The Basic Payment Scheme in England

2015

Guidance for farmers about the Basic Payment Scheme in 2015
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Introduction

The Basic Payment Scheme 2015

The Basic Payment Scheme (BPS) replaced the Single Payment Scheme (SPS) on 1 January 2015. This guidance explains the rules of the new scheme, including:

- who can claim
- what farmers need to have before they can claim (eligible land and entitlements)
- what they need to grow and do on their land

This guidance replaces the leaflets sent to farmers in 2014 (the introductory leaflet in April and the August, October and December CAP reform in England updates). All of the BPS information from those leaflets is in this guidance – but some of it may have changed if new decisions have been made, for example, by the European Commission (for example, on the eligibility of land with trees on and when farmers can sow grass on fallow land used as part of an Ecological Focus Area).

RPA will be sending printed BPS guidance to all farmers this year. After 2015, guidance will only be available on GOV.UK.

Applying online

The ‘Making an application’ chapter explains what must be declared as part of a BPS application.

All applications for BPS must be made online at www.gov.uk/ruralpayments (there will be no paper application forms from 2015 onwards). The deadline is midnight on 15 May 2015 to avoid penalties.

As the scheme is new, applying online for the first time may take longer than usual. However, once all the information is online, it will be quicker to apply in future years.

Only ‘active farmers’ can apply for BPS

To claim BPS each year, applicants must be a ‘farmer’ and an ‘active farmer’. Some businesses which operate certain non-agricultural activities may not automatically qualify as an ‘active farmer’ for BPS. Instead, they may need to gather documentation for an accountant to verify before they can apply.

Farmers who operate any of these non-agricultural activities should allow enough time to complete this so as not to make their application late or risk not being able to receive transferred BPS entitlements in time to apply. Read ‘Who can claim BPS’ to find out more.

Eligible land

Farmers can only claim BPS on land that is eligible for the scheme and is ‘at their disposal’ (read page 13) on 15 May 2015. They have to declare all the agricultural land that is part of their holding when they apply for BPS (even if they are not using it all to claim BPS).

The same piece of land can be used by one farmer to claim BPS and used by someone else to claim under the existing Environmental Stewardship or Woodland Grant schemes in the same year (as was the case under SPS). This is sometimes called ‘dual use’.

To claim BPS for it, the land must be ‘at the disposal’ of the applicant and the applicant must have a written record that shows this.

Read ‘Land’ for more information.
Entitlements and the ‘national reserve’
The SPS entitlements farmers held on 31 December 2014 automatically became BPS entitlements on 1 January 2015.

RPA has used some of the BPS budget to create a pot of money (called the ‘national reserve’) in order to create more entitlements for new and young farmers. These farmers can apply for entitlements. Read ‘New’ and ‘young’ farmers’ for more information.

Greening
Under BPS, farmers have to meet the ‘greening’ rules to receive a greening payment as part of their total BPS payment. The greening payment will be worth about 30% of a farmer’s total payment.

Since RPA first published information on greening in 2014, the European Commission has made more decisions on how the rules will work. This guidance contains all the information on greening for farmers to comply with the rules. This guidance has 4 chapters on greening, starting on page 31.

Top-up payments for farmers aged 40 or under in 2015
‘Young farmers’ can apply for a top-up payment. To support their application, they will have to gather documentation and take it to a solicitor or accountant to verify their status. Read ‘The Young farmer payment’ on page 54 for more information.

Cross compliance
All farmers who claim BPS (and/or other rural payments) must follow the rules in ‘The guide to cross compliance in England 2015’, which is on GOV.UK. Defra sent a paper copy to all farmers in December 2014.

Land in more than one part of the UK
Farmers with eligible land in more than one part of the UK (England, Wales, Scotland and Northern Ireland), sometimes known as ‘cross border farmers’, will be sent separate guidance on how to apply. It will also be available on GOV.UK.

Applicants with ‘commons rights’
Farmers with grazing rights for a common or area of shared grazing will be sent more detailed guidance on how the eligible area of common land will be allocated for BPS. It will also be available on GOV.UK.
Key dates in 2015

Crop diversification
- Start to think about cropping and crop diversification for 2016

Cropping and fallow period
- 31 December - BPS 2015 scheme year ends
- 1 January - BPS 2016 scheme year begins
- 1 May - BPS scheme year begins
- 30 June

Ecological focus areas
- Catch crop period
- Cover crop period
- Fallow period
- Nitrogen fixing crops
- Hedges must be present all year (unless they are newly planted)
- Buffer strips must be present all year

Environmentally sensitive permanent grassland must be retained all year

Cross compliance must be carried out all year
- 1 January - BPS scheme year begins
- 30 June

Making a BPS application and BPS payments
- 1 May (Midnight) - BPS 2015 application, entitlement transfer, applications to the national reserve and young farmer payment application deadlines.
- 1 June (Midnight) - Deadline for changing applications without incurring a penalty
- 9 June (Midnight) - BPS late application deadline (including applications to the national reserve and for the young farmer payment)
- RPA makes BPS 2015 payments by 30 June 2016

Version 0.4
Who can claim BPS

To claim BPS each year, applicants must be a ‘farmer’ and an ‘active farmer’.

