow is also considered to be a separate crop under the crop diversification rules. To be eligible for CD, fallow land must be out of production during the entire period 1 June – 31 July inclusive in the scheme year concerned. Additional information regarding the conditions that apply to fallow land declared for CD and EFA can be found at Annex A.
- 4.35 It is anticipated that most crops grown in Northern Ireland will meet the definition of a crop as outlined in the EU Regulations although you do need to check if they are regarded as separate from other crops under the crop diversification rules. The exceptions to this are permanent grassland and permanent crops which do not count as crops for the purposes of crop diversification.

#### **List of arable land use codes for CD purposes**

- 4.36 A list of arable land use codes is provided below. With the exception of the three fallow land use codes (FL1, FL2 and FL3) which collectively count as a

single crop, each arable land use code on this list represents a single crop for CD purposes.

- 4.37 The list does not include permanent crops as these cannot be used to meet CD requirements.

The list of eligible arable land use codes is not an exhaustive list of eligible crops for CD – but it is a useful check to confirm that the crops you are declaring on your 2019 Single Application are recognised as separate crops under the CD rules.

You will find some worked examples on pages 49-51.

**Note:** If the crop you are intending to grow does not appear on the list of eligible arable land use codes (below) and you have a query regarding its eligibility you should contact your local DAERA Direct Office.

### List of eligible arable land use codes for CD

Code	Description	Additional points to note
<b>FORAGE</b>		
FR1	<b>Grass</b> (grass for grazing, hay and silage, rough grazing, grazed heather, sainfoin, clover, lucerne and forage vetches)	Land declared as FR1 can be either arable or permanent grassland. The classification depends on the land use declared in your Field Data Section in the current year (2019) and the previous 5 years 2014 – 2018 inclusive. Any land you declare as FR1 in 2019 will be classified as arable land if it was used to grow an arable crop in any of the years 2014 - 2018.

<b>CEREALS AND OILSEEDS</b>		
CO1	<b>Spring Barley</b> Includes Feed barley, Malting barley, Two row barley, Six row barley	
CO2	<b>Winter Barley</b> Includes Feed barley, Malting barley, Two row barley, Six row barley	
CO3	<b>Spring Wheat</b> Biscuit wheat, Common or Bread wheat, Durum wheat, Einkorn, Feed wheat, Red wheat,	
CO4	<b>Winter Wheat</b> Biscuit wheat, Common or Bread wheat, Durum wheat, Einkorn, Feed wheat, Red wheat,	
CO5	<b>Spring Oats</b> Oats, Quaking oats, Porridge oats, Feed oats, Naked oats	
CO6	<b>Winter Oats</b> Oats, Quaking oats, Porridge oats, Feed oats, Naked oats	
CO7	<b>Maize including Forage Maize</b> Maize, Corn, Sweetcorn	
CO8	<b>Rapeseed</b> Industrial rape (no separate spring and winter varieties), Spring Oilseed rape, Swede (no separate spring and winter varieties)	
CO9	<b>Winter Oilseed rape</b>	
CO10	<b>Spring Triticale</b>	
CO11	<b>Winter Triticale</b>	
CO12	<b>Linseed</b> Spring Linseed, Flax (no separate spring and winter varieties)	
CO13	<b>Winter Linseed</b>	
CO14	<b>Spring Rye</b> Rye	
CO15	<b>Winter Rye</b> Rye	
CO16	<b>Wild Bird Cover/Provision of winter</b>	

	<b>feed crop for wild birds</b>	
CO17	<b>Beet</b> Includes Beetroot, Chard, Field Beet, Fodder Beet, Mangolds, Redbeet, Sugar Beet	
<b>HORTICULTURE – VEGETABLES</b>		
HV1	<b>Potato</b> Early potato, Maincrop potato, Seed potato	
HV2	<b>Turnip</b> Bok choy (no separate spring and winter varieties), Chinese cabbage (Pak choy) (no separate spring and winter varieties), Turnip (no separate spring and winter varieties), Spring Turnip rape	
HV3	<b>Winter Turnip rape</b>	
HV4	<b>Cabbage</b> Broccoli, Brussels sprouts, Cabbages, Calabrese, Cauliflower, Chinese kale, Kale, Kohlrabi, Red cabbage, Savoy cabbage, White cabbage	
HV5	<b>Carrots</b>	
HV6	<b>Parsnips</b>	
HV7	<b>Onions</b> Onions, Shallots, Garlic, Leeks, Chives, Scallions, Spring onions	
HV9	<b>Aubergine</b> Aubergine, Eggplant	
HV10	<b>Butternut Squash</b> Butternut squash, Cheese pumpkin	
HV11	<b>Celeriac</b> Includes Celeriac, Celery	
HV12	<b>Chicory</b> Includes Chicory, Endive, Radiccio, Italian Chicory	
HV13	<b>Cucumber</b>	
HV14	<b>Herbs</b>	
HV16	<b>Lettuce</b> Lettuce, Romaine lettuce, Cos lettuce, Iceberg lettuce, Butterhead lettuce	
HV17	<b>Parsley</b>	
HV18	<b>Spinach</b>	
HV19	<b>Radish</b>	

HV20	<b>Squash</b> Pumpkins, Squashes, Marrows, Zucchini, Courgettes	
<b>HORTICULTURE – FRUIT</b>		
HF1	<b>Strawberry</b>	
HF2	<b>Tomato</b>	
<b>NITROGEN FIXING CROPS</b>		
NF1	<b>Spring Peas</b> Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea, Vining pea	
NF2	<b>Spring Field Beans</b> Includes Broad beans, Field beans, Tic beans	
NF3	<b>Winter Field Beans</b> Includes Broad beans, Field beans, Tic beans	
NF4	<b>Spring Sweet Lupins</b>	
NF5	<b>Winter Sweet Lupins</b>	
<b>FALLOW LAND</b>		
FL1	<b>Fallow land for the purposes of EFA and CD</b>	<p>Land lying fallow can be used for CD and EFA if it is located on arable land.</p> <p>Land declared as FL1 in 2019 will be classified as arable land if it was used to grow an arable crop in any of the years 2014 - 2018.</p> <p>Land which was in grass in all of the years 2014 - 2018 (i.e. permanent grassland), cannot be used for fallow for CD and EFA unless it was ploughed in 2019 and prior to 15 May 2019.</p> <p>Re-seeding in grass is permitted but if this takes place in the fallow period it must be primarily for purposes other than agricultural production e.g. for measures beneficial to the biodiversity and the environment.</p> <p>Code FL1 should only be used for fallow land that you wish to declare for both CD and EFA.</p>

FL2	<b>Fallow land for the purpose of CD - Grass</b>	<p>Land lying fallow can be used for CD and EFA if it is located on arable land.</p> <p>Land declared as FL2 in 2019 will be classified as arable land if it was used to grow an arable crop in any of the years –2014 - 2018.</p> <p>Land which was in grass in all of the years 2014 - 2018 (i.e. permanent grassland), cannot be used for fallow for CD and EFA unless it was ploughed in 2019 and prior to 15 May 2019. Re-seeding in grass is permitted but if this takes place in the fallow period it must be primarily for purposes other than agricultural production e.g. for measures beneficial to the biodiversity and the environment.</p> <p>Code FL2 should only be used for fallow land in a grass cover that you wish to declare for CD only.</p> <p>Land declared as FL2 in 2019 which has been in grass for six consecutive years (i.e. years 2014 - 2018 inclusive) will be classified as permanent grassland if not declared as EFA in 2019.</p>
FL3	<b>Fallow land for the purpose of CD – Non-Grass</b>	<p>Land lying fallow can be used for CD and EFA if it is located on arable land.</p> <p>Land declared as FL3 in 2019 will be classified as arable land if it was used to grow an arable crop in any of the years 2014 - 2018.</p> <p>Land which was in grass in all of the years 2014 - 2018 (i.e. permanent grassland), cannot be used for fallow for CD and</p>



		EFA unless it was ploughed in 2019 and prior to 15 May 2019. Code FL3 should only be used for fallow land with a non-grass cover that you wish to declare for CD only.
<b>ENERGY CROPS</b>		
EC2	<b>Hemp</b>	
<b>OTHER</b>		
OT1	<b>Flowers</b>	
OT23	<b>Seed mixture – mixed crop</b>	
MS1	<b><i>Triticum spelta</i> (Spelt)</b>	

### Examples illustrating when a crop is or is not considered to be a separate crop

#### 4.38 Example 1 – NOT compliant

If you have a requirement to grow two crops to meet CD rules and you grow onions and leeks, these will count as one crop. This is because they both come under land use code HV7. As a result you will not meet your CD requirement and your Greening Payment will be reduced.

#### 4.39 Example 2 – NOT compliant

If you have a requirement to grow two or three crops to meet crop diversification rules and you grow cabbage, broccoli and cauliflower, these will count as only one crop. This is because all of these crops come under land use code HV4. As a result you will not meet your CD requirement and your Greening Payment will be reduced.

#### 4.40 Example 3 – Compliant

If you have a requirement to grow two crops to meet CD rules and you grow spring and winter varieties of barley, these will count as two crops because they have different land use codes i.e. spring barley is CO1 and winter barley is CO2.

## The cropping period

- 4.41 To count as a crop for CD, the crop must be present during the entire period of 1 June to 31 July (inclusive) each year. During this period, verification checks will be carried out on the crops declared for crop diversification.
- 4.42 If the crop has been harvested prior to 31 July, this will be acceptable providing the crop can be identified from the stubble.
- 4.43 If a new crop is planted on or before 31 July, this will be acceptable provided all the CD requirements are met by both the old crop and new crop during the period 1 June – 31 July (inclusive).

### 4.44 Example

- You have 100 hectares of arable land. Therefore you have a requirement to grow a minimum of three crops on your arable land.
- The main crop must not cover more than 75% of your arable land.
- The main crop and second main crop added together must not cover more than 95% of your arable land.

You grow the following crops:

Crop	Area of the crop (ha)	Percentage of arable land covered by the crop
Spring barley (CO1)	70	70% [i.e. $70\text{ha} \div 100\text{ha} \times 100$ ]
Potatoes (HV1)	20	20% [i.e. $20\text{ha} \div 100\text{ha} \times 100$ ]
Temporary grass (FR1)	10	10% [i.e. $10\text{ha} \div 100\text{ha} \times 100$ ]
Totals	100	100%

On 17 June, during the cropping period the potatoes are harvested and cabbage is planted.

Crop	Area of the crop (ha)	Percentage of arable land covered by the crop
Spring barley (CO1)	70	70% [i.e. 70ha ÷ 100ha x 100]
Cabbage (HV4)	20	20% [i.e. 20ha ÷ 100ha x 100]
Temporary grass (FR1)	10	10% [i.e. 10ha ÷ 100ha x 100]
Totals	100	100%

The three crop requirement continues to be met. However, if the potatoes were harvested and spring barley sown (table below), this would not be acceptable because the three crop requirement would not be met during the entire period 1 June to 31 July.

Crop	Area of crop	Percentage of arable land covered by crop
Spring barley (CO1)	90	90% [i.e. 90ha ÷ 100ha x 100]
Temporary grass (FR1)	10	10% [i.e. 10ha ÷ 100ha x 100]
Totals	100	100%

### The one crop per hectare rule

- 4.45 Each hectare can only be counted once in a scheme year. For example, if you grow two crops on the same hectare in a scheme year you can only count one of those crops for CD.
- 4.46 The crop you should declare in your Single Application Field Data Section is the one present during the major part of the crop diversification period (1 June – 31 July). Normally this will be the crop present on 15 May.

### Seed mixtures

- 4.47 Areas where a seed mixture is sown will be counted as a single crop – it doesn't matter what crops are included in the mix. Such areas should be recorded in the eligible land use column of your Single Application Field Data Section as OT23.

4.48 If you grow more than one seed mixture, all the seed mixtures taken together will count as one crop.

### Under-sowing a main crop with a second crop

4.49 Where mixed cropping is applied by growing a main crop which is under-sown with a second crop, only the area of the main crop can be counted for crop diversification.

#### 4.50 Example

A field of spring barley under-sown with grass would be recorded in the Eligible Land Use column of your Single Application Field Data Section as Spring Barley, code CO1.

### Growing two or more crops in a single field

4.51 If you grow more than one eligible crop within a field at the same time you must declare each crop in the eligible land use column of your Single Application Form Field Data Section.

