

2017

Guide to the Greening Payment



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

www.daera-ni.gov.uk



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This guidance explains the Greening Payment rules for scheme year 2017. 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.

Online guidance:

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

Paper Application Guidance:

<https://www.daera-ni.gov.uk/publications/2017-guide-basic-payment-scheme>

IMPORTANT CHANGES THIS YEAR

1. If you have an ecological focus area (EFA) requirement you must complete your Single Application, including your EFA Declaration, online – a paper option is not available. 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.

If you are not already registered for DAERA online services, you will require a DAERA access key and Government Gateway Account as well as an email address. To find out more about registering for DAERA Online Services you can call us on 028 9442 6699, email 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>

2. A potential change to the conversion factor for sheughs declared as EFA.

Currently 1 metre of sheugh declared as EFA is converted into an area of 6 square metres. The European Commission has submitted an amended Regulation to the EU Council and the European Parliament for approval. This Regulation includes a proposal to increase the conversion factor for sheughs so that 1 metre of sheugh will convert to an area of 10 square metres. DAERA proposes to apply the increase in 2017 subject to approval of the Regulation. Given the current uncertainty over whether this change will be approved, the on-line application will continue to convert 1m of sheugh to 6 square metres of area and you are advised to continue to use this lower conversion figure when assessing if you have declared sufficient EFA features to meet your EFA requirement.

3. Change to the method of calculating reductions for non-compliance with the crop diversification and EFA requirements.

In most cases the changes do not alter the level of the reduction. The exception to this is non-compliance with the three crop crop-diversification requirement where the revised method results in a decrease in the level of the reduction. Examples can be found on pages 87-89 of this guidance.

4. The introduction of administrative penalties for non-compliance with greening requirements

In addition to reductions for non-compliance with the greening requirements, from 2017 DAERA must also apply administrative penalties. Details of the penalties and examples can be found in section 9 of this guidance.

Contents

Section 1 - Introduction.....	6
Overview of the Greening requirements	6
How to assess the greening requirements for your holding:	7
A note of caution regarding exemptions.....	7
Section 2 - Key definitions	8
Holding.....	8
Calculating the greening requirements for your holding – points to note	8
Permanent Grassland.....	11
Arable land.....	11
Permanent Crops.....	12
Field Classification and its importance for the correct assessment of your greening requirements.....	12
Section 3 – The Permanent Grassland Requirements Explained.....	15
Permanent grassland.....	15
Retention of permanent grassland.....	15
Protection of environmentally sensitive permanent grassland	15
Section 4 – The Crop Diversification Requirements Explained	18
Exemptions	18
Worked examples of the crop diversification exemptions	21
The crop diversification requirements	28
Worked examples of the crop diversification requirements.....	29
Holdings where more than 75% of the total arable area is temporary grassland or land lying fallow AND the remaining arable area is more than 30 hectares.....	32
Definition of a crop for crop diversification	34
List of arable land use codes for crop diversification purposes.....	36
Examples illustrating when a crop is or is not considered to be a separate crop	45
The cropping period.....	46

The one crop per hectare rule.....	47
Seed mixtures.....	47
Under-sowing a main crop with a second crop	48
Growing two or more crops in a single field	48
Growing two or more crops in distinct rows within a field.....	49
Section 5 – The Ecological Focus Area Requirements Explained.....	52
The minimum 5% requirement.....	52
Exemptions	52
Worked examples of the ecological focus area exemptions	54
Where on the holding ecological focus areas can be located	58
Adjacency rules for landscape features	59
Rate of disposal – how much of a landscape feature you can count as ecological focus area.....	64
Conditions to be met for each type of ecological focus area.....	66
Measuring the eligible length/area of ecological focus areas.....	70
Applying the conversion matrix	72
Area (m ²) of ecological focus area.....	72
Examples of the application of the conversion matrix	74
Calculating the 5% ecological focus area requirement	75
How to calculate the value of overlapping ecological focus areas	78
Section 6 - Organic Greening Exemption.....	82
Opting in or out of the organic greening exemption	83
Worked examples of the organic exemption	83
Section 7 - The Greening Payment Estimated Value.	86
Section 8 - Reductions for Non-compliance with the Greening Rules	87
Types of non-compliance that require a reduction in the value of the Greening Payment	87
Worked examples of the non-compliance reduction calculations.....	90

Area found is different to the area declared	95
Section 9 – Administrative Penalties	96
Penalty for failure to comply with the greening requirements.....	96
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	101
Penalty for failure to declare all land that is environmentally sensitive permanent grassland	102
Penalty for more than one breach that results in an administrative penalty	102
Section 10 - Further Advice and Support	103
Greening Calculator	103
Contact us.....	103
Annex A - Conditions that apply to fallow land used for crop diversification and ecological focus area	105
Annex B - Specification for marker posts	107

Section 1 - Introduction

Overview of the Greening requirements

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.

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.

There are three greening requirements. These are:

- **Permanent grassland**

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

- **Crop Diversification**

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

- **Ecological Focus Areas**

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.

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 crop diversification and ecological focus area requirements can be found in Sections 4 and 5 of this guidance.

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. For example, the definition of arable land includes more land than that used to grow arable crops in 2017.
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.

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

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 crop diversification and/or the ecological focus area 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

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.

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.

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.

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 2017.

Calculating the greening requirements for your holding – points to note

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 G of the Single Application Form Field Data Sheet (SAF2).

Plus

- The eligible area of any fields that you are not using to claim the Basic Payment but are using to claim payment for Areas with Natural Constraints i.e. areas recorded in Column H of the Single Application Form Field Data Sheet (SAF2) but not recorded in Column G.

Plus

- The eligible area of any fields that you are actively farming but not using to claim either the Basic Payment or the payment for Areas with Natural Constraints (i.e. fields where no area has been declared in Columns G or H). Note: Where no area has been entered in Columns G or H we will use our assessment of the Maximum Eligible Area of the field when calculating your greening requirements.

In addition, you must enter the land use(s) for every field you declare on your Single Application Form Field Data Sheet (SAF2). Failure to do so may delay the processing of your application.

Example

A	B	C	D	E	F	G	H
Field Number	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	Area claimed for Areas with Natural Constraints
xxxx/1	5.1	LL	Arable	5.0	CO2 (winter barley)	5.0	
xxxx/2	2.6	SDA	Permanent Grassland	2.3	FR1 (grass)		2.3
xxxx/3	4.5	SDA	Permanent Grassland	4.0	FR1 (grass)	4.0	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)		

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 crop diversification and/or an ecological focus area requirement.

The area to be used for the calculation of the Greening Payment = 14.2ha (i.e. the sum of the areas declared in Column G of the SAF2 for the activation of BPS payment entitlements) or the number of BPS entitlements held if lower than 14.2.

If, as you are strongly advised, you declare the entire area which you are sure is eligible and are farming in 2017 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 in column G 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.

The number of hectares on which the Greening Payment may be made cannot exceed the number of Basic Payment Scheme entitlement 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.

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.

Businesses which do not use the entire maximum eligible area of an arable classified field 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 arable land on their holding.

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

Permanent grassland is land used to grow grasses or other herbaceous forage (this can be self-seeded or sown) and 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 2017 this would relate to 2017 and the previous five years (2012 -2016)). Therefore, if for example, you declared the land use of your fields on your Single Application Form Field Data Sheet (SAF 2) as FR1 (grass) in six consecutive years, they will be classified as permanent grassland in the year of the sixth application.

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.

Other herbaceous forage consists of the following crops and no others; clover, lucerne, sainfoin and forage vetches.

Grazed heather that meets the eligibility conditions is also classified as permanent grassland.

Arable land

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.

Sainfoin, clover, lucerne and forage vetches are regarded in the same way as grass and therefore are not deemed to be an arable use.

If your land will be used to grow an arable crop in 2017 or has been used to grow an arable crop in any of the years 2012 - 2016, then it will be classified as arable in 2017.

Land used to grow grass in 2017 but which has been used to grow an arable crop in any of the years 2012 - 2016, i.e. temporary grassland, will also be classified as arable in 2017.

Areas available for crop production but lying fallow, including areas set aside under EU schemes, in any of the years 2012 - 2016 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 ecological focus area.

Permanent Crops

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 2017 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

Individual fields have been provisionally classified by DAERA as permanent grassland (PG), environmentally sensitive permanent grassland (PGS), arable (AR) or permanent crops (PC).

The provisional classifications for each of the fields that you declared in 2016 are viewable in the column entitled 'Field Classification' in the Field Data Sheet (SAF2) of your 2017 Single Application Form.

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

The pre-populated provisional classifications of fields in the 2017 Single Application Form are on the basis of the land use codes declared in the 'Eligible Usage Code' column of the Single Application Form Field Data Sheet (SAF 2) in the years 2012 - 2016, inclusive.

The ultimate and final 2017 classification of fields will be dependent upon the land use codes declared in the Field Data Sheet (SAF 2) of the 2017 Single Application Form.