Only ‘farmers’ can claim

To claim BPS each year, applicants must be both a ‘farmer’ and an ‘active farmer’.

For BPS, a ‘farmer’ is a person, group of people, or business that does at least one of these on their holding:

- produces, rears or grows agricultural products – including harvesting, milking, breeding animals and keeping animals for farming purposes
- keeps some land in a state suitable for grazing or cultivation by keeping it clear of any scrub that can’t be grazed (sometimes known as ‘dense scrub’)

For BPS, these are known as ‘agricultural activities’.

What is a ‘holding’?

A ‘holding’ is all of the land a farmer manages and uses for agricultural activities in the UK. For most farmers, this is all of the land they should declare under their Single Business Identifier (SBI).

A holding can have more than one County Parish Holding (CPH) number, as well as land in more than one location.

The active farmer rule

Farmers must be ‘active farmers’ to apply for BPS (and to receive entitlements by transfer, read page 30). Businesses operating certain non-agricultural activities (which are listed below) won’t be able to apply for BPS unless they can prove that they meet one of the ‘re-admission criteria’ (read page 12).

Farmers do not necessarily qualify as an ‘active farmer’ just because they undertake an agricultural activity.

However, farmers will qualify automatically as an active farmer in 2015 if:

- they had an SPS 2014 claim worth €5,000 (£3,886.50) or less, before any penalties were applied or cross compliance reductions were made
- they didn’t apply for SPS in 2014 but if they had, their claim would have been €5,000 or less. Farmers who want to know if they qualify in this way can call RPA (who can provide an equivalent figure based on the eligible land that a farmer has in 2015).

Farmers will also qualify automatically if the business they’re making a BPS application for doesn’t operate any of these non-agricultural business activities at any time in 2015:

- airports
- railway services
- waterworks
- real estate services
- permanent sport and recreational grounds
What does ‘operate’ mean?

‘Operate’ means to make decisions about the non-agricultural activities of the business (even if they don’t take place on land owned or occupied by the business).

Farmers who license or allow someone else to run an activity on their land under a formal, written agreement, are not normally considered the operator. However, if they keep control of the activity, for example by giving instructions on how the activity is carried out, they will still be considered the operator of the activity. Applicants may wish to seek professional advice through a solicitor or land agent.

Qualifying as an active farmer is about the non-agricultural business activities operated by the farming business that makes a BPS application. This is different to the rules about which non-agricultural activities are allowed to take place on eligible land. Read ‘Non-agricultural activities allowed on eligible land’ on page 22 for more information.

Businesses that may not be able to claim

Farmers may not be able to claim BPS if the business they’re making their application for operates any of the following non-agricultural business activities at any time in 2015. However, they could still apply if they meet one of the ‘readmission criteria’ on page 12.

Businesses will not be an ‘active farmer’ if they operate any of the activities in this list (unless they meet one of the readmission criteria):

Airports
Includes:
- airports licensed by the Civil Aviation Authority

Does not include:
- military airbases
- unlicensed aerodromes and landing strips

Railway services
Includes:
- licensed train operators
- rail infrastructure owners and operators
- rolling stock leasing companies
- any other business (including charities) operating a timetabled railway service on standard or narrow gauge track (including heritage railways)

Does not include:
- tramways
- miniature railways

Waterworks
- Utility companies licensed to put water into the public supply. There is a list of these at www.ofwat.gov.uk/industryoverview/today/map
Real estate services

Includes:

• professional property developers
• real estate agencies
• people or businesses managing real estate on a fee or contract basis

Does not include renting out:

• accommodation facilities on the holding
• apartments or homes that are in a farmer’s private property for housing purposes
• part of buildings or surfaces on the holding
• agricultural land to third parties

Permanent sport and recreational grounds

These are grounds where all 3 of the following apply:

• the grounds are dedicated and kept throughout the year for sporting or recreational use, even if the land is also used for agriculture
• the grounds include one or more permanent structures used so people can take part in sport or recreation – or permanent structures for spectators, to make them more comfortable (for example, changing rooms, showers or toilets, cafés, spectator seating or viewing cabins)
• the grounds or facilities are not just for personal use

They do not include:

• an indoor facility that is completely enclosed

Read page 10 to find out more about what counts as a ‘permanent sport and recreational ground’.

Farmers with more than one business

The active farmer rule only applies to the farming business that makes a BPS application – not to any other businesses connected with it.

Applicants should seek professional advice if they are not sure whether the farming business applying for BPS and the business operating a non-agricultural activity are separate.

Example 1:

A farmer can apply as an individual for BPS and be an active farmer, even if they are also a director of a limited company which operates an airport. The individual and the limited company are not the same business.

Example 2:

An employee of a business that operates one of these activities can still qualify as an active farmer for their own holding.
Example 3:
If a farmer doesn’t qualify as an active farmer, they must not put in place, or have put in place, arrangements intended to allow them to qualify.