#### 4.52 Example

In a 3ha field you grow three crops in distinct areas within the field as follows:

Spring barley 2ha	Potatoes 0.7ha	Carrots 0.3ha
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In the eligible land use column of your Single Application Field Data Section, you should record the following information for this field:

A	B	C	D	E	F	G
Field No.	Total field area (Ha)	Land type	Field classification	Maximum Eligible Area (Ha)	Eligible Usage Code	Area to activate entitlements for the Basic Payment and Greening (Ha)
					CO1 [spring barley]	2
					HV1 [potatoes]	0.7
					HV5 [carrots]	0.3

4.53 **Note:** Where different crops are being grown in the same field by different farmers, the area being used by each farmer needs to be clearly demarcated. Marker posts would be acceptable for this purpose. A request to split the field on LPIS must be submitted prior to the submission of the Single Application. Depending on the size of the field, some marker posts in the middle of the field may also be required as they need to be within line of site of each other. Please note that only marker posts that meet the specification at Annex B will be acceptable.

4.54 Farmers in this situation must be able to produce evidence to show that they actually grew the crop present on the land being claimed on. In the above example, the field is divided into three distinct areas. If the farmer claiming the area used to grow potatoes cannot produce evidence to show that he/she actually grew this crop, reductions and penalties may be applied to his/her claim.

4.55 **Note:** Marker posts cannot be used to split a field used by two farmers to grow the same crop. For example if an entire field is being used for barley, then a fence will be needed to split the field between the two farmers.

## Growing two or more crops in distinct rows within a field

4.56 In an area of mixed cropping, where two or more crops are grown at the same time in distinct rows, each crop can be counted as a separate crop provided it covers at least 25% of the total area used for mixed cropping.

4.57 To work out the area covered by each distinct crop, the area of the mixed cropping should be divided by the number of crops which cover at least 25% of the area – it doesn't matter what the actual share of the crop is on that area.

### 4.58 Example

In a 1 hectare field you grow potatoes, carrots, cabbage and broccoli in distinct rows. The area taken up by each crop as a percentage of the total area of mixed cropping is as follows:

Area of each crop (ha)	Percentage of total area used for mixed cropping
Potatoes = 0.3	30%
Broccoli and Cabbage = 0.5 <b>Note:</b> This combination is treated as a single crop under EU rules.	50%
Carrots = 0.2	20%

The number of distinct crops i.e. crops covering at least 25% of the area used for mixed cropping = 2 (Potatoes and Cabbage/Broccoli).

The area attributed to each distinct crop is calculated by dividing the total area used for mixed cropping by the number of distinct crops i.e. 1 hectare ÷ 2 crops = 0.5 hectare per crop.

**Note:** The area of carrots is excluded from the calculation because it is less than 25% of the area used for mixed crops.

In the Eligible Usage column of your Single Application Field Data Section you should record the following information for this field:

A	B	C	D	E	F	G
Field No.	Total field area (Ha)	Land type	Field classification	Maximum Eligible Area (Ha)	Eligible Usage Code	Area to activate entitlements for Basic Payment and Greening (Ha)
					HV4 [cabbage and broccoli]	0.5
					HV1 [potatoes]	0.5

## Section 5 – The EFA Requirements Explained

### The minimum 5% requirement

- 5.1 The EFA requirement applies to holdings with more than 15 hectares of arable land and is designed to improve biodiversity on farms and to provide habitats for species in decline or at risk of extinction.
- 5.2 If you have more than 15 hectares of arable land, you must ensure that an area equivalent to at least 5% of this arable land is EFA with effect from 1 January 2019 – unless you qualify for one of the exemptions below.

### Exemptions

- 5.3 Your holding will be exempt from the EFA if you satisfy any of the following conditions:

5.4 **Exemption 1:**

Farmers with no more than 15 hectares of arable land on their holding are exempt from the EFA requirement.

5.5 **Exemption 2:**

Farmers will also be exempt from the EFA requirement where more than 75% of the **eligible agricultural area of the holding** is:

- permanent grassland;
- used to produce grasses or other herbaceous forage (temporary grassland);
- **or** a combination of these uses.



### 5.6 Exemption 3:

Farmers will also be exempt from the EFA requirement where more than 75% of the **arable land of the holding** is:

- used to produce grasses or other herbaceous forage (temporary grassland);
- land lying fallow;
- used for the cultivation of leguminous crops;
- **or** a combination of these uses.

5.7 Leguminous crops that can be used to meet this exemption are:

Spring Peas Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea, Vining pea
Spring Field Beans Includes Broad beans, Field beans, Tic beans
Winter Field Beans Includes Broad beans, Field beans, Tic beans
Spring Sweet Lupins
Winter Sweet Lupins

**Note:** To be eligible for EFA purposes these crops must be present during the entire period of 1 June to 31 July inclusive. This means that they must be planted prior to 1 June and must not be harvested until after 31 July.

### 5.8 Exemption 4:

If all of the land that you farm is organic, providing that you can provide evidence to demonstrate that it is certified, you will be exempt from the Greening requirements. The organic farming exemption only applies to those fields which are organically farmed. Therefore, if your holding is part organic and part non-organic, the Greening exemptions, thresholds and requirements (with the exception of the environmentally sensitive permanent grassland requirement) are applicable only to the non-organically farmed areas of the holding. Please see **Section 4** for further information.

**Advice regarding Exemptions:** You should only rely on an exemption if you are certain that it applies. If you are very close to the 75% thresholds referred to in the exemptions, or 15 hectares of arable land, you may wish to carefully consider whether you need to take action to meet the EFA requirements in order to protect your payment. If field areas change due to a revised measurement by DAERA, field boundary changes or the presence of ineligible area and as a result you no longer qualify for an exemption, failure to meet the EFA requirements will result in a reduction to your Greening Payment.

## Worked examples of the EFA exemptions

### 5.9 Example 1

The eligible agricultural area of the holding is 22 hectares. The land use is as follows:

Spring barley	3 hectares
Grass or other herbaceous forage that is part of an arable crop rotation (temporary grassland as it was in an arable crop use in one of the years 2013-2017)	12 hectares
Permanent grassland	7 hectares

#### Outcome:

In this example, the arable area of your holding is exactly 15 hectares (i.e. 3 hectares of spring barley + 12 hectares of grasses or other herbaceous forage (temporary grassland)).

Therefore, the holding is exempt from the EFA requirement although you need to be certain that the areas will not change given that the threshold is exactly 15 hectares. If the arable area increased to 15.01 hectares you would have an EFA requirement.

## 5.10 Example 2

The eligible agricultural area of the holding is 130 hectares. The land use is as follows:

Permanent grassland	30 hectares
Grass or other herbaceous forage that is part of an arable crop rotation (temporary grassland as it was in an arable crop use in one of the years 2014-2018)	69 hectares
Spring Barley	31 hectares

**Outcome:** Result for exemption 1

The area of arable land of the holding is 100 hectares. As the area of arable land is more than 15 hectares, the holding is not exempt under exemption 1.

The next step is check whether the holding meets exemption 2.

**Outcome:** Result for exemption 2

The area in permanent grassland and/or grasses or other herbaceous forage (temporary grassland) is 99 hectares (76.15% of the total eligible agricultural area). Therefore, the holding is exempt under exemption 2 from the EFA requirement.

## 5.11 Example 3

The eligible agricultural area of the holding is 47 hectares. The land use is as follows:

Fallow - grass	1 hectare
Spring Wheat	11 hectares
Spring peas (leguminous crop)	1 hectare
Grass or other herbaceous forage that is part of an arable crop rotation (temporary grassland as it was in an arable crop use in one of the years 2014-2018)	34 hectares

**Outcome:** Result for exemption 1

The area of arable land of the holding is 47 hectares. As the area of arable land is more than 15 hectares, the holding does not meet exemption 1.

The next step is to check whether the holding meets exemption 2.

**Outcome:** Result for exemption 2

The area in permanent grassland and/or grasses or other herbaceous forage (temporary grassland) is 34 hectares (72.34% of the total eligible agricultural area). Therefore, the holding is not exempt under exemption 2 from the EFA requirement.

The next step is to check whether the holding meets exemption 3.

**Outcome:** Result for exemption 3

The area in grasses or other herbaceous forage (temporary grassland), leguminous crops and/or fallow is 36 hectares (76.59% of the arable area). Therefore, the holding is exempt under exemption 3 from the EFA requirement.

### **The types of areas and features that can be used as EFA**

5.12 The following areas and features can be used as EFA:

- features required to be retained under cross-compliance:
  1. Hedges
  2. Sheughs
  3. Dry stone walls
  4. Earth banks
  5. Archaeological features
- Land lying fallow provided no plant protection products have been applied between 1 February 2019 and 31 July 2019.
- Areas of agro-forestry.
- Areas with short rotation coppice with no use of mineral fertiliser and/or plant protection products beyond the end of the second growing season post planting.
- Afforested areas which were used to claim Single Farm Payment in 2008.

- Areas with nitrogen fixing crops provided the seed has not been treated with plant protection products and no plant protection products have been applied between 1 January 2019 and 31 December 2019 or the date of harvesting if earlier than 31 December 2019.

5.13 Detailed eligibility criteria for each feature is provided on pages 63-67.

**Note:** If an area or feature that is funded under an agri-environment scheme signed on or after 1 January 2012 is used as an EFA, the agri-environment payment may have to be reduced to avoid double-funding. No reduction will be applied to the Greening Payment.

**Note:** Landscape features may only be used to meet EFA requirements by the farmer who is claiming the Basic Payment Scheme on the field on which they are associated. It is not possible to use landscape features to meet an EFA requirement if another person has entered these features into an agri- environment Scheme.

### Where on the holding EFAs can be located

5.14 The permitted locations for the different types of EFA is summarised in the table below:

Type of EFA	Permitted location of the EFA
Land lying fallow	<p>Must be ON your arable land.</p> <p>For permanent grassland in 2018 to be classified as arable in 2019 and used for fallow, it will need to be ploughed in 2019 and prior to 15 May 2019.</p> <p>Re-seeding in grass is permitted but if this takes place in the fallow period it must be primarily for purposes other than agricultural production e.g. for measures beneficial to the biodiversity and the environment.</p>

Areas of agro-forestry	Must be ON your arable land
Afforested areas which were used to claim Single Farm Payment in 2008	Can be located on any agricultural land on the holding. No requirement to be on or adjacent to your arable land
Landscape features: - Hedges - Sheughs - Dry stone walls - Earth banks - Archaeological features	Must be ON or ADJACENT to your arable land.  Adjacent means physically touching your arable land. More information about adjacency including some examples is provided below.

**Note:** Agro-forestry must receive or have received support under an EU scheme. It is a particular method for converting land from agricultural use to forestry. There are only very small areas of this land in Northern Ireland. Land on which there are mature trees and is grazed by livestock is **not** agro-forestry.

### Adjacency rules for landscape features

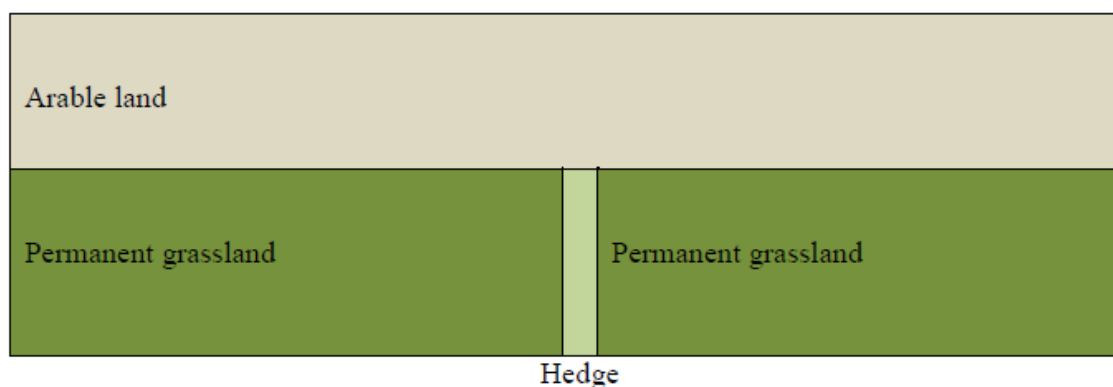
- 5.15 As stated above landscape features can be on or adjacent to your arable land.
- 5.16 A landscape feature (i.e. hedge, sheugh, dry stone wall or earth bank) will be considered adjacent to arable land when the longest edge of the landscape feature physically touches an arable field (see examples 1 and 2 below).
- 5.17 It should be noted that landscape features located within a 5 metre buffer of a field are considered to be adjacent. This means that provided the distance between the landscape feature(s) and the eligible agricultural area of the field is not more than 5 metres wide, the landscape feature(s) is/are considered adjacent to the arable surface of the field (see examples 3, 4 and 5 below).
- 5.18 Fences located on arable land or on the potential landscape feature in order to protect the feature do not prevent the landscape feature from being adjacent.