For example, if a field was declared as FR1 (grass) in each of the years 2012 - 2016, inclusive, it would be classified as permanent grassland in the 2017 Field Data Sheet (SAF 2).

However, if, in 2017, 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.

The table below provides some worked examples of field classifications

Year Field Number	2012	2013	2014	2015	2016	2017	2017 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

If you are completing your Single Application Form online, the online system will automatically update the classification of your fields to take account of a change in land use.

If you are using a paper form you need to check carefully whether your field use in 2017 changes the classification in 2017 compared to the pre-printed provisional classification. **This could affect your greening requirements.** The most common change will be when a field provisionally classified as permanent grassland is declared in an arable crop use in 2017. This will change the classification of the field to arable in 2017.

It should be noted that for the purposes of the provisional classification of fields in 2017, fields which had more than one use in 2012 - 2016 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.

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 SAF 2 Field Data Sheet 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

Permanent grassland

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

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

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.

DAERA has identified permanent grassland fields located in these areas and in January 2015 wrote to all relevant farmers concerned.

If you declared one of these fields in 2016, they will be denoted by the acronym 'PGS', i.e. Permanent Grassland Sensitive, in the column entitled, 'Field Classification' in the Field Data Sheet (SAF 2) of your 2017 Single Application Form.

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.

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.

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.

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.

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/SAF advisory service and ask to speak to a CMU or LPIS advisor regarding any designations within a field.

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.

You can do this by contacting your local DAERA Direct Office, or phone the EFS/SAF 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.

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.

If you are farming land in 2017 that you did not farm in 2016, 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 SAF/EFS advisory service.

Section 4 – The Crop Diversification Requirements Explained

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

Exemptions

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

Exemption 1

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

Exemption 2

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

Rule 1: 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 the above.

And

Rule 2: The arable area **not** covered by these uses (permanent grassland and temporary grassland) is 30 hectares or less.

Exemption 3

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

Rule 1: More than 75% of **the arable land of the holding** is:

- used to produce grass or other herbaceous forage (temporary grassland),
- land lying fallow,
- or a combination of the above.

And

Rule 2: The arable area **not** covered by those uses (temporary grassland and land lying fallow) is 30 hectares or less.

Exemption 4

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

Rule 1: Where more than 50% of the areas of arable land declared in the Single Application Form were not declared by the same business in their Single Application Form 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 Sheet (SAF 2) of the 2017 Single Application compared to the land use declared in the Field Data Sheet (SAF 2) of a 2016 Single Application must conclusively show that all arable fields in 2017 are being cultivated with a different crop compared to 2016. For example, if a field is declared as potatoes in 2017 and was declared as Spring Barley in 2016, this would be regarded as evidence that a different crop is being cultivated in 2017 compared to 2016.

If the arable classified fields you declare in 2017 were not declared (with a land use code) on any Field Data Sheet (SAF 2) in 2016, 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 2017 Field Data Sheet (SAF2) was declared with a land use code in a 2016 Field Data Sheet (SAF2); and**
- (ii) check that the land use declared in 2017 is different to the land use declared in 2016.**

If you are having difficulty establishing whether an arable field was declared with a land use code in a 2016 Field Data Sheet (SAF 2), you should contact the department for confirmation.

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 crop diversification 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 crop diversification requirements will result in a reduction to your Greening Payment.

Worked examples of the crop diversification exemptions

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 2012 - 2016)	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 crop diversification requirements as it has less than 10 hectares of arable land.

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 2012 - 2016)	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 crop diversification 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). Rule 1 is met.
- The arable area not covered by these uses is 4 hectares. Rule 2 is met.

As both rules are met, this holding is exempt under exemption 2 from the crop diversification requirements.

Example 3

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

Permanent grassland	30 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 2012 - 2016)	65 hectares
Spring wheat	31 hectares
Fallow	4 hectares

Outcome: Result for exemption 1

- The arable area of the holding is 100 hectares (i.e. 65 hectares of temporary grass, 31 hectares of spring wheat and 4 hectares of fallow). As the arable area of the holding is not less than 10 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 grasses or other herbaceous forage (temporary grassland) is 95 hectares (73.07% of the total eligible agricultural area). Rule 1 is not met.
- The remaining arable area not covered by these uses is 35 hectares. Rule 2 is not met.

As neither of the rules for this exemption has been met, this holding is not exempt under exemption 2 from the crop diversification requirements.

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) and the area lying fallow is 69 hectares (69% of the total arable area). Rule 1 is not met.
- The arable area not covered by these uses is 31 hectares. Rule 2 is not met.

As neither of the rules for this exemption has been met, this holding is not exempt under exemption 3 from the crop diversification requirements.

Example 4

In 2017, Business ID 123 declares and claims the following (Note: the following includes only some of the columns of the 2017 Single Application Form Field Data Sheet (SAF2)):

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 2016, Business ID 123 declared and claimed the following: (Note. the following includes only some of the columns of the 2016 Single Application Form Field Data Sheet (SAF2)):

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 2017, 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 2016, the same business declared and claimed only one of the arable fields declared and claimed in 2017, i.e. field number x/xxx/xxx/2.

The area of arable land declared and claimed in 2017 that was not declared and claimed by the business in the Single Application Form in 2016 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 2017 (11 hectares) were not declared and claimed in 2016 (8 hectares).

Therefore, rule 1 has been met as more than 50% of the areas of arable land declared in 2017 were not declared by the same business in the Single Application Form in 2016.

In 2016, 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 2016, all arable land declared in 2017 (fields 2, 3, 4 and 5), is being cultivated with a different crop (potatoes in 2017) compared to that of the previous calendar year.

Example 5

In 2017, Business ID 133 declares and claims the following (Note. the following includes only some of the columns of the 2017 Single Application Form Field Data Sheet (SAF2)):

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 2016 Business ID 133 declared and claimed the following: (N.B. the following includes only some of the columns of the 2016 Single Application Form Field Data Sheet (SAF2)):

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/15	HV1 (Potatoes)	2	2	2

In 2017, 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 2016, the same business, declared and claimed three of the arable fields declared and claimed in 2017, 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 2017 that was not declared and claimed by the business in the Single Application Form in 2016 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 2017 (11 hectares) were not declared in 2016 (2.5 hectares).

Therefore, rule 1 has not been met as less than 50% of the areas of arable land declared and claimed in 2017 were not declared and claimed in the Single Application Form in 2016.

In 2016, 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 2016 and 2017, 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 2016, all arable land declared in 2017, is not cultivated with a different crop compared to that of the previous calendar year.

If your holding does not qualify for one of the crop diversification exemptions you will need to comply with the crop diversification requirements (see section 3.2.2 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.

It is important that you can show that you grew the crops as declared on your Single Application Form. 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 Form.

The crop diversification requirements

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.

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 crop diversification requirements

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

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 crop diversification requirements

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	17ha	68% [i.e. $17\text{ha} \div 25\text{ha} \times 100$]
Potatoes	8ha	32% [i.e. $8\text{ha} \div 25\text{ha} \times 100$]
Totals	25ha	100%

Outcome: You have met your crop diversification 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.

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	20ha	80% [i.e. $20\text{ha} \div 25\text{ha} \times 100$]
Potatoes	5ha	20% [i.e. $5\text{ha} \div 25\text{ha} \times 100$]
Totals	25ha	100%

Outcome: You have NOT met your crop diversification 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.

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	40ha	57.14% [i.e. $40\text{ha} \div 70\text{ha} \times 100$]
Potatoes	20ha	28.57% [i.e. $20\text{ha} \div 70\text{ha} \times 100$]
Spring wheat	7ha	10.00% [i.e. $7\text{ha} \div 70\text{ha} \times 100$]
Temporary grass	3ha	4.29% [i.e. $3\text{ha} \div 70\text{ha} \times 100$]
Totals	70ha	100%

Outcome: You have met your crop diversification 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.

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	50ha	71.43% [i.e. $50\text{ha} \div 70\text{ha} \times 100$]
Potatoes	17ha	24.29% [i.e. $17\text{ha} \div 70\text{ha} \times 100$]
Temporary grass	3ha	4.28% [i.e. $3\text{ha} \div 70\text{ha} \times 100$]
Totals	70ha	100%

Outcome: You have NOT met your crop diversification 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.

Holdings where more than 75% of the total arable area is temporary grassland or land lying fallow AND the remaining arable area is more than 30 hectares.

The maximum percentage thresholds for crop diversification do not apply to holdings that meet the following rules:

Rule 1: Grasses or other herbaceous forage (i.e. temporary grassland) or land lying fallow cover more than 75% of the arable land and none of the crop diversification exemptions are met because the remaining arable area is more than 30 hectares.

Where rule 1 is met, the farmer can count the temporary grassland or land lying fallow as their main crop without having to reduce the percentage covered by this crop provided Rule 2 (see below) is also met.