An operator of an airport claimed under SPS, but doesn’t qualify as an active farmer under BPS. If the operator sets up a separate company to manage their farmland and to claim under BPS, with the intention of qualifying as an active farmer, then their BPS application will be rejected.

What is a ‘permanent sport and recreational ground’?

The following aren’t permanent sport and recreational grounds (for example, indoor facilities aren’t ‘a ground’) and as such operating one of these activities alone would not disqualify a farmer from applying as an active farmer:

- any facility for a farmer’s personal use only
- buildings storing recreational equipment (bicycles, kayaks, boats or show jumps)
- cinemas, theatres, billiard rooms, bowling alleys, bars, museums, libraries
- arenas for sport or recreation that are entirely indoors (such as squash, indoor football or dressage)
- car parks
- fields or moorland on which game shooting takes place
- lakes, rivers or banks used for swimming, fishing, rowing, sailing, canoeing
- linear trails for motorsport, cycling, walking, running, horse riding
- outdoor swimming pool
- wooded or non-agricultural areas used for the breeding of birds for shooting

The following are permanent sport and recreational grounds if they are maintained throughout the year and have permanent structures. Businesses operating any of these need to check the active farmer ‘readmission criteria’ on page 12 to see if they can still claim.

- **Camping grounds and caravan sites**
  If specifically for this use (and maintained throughout the year for the use) and there are permanent structures such as toilet and washing blocks.

- **Cricket, football or rugby pitch**
  If the pitch is maintained throughout the year for cricket, football or rugby and there are permanent structures such as a spectator stand or pavilion.

- **Cross-country jumping course**
  If the cross-country course is permanent and maintained for this purpose and there are permanent structures such as a spectator stand.

- **Fields or village greens used for village fêtes, music festivals, sports days**
  If specifically for and maintained throughout the year to be suitable for sporting or recreational use, with permanent fixtures or structures for enjoyment or spectating.
• **Formal or ornamental gardens (for public use or paid access)**
  If maintained for visits by the public or paying guests and there are permanent structures such as a shop or toilets specifically for the use of visitors.

• **Golf course**
  If the course is maintained for golf throughout the year, and there are permanent structures for the use of players or visitors such as a club house, driving range with nets or stalls, or a spectator stand.

• **Manège (surfaced riding arena)**
  If it includes a permanent structure such as a spectator stand, judge’s cabin or stables provided for the use of visiting participants.

• **Nature reserve**
  If maintained as a nature reserve and there are permanent structures such as viewing hides.

• **Point-to-point courses, eventing course**
  If the course is permanent and maintained for this purpose and there are permanent structures to enjoy the sport such as a spectator stand.

• **Shooting ranges, clay pigeon shooting**
  If the range is maintained throughout the year for shooting and there are permanent structures for shooting such as shooting stalls or targets.

• **Stables and/or livery stables**
  If they include grounds such as a manège with permanent facilities like a judge’s cabin or spectator seating.

• **Track (enclosing an area of land) for motorsport, speedway, cycling, running, horse riding**
  If the area of land enclosed is maintained for this purpose and there are permanent structures such as a spectator stand or saddling boxes.

• **Waterpark**
  A complex of pools and other permanent structures (such as slides) is a ground specifically for recreation.

• **Woods, quarries or other non-agricultural areas used for recreation (such as paintball, orienteering, climbing, assault courses)**
  If the area is maintained for this purpose and there are permanent structures such as a cabin or changing rooms.
Active farmer exceptions – the ‘readmission criteria’

Even if a farmer operates any of the non-agricultural business activities, they can still qualify for BPS as an active farmer under any one of these exceptions (sometimes called the ‘readmission criteria’):

- they have 36 hectares or more of eligible land
- their total agricultural receipts were at least 40% of their total receipts in their most recent financial year (no more than 3 years before the year of their application)
- in their most recent financial year (no more than 3 years before the year of their application) the value of their SPS claim (before any penalties or cross compliance reductions) was equivalent to at least 5% of their total non-agricultural receipts. Farmers who didn’t claim SPS in their most recent financial year could still qualify under this exception – call RPA for more information.

What applicants must do to qualify as an active farmer under the exceptions

To qualify under one of the exceptions, farmers need to tell RPA which exception applies to them. They can do this when they apply online at www.gov.uk/ruralpayments.

Farmers with 36 hectares or more of eligible land can declare this on their online application. They don’t need to complete an ‘Accountant Certificate’ (see below).

For the other two exceptions, farmers will need to ask an accountant to complete an ‘Accountant Certificate – Active Farmer Status’. Farmers need to send the completed accountant certificate to RPA as evidence to prove they qualify as an active farmer. RPA must receive this form by midnight on 15 May 2015.

The ‘Accountant Certificate – Active Farmer Status’ form and guidance is on GOV.UK. This includes information about what counts as a ‘receipt’.

Until RPA has received their evidence, applicants who are applying under the two other exceptions above can’t:

- receive payments, or
- have entitlements transferred to them. Read page 28 for more information about entitlements.

If a farmer declares they are an active farmer and it is later found that they are not, they won’t be able to apply under the exceptions above. If this affects their 2015 BPS application, they will have to repay any amounts involved and additional penalties may apply.
Land

To apply for BPS, farmers must have at least 5 hectares of eligible land ‘at their disposal’ on 15 May 2015.