5.19 The adjacency rules depend on where the DAERA field boundary is located and not the legal boundary in relation to land ownership. Where a hedge is present the DAERA field boundary will always be in the middle of the hedge irrespective of where the legal boundary is. If no hedge is present, the DAERA field boundary will be in the middle of the landscape feature which is present (dry stone wall or sheugh), if this feature forms a field boundary.

5.20 Where a landscape feature is adjacent to the farmer's arable land (e.g. the feature is located on permanent grassland or non-agricultural land) the EFA feature must always be declared against the farmer's arable field. EFA landscape features cannot be declared against non-arable fields.

### 5.21 Example 1 – landscape feature not adjacent to arable land

In this example, the hedge physically touches arable land on the north with its shorter edge. Therefore, the hedge is not adjacent.



### 5.22 Example 2 – landscape feature adjacent to arable land

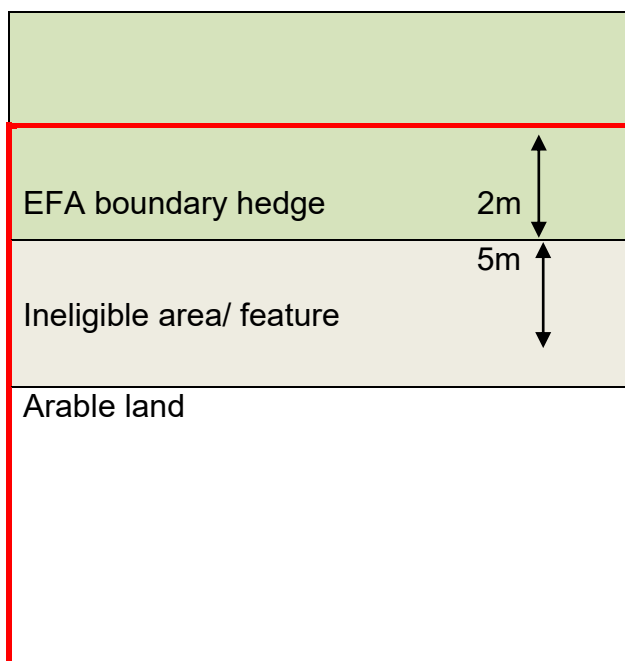
In this example, the longest edge of the hedge physically touches arable land and is therefore adjacent.



**5.23 Example 3 – distance between a landscape feature and the arable surface of the field is not greater than 5 metres - adjacent to arable land**

In this example, the boundary hedge is separated from the arable surface of the field by an ineligible area e.g. an ineligible track or sheugh. The average width of the ineligible area = 5 metres. As the distance between the hedge and the arable surface of the field is not more than 5 metres, the hedge is considered to be adjacent to the arable surface of the field.

Field boundary \_\_\_\_\_

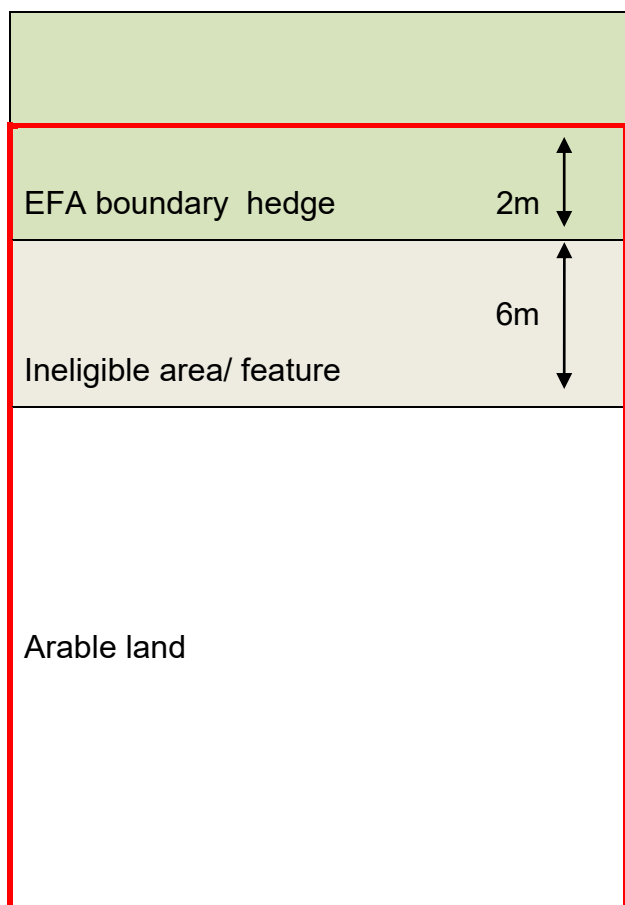


**5.24 Example 4 - distance between a landscape feature and the arable surface of the field is greater than 5 metres - not adjacent to arable land**

In this example, the boundary hedge is separated from the arable surface of the field by an ineligible area e.g. an ineligible track or sheugh. The width of the ineligible area = 6 metres. As the distance between the hedge and the arable surface of the field is more than 5 metres on average, the hedge cannot be considered adjacent to the arable surface of this field.



Field boundary \_\_\_\_\_

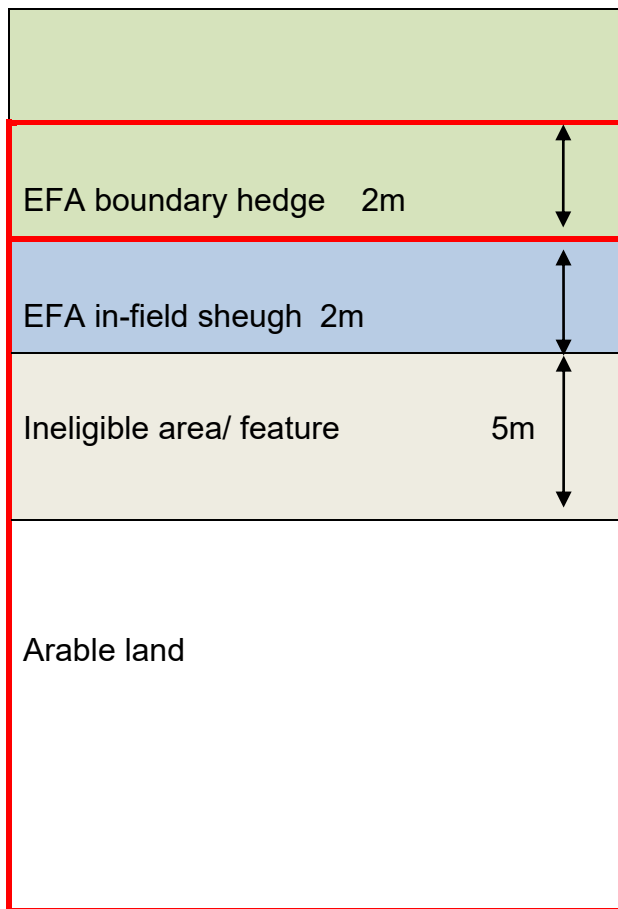


**Note:** If the field on the other side of the boundary hedge is an arable field at the disposal of the same farmer, 100% of the hedge could be claimed as EFA against that field - provided that the distance between the part of the hedge located in that field and the arable surface of the field is not more than 5 metres on average.

**5.25 Example 5 – distance between two landscape features and the arable surface of the field is not greater than 5 metres (boundary hedge and in-field sheugh) – adjacent to arable land**

In this example, the boundary hedge and the in-field sheugh are separated from the arable surface of the field by an ineligible area e.g. an ineligible track. The average width of the ineligible area = 5 metres. As the distance between the nearest landscape feature (the sheugh) and the arable surface of the field is not more than 5 metres on average, both the sheugh and the hedge are therefore considered adjacent to the arable surface of the this field.

Field boundary \_\_\_\_\_



### Rate of disposal – how much of a landscape feature you can count as EFA

5.26 Boundary landscape features declared as EFA must be “at your disposal” i.e. under your control.

5.27 The rate of disposal depends on the level of control you have over the landscape feature:

- 100% for boundary features that are fully under your control; or
- 50% for boundary features that you share with another farmer

5.28 The table below shows how much of a boundary feature you can count for EFA.

**Note:** The example is based on hedges – but the principle also applies to sheughs, dry stone walls and earth banks.

What is on either side of the hedge?	How much to count as EFA
Arable land on both sides	You can claim 100% of the hedge if both fields are at your disposal.
Arable land on one side / non-arable land on the other side	You can claim 100% of the hedge if both fields are at your disposal
<p>Arable land on one side and non-agricultural land on the other side.</p> <p><b>Note:</b> non-agricultural land would include hedges bordering:</p> <ul style="list-style-type: none"> <li>• a road (see note below),</li> <li>• a farm lane/track or farm yard</li> <li>• a farm house and garden</li> <li>• a wooded area / afforested areas not eligible for Basic Payment Scheme</li> <li>• a river that is not maintained by the Rivers Agency</li> </ul>	<p>You can claim 100% of the hedge if you are responsible for maintaining both sides of the hedge.</p> <p>However, if you are only responsible for maintaining the part of the hedge located on your arable field, the maximum you can claim is 50%</p>
Arable land on one side and land under someone else's control on the other side (e.g. land that is at the disposal of a neighbouring farmer)	<p>You can claim 50% of the hedge that is located on your arable land.</p> <p>Alternatively, you can claim 100% of the hedge provided you can provide evidence to demonstrate that you are responsible for maintaining the entire hedge. Acceptable evidence would be a written agreement between you and the neighbouring farmer including evidence of payment for hedge cutting. The neighbouring farmer cannot claim any part of the hedge in this scenario.</p>

**Note:** In some cases where hedges border dual carriageways, motorways, railway tracks, and rivers you might not be responsible for maintaining both sides of the hedge. If so, you can only claim 50% of the hedge for EFA.

## Conditions to be met for each type of EFA

### Hedges

- 5.29 The hedge must consist of woody material (e.g. hawthorn, blackthorn or whins) and/or briars, bramble and have hedge like shape and characteristics. Scrub encroachment and weeds such as nettles and thistles do not constitute a hedge.
- 5.30 Individual gaps of no more than 5 metres at canopy level between hedgerow materials are considered as part of the hedge and do not need to be deducted from the measured hedge length. Individual gaps exceeding 5 metres must be deducted and cannot be counted as part of the hedge for EFA.
- 5.31 The minimum length for a hedge to be accepted as EFA is 5 metres.
- 5.32 The maximum base width for a hedge is 2 metres from the centre. Boundary features (or part of the boundary feature) wider than this will be regarded as ineligible vegetation and cannot be used for EFA.
- 5.33 Newly planted hedgerows are protected under Cross-Compliance and can be used for EFA provided they have been planted prior to the deadline for the submission of the Single Application (15 May 2019).

**Note:** If an area or feature that is funded under an agri-environment scheme signed on or after 1 January 2012 is used as an EFA, the agri-environment payment may have to be reduced to avoid double-funding. No reduction will be applied to the Greening Payment.

### Sheughs

- 5.34 Sheughs that meet the eligibility criteria for the Basic Payment Scheme can count as EFA. These criteria are:

- A sheugh is an open channel with water in it for at least part of the year and no more than 2 metres wide at the base.
- Where a sheugh is at the boundary of a field which is eligible, the sheugh, as an open trench dug to improve the drainage of agricultural land, may be considered eligible and included in the area of the field.
- Sheughs must be maintained as part of a field drainage system and not be encroached by scrub or other ineligible vegetation or features.
- Sheughs must have continuously or intermittently running water. This includes receiving water from adjoining land not belonging to the business.

**Note:** Naturally flowing streams and rivers of any width are not eligible as are watercourses of any width maintained by the Rivers Agency. Watercourses which have been marked as ineligible on farm maps are not regarded as sheughs and cannot be used for EFA.

## **Dry stone walls**

5.35 Dry stone walls must comply with the following dimensions and conditions:

- Maximum height 2.30 metres
- Minimum height 0.50 metres
- Maximum width 4.00 metres
- Minimum width 0.25 metres
- Walls must be built without the use of cement/mortar with the exception of the capping layer.
- Individual gaps of 3 metres or less within the dry stone wall will be regarded as part of the stone wall
- The minimum length for a dry stone wall to be accepted as EFA is 3 metres.