Rule 2: A minimum of two different crops must be grown on the remaining arable land. The main crop on the remaining arable land must not cover more than 75% of that arable land. In other words, the farmer has to comply with the two crop rule on the arable land that is not in temporary grass or fallow.

Example – NOT compliant

You have 160 hectares of arable land and you grow the following crops:

Crop	Area of the crop (ha)	Percentage of arable land covered by crop
Grasses or other herbaceous forage (i.e. temporary grass)	125 ha	78.13% [i.e. $125\text{ha} \div 160\text{ha} \times 100$]
Maize	30 ha	18.75% [i.e. $30\text{ha} \div 160\text{ha} \times 100$]
Potatoes	5 ha	3.12% [i.e. $5\text{ha} \div 160\text{ha} \times 100$]
Total	160 ha	100%

Outcome: You have NOT met your crop diversification requirement

- The area in temporary grassland =125 hectares (78.13% of your arable land) AND you do not meet any of the crop diversification exemptions because your remaining arable land is more than 30 hectares (the area of maize + potatoes = 35 hectares). Therefore, you meet Rule 1.
- On the remaining 35 hectares of your arable land you grow two crops. However, the area of the main crop (maize) = 30 hectares (85.71% of the 35 hectares). Therefore, you do NOT meet Rule 2 as the area of your main crop (maize) covers more than 75% of the remaining 35 hectares of arable land.

The options available to you are as follows:

Option 1: You could reduce the area of maize by 3.8 hectares and increase the area of potatoes by 3.8 hectares.

Revised cropping pattern:

Crop	Area of crop (Ha)
Grasses or other herbaceous forage (i.e. temporary grass)	125.0 ha
Maize	26.2 ha
Potatoes	8.8 ha
Total	160.0 ha

Outcome: You have met your crop diversification requirement

- The arable area in temporary grass = 125 hectares (78.12% of your arable land) and you do not meet any of the crop diversification exemptions because your remaining arable land is more than 30 hectares (i.e. the area of maize + potatoes = 35 hectares). Therefore, Rule 1 is met.
- On the remaining 35 hectares of arable land you are already growing two crops. The area of your main crop (maize) = 26.2 hectares (74.86% of 35 hectares). Therefore, you meet Rule 2 as the area of the main crop covers less than 75% of the remaining 35 hectares.

Option 2: You could alter your cropping pattern to increase the area of temporary grassland by 5 hectares and reduce the area of maize by 5 hectares.

Revised cropping pattern:

Crop	Area of crop (Ha)
Grasses or other herbaceous forage (temporary grass)	130 ha
Maize	25 ha
Potatoes	5 ha
Total	160 ha

Outcome: You now qualify for an exemption from the crop diversification requirement.

The arable area in temporary grassland =130 hectares (81.25% of your arable land) and the remaining arable land is not more than 30 hectares. You may wish to put slightly more land in temporary grassland as the threshold is exactly 30 hectares.

If the measured area of your maize and potatoes increased above that which is declared (30 hectares in this example), then you would not meet your greening requirement.

Definition of a crop for crop diversification

For the purposes of crop diversification, 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

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 crop diversification. 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 crop diversification requirement and there would be a reduction in your Greening Payment.

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.

The end use of the crop has no impact on how it is counted for the purposes of crop diversification. For example, if you grow some winter wheat as wholecrop and some for grain, this counts as one crop (winter wheat).

Similarly, the end use of grass has no impact on how it is counted for the purposes of crop diversification. 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.

Grasses or other herbaceous forage grown on arable land (i.e. temporary grass) is considered to be a separate crop under the crop diversification rules. This is land declared as grass (FR1) in 2017 that was used to grow an arable crop in any one of the years 2012 - 2016 i.e. which has been classified as arable by DAERA.

Land lying fallow is also considered to be a separate crop under the crop diversification rules. To be eligible for crop diversification, 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 crop diversification and ecological focus area can be found at Annex A.

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 crop diversification purposes

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 crop diversification purposes.

The list does not include permanent crops as these cannot be used to meet crop diversification requirements.

The list of eligible arable land use codes is not an exhaustive list of eligible crops for crop diversification – but it is a useful check to confirm that the crops you are declaring on your 2017 Single Application Form Field Data Sheet (SAF2) are recognised as separate crops under the crop diversification rules.

You will find some worked examples on pages 46-47.

Note: If the crop you are intending to grow does not appear on the list of eligible arable land uses 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 crop diversification

Code	Description	Additional points to note
FORAGE		
FR1	Grass (grass for grazing, hay and silage, rough grazing, grazed heather, sainfoin, clover, lucerne and forage vetches)	<p>Land declared as FR1 can be either arable or permanent grassland. The classification depends on the land use declared on your SAF2 in the current year (2017) and the previous 5 years 2012 - 2016 inclusive.</p> <p>Any land you declare as FR1 in 2017 will be classified as arable land if it was used to grow an arable crop in any of the years 2012 - 2016.</p>
CEREALS AND OILSEEDS		
CO1	Spring Barley Includes Feed barley, Malting barley, Two row barley, Six row barley	
CO2	Winter Barley Includes Feed barley, Malting barley, Two row barley, Six row barley	

CO3	Spring Wheat Biscuit wheat, Common or Bread wheat, Durum wheat, Einkorn, Feed wheat, Red wheat, Spelt	
CO4	Winter Wheat Biscuit wheat, Common or Bread wheat, Durum wheat, Einkorn, Feed wheat, Red wheat, Spelt	
CO5	Spring Oats Oats, Quaking oats, Porridge oats, Feed oats, Naked oats	
CO6	Winter Oats Oats, Quaking oats, Porridge oats, Feed oats, Naked oats	
CO7	Maize including Forage Maize Maize, Corn, Sweetcorn	
CO8	Rapeseed Industrial rape (no separate spring and winter varieties), Spring Oilseed rape, Swede (no separate spring and winter varieties)	
CO9	Winter Oilseed rape	
CO10	Spring Triticale	
CO11	Winter Triticale	

CO12	Linseed Spring Linseed, Flax (no separate spring and winter varieties)	
CO13	Winter Linseed	
CO14	Spring Rye Rye	
CO15	Winter Rye Rye	
CO16	Wild Bird Cover	
CO17	Beet Includes Beetroot, Chard, Field Beet, Fodder Beet, Mangolds, Redbeet, Sugar Beet	
HORTICULTURE – VEGETABLES		
HV1	Potato Early potato, Maincrop potato, Seed potato	
HV2	Turnip 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	Winter Turnip rape	

HV4	Cabbage Broccoli, Brussels sprouts, Cabbages, Calabrese, Cauliflower, Chinese kale, Kale, Kohlrabi, Red cabbage, Savoy cabbage, White cabbage	
HV5	Carrots	
HV6	Parsnips	
HV7	Onions Onions, Shallots, Garlic, Leeks, Chives, Scallions, Spring onions	
HV9	Aubergine Aubergine, Eggplant	
HV10	Butternut Squash Butternut squash, Cheese pumpkin	
HV11	Celeriac Includes Celeriac, Celery	
HV12	Chicory Includes Chicory, Endive, Radiccio, Italian Chicory	
HV13	Cucumber	
HV14	Herbs	
HV16	Lettuce Lettuce, Romaine lettuce, Cos lettuce, Iceberg lettuce, Butterhead lettuce	

HV17	Parsley	
HV18	Spinach	
HV19	Radish	
HV20	Squash Pumpkins, Squashes, Marrows, Zucchini, Courgettes	
HORTICULTURE – FRUIT		
HF1	Strawberry	
HF2	Tomato	
NITROGEN FIXING CROPS		
NF1	Spring Peas Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea, Vining pea	
NF2	Spring Field Beans Includes Broad beans, Field beans, Tic beans	
NF3	Winter Field Beans Includes Broad beans, Field beans, Tic beans	
NF4	Spring Sweet Lupins	
NF5	Winter Sweet Lupins	

FALLOW LAND		
FL1	Fallow land for the purposes of ecological focus area and crop diversification	<p>Land lying fallow can be used for crop diversification and ecological focus area if it is located on arable land.</p> <p>Land declared as FL1 in 2017 will be classified as arable land if it was used to grow an arable crop in any of the years 2012 – 2016.</p> <p>Land which was in grass in all of the years 2012 - 2016 (i.e. permanent grassland), cannot be used for fallow for crop diversification and ecological focus area unless it was ploughed in 2017 and prior to 15 May 2017.</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</p>

		wish to declare for both crop diversification and ecological focus area.
FL2	Fallow land for the purpose of crop diversification - Grass	<p>Land lying fallow can be used for crop diversification and ecological focus area if it is located on arable land.</p> <p>Land declared as FL2 in 2017 will be classified as arable land if it was used to grow an arable crop in any of the years 2012 - 2016.</p> <p>Land which was in grass in all of the years 2012 - 2016 (i.e. permanent grassland), cannot be used for fallow for crop diversification and ecological focus area unless it was ploughed in 2017 and prior to 15 May 2017. 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</p>

		<p>for crop diversification only.</p> <p>Land declared as FL2 in 2017 which has been in grass for six consecutive years (i.e years 2012 - 2017 inclusive) will be classified as permanent grassland if not declared as ecological focus area in 2017.</p>
FL3	<p>Fallow land for the purpose of crop diversification – Non-Grass</p>	<p>Land lying fallow can be used for crop diversification and ecological focus area if it is located on arable land.</p> <p>Land declared as FL3 in 2017 will be classified as arable land if it was used to grow an arable crop in any of the years 2012-2016.</p> <p>Land which was in grass in all of the years 2012-2016 (i.e. permanent grassland), cannot be used for fallow for crop diversification and ecological focus area unless it was ploughed in 2017 and prior to 15 May 2017.</p> <p>Code FL3 should only be</p>

		used for fallow land with a non-grass cover that you wish to declare for crop diversification only.
ENERGY CROPS		
EC2	Hemp	
OTHER		
OT1	Flowers	
OT23	Seed mixture – mixed crop	

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

Example 1 – NOT compliant

If you have a requirement to grow two crops to meet crop diversification 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 crop diversification requirement and your Greening Payment will be reduced.