Agricultural land

For their application, applicants will need to know:

• how much agricultural land they have
• how much of their agricultural land is eligible for BPS
• how much of their eligible land is arable
• which ineligible features they have on their land and how big they are
• how much of their land is being claimed in a Rural Development agreement

They also need to know which non-agricultural activities are allowed on their eligible land.

Agricultural land

Agricultural land is:

• arable land (including temporary grass and fallow land)
• permanent grassland
• permanent crops

Read pages 16 to 19 to find out more.

When making a BPS application, farmers must declare all of the agricultural land on their holding (whether they use it to claim BPS or not) and make sure it is all mapped correctly online. They will also need to do this for:

• any land which is eligible for BPS because it was used with entitlements to claim for SPS in 2008 and is currently in certain rural development agreements, or the National Forest Changing Landscape Scheme (read ‘Land in Environmental Stewardship and woodland schemes’ on page 20 for more information)
• any other land in a rural development scheme

Land at the applicant’s ‘disposal’ on 15 May 2015

To apply for BPS, applicants must have at least 5 hectares of eligible land ‘at their disposal’ on 15 May 2015.

A farmer has a land parcel at their disposal if they are the:

• owner-occupier farming the land parcel
• owner paying for it to be farmed under contract
• tenant with a Farm Business Tenancy under the Agricultural Tenancies Act 1995 or an Agricultural Holdings Act 1986 tenancy (or equivalent). Read more about these at www.gov.uk/agricultural-tenancies
• licensor, and the licensee only has access to graze or mow the land parcel
The land parcel is not at their disposal if they are a:

- contract farmer
- landlord whose tenant has a Farm Business Tenancy under the Agricultural Tenancies Act 1995 or an Agricultural Holdings Act 1986 tenancy (or equivalent)
- licensee who only has access to graze or mow the land

**How to decide who has land at their disposal**

If more than one farmer is carrying out agricultural activities on the same land parcel, only one can have the land parcel at their disposal for BPS.

They should consider:

- the rights and responsibilities they have for the land parcel
- how these work in practice

The land parcel is probably at the disposal of the farmer who:

- has control of the land
- has access to it
- takes profit from the land
- is responsible for meeting cross compliance rules on it

When deciding who has land at their disposal, the list above is more important than what any agreement is called. Having an agreement about who claims BPS does not in itself mean the land is at a farmer’s disposal.

If land is not at a farmer’s disposal, they can’t claim BPS on it.

If farmers are inspected, they may need to provide evidence showing how they have the land at their disposal. Read page 55 to find out more about inspections.

**Tenants and landlords: land in more than one scheme**

A land parcel can be at the disposal of a tenant for BPS, even if the landlord is also using it for Environmental Stewardship (ES) or the Woodland Grant Scheme (WGS) on 15 May. This is sometimes called ‘dual use’.

To claim BPS, the tenant must have a written record which shows the rights and responsibilities they and the landlord each have for the land. This needs to show that the BPS applicant has the land at their disposal on 15 May 2015. An inspector may ask to see this type of agreement.

It could be a tenancy agreement, a letter, or both. It must be signed and dated by both the tenant and the landlord before 15 May 2015.

Where land is let out under a tenancy agreement (Agricultural Holdings Act or Farm Business Tenancy):

- the tenant will need to include that land when working out their greening requirement
- the landlord would not include that land as part of their greening requirement.
Common land and shared grazing

Farmers can claim BPS for the grazing rights they have for a common or area of shared grazing and these rights will be converted into a ‘notional share’ of the eligible area.

What rights to claim on

Farmers may have a right to graze land in common with other farmers. This land may be registered as common land, or it may be other shared grazing, such as stinted or regulated pastures.

‘Shared grazing’ does not mean land owned or occupied by 2 or more farmers as ‘tenants in common’.

Farmers can claim BPS if their right is:

• a right to graze which is registered under the Commons Registration Act 1965 or Part 1 of the Commons Act 2006 (ask the relevant local authority to see the registers)
• a right to graze shared grazing (these rights are often set out in an ‘Inclosure award’)
• a right to the surplus grazing on common land because they are the owner of the common, or the owner has granted that right to them – but only if RPA calculate that there is a surplus of grazing on their common
• a long-standing tenant’s right to graze common land (sometimes known as a ‘quasi right’), where there is no notional surplus, but the commoners’ association and owner for that common land has previously recognised the existence of their right

If a farmer has a right of common in the New Forest, RPA will contact them separately.

Farmers can’t claim against a right of common which is not a right to graze animals (for example, a right to collect firewood or dig for peat).

Farmers will need to tell RPA on which common land or shared grazing, and how many grazing rights, they want to claim for BPS.

The common land or shared grazing used to support their claim must be eligible land and at their disposal on 15 May. They must be able to exercise their rights by turning out animals on the common on this date.

They must also meet the cross compliance rules. If a cross compliance rule is broken on the common, the farmer may have their payments reduced for their whole holding if they are even partly responsible for the breach.