## Archaeological features

- 5.36 An historic or archaeological site is one identified in the Northern Ireland Sites and Monuments Record.
- 5.37 To be counted as EFA, the archaeological feature must be on or adjacent to arable land. To be considered adjacent to arable land, an archaeological feature must physically touch the arable land at any point.

## Earth banks

- 5.38 An earth bank is a man-made linear feature of **limited occurrence**, usually made up of a core of stones covered with sods. River banks, earth silo banks or mounds of earth resulting from excavations are not classified as earth banks.
- 5.39 Features that meet the definition of an earth bank can be used for EFA irrespective of the presence of a hedge.
- 5.40 Where hedges are present on earth banks, either the earth bank or the hedge can be claimed as EFA – not both.

## Fallow land

- 5.41 To be used as EFA, fallow land must be out of production during the entire period 1 February – 31 July inclusive in the scheme year concerned. With effect from 2018 the use of plant protection products during this period is not permitted. Additional information regarding the conditions that apply to fallow land for EFA and CD can be found at Annex A.

## Nitrogen fixing crops

- 5.42 Nitrogen fixing crops for EFA purposes may be grown on any area of arable land.

5.43 Only nitrogen fixing crops grown in compliance with the requirements of the Action Plan under the Nitrates Directive, Cross-Compliance Regulations and any other regulatory requirement will count for EFA purposes.

5.44 The following crops will qualify as nitrogen fixing crops for EFA:

Spring Peas Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea, Vining pea
Spring Field Beans Includes Broad beans, Field beans, Tic beans
Winter Field Beans Includes Broad beans, Field beans, Tic beans
Spring Sweet Lupins
Winter Sweet Lupins

5.45 To count for EFA purposes, nitrogen fixing crops must be present during the entire period of 1 June to 31 July inclusive. This means that they must be planted prior to 1 June and must not be harvested until after 31 July. With effect from 2018, the European Union has introduced a complete ban on the use of PPPs on nitrogen fixing crops declared as EFA.

5.46 The ban applies during the calendar year in which the crop is declared as EFA. Therefore, if the crop to be declared as EFA in 2019 was sown in autumn 2018, the ban on the use of PPPs would apply from 1 January 2019 until 31 December 2019 or the date of harvest if earlier than 31 December 2019.

5.47 For example, a nitrogen fixing crop sown in September 2018 with a PPP applied in October 2018 may be declared as EFA in 2019 provided there is no further use of PPPs from 1 January 2019 until the crop is harvested (or until 31 December 2019 if the crop is not harvested).

**Note:** It is important to note that the ban also applies to seed treated with PPPs that was sown in autumn 2018 if the crop is to be declared as EFA in 2019. This is because the PPPs will be active in 2019 which is not allowed on EFA.

## Short rotation coppice

5.48 The list of tree species that can be used for short rotation coppice is Alder, Birch, Hazel, Ash, Lime, Sweet Chestnut, Sycamore, Willow and Poplar.

5.49 The maximum harvest cycle for short rotation coppice is 5 years.

5.50 The use of mineral fertiliser on short rotation coppice used to meet an EFA requirement is prohibited. Plant protection products are not permitted beyond the end of the second growing season post planting.

## Agro-forestry

5.51 To be eligible for EFA, land must be or have been under an EU Agro-Forestry scheme, meet the eligibility conditions outlined below and be classified as arable land in the year of planting (entry into the scheme).

5.52 It is a particular method for converting land from agricultural use to forestry. There are only very small areas of this land in Northern Ireland. Land on which there are mature trees and is grazed by livestock is **not** agro-forestry.

## Afforested areas

5.53 Afforested areas that were used to claim Single Farm Payment in 2008 can be counted as EFA. This includes:

- Land that was eligible, claimed and on which Single Farm Payment was paid in respect of 2008 scheme year and is subsequently (after 31 December 2008) converted to forestry under an EU scheme, remains eligible for the duration of the forestry scheme.
- Land that was eligible, claimed and on which Single Farm Payment was paid in respect of 2008 scheme year and is subsequently (after 31 December 2008) planted with trees under an EU agri-environment scheme, remains eligible for the duration of the EU agri-environment scheme.



- Land in an EU Forestry Scheme on which Single Farm Payment was paid in 2008 in respect of set-aside entitlements remains eligible for the duration of the forestry scheme.

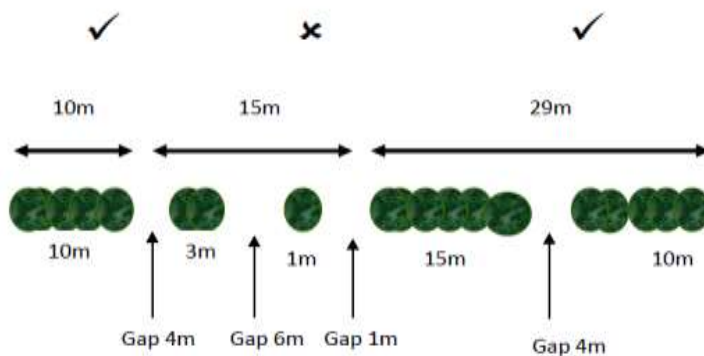
### Measuring the eligible length/area of EFA

5.54 For hedges, sheughs and dry stone walls, you need to measure the eligible length of the feature to the nearest metre. For all other types of EFA you need to measure the eligible area of the feature to the nearest 100 square metres.

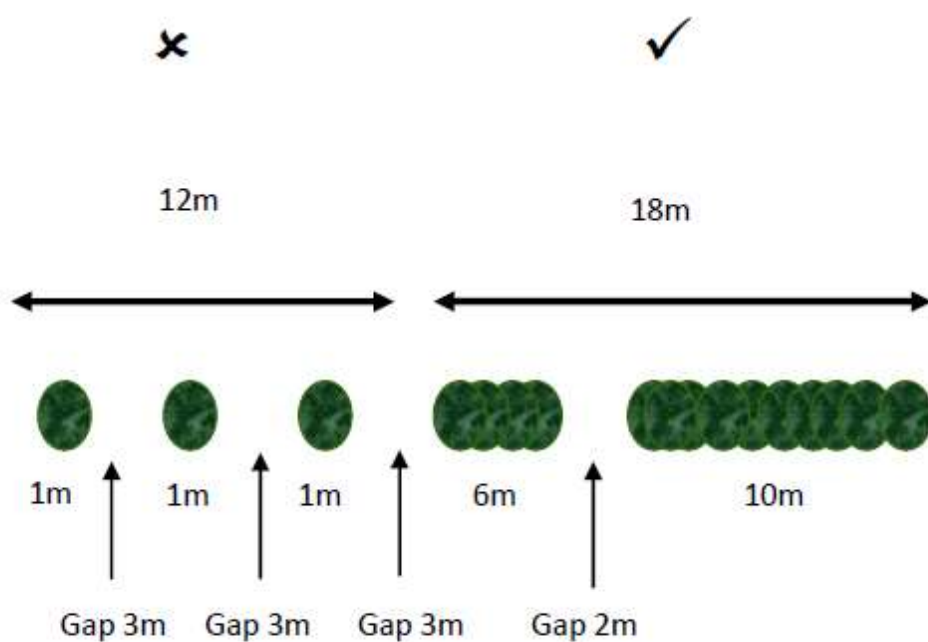
5.55 When measuring the eligible length or eligible area of an EFA, you must ensure that you exclude any ineligible parts of the features. The detailed eligibility criteria for each type of EFA is provided in section 3.

5.56 Any hedge of less than 5 metres must be excluded before the length of the gap is considered. Individual gaps of more than 5 metres including the excluded hedge must also be excluded.

#### 5.57 Example 1



## 5.58 Example 2



### Applying the conversion matrix

5.59 Each type of EFA has a conversion factor and/or weighting factor which must be used to calculate the equivalent EFA that can be counted towards meeting the minimum 5% EFA requirement.

5.60 The conversion matrix (see table below) converts the length/area of an EFA feature according to its ecological value. For example, every linear metre of hedge or sheugh can provide 10 square metres of EFA. You must use the conversion matrix to calculate the value of the EFAs you have on your holding.

EFA Conversion and Weighting Factors			
EFA feature (unit of measurement)	Conversion factor (m to m <sup>2</sup> )	Weighting factor	Area (m <sup>2</sup> ) of EFA (i.e. after the application of both factors)
Land lying fallow (per 1 m <sup>2</sup> )	N/A	1	1 m <sup>2</sup>

EFA Conversion and Weighting Factors			
EFA feature (unit of measurement)	Conversion factor (m to m <sup>2</sup> )	Weighting factor	Area (m <sup>2</sup> ) of EFA (i.e. after the application of both factors)
Hedges (per 1m)	5	2	10 m <sup>2</sup>
Sheughs (per 1m)	5	2	10 m <sup>2</sup>
Dry stone walls (per 1m)	1	1	1 m <sup>2</sup>
Archaeological features (per 1 m <sup>2</sup> )	N/A	1	1 m <sup>2</sup>
Earth banks (per 1 m <sup>2</sup> )	N/A	1	1 m <sup>2</sup>
Hectares of agro-forestry (per 1m <sup>2</sup> )	N/A	1	1 m <sup>2</sup>
Afforested areas which were used to claim Single Farm Payment in 2008 (per 1 m <sup>2</sup> )	N/A	1	1 m <sup>2</sup>
Areas with nitrogen fixing crops (per 1 m <sup>2</sup> )	N/A	1	1 m <sup>2</sup>
Areas with short rotation coppice (per 1 m <sup>2</sup> )	N/A	0.5	0.5 m <sup>2</sup>

5.61 For hedges, sheughs and dry stone walls you need to apply:

- a conversion factor; **and**
- a weighting factor

to calculate the area counting as EFA.

5.62 For all other types of EFAs, only a weighting factor needs to be applied.

**Note:** Short rotation coppice has a weighting factor of **considerably less than 1**.

### 5.63 Example 1

You have 10 hectares of nitrogen fixing crops (peas). This will count as 10 hectares for EFA.

### 5.64 Example 2

You have 10 hectares of short rotation coppice. This will count as only 5 hectares for EFA.

## Examples of the application of the conversion matrix

### 5.65 Example 1 - Calculating the ecological value for a hedge

Step 1	Measure the eligible length of the hedge to the nearest metre	120 metres
Step 2	Convert the length from metres to square metres by applying the appropriate conversion factor from the matrix. i.e. 120 metres multiplied by a conversion factor of 5 =	600 m <sup>2</sup>
Step 3	Apply the appropriate weighting factor from the conversion matrix i.e. 600 m <sup>2</sup> multiplied by 2 =	1,200 m <sup>2</sup>
Step 4	Calculate the rate of disposal i.e. 100% if the EFA is fully under your control OR 50% if the feature is shared with another farmer.  For the purpose of this example you are entitled to count 50% of the hedge, therefore you divide the weighted area (from step 3) by 2  i.e. 1,200 m <sup>2</sup> / 2 =	600 m <sup>2</sup>
Step 5	Convert the area from Step 4 to hectares i.e. 600 m <sup>2</sup> /10,000 m <sup>2</sup> =	0.06 hectare

## 5.66 Example 2 - Calculating the ecological value for an area of short rotation coppice

Step 1	Measure the eligible area of the short rotation coppice to the nearest 100 m <sup>2</sup>	8,000 m <sup>2</sup>
Step 2	Apply the appropriate weighting factor from the conversion matrix i.e. 8,000 m <sup>2</sup> multiplied by 0.5 =	4,000 m <sup>2</sup>
Step 3	Calculate the rate of disposal (see Note 1 below) i.e. 100% of 4,000 m <sup>2</sup> =	4,000 m <sup>2</sup>
Step 4	Convert the area from Step 3 to hectares i.e. 4,000 m <sup>2</sup> ÷ 10,000 square metres =	0.40 hectare

**Note:** For Nitrogen fixing crops, fallow land, afforested areas, areas of agro-forestry, short rotation coppice and archaeological features the rate of disposal will always be 100%. For earth banks the rate of disposal will be 100% if the feature is fully under your control **OR** 50% if the feature is shared with another farmer.

### Calculating the 5% EFA requirement

5.67 Farmers with more than 15 hectares of arable land must ensure that an area equivalent to at least 5% of this land is EFA, unless they qualify for one of the exemptions.