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 crop diversification requirement and your Greening Payment will be reduced.

Example 3 – Compliant

If you have a requirement to grow two crops to meet crop diversification 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

To count as a crop for crop diversification, 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.

If the crop has been harvested prior to 31 July, this will be acceptable providing the crop can be identified from the stubble.

If a new crop is planted on or before 31 July, this will be acceptable provided all the crop diversification requirements are met by both the old crop and new crop during the period 1 June – 31 July (inclusive).

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)	70ha	70% [i.e. 70ha ÷ 100ha x 100]
Potatoes (HV1)	20ha	20% [i.e. 20ha ÷ 100ha x 100]
Temporary grass (FR1)	10ha	10% [i.e. 10ha ÷ 100ha x 100]
Totals	100ha	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)	70ha	70% [i.e. 70ha ÷ 100ha x 100]
Cabbage (HV4)	20ha	20% [i.e. 20ha ÷ 100ha x 100]
Temporary grass (FR1)	10ha	10% [i.e. 10ha ÷ 100ha x 100]
Totals	100ha	100%

The three crop requirement continues to be met. However, if the potatoes were harvested and spring barley sown, 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)	90ha	90% [i.e. 90ha ÷ 100ha x 100]
Temporary grass (FR1)	10ha	10% [i.e. 10ha ÷ 100ha x 100]
Totals	100ha	100%

The one crop per hectare rule

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 crop diversification.

The crop you should declare on your Single Application Form Field Data Sheet (SAF2) 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

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 Form Field Data Sheet (SAF2) as OT23.

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

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.

Example

A field of spring barley under-sown with grass would be recorded in the Eligible Land Use column of your Single Application Form Field Data Sheet (SAF2) as Spring Barley, code CO1.

Growing two or more crops in a single field

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 Sheet (SAF2).

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 Form Field Data Sheet (SAF 2), 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 ha
					HV1 [potatoes]	0.7 ha
					HV5 [carrots]	0.3 ha

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 Form. 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.

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.

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

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.

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.

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	Percentage of total area used for mixed cropping
Potatoes = 0.3 hectare	30%
Broccoli and Cabbage = 0.5 hectare Note: This combination is treated as a single crop under EU rules.	50%
Carrots = 0.2 hectare	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 Form Field Data Sheet (SAF 2) 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 Ecological Focus Area Requirements Explained

The minimum 5% requirement

The ecological focus area 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.

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 ecological focus area with effect from 1 January 2017 – unless you qualify for one of the exemptions below.

Exemptions

Your holding will be exempt from the ecological focus area requirements if you satisfy any of the following conditions:

Exemption 1:

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

Exemption 2:

Farmers will also be exempt from the Ecological Focus Area requirement if the following rules are met:

Rule 1: 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 the above.

And

Rule 2: Providing that the arable area not covered by these uses (permanent grassland and temporary grassland) is 30 hectares or less.

Exemption 3:

Farmers will also be exempt from the Ecological Focus Area requirement if the following rules are met:

Rule 1: 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 the above.

And

Rule 2: Providing that the arable area not covered by these uses (temporary grassland, land lying fallow, leguminous crops) is 30 hectares or less.

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 Ecological Focus Area 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.

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 ecological focus area 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 ecological focus area requirements will result in a reduction to your Greening Payment.

Worked examples of the ecological focus area exemptions

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 2012-2016)	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 Ecological Focus Area 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 Ecological Focus Area requirement.

Example 2

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

Spring barley	4 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 2012-2016)	11.3 hectares
Permanent grassland	6.7 hectares

Outcome: Result for exemption 1

- The arable area of the holding is 15.3 hectares (i.e. 4 hectares of spring barley and 11.3 hectares of grasses or other herbaceous forage (temporary grassland)). As the arable area of the holding 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 18 hectares (81.8% of the total eligible agricultural area). Rule 1 is met.
- The arable area not covered by these uses is 4 hectares. Rule 2 is met.

As both rules are met, this holding is exempt under exemption 2 from the ecological focus area requirement.

Example 3

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 2012-2016)	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). Rule 1 is met.
- The arable area not covered by these uses is 31 hectares. Rule 2 is not met.

As only one of the exemption rules has been met, this holding is not exempt under exemption 2 from the Ecological Focus Area requirement.

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

Outcome: Result for exemption 3

- The area of grasses or other herbaceous forage (temporary grassland), leguminous crop and/or fallow land is 69 hectares (69% of the total arable land). Rule 1 is not met.
- The arable area not in these uses is 31 hectares. Rule 2 is not met.

Therefore, this holding is not exempt from the requirement to have ecological focus areas.

Example 4

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

Fallow - grass	2 hectares
Spring Wheat	11 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 2012-2016)	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). Rule 1 is not met.
- The arable area not covered by these uses is 13 hectares. Rule 2 is met.

As only one of the exemption rules has been met this holding is not exempt under exemption 2 from the Ecological Focus Area 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). Rule 1 is met.
- The arable area not covered by these uses is 11 hectares. Rule 2 is met.

As both exemption rules are met, this holding is exempt under exemption 3 from the Ecological Focus Area requirement.

The following areas and features can be used as ecological focus area:

- features required to be retained under cross-compliance:
 - Hedges
 - Sheughs
 - Dry stone walls
 - Earth banks
 - Archaeological features
- Land lying fallow

- 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

Detailed eligibility criteria for each feature is provided on pages 66-70.

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 ecological focus area, 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 ecological focus area 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 ecological focus area requirement if another person has entered these features into an Agri- Environment Scheme.

Where on the holding ecological focus areas can be located

The permitted locations for the different types of ecological focus area is summarised in the table below.

Type of ecological focus area	Permitted location of the ecological focus area
Land lying fallow	<p>Must be ON your arable land.</p> <p>For permanent grassland in 2016 to be classified as arable in 2017 and used for fallow, it will need to be ploughed in 2017 and prior to 15 May 2017.</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.
Areas of agro-forestry	Must be ON your arable land
Areas with nitrogen fixing crops.	Must be ON 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.
Areas with short rotation coppice with no use of mineral fertiliser and/or plant protection products.	Can be located on any agricultural land on the holding. No requirement to be on or adjacent to 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

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

As stated above landscape features can be on or adjacent to your arable land.

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 a (see examples 1 and 2 below).

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).

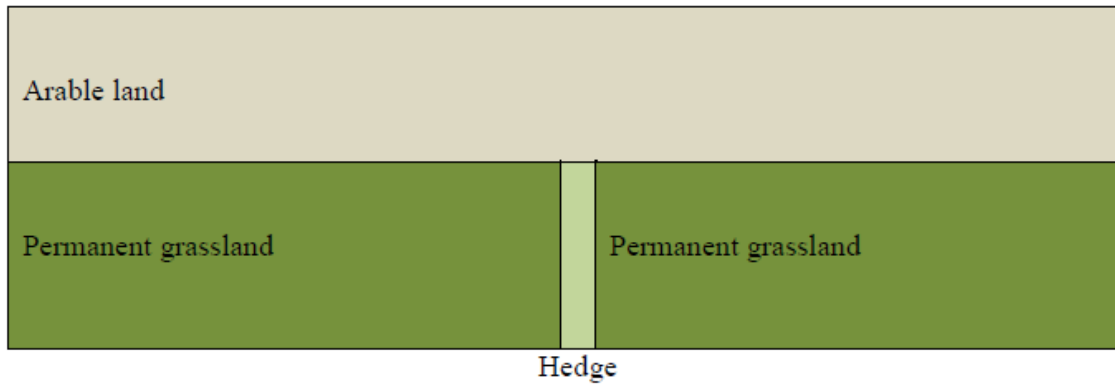
Fences located on arable land or on the potential landscape feature in order to protect the feature do not prevent the landscape feature from being adjacent.