Keeping evidence

Farmers must make sure they have evidence of their right of grazing on common land or shared grazing which they claim against. RPA may ask to see this evidence.

When claiming against a right of common, applicants may need to identify the right in the register of common land held by the local authority. Most rights of common are registered as being attached to land – if the applicant isn’t the owner or occupier of that land, they may have to prove that they’re entitled to the right (for example, because of a lease of the right).

RPA can’t recognise a lease of a right of common attached to land where for the duration of the lease the right is held by one person, but the land is held by someone else, unless:

• the lease lasts for 2 years or less, or
• the lease was made before 28 June 2005
Surplus grazing

Owners of common land or shared grazing (who must be a ‘farmer’ to claim BPS) generally have the right to any surplus grazing left over beyond what is needed to satisfy the registered rights of the commoners.

RPA use a formula to work out the number of grazing animals that the owners’ common land or shared grazing can accommodate to decide whether there is a surplus:

- 0.25 livestock units per hectare (LU/ha) for Severely Disadvantaged Area (SDA) moorland and non-SDA heathland
- 0.75 LU/ha for SDA non-moorland and non-SDA grassland

If the total number of LU/ha exercisable over the common or shared grazing is lower than the number of grazing animals that the farmer’s common or shared grazing can accommodate, the owner can claim a surplus.

Some common land has registered rights for so many animals that RPA will calculate that there is no surplus grazing available to the owner.

If there is a surplus, RPA will convert it into a ‘notional’ land area for the owner to claim BPS.

Farmers can’t claim an owner’s surplus on any common land or shared grazing if the owner has no right to graze the land (for example, if the owner has granted away all the grazing rights or if an inclosure award made no provision for grazing by the owner).

How to describe rights

Farmers who have a right of grazing for more than one type of animal on a common or shared grazing, for example for 10 cattle and 30 ponies, should claim for each type of animal separately.

If they have a right of grazing for alternative types of animal, for example for 10 cattle or 30 ponies, they should convert the rights into livestock units (read the conversion table below) and claim for the animals that give them the higher or highest value for livestock units.

If their rights are in the form of gates, gaits or stints they must explain their equivalent value for numbers of animals as defined in the common land register or other binding document (such as the inclosure award).

For example, where one stint equals the right to graze 1 cow or 5 sheep they would enter one cow as that would give the higher LU value.

<table>
<thead>
<tr>
<th>Livestock type</th>
<th>LU</th>
<th>Livestock type</th>
<th>LU</th>
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</thead>
<tbody>
<tr>
<td>Cattle</td>
<td>1.00</td>
<td>Horse</td>
<td>1.00</td>
</tr>
<tr>
<td>Donkeys</td>
<td>0.60</td>
<td>Heifers/Stirks</td>
<td>0.60</td>
</tr>
<tr>
<td>Ponies</td>
<td>0.60</td>
<td>Pigs</td>
<td>0.30</td>
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<tr>
<td>Goats</td>
<td>0.15</td>
<td>Sheep</td>
<td>0.15</td>
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<tr>
<td>Geese</td>
<td>0.04</td>
<td>Poultry (over 6 months)</td>
<td>0.02</td>
</tr>
</tbody>
</table>

The RPA recently updated its common land maps. This will change the eligible area of many commons. RPA will write to farmers with common land to let them know what this means for them and to provide more detailed guidance on how the eligible area of common land will be worked out for BPS.
Eligible land

The types of agricultural land that are eligible for BPS are:

- arable land (including fallow land and temporary grassland)
- permanent grassland
- permanent crops

Applicants must have at least 5 hectares of eligible land ‘at their disposal’ on 15 May 2015.

Farmers can claim BPS on land parcels that have a total eligible area of 0.1 hectares or more. These land parcels can be made up of smaller areas of 0.01 hectares or more (for example, an area of wheat and an area of barley).

Land must be eligible for the whole of the calendar year.

To get paid, applicants also need ‘entitlements’ to use with their land – read page 28 for more information about entitlements.

Arable land

For BPS, arable land is:

- Land cultivated for crop production. This includes:
  - land used for combinable crops
  - crops grown as root crops and/or fibre (including hemp – read Annex C)
  - crops grown for animal feed, such as forage maize and forage rape
  - field vegetables
  - cut flowers or bulbs and soft fruit (other than permanent crops)
- Fallow land
- Temporary grassland

Fallow land

Fallow land is land which has no crop production or grazing on it, but is maintained in a state suitable for grazing or cultivation.

Fallow land is particularly important for farmers who need to follow the greening rules. To count as part of an ecological focus area (EFA), fallow land must be kept fallow from 1 January 2015 to 30 June 2015. To count as a ‘crop’ for crop diversification, fallow land must be kept fallow from 1 May 2015 to 30 June 2015. Find out more about the greening rules on page 31.