#### 5.68 Points to note regarding the areas to be included in the calculation of the 5% requirement:

1. Areas of short rotation coppice and afforested areas eligible for the Basic Payment are included when calculating the minimum 5% EFA requirement **if you declare them as EFA in your Single Application.** If you do not declare them as EFA they will not be taken into account when calculating the 5% requirement. See example 1 below.
2. The area of any landscape features that are adjacent to arable land (i.e. located on non-arable land but physically touching or within 5 metres of

arable land) and declared as EFA must be added to the arable area of the holding for the purpose of calculating the 5% EFA requirement **if you declare them as EFA in your Single Application**. If you do not declare them as EFA they will not be taken into account when calculating the 5% requirement. See example 2 below.

3. Landscape features, with the exception of archaeological features and earth banks, are recorded in metres. Therefore, before being included in the calculation, the lengths of the relevant landscape features should be converted to area using the EFA conversion factors. These are outlined in the table below.

<b>EFA feature (unit of measurement)</b>	<b>Conversion factor (m to m<sup>2</sup>)</b>	<b>Converted area (m<sup>2</sup>)</b>
Hedges (per 1m)	5	1 linear metre = 5 m <sup>2</sup>
Sheughs (per 1m)	5	1 linear metre = 5m <sup>2</sup>
Dry stone walls (per 1m)	1	1 linear metre = 1m <sup>2</sup>
Archaeological features (per 1 m <sup>2</sup> )	N/A	1m <sup>2</sup> = 1m <sup>2</sup>
Earth banks (per 1m <sup>2</sup> )	N/A	1m <sup>2</sup> = 1m <sup>2</sup>

4. If a landscape feature declared as EFA is adjacent to arable land and fully located within a non-arable field, the entire converted area of the landscape feature must be added to the arable area of the holding when calculating the 5% EFA requirement. See example 2 below.
5. If a landscape feature forms a field boundary, the field boundary will be in the middle of the landscape feature. Where a landscape feature that forms the boundary between an arable field and a non-arable field is declared as EFA, only 50% of the converted area of the landscape should be added to the arable area of the holding when calculating the 5% requirement. See example 3 below.

**5.69 Example 1 – short rotation coppice and afforested area eligible for the Basic Payment are declared as EFA**

A farmer has 30 hectares of arable land, 3 hectares of short rotation coppice and 1 hectare of afforested areas eligible for the Basic Payment. Therefore, the total area for the calculation of the 5% EFA requirement is 34 hectares (30 hectares of arable land + 3 hectares of short rotation coppice + 1 hectare of afforested area eligible for the Basic Payment). This results in an EFA requirement of 1.7 hectares (i.e. 5% of 34 hectares).

The short rotation coppice would contribute 1.5 hectare towards the farmer's EFA requirement (i.e. 3 hectares of short rotation coppice multiplied by a weighting factor of 0.5).

The afforested area eligible for the Basic Payment would contribute 1 hectare towards the farmer's EFA requirement (i.e. 1 hectare of eligible afforested area multiplied by a weighting factor of 1).

Therefore, before any landscape features on the arable land are considered, this farmer has 2.5 hectares of EFA i.e. more than the minimum 5% required.

**5.70 Example 2 – A sheugh declared as EFA is adjacent to arable land and fully located within a non-arable field**

A farmer has 17 hectares of arable land and declares 200 metres of sheugh as EFA.

The converted area of the entire sheugh is 1,000 m<sup>2</sup> (i.e. 200 metres multiplied by a conversion factor of 5). This equates to 0.1 hectare (i.e. 1,000 m<sup>2</sup> divided by 10,000 m<sup>2</sup>).

Therefore, the total area for the calculation of the 5% EFA requirement is 17.10 hectares (i.e. 17 hectares of arable land + 0.1 hectares of sheugh). This results in an EFA requirement of 0.855 hectare (i.e. 5% of 17.10 hectares).

The sheugh would contribute 0.20 hectares towards meeting the farmer's EFA requirement (i.e. the converted area (1,000 m<sup>2</sup>) multiplied by a weighting factor of 2 is 2,000 m<sup>2</sup> divided by 10,000 m<sup>2</sup> = 0.20 hectares).

#### 5.71 **Example 3 – A boundary hedge between arable land and non-arable land is declared as EFA.**

A farmer has 20 hectares of arable land and declares 1500 metres of hedge as EFA.

The converted area of the hedge is 7,500 m<sup>2</sup> (i.e. 1,500 metres multiplied by a conversion factor of 5). This equates to 0.75 hectares (i.e. 7,500 m<sup>2</sup> divided by 10,000 m<sup>2</sup>). As the hedge forms the boundary between arable and non-arable land, only 50% of the converted area of the hedge (i.e. 0.375 hectare which corresponds to the portion of the hedge in the non-arable land) needs to be added to the arable area for the purpose of calculating the 5% requirement.

Therefore, in this example, the total area for the calculation of the 5% EFA requirement is 20.375 hectares (i.e. 20 hectares of arable land + 0.375 hectare of hedge located on non-arable land). This results in an EFA requirement of 1.019 hectares (i.e. 5% of 20.375 hectares).

When calculating the contribution that the hedge makes to meeting the 5% EFA requirement the entire hedge should be taken into account i.e. the 50% that is located on the non-arable land + the 50% that is located on the arable land. Therefore, the entire hedge would contribute 1.5 hectares towards meeting the farmer's EFA requirement (i.e. the converted area (0.75 hectare) multiplied by a weighting factor of 2 = 1.5 hectares).

### **How to calculate the value of overlapping EFAs**

5.72 EU rules do not allow areas used for EFA to be double counted.

5.73 Double counting will occur if a field (or part of a field) is declared as EFA



(most commonly land lying fallow or nitrogen fixing crops) and you also declare landscape surrounding this area as EFA. In such cases, the area of EFA in the field will have to be reduced to take account of the area taken up by the landscape feature.

- 5.74 The reduction to be applied to this area is 50% of the converted area of the landscape feature (e.g. hedges, sheughs or dry stone walls) that borders the EFA in the field and where these features form a field boundary. In such cases, 50% of the feature is embedded in the field where the other EFA is located.
- 5.75 For hedges and sheughs, the reduction will be the eligible length of the feature that surrounds the EFA in the field multiplied by 5 (the conversion factor for a hedge or a sheugh) divided by 2. Therefore, where the boundary feature is a hedge or a sheugh, you must reduce the area of EFA in the field by 2.5 m<sup>2</sup> for each metre length of the hedge or sheugh declared.
- 5.76 For dry stone walls, the reduction will be the eligible length of the dry stone wall that surrounds the EFA in the field multiplied by 1 (the conversion factor for dry stone walls) divided by 2. Therefore, where the boundary feature is a dry stone wall, you must reduce the area of EFA in the field by 0.5m<sup>2</sup> for each metre length of the dry stone wall declared.
- 5.77 Double counting will also occur if in-field landscape features used as EFA overlap with an area within a field which is also being used as EFA. For example, a sheugh within a fallow field where both are being declared as EFA. In such circumstances, the entire converted area of the landscape feature must be deducted (i.e. as outlined above but do not divide by 2).
- 5.78 **Example 1 – entire field in fallow plus boundary hedge declared as EFA**

A 10 hectare field of fallow land declared as EFA has 600 metres of hedge that you also want to use for EFA.

The reduction to be applied to the area of fallow is 600 metres x 2.5 which is 1,500 m<sup>2</sup>.

The area of fallow that can be claimed as EFA is 98,000m<sup>2</sup> (i.e. 100,000 m<sup>2</sup> minus 1,500 m<sup>2</sup>) or 9.8ha.

### 5.79 Example 2 – fallow strip and boundary hedge declared as EFA

You want to use the following as EFA:

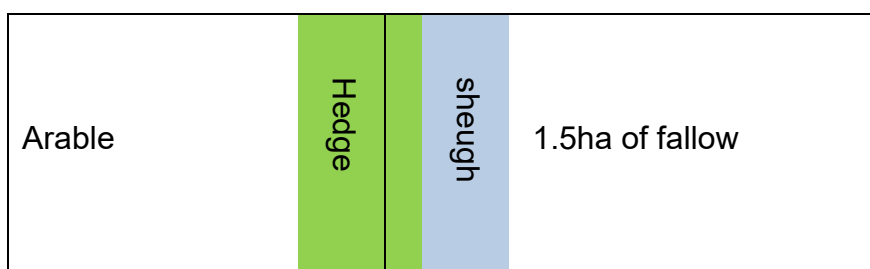
- A fallow strip measuring 400 metres long by 5 metres wide; plus
- The section of hedge surrounding the fallow strip.

Step 1	Measure the eligible length of the hedge bordering the fallow strip i.e. 400 metres + 5 metres + 5 metres = 410 metres.
Step 2	Calculate 50% of the converted area of the hedge i.e. 410 metres x 2.5 = 1,025 m <sup>2</sup>
Step 3	Calculate the area of fallow (before the reduction for the hedge) i.e. 400 metres x 5 metres = 2,000 m <sup>2</sup>
Step 4	Reduce the area of fallow to take account of the area taken up by the hedge i.e. 2,000 m <sup>2</sup> minus 1,025 m <sup>2</sup> = 975 m <sup>2</sup>

### 5.80 Example 3 – entire field of fallow land plus boundary hedge and in-field sheugh declared as EFA

You want to use the following as EFA:

- A field of fallow land measuring 1.5 hectares; and
- The boundary hedge measuring 450 metres; and
- The in-field sheugh measuring 100 metres



In this scenario, the reduction applied to the fallow area will be:

- 50% of the converted area of boundary hedge - because only half of the hedge is located in the arable field where the fallow land is located.

**plus**

- 100% of the converted area of the sheugh – because the sheugh is fully located in the field where the fallow land is located.

**Calculations required:**

Step 1	Calculate 50% of the converted area of the hedge i.e. 450 metres x 2.5 = 1,125 m <sup>2</sup>
Step 2	Calculate 100% of the converted area of the sheugh i.e. 100 metres x 5 = 500 m <sup>2</sup>
Step 3	Calculate the combined converted area of the hedge and the sheugh i.e. 1,125 m <sup>2</sup> + 500 m <sup>2</sup> = 1,625 m <sup>2</sup>
Step 4	Reduce the area of fallow to take account of the area taken up by the hedge and the sheugh i.e. 15,000 m <sup>2</sup> minus 1,625 m <sup>2</sup> = 13,375 m <sup>2</sup>

## Section 6 - Organic Greening Exemption

- 6.1 If all of the land you farm is organic, providing that you can provide evidence to demonstrate that it is certified as organic, you will be exempt from the Greening requirements. However, it should be noted that double funding (receiving the Greening Payment and another payment for doing the same thing) is not permitted and a reduction may be imposed.
- 6.2 The organic Greening exemption only applies to those fields which are organically farmed. Therefore, if your holding is part organic and part non-organic, the Greening exemptions, thresholds and requirements (with the exception of the environmentally sensitive permanent grassland requirement) are applicable only to the non-organically farmed areas of the holding.
- 6.3 As a result, on holdings that are part organic and part non-organic, any land that is organically farmed will be excluded from the calculation of the Greening exemptions, thresholds and requirements for that holding.
- 6.4 In addition, if your holding is part organic and part non-organic, crops grown on organically farmed land cannot be used to meet the CD requirements (except in cases where farmers choose not to avail of the organic Greening exemption, please see below for further details).
- 6.5 EFAs located on organically farmed land cannot be used to fulfil the EFA requirement of the holding. The exceptions to this are where farmers choose not to avail of the organic Greening exemption and also where (for those EFAs which can be adjacent to arable land) the EFA is adjacent to a non-organic arable field.
- 6.6 For example, if a hedge/sheugh/dry stone wall separates an organic field from a non-organic field and both fields are claimed by the same farmer, who has chosen to take the organic Greening exemption, that farmer can claim 100% of the hedge/sheugh/dry stone wall for EFA purposes because it is half embedded in the arable (non-organic) field and the other half is adjacent to this field.

## Opting in or out of the organic Greening exemption

- 6.7 Organic farmers have the right to opt out of the organic Greening exemption. On the Single Application a question is included which asks organic farmers whether they want to avail of the organic Greening exemption.
- 6.8 If you are an organic farmer and decide to avail of the organic Greening exemption, the Greening exemptions and requirements will be calculated on the non-organic land of your holding.
- 6.9 If you are an organic farmer and decide not to avail of the organic Greening exemption, the Greening exemptions and requirements will be calculated on the entire area of your holding, organic and non-organic.
- 6.10 The worked examples below provide further clarification.