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 DARD 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.

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 ecological focus area feature must always be declared against the farmer's arable field. Ecological focus area landscape features cannot be declared against non-arable fields.

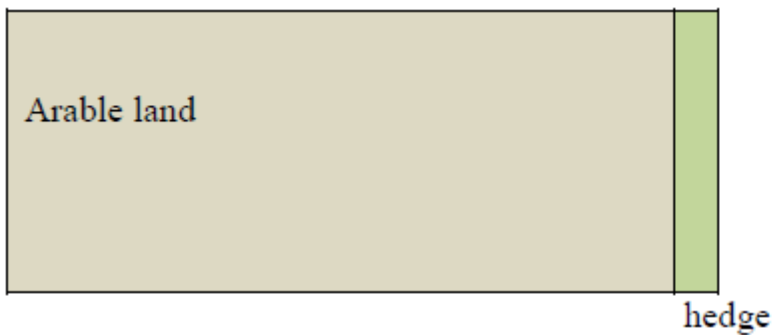
Example 1 – landscape feature not adjacent to arable land

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



Example 2 – landscape feature adjacent to arable land

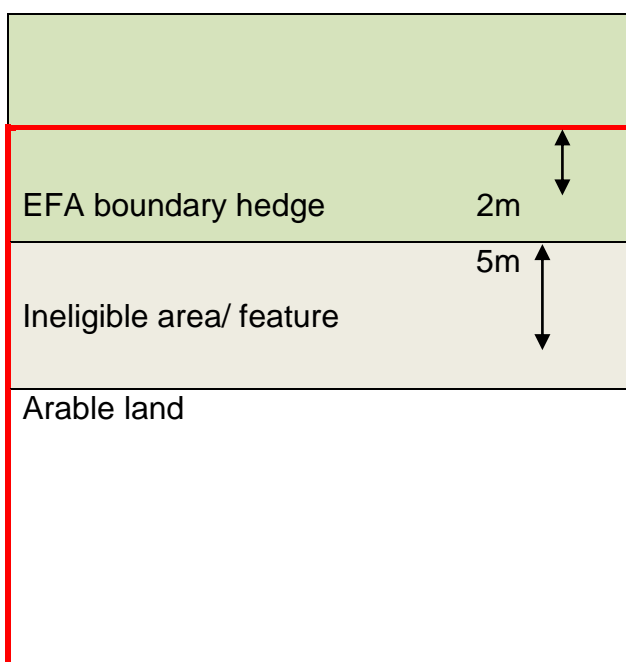
In this example, the longest edge of the hedge physically touches arable land and is therefore adjacent.



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 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.

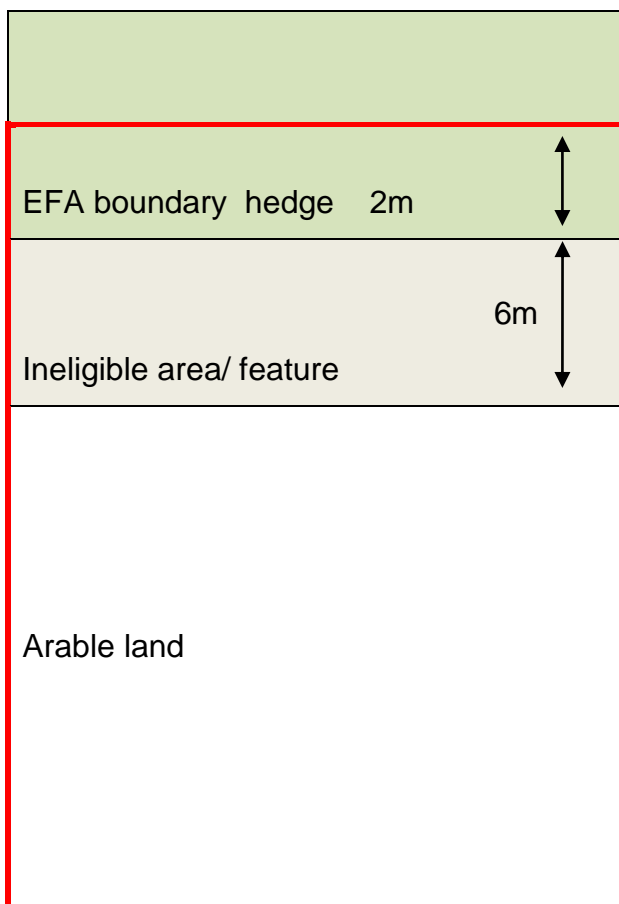
Field boundary _____



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, the hedge cannot be considered adjacent to the arable surface of this field.

Field boundary _____

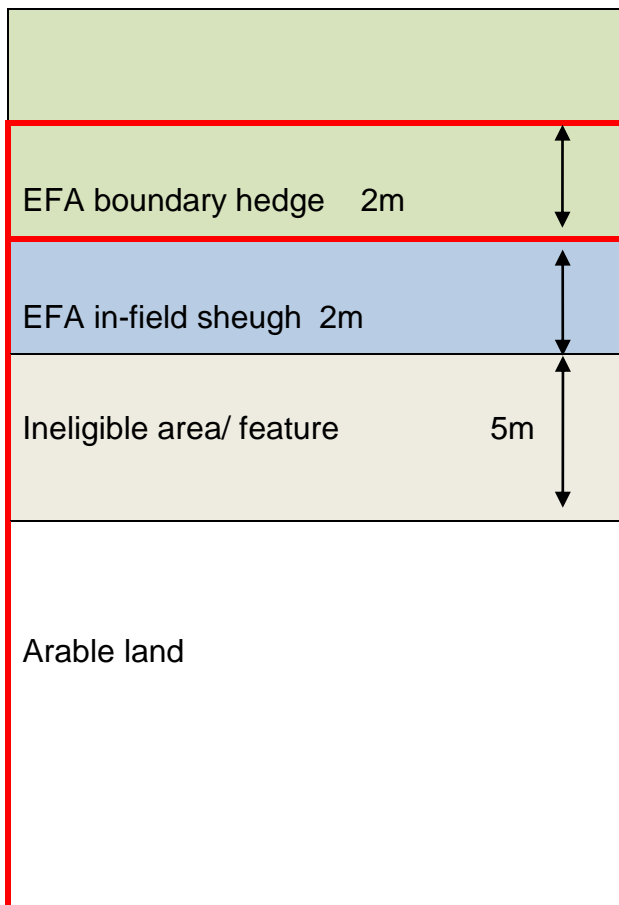


Note: If the field on the other side of the boundary hedge is an arable field at the disposal of the same farmer, 100% of the hedge could be claimed as ecological focus area against that field - provided that the distance between the part of the hedge located in that field and the arable surface of the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

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 width of the ineligible area = 5 metres. As the distance between the last landscape feature (the sheugh) and the arable surface of the field is not more than 5 metres, both the sheugh and the hedge are therefore considered adjacent to the arable surface of this field.

Field boundary _____



Rate of disposal – how much of a landscape feature you can count as ecological focus area

Boundary landscape features declared as ecological focus area must be “at your disposal” i.e. under your control.

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

The table below shows how much of a boundary feature you can count for ecological focus area.

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 ecological focus area
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>Note: non-agricultural land would include hedges bordering:</p> <ul style="list-style-type: none"> • a road (see note below), • a farm lane/track or farm yard • a farm house and garden • a wooded area / afforested areas not eligible for Basic Payment Scheme • a river that is not maintained by the Rivers Agency 	<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)	You can claim 50% of the hedge that is located on your arable land.

	<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>
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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 ecological focus area.

Conditions to be met for each type of ecological focus area

Hedges

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.

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 ecological focus area.

The minimum length for a hedge to be accepted as ecological focus area is 5 metres.

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 ecological focus area.

Newly planted hedgerows are protected under Cross Compliance and can be used for ecological focus area provided they have been planted prior to the deadline for the submission of the Single Application (15 May 2017).

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 ecological focus area, the agri-environment payment may have to be reduced to avoid double-funding. No reduction will be applied to the Greening Payment.

Sheughs

Sheughs that meet the eligibility criteria for the Basic Payment Scheme can count as ecological focus area. 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 ecological focus area.

Dry stone walls

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 ecological focus area is 3 metres.

Archaeological features

A historic or archaeological site is one identified by the Department of the Environment in the Northern Ireland Sites and Monuments Record.

To be counted as ecological focus area, 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

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.

Features that meet the definition of an earth bank can be used for ecological focus area irrespective of the presence of a hedge.

Where hedges are present on earth banks, either the earth bank or the hedge can be claimed as ecological focus area – not both.

Fallow land

To be used as ecological focus area, fallow land must be out of production during the entire period 1 February – 31 July inclusive in the scheme year concerned. Additional information regarding the conditions that apply to fallow land for ecological focus area and crop diversification can be found at Annex A.