Temporary grassland

Temporary grassland is:

- land that has been in grass or other herbaceous forage for fewer than 5 consecutive years. It can be self-seeded or sown
- land used for livestock production, if it’s been used in this way for fewer than 5 years. This includes land used for outdoor pigs

Land can only be declared as temporary grassland for 5 consecutive years. After that, it will become ‘permanent grassland’.
Permanent grassland
Permanent grassland is land which is used to grow grasses or other herbaceous forage for 5 or more consecutive years. It can be self-seeded or sown.

If the land has been re-sown with grass or other herbaceous forage during the 5 years it is still permanent grassland. However, if the land has been reseeded with grass or other herbaceous forage following a catch crop (such as stubble turnips) during the last 5 years, it is still arable land.

If a whole land parcel has been declared as temporary grassland for more than 5 SPS and/or BPS applications, the RPA’s new online service will automatically show these as permanent grassland. Farmers who grew a catch crop in the last 5 years can amend this information online.

For example, if a farmer declared a land parcel as temporary grassland from their 2010 SPS application onwards, in 2015 RPA would show it as permanent grassland (as it had been declared 6 times - 2010, 2011, 2012, 2013, 2014 and 2015).

Some features (such as bracken and salt marsh) can sometimes be classed as permanent grassland. Read ‘List of features’ on pages 24 to 27.

Herbaceous forage
This is any herbaceous plant traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the UK. These plants include:
• lucerne
• sainfoin
• forage vetches
• clovers

It doesn’t include:
• kale
• fodder rape or any other forage brassicas
• fodder root crops
• forage maize
• any other cereals grown for silage or for any other form of forage

Permanent crops
These are crops which normally occupy the land for 5 years or more (except permanent grassland) and provide repeated harvests. However, they don’t have to have been in the ground for 5 years before they count as permanent crops.

These crops include nursery crops, multi-annual crops and short rotation coppice.

Read Annex A to find out what counts as a permanent crop for BPS. Permanent crops cannot be used to meet the greening rules.
Nursery crops
These are areas of young woody plants grown in the open air, on soil in greenhouses or under poly-tunnels for later transplantation. They include:

- vine and root stock nurseries
- fruit tree and berry nurseries
- ornamental nurseries
- commercial nurseries of forest trees (except those for the holding’s own requirements grown in woodland)
- nurseries of trees and bushes for planting in gardens, parks, at the road side and on embankments

Nursery crops do not include Christmas trees, unless they are grown in nurseries for later transplantation.

Short rotation coppice
These are tree species that consist of woody, perennial crops, the rootstock or stools of which remain in the ground after harvesting, with new shoots emerging in the following season.

The eligible species for short rotation coppice are:

- Alder (Alnus)
- Ash (Fraxinus excelsior)
- Birch (Betula)
- Hazel (Corylus avellana)
- Hornbeam (Carpinus spp)
- Lime (Tilia cordata)
- Poplar (Populus spp)
- Sweet chestnut (Castanea sativa)
- Sycamore (Acer pseudoplatanus)
- Willow (Salix spp)

The maximum harvest cycle (the period between harvests) is 20 years.

Factors which can affect whether land is eligible or not
Land used to claim BPS must be eligible throughout the calendar year.

Farmers must also follow the cross compliance rules on their agricultural land (read ‘The guide to Cross Compliance Guidance in England 2015’).

Utility and transport works
If a farmer has utility or transport works taking place on their land, it can sometimes mean that the land isn’t eligible for BPS that year. This could mean the farmer will lose entitlements in 2015 because they may not have enough eligible land to support all their entitlements (read ‘Using entitlements in 2015’ on page 29).
An organisation with statutory powers of entry may carry out these works. If this happens, affected farmers may want to seek compensation for the loss of their entitlements and lost payments from the organisation carrying out the work.

If this happens after the farmer has already applied for BPS, they should either:
- ask RPA to remove the land from the area used to claim BPS, or
- request that RPA consider it as ‘force majeure’ (each case will be considered individually, read page 61)

If the farmer could have anticipated that the work was going to take place on their land during 2015 when they applied for BPS, this will not be treated as force majeure.


**Flooded land**

Flooded land is still eligible for BPS if the flooding is temporary and the land would otherwise still be available for agricultural activity.

**Transferring land to someone else during the year**

Land can be transferred from one person to another at any time. However, in cases where the original owner has claimed it for BPS, it is still their responsibility to make sure that the land:
- stays eligible for BPS for the rest of the year
- continues to meet the greening rules in the way it was declared on their 2015 application
- meets the cross compliance rules for the whole year (unless the person they’ve transferred it to is also claiming BPS – in which case they take over this responsibility)

The terms of any contractual arrangements for transferring land need to make sure that the farmer transferring the land is protected if any BPS, greening or cross compliance rules are broken or if inspectors are refused access to the land.

**Land in Environmental Stewardship and woodland schemes**

Land that is arable, permanent grassland or planted with permanent crops, and which can be used for an agricultural activity, is eligible for BPS even if it is also in:
- Environmental Stewardship:
  - Entry Level Stewardship (ELS)
  - Organic Entry Level Stewardship (OELS)
  - Higher Level Stewardship (HLS)

Some Environmental Stewardship management ‘options’ stop land being eligible for BPS (because it can’t be used for an agricultural activity) by requiring that no agricultural production or grazing takes place.