## Worked examples of the organic exemption

### 6.11 **Example 1 - Organic exemption availed of – farmer compliant**

You have 60 hectares of arable land of which 52 hectares are farmed organically. The remaining 8 hectares are non-organic. You decide to avail of the organic Greening exemption.

**Outcome:** You have only 8 hectares of non-organic arable land; therefore you are exempt from all Greening requirements.

### 6.12 **Example 2 – Organic exemption availed of – farmer compliant**

You have 60 hectares of arable land, of which 46 are farmed organically. The remaining 14 hectares are non-organic. You decide to avail of the organic Greening exemption.

You grow the following crops:

Organic land	46 ha	Non-organic land	14 ha
Spring barley	20 ha	Broccoli	10 ha
Potatoes	20 ha	Carrots	4 ha
Onions	5 ha		

Based on the above cropping plan, you must satisfy the following Greening requirements on your 14 hectares of non-organic land:

- You must meet the two crop rule for CD.

**Outcome:** The main crop on your non-organic land (broccoli) is 10 hectares (71.43% of 14 hectares). Therefore, you meet the two crop rule for CD

### 6.13 Example 3 – Organic exemption NOT availed of – farmer compliant

You have 62 hectares of arable land of which 46 hectares are farmed organically. The remaining 16 hectares are non-organic. You decide not to avail of the organic Greening exemption. The reason for this is that you currently grow four different crops, three of which are located on your organic land and one on your non-organic land (see table below).

You grow the following crops:

Organic land	46 ha	Non organic land	16 ha
Spring barley	35 ha	Carrots	16 ha
Potatoes	7 ha		
Fallow	4 ha		

If you had chosen to avail of the organic exemption your Greening requirement would be assessed on your 16 hectares of non-organic land. Therefore, to meet CD requirements on your non-organic land you would have to grow another crop. You would also need a minimum of 5% (i.e. 0.8 hectare) of EFA.

However, by not availing of the organic exemption, your Greening requirements will be calculated on 62 hectares (46 hectares of organic land + 16 hectares of non-organic land).

Based on the cropping pattern in the table above, the CD and EFA exemptions do not apply to you. Consequently, you must satisfy the following Greening requirements on your 62 hectares of arable land:

- You must meet the three crop rule for CD; and
- You must ensure that an area equivalent to at least 5% of your arable land (3.1 hectares) is EFA.

**Outcome:** The main crop (spring barley) is 35 hectares (56.45% of 62 hectares). Your two main crops added together (spring barley + carrots) are 51 hectares (82.26% of 62 hectares). Therefore, you meet your CD requirements.

You have 4 hectares of fallow land. Therefore, you meet the minimum 5% requirement for EFA.

### **Important**

If you meet your Greening requirements (CD and EFA) on all the eligible agricultural area of your holding, you do not need to opt in to the organic exemption. If your holding is part organic and you do opt in to the organic exemption, you need to make sure you fulfil the Greening requirements on the non- organic land of your holding.

## Section 7 - The Greening Payment Estimated Value.

- 7.1 The Greening Payment will be calculated as a fixed percentage of the value of the payment entitlements that you activate for payment under the Basic Payment Scheme.
- 7.2 For any given scheme year, the percentage will be calculated by dividing the total budget available for Greening by the total value of all payment entitlements activated in Northern Ireland in that year. A worked example of how your Greening Payment will be calculated is provided below.
- 7.3 The percentage payable for Greening cannot be confirmed until we know the number of Basic Payment Scheme payment entitlements activated in 2019. Therefore, for the purposes of the following worked example we have used a theoretical percentage of 44% (30% of the direct payments ceiling devoted to Greening / 68% of direct payments ceiling devoted to Basic Payment Scheme).

### 7.4 Example

You activate 20 payment entitlements with a unit value of €200.

The value of your Basic Payment and your Greening Payment is as follows:

Number of payment entitlements activated	20
Unit value of the payment entitlements	€200
Value of your Basic Payment	€4,000 [i.e. 20 payment entitlements @ €200]
Percentage to be applied for Greening	44%
Value of the Greening Payment	€1,760 [i.e. Value of the Basic Payment (€4,000) x 44%]
Total payment (i.e. Basic Payment + Greening Payment)	€5,760 [i.e. €4,000 + €1,760]



## Section 8 - Reductions for Non-compliance with the Greening Rules

- 8.1 Non-compliance with the Greening requirements will result in the loss of some or all of the Greening Payment. As the loss may be substantial it is important that you make a careful assessment of the Greening requirements for your holding and comply fully with them.
- 8.2 The method of calculating the reductions for non-compliance with the Greening requirements together with worked examples for a holding is explained below.

### Types of non-compliance that require a reduction in the value of the Greening Payment

- 8.3 The reference area we will use for the calculation of your Greening Payment is the area used to activate your Basic Payment Scheme payment entitlements. The level of reduction for each Greening measure is explained in the table below.

### Level of reduction for non-compliance with the Greening requirements

Greening measure	Non-compliance resulting in a reduction	The level of the reduction to be applied to the area used for the calculation of the Greening Payment.
<b>CD</b> The requirement to have two different crops on arable land. The main crop must not exceed 75% of the arable land.	Where the eligible area of the main crop exceeds 75% of the total arable land	The area of the main crop that exceeds 75% of the total arable land multiplied by 2.

Greening measure	Non-compliance resulting in a reduction	The level of the reduction to be applied to the area used for the calculation of the Greening Payment.
<p><b>CD</b> The requirement to have three crops on arable land.</p> <p>The main crop must not exceed 75% of the arable land and the two main crops must not exceed 95% of the arable land.</p>	<p>Where the area of the main crop exceeds 75% of the total arable land.</p>	<p>The area of the main crop that exceeds 75% of the total arable land.</p>
<p><b>CD</b> The requirement to have three crops on arable land. The main crop must not exceed 75% of the arable land and the two main crops must not exceed 95% of the arable land.</p>	<p>Where the area of the two main crops exceeds 95% of the total arable land.</p>	<p>The area of the two main crops that exceeds 95% of the total arable land multiplied by 5.</p>
<p><b>CD</b> Where grasses or other herbaceous forage or land lying fallow cover more than 75% of the arable land, the main crop on the remaining arable land shall not cover more than 75% of that remaining arable land, except where this remaining are is covered by grasses or other herbaceous forage (temporary grassland) or land lying fallow.</p>	<p>Where the area of the main crop on the remaining arable land exceeds 75% of that remaining arable land.</p>	<p>The area of the main crop that exceeds of 75% of the remaining arable land multiplied by 2.</p>
<p><b>EFAs</b> The requirement to have an area equivalent to at least 5% of the total arable land as EFA</p>	<p>Where the actual area in EFA is less than the minimum area of EFA required for the holding.</p>	<p>The area of EFA missing multiplied by 10.</p> <p>The EFA determined shall not exceed the share of the EFA declared in the total area of arable land declared.</p>

Greening measure	Non-compliance resulting in a reduction	The level of the reduction to be applied to the area used for the calculation of the Greening Payment.
<b>PGS</b> The requirement to protect environmentally sensitive permanent grassland	Where environmentally sensitive permanent grassland has been ploughed or converted.	The area of environmentally sensitive grassland that has been ploughed or converted.

8.4 **Note:** Where an applicant has been found to be non-compliant with crop diversification and/or EFA requirements for three years, the area of the reduction to be applied to the Greening Payment (as calculated in accordance with the table above) in subsequent years will be doubled. The application of this particular non-compliance reduction becomes effective in 2019 at the earliest.

8.5 For example, if an applicant is subject to a reduction for non-compliance with CD in 2016, 2017, 2018 and 2019, the area of the reduction to be applied to the Greening Payment in 2019 (i.e. the fourth year of non-compliance) will be doubled.

8.6 The non-compliances do not have to be consecutive. For example, if an applicant is non-compliant in 2016, 2017, 2019 and 2020, the area of the reduction for non-compliance in 2020 (i.e. the fourth year of non-compliance) will be doubled.

### Worked examples of the non-compliance reduction calculations

8.7 **Example 1 - Non-compliance with the CD two crop rule i.e. the area of the main crop exceeds 75% of the total arable land.**

Total arable land = 25ha

Main crop = 20ha, 2<sup>nd</sup> crop = 5ha

<b>CD rules</b>	<b>Maximum area allowed for the main crop</b>	<b>Actual area of the main crop</b>	<b>Non-compliance reduction</b>
Requirement to have two crops. The main crop not exceeding 75% of the total arable land	18.75ha (i.e. 75% of 25ha)	20ha	Area of main crop that exceeds 75% of the total arable land = 1.25ha (i.e. 20ha minus 18.75ha) Reduction = 2.5ha (i.e. 1.25ha multiplied by 2)

**Note:** In this example the EFA requirement has been met in full.

The Greening Payment will be based on 22.5 ha (i.e. 25ha minus 2.5ha).

**8.8 Example 2 - Non-compliance with the CD three crop rule i.e. the area of the main crop exceeds 75% of the total arable land AND the area of the two main crops exceeds 95% of the total arable land**

Total arable land = 100ha

Main crop = 95ha, 2<sup>nd</sup> crop = 5ha, no 3<sup>rd</sup> crop grown

<b>CD Rules</b>	<b>Maximum area allowed for this holding</b>	<b>Actual area</b>	<b>Non-compliance reduction</b>
Main crop must not exceed 75% of the total arable land	75ha (i.e. 75% of 100ha)	95ha	Area of the main crop in excess of 75% of the total arable land = 20ha  Reduction = 20ha
The two main crops must not exceed 95% of the total arable land	95ha (i.e. 95% of 100ha)	100ha	Area of the two main crops that exceeds 95% of the total arable land = 5ha  Reduction = 25ha (i.e. 5ha multiplied by 5)

**Note:** In this example the EFA requirement has been met in full.

The total non-compliance reduction = 45ha (i.e. 20ha for exceeding the 75% threshold + 25ha for exceeding the 95% threshold). The Greening Payment will be based on 55 ha (i.e. 100ha minus 45ha).

**8.10 Example 4 - Non-compliance with the EFA requirement i.e. where the minimum 5% EFA requirement has not been met**

Total arable land = 50ha

<b>EFA requirement</b>	<b>Area of EFA required</b>	<b>Actual area of EFA determined</b>	<b>Non-compliance reduction</b>
To have an area equivalent to at least 5% of the total arable land as EFA.	2.5ha (i.e. 5% of 50ha)	2.2ha	Area of EFA missing = 0.3ha (i.e. 2.5ha minus 2.2ha)  Reduction = 3ha (i.e. 0.3ha multiplied by 10).

**Note:** In this example, the CD requirement has been met in full.

The Greening Payment will be based on 47ha (i.e. 50ha minus 3ha).

**8.11 Example 5 - Non-compliance with the requirement to protect environmentally sensitive permanent grassland.**

A farmer has 2 hectares of environmentally sensitive permanent grassland. At inspection 1 hectare was found to have been ploughed.

The reduction for non-compliance with the ban on the ploughing or conversion of environmentally sensitive permanent grassland = 1 hectare (i.e. the area found to be non-compliant).

## 8.12 Example 6 - The maximum non-compliance reduction that can be applied to the Greening Payment.

The sum of the non-compliance reductions for CD and EFA expressed in hectares cannot exceed the total number of eligible hectares of arable land determined plus, if they are declared as EFA, the determined area of adjacent landscape features, afforested areas eligible for the Basic Payment and short rotation coppice.

### Details of the holding

Arable area	50 hectares
Permanent grassland	8 hectares
Environmentally sensitive permanent grassland	2 hectares
Total eligible agricultural area of the holding	60 hectares
Area declared and determined to establish BPS entitlements	40 hectares (i.e. 30ha arable and 10ha permanent grassland)

The holding has a CD requirement, an EFA requirement and a PGS requirement. The farmer fails to comply with all three Greening measures as follows:

### CD requirements:

#### The 75% crop rule:

- Maximum area allowed for the main crop = 37.5ha (i.e. 75% of 50ha)
- The actual area of the main crop = 40ha
- The area of the main crop that exceeds the maximum 75% = 2.5ha
- Reduction for non-compliance = 2.5ha.