Nitrogen fixing crops

Nitrogen fixing crops for ecological focus area purposes may be grown on any area of arable land.

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 ecological focus area purposes.

The following crops will qualify as nitrogen fixing crops for ecological focus area:

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

To count for ecological focus area 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.

Short rotation coppice

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.

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

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

Agro-forestry

To be eligible for ecological focus area 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).

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

Afforested areas that were used to claim Single Farm Payment in 2008 can be counted as ecological focus area. 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.

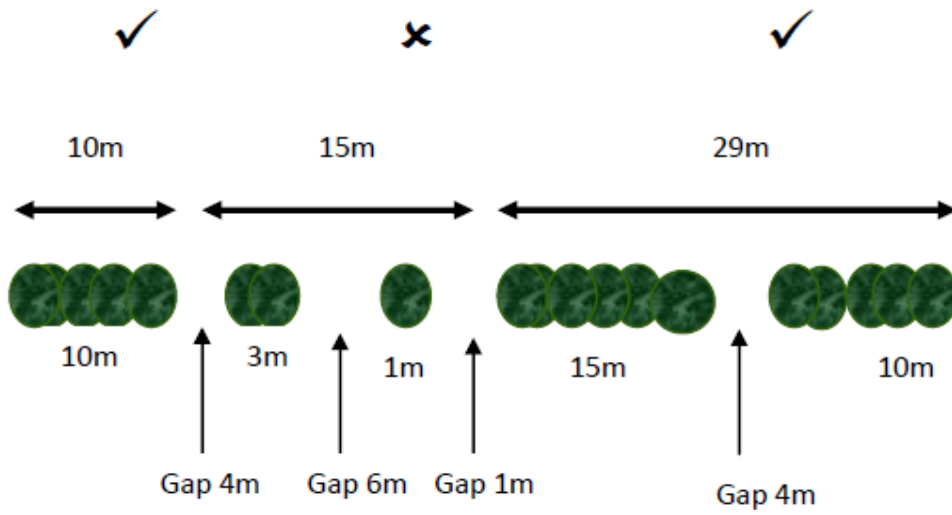
Measuring the eligible length/area of ecological focus areas

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 ecological focus area you need to measure the eligible area of the feature to the nearest 100 square metres.

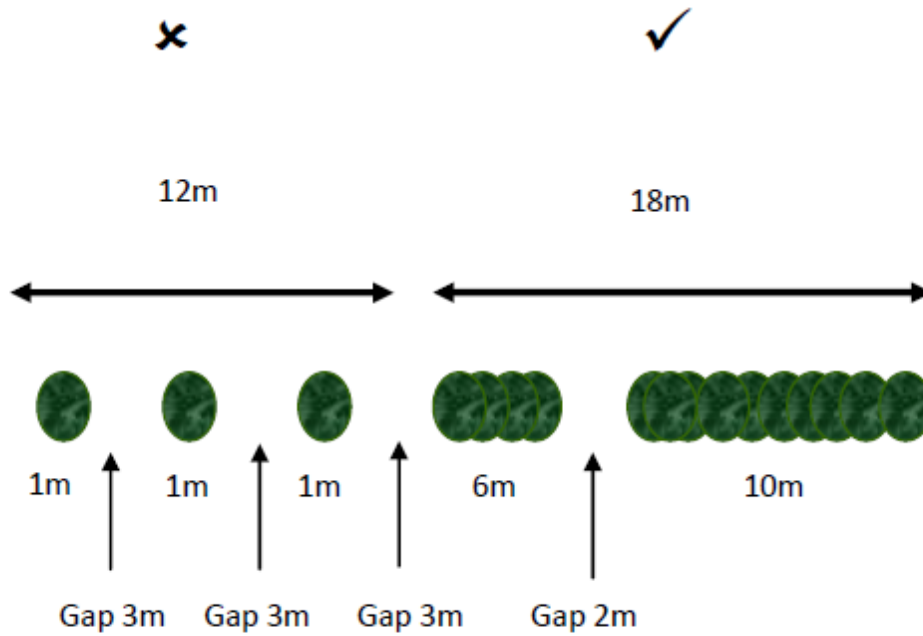
When measuring the eligible length or eligible area of an ecological focus area, you must ensure that you exclude any ineligible parts of the features. The detailed eligibility criteria for each type of ecological focus area is provided in section 3.

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.

Example 1



Example 2



Applying the conversion matrix

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

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

Ecological Focus Area Conversion and Weighting Factors			
Ecological focus area feature (unit of measurement)	Conversion factor (m to m ²)	Weighting factor	Area (m ²) of ecological focus area (i.e. after the application of both factors)
Land lying fallow (per 1 m ²)	N/A	1	1 m ²
Hedges (per 1m)	5	2	10 m ²
Sheughs (per 1m)	3	2	6 m ²
Dry stone walls (per 1m)	1	1	1 m ²
Archaeological features (per 1 m ²)	N/A	1	1 m ²
Earth banks (per 1 m ²)	N/A	1	1 m ²
Hectares of agro-forestry (per 1m ²)	N/A	1	1 m ²
Afforested areas which were used to claim Single Farm Payment in 2008 (per 1 m ²)	N/A	1	1 m ²
Areas with nitrogen fixing crops (per 1 m ²)	N/A	0.7	0.7 m ²
Areas with short rotation coppice (per 1 m ²)	N/A	0.3	0.3 m ²

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

- a conversion factor; and
- a weighting factor

to calculate the area counting as ecological focus area.

Note: The conversion factor for sheughs in 2017 may be increased from 3 to 5 which would mean that 1m of sheugh would equate to 10m² of EFA subject to approval of the amendment to the EU regulation. Given the current uncertainty over whether this change will be approved, the on-line application will continue to convert 1m of sheugh to 6m² of area and you are advised to continue to use this lower conversion figure when assessing if you have declared sufficient EFA features to meet your EFA requirement.

For all other types of ecological focus areas, only a weighting factor needs to be applied.

Note: Nitrogen fixing crops and short rotation coppice each has a weighting factor of **considerably less than 1**.

Example

You have 10 hectares of nitrogen fixing crops (peas). This will count as only 7 hectares for ecological focus area.

Example

You have 10 hectares of short rotational coppice. This will count as only 3 hectares for ecological focus area.

Examples of the application of the conversion matrix

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 square metres
Step 3	Apply the appropriate weighting factor from the conversion matrix I.e. 600 square metres multiplied by 2 =	1,200 square metres
Step 4	Calculate the rate of disposal i.e. 100% if the ecological focus area 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 square metres \div 2 =	600 square metres
Step 5	Convert the area from Step 4 to hectares I.e. 600 square metres \div 10,000 square metres =	0.06 hectare

Example 2 - Calculating the ecological value for an area of Nitrogen fixing crops

Step 1	Measure the eligible area of the nitrogen fixing crop to the nearest 100 square metres	8,000 square metres
Step 2	Apply the appropriate weighting factor from the conversion matrix I.e. 8,000 square metres multiplied by 0.7 =	5,600 square metres
Step 3	Calculate the rate of disposal (see Note 1 below) I.e. 100% of 5,600 square metres =	5,600 square metres
Step 4	Convert the area from Step 3 to hectares I.e. 5,600 square metres ÷ 10,000 square metres =	0.56 hectare

Note 1. 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% ecological focus area requirement

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.

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.

EFA feature (unit of measurement)	Conversion factor (m to m²)	Converted area (m²)
Hedges (per 1m)	5	1 linear metre = 5 m ²
Sheughs (per 1m)	3	1 linear metre = 3m ²
Dry stone walls (per 1m)	1	1 linear metre = 1m ²
Archaeological features (per 1 m ²)	N/A	1m ² = 1m ²
Earth banks (per 1m ²)	N/A	1m ² = 1m ²

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.

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 0.9 hectare towards the farmer's EFA requirement (i.e. 3 hectares of short rotation coppice multiplied by a weighting factor of 0.3).

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 1.9 hectares of EFA i.e. more than the minimum 5% required.

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 = 600 square metres (i.e. 200 metres multiplied by a conversion factor of 3). This equates to 0.06 hectares (i.e. 600 square metres divided by 10,000 square metres).

Therefore, the total area for the calculation of the 5% EFA requirement is 17.06 hectares (i.e. 17 hectares of arable land + 0.06 hectares of sheugh). This results in an EFA requirement of 0.853 hectares (i.e. 5% of 17.06 hectares).

The sheugh would contribute 0.12 hectares towards meeting the farmer's EFA requirement (i.e. the converted area (600 square metres) multiplied by a weighting factor of 2 = 1,200 square metres divided by 10,000 square metres = 0.12 hectares). Therefore, the farmer has exceeded the minimum 5% EFA requirement.