Land in Environmental Stewardship options which require the creation of woodland and land in woodland schemes would not normally be eligible for BPS (read ‘Trees’ on page 27 for more information on which land with trees on it is eligible for BPS).
However, land is still eligible for BPS if:

- it was used with entitlements to claim an SPS payment in 2008, and
- it remains under one of the option codes shown in the tables below or it is declared under the National Forest Changing Landscape Scheme

Typically, this land would have been declared under land use code ‘SA2’ or ‘SA3’ for SPS. For BPS, this land will be shown on the online service as its current ‘land use’ (for example as ‘woodland’ or ‘salt marsh’). Applicants will be able to identify these land parcels on the online service as having been declared under these land use codes (so that entitlements can be used with them to claim BPS).

For Environmental Stewardship options, the change in land type must have taken place on or after 1 January 2009.

<table>
<thead>
<tr>
<th>Option code</th>
<th>Option name</th>
</tr>
</thead>
<tbody>
<tr>
<td>HC9</td>
<td>Creation of woodland in Severely Disadvantaged Areas</td>
</tr>
<tr>
<td>HC10</td>
<td>Creation of woodland outside Severely Disadvantaged Areas</td>
</tr>
<tr>
<td>HC11</td>
<td>Woodland livestock exclusion supplement</td>
</tr>
<tr>
<td>HP5</td>
<td>Maintenance of coastal saltmarsh</td>
</tr>
<tr>
<td>HP6</td>
<td>Restoration of coastal saltmarsh</td>
</tr>
<tr>
<td>HP7</td>
<td>Creation of inter-tidal and saline habitat on arable land</td>
</tr>
<tr>
<td>HP8</td>
<td>Creation of inter-tidal and saline habitat on grassland</td>
</tr>
<tr>
<td>HP9</td>
<td>Creation of inter-tidal and saline habitat by non-intervention</td>
</tr>
<tr>
<td>HQ3</td>
<td>Maintenance of reedbeds</td>
</tr>
<tr>
<td>HQ4</td>
<td>Restoration of reedbeds</td>
</tr>
<tr>
<td>HQ5</td>
<td>Creation of reedbeds</td>
</tr>
<tr>
<td>HQ6</td>
<td>Maintenance of fen</td>
</tr>
<tr>
<td>HQ7</td>
<td>Restoration of fen</td>
</tr>
<tr>
<td>HQ8</td>
<td>Creation of fen</td>
</tr>
<tr>
<td>HQ9</td>
<td>Maintenance of lowland raised bog</td>
</tr>
<tr>
<td>HQ10</td>
<td>Restoration of lowland raised bog</td>
</tr>
<tr>
<td>UC22</td>
<td>Woodland livestock exclusion</td>
</tr>
<tr>
<td>UHC22</td>
<td>Woodland livestock exclusion</td>
</tr>
<tr>
<td>UOHC22</td>
<td>Woodland livestock exclusion</td>
</tr>
</tbody>
</table>
**Farm Woodland Premium Scheme and Farm Woodland Scheme**

Land under these codes is eligible for BPS if it was used with entitlements to claim SPS in 2008 and is still in the woodland scheme

<table>
<thead>
<tr>
<th>Option code</th>
<th>Option name</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Arable land (outside the Severely Disadvantaged Area)</td>
</tr>
<tr>
<td>AL</td>
<td>Arable land in the lowlands</td>
</tr>
<tr>
<td>1A</td>
<td>Improved arable</td>
</tr>
<tr>
<td>1G</td>
<td>Improved grassland</td>
</tr>
<tr>
<td>1L</td>
<td>Other improved land in the lowlands</td>
</tr>
<tr>
<td>OC</td>
<td>Other improved land</td>
</tr>
<tr>
<td>U</td>
<td>Unimproved land</td>
</tr>
<tr>
<td>UU</td>
<td>Unimproved land/Upland</td>
</tr>
</tbody>
</table>

**English Woodland Grant Scheme**

Land under these codes is eligible for BPS if it was used with entitlements to claim SPS in 2008 and is still in the woodland scheme

<table>
<thead>
<tr>
<th>Option code</th>
<th>Option name</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCG</td>
<td>Woodland creation grant</td>
</tr>
<tr>
<td>WCGS</td>
<td>Woodland creation grant special broadleaf</td>
</tr>
<tr>
<td>WRG</td>
<td>Woodland regeneration grant</td>
</tr>
</tbody>
</table>

**Non-agricultural activities allowed on eligible land**

To be eligible for BPS, land has to be used primarily for an agricultural activity. If agricultural and non-agricultural activities are taking place on the same land, the land won’t be eligible if the intensity, nature, duration, and timing of the non-agricultural activity significantly interferes with agricultural activity.

Below is a list of non-agricultural activities that do not significantly interfere with agricultural activity. They won’t stop BPS payments for the land, as long as it is eligible for BPS.