#### The 95% crop rule:

- Maximum area allowed for the two main crops = 47.5ha (i.e. 95% of 50ha)

- The area of the two main crops = 50ha
- Area of the two main crops that exceeds the maximum 95% = 2.5ha
- Reduction for non-compliance = 12.5ha (i.e. 2.5ha multiplied by 5)

The 5% EFA requirement:

- The EFA required for the holding = 2.5ha (5% of 50ha)
- The EFA declared for the holding = zero
- The area of the missing EFA = 2.5ha
- Reduction of non-compliance = 25ha (i.e. 2.5ha multiplied by 10)

The PGS requirement:

- The farmer has 2ha of PGS both of which have been ploughed.
- The non-compliance reduction for failure to meet the PGS requirement = 2ha

**The sum of the non-compliance reductions**

Reduction for non-compliance with the CD three crop rule	15 hectares
Reduction for non-compliance with the EFA requirement	25 hectares
Reduction for non-compliance with the environmentally sensitive permanent grassland requirement	2 hectares
Total non-compliance reduction	42 hectares

As the sum of the non-compliance reductions for CD and EFA is 40ha and exceeds 30ha (i.e. the total arable area determined) the non-compliance reduction is capped at 30ha.

The Greening Payment would be made on 8ha. i.e. the 40ha declared and determined to activate BPS payment entitlements minus the 30ha not compliant with the CD and EFA requirements minus the 2ha not compliant with the PGS requirement).

**Note:** The level of deduction for CD and EFA is 30ha which is equal to the determined arable area. A further 2ha deduction is required for non-compliance with the environmentally sensitive permanent grassland requirement.

## **Area found is different to the area declared**

- 8.13 If the area found by DAERA after the application of administrative and on-the-spot checks is higher or lower than what was actually declared, compliance with the Greening requirement will be calculated using the area actually found. If you are found not to be in compliance, reductions will be applied to the area actually found. The Greening Payment will be based on this reduced area or the area you declared whichever is the lower but may be reduced further by the application of administrative penalties. Over declaration or under declaration penalties may apply to other payments.



## Section 9 – Administrative Penalties

9.1 Administrative penalties may be applied to your Greening Payment in the following circumstances:

- You fail to comply with the Greening requirements;
- You under-declare your arable land by more than 0.1 hectare with the result that, on the basis of the area declared, you would be exempted from Greening requirements when you are actually not exempt;
- You under-declare your environmentally sensitive permanent grassland by more than 0.1 hectare.

### Penalty for failure to comply with the Greening requirements

9.2 If you fail to comply with the Greening requirements (CD, EFA, environmental sensitive permanent grassland), your Greening Payment will be based on a reduced area as outlined in section 8.

9.3 An administrative penalty may be applied which will further decrease your Greening Payment and will be calculated according to the difference between the original area eligible for the Greening Payment (i.e. before the reduction due to non-compliance with Greening) and the reduced area as outlined in the table below.

<b>Difference between original area and reduced area</b>	<b>Penalty to be applied</b>
No more than 3% of the reduced area and 2ha	None
More than 3% of the reduced area or 2ha but no more than 20% of the reduced area	Reduced area will be further decreased by twice the difference between the original area and the reduced area
More than 20% of the reduced area	No Greening Payment will be granted
More than 50% of the reduced area	No Greening Payment will be granted and an additional penalty equal to the amount of the Greening Payment corresponding to the difference between the reduced area and the original area will be applied.

9.4 In 2019, the administrative penalty calculated as outlined in the above table will be divided by 4 and limited to 25% of the amount of Greening Payment that would have been due based on the original area (i.e. prior to reductions applied in accordance with section 8).

9.5 **Example1 – Difference between the original area and the reduced area is not more than 3% of the reduced area and 2ha**

<b>CALCULATION OF THE ADMINISTRATIVE PENALTY</b>		
<b>Data Item</b>	<b>Description</b>	<b>Value</b>
A	<b>ORIGINAL AREA</b> Area determined for the calculation of the Greening Payment BEFORE the application of Greening non-compliance reduction i.e. the area determined and used for the activation of BPS entitlements.	<b>60ha</b>
B	<b>Area of non-compliance reduction</b>	<b>1ha</b>
C	<b>REDUCED AREA</b> Area determined for the Greening Payment AFTER the application of non-compliance reduction (A-B)	<b>59ha</b> (60ha-1ha)
D	<b>Area of the non-compliance reduction expressed as a percentage of the reduced area (B/C*100)</b>	<b>1.6949%</b> (1ha/59ha*100)
E	<b>Maximum administrative penalty that can be applied in 2019 i.e. 25% of the original area (A*25%)</b>	<b>15ha</b> (60ha*25%)

As the difference between the original area and the reduced area is less than 3% of the reduced area and 2ha, an administrative penalty is not applicable. The Greening Payment is calculated on the reduced area i.e. 59ha.

9.6 **Example 2 – difference between the original area and the reduced area is more than 3% of the reduced area or 2ha but not more than 20% of the reduced area**

<b>CALCULATION OF THE ADMINISTRATIVE PENALTY</b>		
<b>Data Item</b>	<b>Description</b>	<b>Value</b>
A	<b>ORIGINAL AREA</b> Area determined for the calculation of the Greening Payment BEFORE the application of Greening non-compliance reduction i.e. the area determined and used for the activation of BPS entitlements.	<b>60ha</b>
B	<b>Area of non-compliance reduction</b>	<b>8ha</b>
C	<b>REDUCED AREA</b> Area determined for the Greening Payment AFTER the application of non-compliance reduction (A-B)	<b>52ha</b> (60ha-8ha)
D	<b>Area of the non-compliance reduction expressed as a percentage of the reduced area (B/C*100)</b>	<b>15.3846%</b> (8ha/52ha*100)
E	<b>Maximum administrative penalty that can be applied in 2019 i.e. 25% of the original area (A*25%)</b>	<b>15ha</b> (60ha*25%)
F	<b>Area of the administrative penalty BEFORE the 2018 limitation.</b> As the difference between the original area and the reduced area is more than 3% of the reduced area or 2ha but less than 20% of the reduced area, the area of the administrative penalty is equal to the area of the reduction for non-compliance multiplied by 2 (B*2)	<b>16ha</b> (8ha*2)

G	<b>Area of the administrative penalty AFTER the 2018 limitation (F/4)</b>	<b>4ha</b> (16ha/4)
H	<b>The area of the administrative penalty to be applied to the Greening Payment is the lower of the administrative penalty after the 2018 limitation (G) or the maximum permitted penalty (E)</b>	<b>4ha</b>

The Greening Payment will be calculated on 48ha i.e. the reduced area (52ha) minus the administrative penalty (4ha).

**9.7 Example 3 – Difference between the original area and the reduced area is more than 20% of the reduced area but not more than 50% of the reduced area**

<b>CALCULATION OF THE ADMINISTRATIVE PENALTY</b>		
<b>Data Item</b>	<b>Description</b>	<b>Value</b>
A	<b>ORIGINAL AREA</b> Area determined for the calculation of the Greening Payment BEFORE the application of Greening non-compliance reduction i.e. the area determined and used for the activation of BPS entitlements.	<b>60ha</b>
B	<b>Area of non-compliance reduction</b>	<b>15ha</b>
C	<b>REDUCED AREA</b> Area determined for the Greening Payment AFTER the application of non-compliance reduction (A-B)	<b>45ha</b> (60ha-15ha)
D	<b>Area of the non-compliance reduction expressed as a percentage of the reduced area (B/C*100)</b>	<b>33.33%</b> (15ha/45ha*100)
E	<b>Maximum administrative penalty that can be applied in 2019 i.e. 25% of the original area (A*25%)</b>	<b>15ha</b> (60ha*25%)
F	<b>Area of the administrative penalty BEFORE the 2018 limitation.</b> As the difference between the original area and the reduced area is more than 20% of the reduced area but not more than 50% of	<b>45ha</b>

<b>CALCULATION OF THE ADMINISTRATIVE PENALTY</b>		
<b>Data Item</b>	<b>Description</b>	<b>Value</b>
	the reduced area, no Greening Payment will be granted. However, this does not override the application of the 2018 limitation. Therefore, in this example, the area of the penalty before the limitation is equal to the reduced area i.e. the area determined for the Greening Payment after the application of the reduction for non-compliance (C)	
G	<b>Area of the administrative penalty AFTER the 2018 limitation (F/4)</b>	<b>11.25ha</b> (45ha/4)
H	<b>The area of the administrative penalty to be applied to the Greening Payment is the lower of the administrative penalty after the 2018 limitation (G) or the maximum permitted penalty (E)</b>	<b>11.25ha</b>

The Greening Payment will be calculated on 33.75ha i.e. the reduced area (45ha) minus the administrative penalty (11.25ha).

#### 9.8 Example 4 – Difference between the original area and the reduced area is more than 50% of the reduced rate

<b>CALCULATION OF THE ADMINISTRATIVE PENALTY</b>		
<b>Data Item</b>	<b>Description</b>	<b>Value</b>
A	<b>ORIGINAL AREA</b> Area determined for the calculation of the Greening Payment <b>BEFORE</b> the application of Greening non-compliance reduction i.e. the area determined and used for the activation of BPS entitlements.	<b>60ha</b>
B	<b>Area of non-compliance reduction</b>	<b>40ha</b>
C	<b>REDUCED AREA</b> Area determined for the Greening Payment <b>AFTER</b> the application of non-compliance reduction (A-B)	<b>20ha</b> (60ha-40ha)
D	<b>Area of the non-compliance reduction expressed as a percentage of the reduced area (B/C*100)</b>	<b>200%</b> (40ha/20ha*100)
E	<b>Maximum administrative penalty that</b>	<b>15ha</b>

<b>CALCULATION OF THE ADMINISTRATIVE PENALTY</b>		
<b>Data Item</b>	<b>Description</b>	<b>Value</b>
	<b>can be applied in 2019 i.e. 25% of the original area (A*25%)</b>	(60ha*25%)
F	<p><b>Area of the administrative penalty BEFORE the 2018 limitation.</b></p> <p>As the difference between the original area and the reduced area is more than 50% of the reduced area, no Greening Payment will be granted <u>AND</u> an <b>additional</b> penalty equal to the amount of the Greening Payment corresponding to the difference between the reduced area and the original area will be applied. However, this does not override the application of the 2018 limitation.</p> <p>Therefore, in this example, the area of the penalty before the limitation is equal to:-</p> <p>The reduced area i.e. the area determined for the Greening Payment after the application of the reduction for non-compliance (20ha) (C)</p> <p><b>Plus</b></p> <p>The area of the non-compliance reduction(40ha) (B)</p>	<p><b>60ha</b></p> <p>(20ha+40ha)</p>
G	<b>Area of the administrative penalty AFTER the 2018 limitation (F/4)</b>	<p><b>15ha</b></p> <p>(60ha/4)</p>
H	<b>The area of the administrative penalty to be applied to the Greening Payment is the lower of the administrative penalty after the 2018 limitation (G) or the maximum permitted penalty (E)</b>	<b>15ha</b>

The Greening Payment will be calculated on 5ha i.e. the reduced area (20ha) minus the administrative penalty (15ha).

**Penalty for failure to declare all your arable land with the result that the area declared would have exempted you from Greening requirements when you are actually not exempt**

9.9 For example, you declare 14ha of arable but we find 16ha of arable land. This means that you are not exempt from an EFA requirement but according to your declaration you would have been exempt.

9.10 An administrative penalty will be applied. The area used to calculate your Greening Payment after the reductions outlined in section 8 are applied will be further reduced by 10%.

In 2019, the administrative penalty will be divided by 4 and limited to 25% of the amount of Greening Payment that would have been due based on the original area (i.e. prior to reductions applied in accordance with section 8).

9.12 **Example 5 – On the basis of the arable land declared, an applicant is considered to be exempt from the EFA requirement when they are not exempt.**

To qualify for the exemption from the EFA requirement, an applicant must have no more than 15ha of arable land. The applicant has declared 14ha of arable land to activate 14 BPS payment entitlements. However, the area found is 16ha of arable land.

Based on the area declared by the applicant (14ha), they would have been exempted from the EFA requirement when they actually have an EFA requirement.

In this example, an administrative penalty must be calculated in respect of:

- (a) The failure to comply with Greening requirements (in this case the EFA requirement) ;and
- (b) The failure to declare all of the arable land of the holding.