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 = 7,500 square metres (i.e. 1,500 metres multiplied by a conversion factor of 5). This equates to 0.75 hectares (i.e. 7,500 square metres divided by 10,000 square metres). 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 ecological focus areas](#)

EU rules do not allow areas used for ecological focus area to be double counted.

Double counting will occur if a field (or part of a field) is declared as ecological focus area (most commonly land lying fallow or nitrogen fixing crops) and you also declare landscape features surrounding this area as ecological focus area. In such cases, the area of ecological focus area in the field will have to be reduced to take account of the area taken up by the landscape feature.

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 ecological focus area 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 ecological focus area is located.

For hedges, the reduction will be the eligible length of hedge that surrounds the ecological focus area in the field multiplied by 5 (the conversion factor for a hedge) divided by 2. Therefore, where the boundary feature is a hedge, you must reduce the area of ecological focus area in the field by 2.5 square metres for each metre length of the hedge declared.

For sheughs, the reduction will be the eligible length of the sheugh that surrounds the ecological focus area in the field multiplied by 3 (the conversion factor for sheughs) divided by 2. Therefore, where the boundary feature is a sheugh, you must reduce the area of ecological focus area in the field by 1.5 square metres for each metre length of the sheugh declared.

For dry stone walls, the reduction will be the eligible length of the dry stone wall that surrounds the ecological focus area 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 ecological focus area in the field by 0.5 square metre for each metre length of the dry stone wall declared.

Double counting will also occur if in-field landscape features used as ecological focus area overlap with an area within a field which is also being used as ecological focus area. For example, a sheugh within a fallow field where both are being declared as ecological focus area. 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).

Example 1 – entire field in fallow plus boundary hedge declared as ecological focus area

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

The reduction to be applied to the area of fallow = 600 metres x 2.5 = 1,500 square metres.

The area of fallow that can be claimed as ecological focus area = 8,500 square metres (i.e. 10,000 square metres minus 1,500 square metres)

Example 2 – fallow strip and boundary hedge declared as ecological focus area

You want to use the following as ecological focus area:

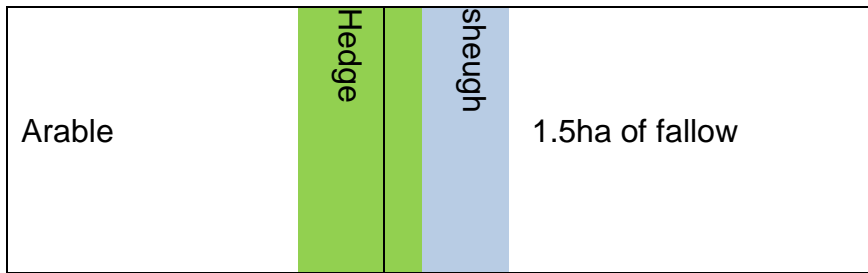
- A fallow strip measuring 400 metres long by 5 metres wide; plus
- The section of hedge surrounding the fallow strip.

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 square metres
Step 3	Calculate the area of fallow (before the reduction for the hedge) I.e. 400 metres x 5 metres = 2,000 square metres
Step 4	Reduce the area of fallow to take account of the area taken up by the hedge I.e. 2,000 square metres minus 1,025 square metres = 975 square metres

Example 3 – entire field of fallow land plus boundary hedge and in-field sheugh declared as ecological focus area

You want to use the following as ecological focus area:

- 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 square metres
Step 2	Calculate 100% of the converted area of the sheugh I.e. 100 metres x 3 = 300 square metres
Step 3	Calculate the combined converted area of the hedge and the sheugh I.e. 1,125 square metres + 300 square metres = 1,425 square metres
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 square metres minus 1,425 square metres = 13,575 square metres

Section 6 - Organic Greening Exemption

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. Therefore, if you are in the Organic Farming Scheme or the Organic Management Option of the Northern Ireland Countryside Management Scheme (NICMS) a reduction may be imposed on your organic farming payment.

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.

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.

In addition, if your holding is part organic and part non-organic, crops grown on organically farmed land cannot be used to meet the crop diversification requirements (except in cases where farmers choose not to avail of the organic greening exemption, please see below for further details).

Ecological focus areas located on organically farmed land cannot be used to fulfil the ecological focus area 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 ecological focus areas which can be adjacent to arable land) the ecological focus area is adjacent to a non-organic arable field.

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 ecological focus area 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

Organic farmers have the right to opt out of the organic greening exemption. On the Single Application Form, a question is included which asks organic farmers whether they want to avail of the organic greening exemption.

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.

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.

The worked examples below provide further clarification.

Worked examples of the organic exemption

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.

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	6 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 crop diversification.

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

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 crop diversification 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 ecological focus area.

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 crop diversification and ecological focus area 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 crop diversification; and
- You must ensure that an area equivalent to at least 5% of your arable land (3.1 hectares) is ecological focus area.

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

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

Important

If you meet your greening requirements (crop diversification 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.

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.

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.

The percentage payable for greening cannot be confirmed until we know the number of Basic Payment Scheme payment entitlements activated in 2017. 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).

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

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.

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

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.
Crop Diversification 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.
Crop Diversification The requirement to have three crops on arable land.	Where the 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.

<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>Crop Diversification 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>Crop Diversification</p> <p>The requirement to ensure that where more than 75% of the total arable land is temporary grassland or land lying fallow AND the remaining arable land is <u>more than</u> 30 hectares, the area of the main crop on the remaining arable land must not exceed 75% of that remaining arable land.</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>Ecological Focus Areas</p> <p>The requirement to have an area equivalent to at least 5% of the total arable land as ecological focus area.</p>	<p>Where the actual area in ecological focus area is less than the minimum area of ecological focus area required for the holding.</p>	<p>The area of EFA missing multiplied by 10.</p>
<p>The requirement to protect environmentally sensitive permanent grassland</p>	<p>Where environmentally sensitive permanent grassland has been ploughed or converted.</p>	<p>The area of environmentally sensitive grassland that has been ploughed or converted.</p>

Note: Where an applicant has been found to be non-compliant with crop diversification and/or ecological focus area requirements for three consecutive 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. This particular non-compliance reduction will not become effective until 2018.

Worked examples of the non-compliance reduction calculations

Example 1 - Non-compliance with the crop diversification 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, 2nd crop = 5ha

Crop diversification rules	Maximum area allowed for the main crop	Actual area of the main crop	Non-compliance reduction
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).

Example 2 - Non-compliance with the crop diversification 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, 2nd crop = 5ha, no 3rd crop grown

Crop Diversification Rules	Maximum area allowed for this holding	Actual area	Non-compliance reduction
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).

Example 3 - Non-compliance with the crop diversification rule. I.e. where more than 75% of the total arable land is temporary grassland or land lying fallow AND the remaining arable land is more than 30 hectares AND the area of the main crop on the remaining arable land exceeds 75% of that remaining arable land.

Total arable land = 125ha

Crops grown	Area of crop
Temporary grassland	94ha
Barley	31ha

Crop diversification rules	Maximum area allowed for the main crop on the remaining arable land	Actual area of the main crop on the remaining arable land	Non-compliance reduction

Where more than 75% of the total arable land is temporary grassland or land lying fallow AND the remaining arable land is <u>more than</u> 30 hectares, the area of the main crop on the remaining arable land must not exceed 75% of that remaining arable land.	23.25ha (i.e.75% of 31ha)	31ha	Area of main crop that exceeds 75% of the remaining arable land = 7.75ha (i.e. 31ha minus 23.25ha). Reduction = 15.5ha (i.e. 7.75ha multiplied by 2).
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Note: In this example the EFA requirement has been met in full.

The Greening Payment will be based on 109.5ha (i.e. 125ha minus 15.5ha).

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

Total arable land = 50ha

EFA requirement	Area of EFA required	Actual area of EFA determined	Non-compliance reduction
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 crop diversification requirement has been met in full. The Greening Payment will be based on 47ha (i.e. 50ha minus 3ha).

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).

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

The sum of the non-compliance reductions for crop diversification 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 crop diversification requirement, an EFA requirement and a PGS requirement. The farmer fails to comply with all three greening measures as follows:

Crop diversification 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 crop diversification 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 crop diversification 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 crop diversification and EFA requirements minus the 2ha not compliant with the PGS requirement).

Note: The level of deduction for crop diversification 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

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

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

- You fail to comply with the greening requirements
- You fail 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
- You fail to declare all land that is environmentally sensitive permanent grassland.

Penalty for failure to comply with the greening requirements

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

Difference between original area and reduced area	Penalty to be applied
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.

In 2017, the administrative penalty calculated as outlined in the above table will be divided by 5 and limited to 20% 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).

Example 1

Original area (i.e. the area determined as eligible for the Greening Payment before the application of reductions for non-compliance)	60ha
Reduced area (i.e. the area after the application of reductions for non-compliance)	59ha
Difference between the original area and the reduced area	1ha
Difference expressed as a percentage of the reduced area	1.69% (i.e. $1\text{ha} \div 59\text{ha} \times 100$)
The maximum penalty that can be applied in 2017 (i.e. 20% of the original area)	12ha (i.e. $60\text{ha} \div 100 \times 20$)

As the difference between the original area and the reduced area is less than 3% of the reduced area and 2ha, no administrative penalty applies and the Greening Payment is paid on 59ha.

Example 2

Original area (i.e. the area determined as eligible for the Greening Payment before the application of reductions for non-compliance)	60ha
Reduced area (i.e. the area after the application of reductions for non-compliance)	52ha
Difference between the original area and the reduced area	8ha
Difference expressed as a percentage of the reduced area	15.38% (i.e. $8\text{ha} \div 52\text{ha} \times 100$)
The maximum penalty that can be applied in 2017 (i.e. 20% of the original area)	12ha (i.e. $60\text{ha} \div 100 \times 20$)

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 administrative penalty is calculated as follows:

Step 1 - Multiply the difference by 2 i.e. $8\text{ha} \times 2 = 16\text{ha}$

Step 2 – In 2017 the administrative penalty from Step 1 (16ha) is divided by 5 resulting in a reduced administrative penalty of 3.2ha (which is less than the maximum permitted penalty in 2017).

The Greening Payment will be calculated on 48.8ha i.e. the reduced area (52ha) minus the administrative penalty from Step 2 (3.2ha).

Example 3

Original area (i.e. the area determined as eligible for the Greening Payment before the application of reductions for non-compliance)	60ha
Reduced area (i.e. the area after the application of reductions for non-compliance)	45ha
Difference between the original area and the reduced area	15ha
Difference expressed as a percentage of the reduced area	33.33% (i.e. $15\text{ha} \div 45\text{ha} \times 100$)
The maximum penalty that can be applied in 2017 (i.e. 20% of the original area).	12ha (i.e. $60\text{ha} \div 100 \times 20$)

As the difference between the original area and the reduced area is more than 20% of the reduced area but less than 50% of the reduced area, the administrative penalty is calculated as follows:

Step 1 – The administrative penalty = 45ha (i.e. the entire reduced area).

Step 2 – In 2017 the administrative penalty from Step 1 (45ha) is divided by 5 resulting in a reduced administrative penalty of 9ha (which is less than the maximum permitted penalty in 2017).

The Greening Payment will be calculated on 36ha i.e. the reduced area (45ha) minus the administrative penalty from Step 2 (9ha).

Example 4

Original area (i.e. the area determined as eligible for the Greening Payment before the application of reductions for non-compliance)	60ha
Reduced area (i.e. the area after the application of reductions for non-compliance)	20ha
Difference between the original area and the reduced area	40ha
Difference expressed as a percentage of the reduced area	200% (i.e. $40\text{ha} \div 20\text{ha} \times 100$)
The maximum penalty that can be applied in 2017 (i.e. 20% of the original area)	12ha (i.e. $60\text{ha} \div 100 \times 20$)

As the difference between the original area and the reduced area is more than 50% of the reduced area, the administrative penalty is calculated as follows:

Step 1 - The administrative penalty = 60ha i.e. the reduced area (20ha) + the difference between the reduced area and the original area (40ha).

Step 2 – In 2017 the administrative penalty from Step 1 (60ha) is divided by 5 resulting in a reduced administrative penalty of 12ha (which equals 20% of the Greening Payment and is the maximum penalty that can be applied in 2017).

The Greening Payment will be calculated on 8ha i.e. the reduced area (20ha) minus the administrative penalty from Step 2 (12ha).

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

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.

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 2017 the administrative penalty will be divided by 5 and limited to 20% 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).

Example 5

Original area (i.e. the area determined as eligible for the Greening Payment before the application of reductions for non-compliance)	16ha
The reduction for non-declaration of EFA. Note: The EFA requirement = 0.8ha (i.e. the 5% of 16ha). As no EFA has been declared, the non-compliance reduction = 8ha (i.e. the area of EFA not declared (0.8ha) x 10).	8ha
Reduced area (i.e. the area after the application of reductions for non-compliance)	8ha (i.e. 16ha minus 8ha)
Administrative penalty for failure to declare correct area (i.e. 10% of the reduced area)	0.8 (i.e. 8ha ÷ 100 x 10)
Administrative penalty for failure to declare EFA	16ha (i.e. 8ha + 8ha)

Total administrative penalty	16.8ha (i.e. 0.8ha + 16ha)
The maximum penalty that can be applied in 2017 (i.e. 20% of the original area)	3.2ha i.e. (16ha ÷ 100 x 20)

The administrative penalty in 2017 of 16.8ha is divided by 5 which gives 3.36ha. As this is higher than the maximum penalty of 3.2ha, an administrative penalty of 3.2ha is applied.

The Greening Payment will be calculated on 4.80ha (i.e. the reduced area (8ha) minus the administrative penalty (3.20ha)).

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

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%.

In 2017 the administrative penalty will be divided by 5 and limited to 20% 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).

Penalty for more than one breach that results in an administrative penalty

If you have more than one breach (e.g. fail to comply with the greening requirements and fail to declare all your environmentally sensitive permanent grassland), then the administrative penalty will be calculated separately for each breach **without application of the 2017 limitation** and added together. The total penalty calculated will then be divided by 5 and limited to 20% 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).

Section 10 - Further Advice and Support

Greening Calculator

The greening calculator is an interactive decision support tool that will assist you in determining whether you have a crop diversification or ecological focus area requirement. In addition, if you have a requirement, it will assist you in determining whether your land and planned cropping regime will meet your crop diversification and ecological focus area requirements and will also be of assistance in helping you plan to best meet any such requirements.

The Greening Calculator can be accessed on the DAERA online services portal via the DAERA website at <http://www.daera-ni.gov.uk/index/online-services.htm>

Contact us

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.

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 Greening helpline: greeninghelpline@daera-ni.gov.uk

Telephone the Grants and Funding helpline: 0300 200 7848

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 below:

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

Armagh

Atek Building
Edenaveys Industrial Estate
Newry Road
Edenaveys
Co. Armagh
BT60 1NF

Downpatrick

Rathkeltair House
Market Street
Demesne of Down Acre
Downpatrick
Co. Down
BT30 6LZ

Strabane

Government Offices
18 Urney Road
STRABANE
BT82 9BX

Newry

Glenree House
Unit 2, Springhill Road
Carnbane Industrial Estate
Carnbane, Newry
Co. Down
BT35 6EF

Ballymena

Academy House
121A Broughshane Street
Town Parks
Ballymena
Co. Antrim
BT43 6HY

Dungannon

Crown Buildings
Thomas Street
Drumcoo
Dungannon
Co. Tyrone
BT70 1HR

Magherafelt

Units 36 - 38
Meadowlane Shopping
Centre
Moneymore Road
Townparks of Magherafelt
Magherafelt
Co. Derry/Londonderry
BT45 6PR

Newtownards

Sketrick House
16 Jubilee Road
Corporation South
Newtownards
Co. Down
BT23 4YH

Coleraine

Crown Buildings
Artillery Road
Millburn
Coleraine
Co. Derry/Londonderry
BT52 2AJ

Enniskillen

Inishkeen House
Killyhevlin
Enniskillen
Co. Fermanagh
BT74 4EJ

Mallusk

Castleton House
15 Trench Road
Grange of Mallusk
Mallusk
Newtownabbey
Co. Antrim
BT36 4TY

Omagh

Sperrin House
Sedan Avenue
Lisnamallard
Omagh
Co. Tyrone
BT79 7AQ

Annex A - Conditions that apply to fallow land used for crop diversification and ecological focus area

To be used as ecological focus area, fallow land must be out of production during the entire period 1 February – 31 July inclusive in the scheme year concerned. For crop diversification the period is 1 June – 31 July inclusive.

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.

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.

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.

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 for ecological focus area and/or crop diversification 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 for ecological focus area and/or crop diversification is 0.01 hectare (100 square metres).

Land which is classified by DAERA as permanent grassland in 2016 cannot be used for fallow for ecological focus area and/or crop diversification unless it has been ploughed in 2017 and prior to 15 May 2017.

Field Margins and Buffer Strips in Agri-Environment Schemes cannot be used as ecological focus area. Strips of land along rivers or field boundaries not recorded as Field Margins and Buffer Strips in Agri-Environment Schemes can be used as ecological focus area and/or crop diversification as fallow provided they comply with the fallow conditions.

Areas being placed in fallow for ecological focus area and/or crop diversification 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 for ecological focus area and crop diversification provided there is no harvesting or grazing of the crops by livestock concerned during the fallow period.

If there is harvesting or grazing by livestock of the wild bird cover seed mix, it will be regarded as a seed mixture crop for the purposes of crop diversification. It cannot be counted as fallow for ecological focus area or crop diversification.

If the wild bird cover area has been established under an Agri-Environment Scheme and is used for ecological focus area, 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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