<b>CALCULATION OF THE ADMINISTRATIVE PENALTY</b>		
<b>Data Item</b>	<b>Description</b>	<b>Value</b>
A	<b>ORIGINAL AREA</b> Area determined for the calculation of the Greening Payment BEFORE the application of Greening non-compliance reduction i.e. the area determined and used for the activation of BPS entitlements.	<b>14ha</b>
B	<b>Area of non-compliance reduction</b> The EFA requirement for the holding = 0.8ha (i.e. 5% of 16ha of arable land). As no EFA has been declared, the reduction for non-compliance = 8ha i.e. the area of EFA not declared (0.8ha) * 10.	<b>8ha</b>
C	<b>REDUCED AREA</b> Area determined for the Greening Payment AFTER the application of non-compliance reduction (A-B)	<b>6ha</b> (14ha-8ha)
D	<b>Area of the non-compliance reduction expressed as a percentage of the reduced area (B/C*100)</b>	<b>133.33%</b> (8ha/6ha*100)
E	<b>Maximum administrative penalty that can be applied in 2019 i.e. 25% of the original area (A*25%)</b>	<b>3.5ha</b> (14ha*25%)



F	<p><b>Area of the administrative penalty BEFORE the 2018 limitation.</b></p> <p>As the difference between the original area and the reduced area is more than 50% of the reduced area, no Greening Payment will be granted AND an <b>additional</b> penalty equal to the amount of the Greening Payment corresponding to the difference between the reduced area and the original area will be applied. However, this does not override the application of the 2018 limitation.</p> <p>Therefore, in this example, the area of the penalty before the limitation is equal to:-</p> <p>The reduced area i.e. the area determined for the Greening Payment after the application of the reduction for non-compliance (6ha) (C)  <b>plus</b>  The area of the non-compliance reduction (8ha) (B)</p>	<p><b>14ha</b> (8ha+6ha)</p>
G	<p><b>Administrative penalty for failure to declare all arable land i.e. 10% of the reduced area (10% of C)</b></p>	<p><b>0.6ha</b> (6ha*10/100)</p>
H	<p><b>Total area of the administrative penalty BEFORE the 2018 limitation (F+G)</b></p>	<p><b>14.6ha</b> (14ha+0.6ha)</p>
I	<p><b>Area of the administrative penalty AFTER the 2018 limitation (H/4)</b></p>	<p><b>3.65ha</b> 14.6ha/4</p>
J	<p><b>The area of the administrative penalty to be applied to the Greening Payment is the lower of the administrative penalty after the 2018 limitation (I) or the maximum permitted penalty (E)</b></p>	<p><b>3.5ha</b></p>

The Greening Payment will be calculated on 2.5ha i.e. the reduced area (6ha) minus the administrative penalty (3.5ha).

## Penalty for failure to declare all land that is environmentally sensitive permanent grassland

- 9.13 If you fail to declare all land that is environmentally sensitive permanent grassland and the non-declared area exceeds 0.1ha, an administrative penalty will be applied. The area used to calculate your Greening Payment after the reductions outlined in section 8 are applied will be further reduced by 10%.
- 9.14 In 2019 the administrative penalty will be divided by 4 and limited to 25% of the amount of Greening Payment that would have been due based on the original area (i.e. prior to reductions applied in accordance with section 8).
- 9.15 **Example 6 – Applicant fails to declare all of the PGS and the non-declared area is more than 0.1ha**

Applicant declares 10ha of arable land and 2ha of PGS for the purposes of activating 12 BPS payment entitlements. The actual area of PGS is found to be 3ha. Therefore, the applicant has under-declared the PGS area by 1ha.

In this example, the applicant has complied with the requirement to protect PGS, therefore a non-compliance reduction is not warranted.

As the area of PGS not declared is more than 0.1ha, the area to be used for the calculation of the Greening Payment (i.e. 12ha) must be reduced by 10%.

<b>CALCUATION OF THE ADMINISTRATIVE PENALTY</b>		
<b>Data Item</b>	<b>Description</b>	<b>Value</b>
A	<b>Area determined for the calculation of the Greening Payment</b> i.e. the area determined and used for the activation of BPS entitlements.	<b>12ha</b>
B	<b>Area of the administrative penalty for failure to declare all PGS BEFORE the 2018 limitation</b> i.e. 10% of the area determined for the Greening Payment (10% of A)	<b>1.2ha</b> (12*10/100)

C	<b>Area of the administrative penalty AFTER the 2018 limitation (B/4)</b>	<b>0.3ha</b> (1.2/4)
D	<b>Maximum administrative penalty that can be applied in 2019 i.e. 25% of the original area (A*25%)</b>	<b>3ha</b> 12/4
E	<b>The area of the administrative penalty to be applied to the Greening Payment is the lower of the administrative penalty after the 2018 limitation (C) or the maximum permitted penalty (D)</b>	<b>0.3ha</b>

The Greening Payment will be calculated on 11.7ha i.e. the original area (12ha) minus the administrative penalty (0.3ha).

## Section 10 - Further Advice and Support

### Greening Calculator

- 10.1 The Greening calculator is an interactive decision support tool that will assist you in determining whether you have a CD or EFA requirement. In addition, if you have a requirement, it will assist you in determining whether your land and planned cropping regime will meet your CD and EFA requirements and will also be of assistance in helping you plan to best meet any such requirements.
- 10.2 The Greening calculator can be accessed under Area-based Schemes Tools which can be found on the DAERA online services portal via the DAERA website at:

<http://www.daera-ni.gov.uk/index/online-services.htm>

### Contact us

- 10.3 If you need clarification regarding the Greening requirements you should initially contact your local DAERA Direct Office. Staff will assess your query and direct your inquiry to the appropriate person.
- 10.4 If you have a specific query regarding Greening you can contact us by email or telephone as detailed below. If you have a Farm Business Identification Number please quote it on all correspondence or have it to hand before you call.

**Email** the Grants and Funding helpline: [areabasedschemes@daera-ni.gov.uk](mailto:areabasedschemes@daera-ni.gov.uk)

**Telephone** the Grants and Funding helpline: 0300 200 7848

## 10.5 Useful Addresses:

If you wish to send your query by post you should send it to:

Area-based Schemes Payment Branch  
 Orchard House  
 40 Foyle Road  
 Derry/Londonderry  
 BT48 6AT

Or go to your local DAERA Direct Office as listed overleaf.

Public office opening hours are 10.00am - 4.00pm each working day (closed for lunch from 12.30 pm to 1.30 pm)

<b>Armagh</b>	<b>Ballymena</b>	<b>Coleraine</b>
Atek Buildings Edenaveys Industrial Est Newry Road Edenaveys Co Armagh BT60 1NF	Academy House 121A Broughshane St Town Parks Ballymena Co Antrim BT43 6HY	Crown Buildings Artillery Road Mullburn Coleraine Co Londonderry BT52 2AJ
<b>Downpatrick</b>	<b>Dungannon</b>	<b>Enniskillen</b>
Rathkeltair House Market Street Demesne of Down Acre Downpatrick Co Down BT30 6LZ	Crown Buildings Thomas Street Drumcoo Dungannon Co Tyrone BT70 1HR	Inishkeen House Killyhevin Enniskillen Co Fermanagh BT74 4EJ
<b>Mallusk</b>	<b>Magherafelt</b>	<b>Newtownards</b>
Castleton Hs 15 Trench Road Grange of Mallusk Mallusk Newtownabbey Co Antrim BT36 4TY	Units 36-38 Meadowlane Shopping Ctr Moneymore Road Townparks of Magherafelt Magherafelt Co Londonderry BT45 6PR	Sketrick Hs 16 Jubilee Road Corporation South Newtownards Co Down BT23 4YH
<b>Newry</b>	<b>Omagh</b>	<b>Strabane</b>
Glenree House Unit 2, Springhill Road Carnbane Industrial Est Carnbane, Newry Co Down BT35 6EF	Sperrin House Sedan Avenue Lisnamallard Omagh Co Tyrone BT79 7AQ	Government Offices 18 Urney Road Strabane Co Tyrone BT82 9BX

## [Review of Decisions](#)

Under the Review of Decisions procedure applicants have a right to request a review of a decision made by the Department in relation to their area-based scheme claims. This procedure includes the Greening Scheme.

The review process is intended to provide applicants with a fair, impartial and transparent assessment of the Department's decision against the framework of EU and National Regulations and Scheme rules. The aim of the procedure is to ensure that the decision made is correct and in line with the appropriate Regulations and Scheme rules.

The Department introduced a new Review of Decisions process from April 2018.

Further details will be published on the Department's website when available.

## Annex A - Conditions that apply to fallow land used for CD and EFA

CD requirements	EFA requirements <b>Note:</b> ✓ means that the CD and EFA rules are the same
Fallow land must be out of production during the period 1 June – 31 July inclusive in the scheme year concerned.	Fallow land must be out of production during the entire period 1 February – 31 July inclusive in the scheme year concerned.
A green cover (grass) may be planted during the fallow period but only if it is carried out for other purposes than agricultural production such as biodiversity conservation and improvement.	✓ <b>Note:</b> From 2018, farmers also have the option to sow mixtures of wild flower seeds on fallow land declared as EFA. This option does not apply to CD.
There is no requirement to establish a green cover during the fallow period. Land may be left as bare soil but must be maintained in an eligible condition. Areas of bare soil due to tree cover or grazing of livestock cannot be counted as fallow.	✓
Production during the fallow period is prohibited. No crops (other than grass) may be planted during the fallow period. No fertilisers or animal manures may be applied during the fallow period. No grazing or harvesting is allowed during the fallow period.	✓
Herbicides for the purposes of weed control can be applied during the fallow period. Spot treatment of weeds would be acceptable but spraying the entire area to kill grass vegetation would not.	With effect from 2018, the European Union has banned the use of all plant protection products (PPPs) on fallow land declared as EFA.  <b>Note:</b> The ban does not apply if the fallow land is declared for CD only.
Grass grown during the fallow period may be harvested or grazed after the end of the fallow period but not during. Grass may be cut (topped) during the fallow period provided the cuttings are not removed from the fallow area.	✓
During the fallow period, the land cannot be used to store bales of hay, silage, straw or farmyard manure (including poultry litter) or farm equipment (e.g. machinery).	✓
During the fallow period, the land cannot be used for significant non-agricultural purposes.	✓

<b>CD requirements</b>	<b>EFA requirements</b> <b>Note:</b> ✓ means that the CD and EFA rules are the same
Maintenance of field drainage on fallow land is acceptable as long as this involves minimal excavation i.e. not heavily drained in a localised area of fallow.	✓
The minimum width of a strip that can be used as fallow is 2 metres. Strips next to field boundaries narrower than 2 metres will be regarded as part of the crop that they border provided they do not contain ineligible vegetation. The minimum area within a field that can be used as fallow is 0.01 hectare (100 square metres).	✓
Land which is classified by DAERA as permanent grassland in 2018 cannot be used for fallow unless it has been ploughed in 2019 and prior to 15 May 2019.	✓
Strips of land along rivers or field boundaries <u>not</u> recorded as Field Margins and Buffer Strips in agri-environment Schemes can be used as fallow provided they comply with the fallow conditions.	✓
Areas being placed in fallow must be clearly demarcated within a field. In some cases a permanent fence may be necessary e.g. to prevent grazing if the remainder of the field is grazed.	✓
Areas sown with wild bird cover seed mix can be counted as fallow provided there is no harvesting or grazing of the crops by livestock concerned during the fallow period.  <b>Note:</b> If there is harvesting or grazing by livestock of the wild bird cover seed mix during the fallow period, it cannot be counted as fallow for either CD or EFA. It will, however, be regarded as a seed mixture crop for the purposes of CD and should be declared as land use code OT23 “Seed mixture – mixed crop”.	✓ <b>Note:</b> If the wild bird cover/Provision of winter feed crop for wild birds area has been established under an agri-environment Scheme and is used for EFA a reduction, which could be substantial, may be applied to the agri-environment payment to avoid double funding, i.e. paying twice for the same action.



## Annex B - Specification for marker posts

- Wooden posts are the first choice (e.g. for ease of sourcing and relative ease of transport to inaccessible areas) and others (concrete, plastic etc) considered where it is not possible to erect wooden posts or where this is not permitted for environmental reasons.
- A wooden post (preferably plastic-sleeved)
  - a. minimum dimension of 150 mm / 6"
  - b. minimum of 1.5 m / 5ft of post to remain above the ground
- The post should be painted/re-painted e.g. black and white ring stripes.
- The distance apart will be dependent on achieving **direct line of sight** between each post.
- Posts should be given an **identity** and that this identity is used to attribute the GPS point taken to indicate the post's location.

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