- walking
- bird watching
- military training
- nature/farm visits by schools or other educational institutions
- horse or bicycle riding along bridleways, or on tracks, margins or other permitted routes
- fishing
- hedge-laying competitions, local ploughing competitions or other demonstrations of farming that don’t break the cross compliance rules. If these events include trade stands, they are covered by the list of activities with a 28-day limit below
- shooting game
- deer stalking
- drag hunting
- paragliding and hang-gliding
Activities allowed for 28 days
These non-agricultural activities are allowed – but not for more than 28 days (whether consecutively or not) in the calendar year:

- clay shooting
- car boot sales
- car parking
- country fairs and shows
- farm auctions and shows
- horse riding activities using apparatus or fixtures, like show-jumping or an in-field cross-country course
- ballooning
- festivals and events
- scout or guide camps (or similar)
- using land for television and film locations
- caravan sites
- motor sports
- grass airstrips
- rearing game in pens which are moved at least once every 28 days

If an activity lasts less than 24 hours, it still counts as 1 of the 28 days. The 28 days should include all the days for which the land was unavailable, including preparing the land and/or clearing up afterwards.

If these activities go over the 28-day limit due to circumstances beyond the farmer’s control (read ‘Force majeure and exceptional circumstances’ on page 61), the farmer must tell RPA in writing.

The 28-day limit is not the same as operating any of the non-agricultural business activities (on pages 8 and 9) in the active farmer rule.

Other activities not usually allowed
Land won’t be eligible for BPS where it is mainly used for non-agricultural activities. For example, the following activities will usually mean the land on which they are carried out is ineligible for BPS, unless the applicant can prove (when asked to do so by the RPA) that the non-agricultural activity does not significantly interfere with agricultural activity:

- playing golf (on a golf course, including bunkers, greens, fairways, copse, patch of trees and areas of rough that are part of the playing course)
- training of race horses on training gallops
- zoological conservation (land on which animals, not typically kept in England for farming purposes, are kept primarily for study, conservation or display to the public)
Eligible and ineligible ‘features’

Often, agricultural land will have ‘features’ on it. Some of these are eligible for BPS, but some aren’t.

When making an application, farmers must declare all the ineligible ‘features’ they have which are 0.01 hectares or bigger. They also need to make sure these are mapped correctly online.

Eligible features don’t need to be mapped for BPS in 2015, unless they are being declared as part of an ‘ecological focus area’ (EFA) to meet the greening rules. They should be included in the ‘land use’ of the land around them if they are not part of an EFA, for example:

- areas of eligible bracken should be declared as ‘permanent grassland’
- areas of ineligible bracken should be mapped separately and declared as ‘bracken’

Some ineligible features may be small and scattered across a land parcel. In these cases, the farmer must add up the sizes of the individual ineligible features. If they add up to 0.01 hectares or more, they must be declared (and mapped) as an ineligible feature.

For example, a farmer has the following ineligible features in a field:

- scree
- animal shelters on hard standing, and
- a pond

Each individual feature is less than 0.01 hectares in size, but together they have a total area of more than 0.01 hectares, so the farmer must declare them on his BPS application.

List of features

The table below shows which features are eligible for BPS and which aren’t.

<table>
<thead>
<tr>
<th>Feature</th>
<th>BPS eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal shelters</td>
<td>Eligible if a temporary or mobile structure on a natural surface (such as bare soil). Not eligible if they are on a hard standing.</td>
</tr>
<tr>
<td>Bracken</td>
<td>Eligible (as ‘permanent grassland) only if it’s managed so that: grasses and other herbaceous forage remain predominant, and it’s suitable for grazing.</td>
</tr>
<tr>
<td>Buildings (residential, commercial or agricultural)</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Ditch/drain/dyke</td>
<td>Eligible if it forms part of a field boundary and if: it is up to 4 metres wide for the majority of its length, and the field boundary is the centre of the ditch/drain/dyke</td>
</tr>
<tr>
<td><strong>Earth banks</strong></td>
<td>Eligible if protected under cross compliance.</td>
</tr>
<tr>
<td>Feature</td>
<td>BPS eligibility</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Farmyards</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Fenced off pylons</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Gallops (non-grass)</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Glass house</td>
<td>Eligible if used to grow eligible crops and not on a hard standing. Not eligible if on a hard standing.</td>
</tr>
<tr>
<td>Grass strips/margins</td>
<td>Eligible as long as they meet the cross compliance rules</td>
</tr>
<tr>
<td>Grass tracks - natural unsurfaced and unfenced</td>
<td>Eligible when used as part of the agricultural activity carried out on the land parcel (examples include tracks, paths and bridleways).</td>
</tr>
<tr>
<td>Hard standing</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Heap – compost, muck</td>
<td>Eligible if:</td>
</tr>
<tr>
<td></td>
<td>• it’s stored in the field on which it is to be used</td>
</tr>
<tr>
<td></td>
<td>• the amount stored is appropriate for that field (larger amounts are ineligible)</td>
</tr>
<tr>
<td></td>
<td>• it will be used as part of the normal cultivation cycle</td>
</tr>
<tr>
<td></td>
<td>Not eligible if it’s in the same place for more than 3 years.</td>
</tr>
<tr>
<td>Heap – straw, hay, silage</td>
<td>Eligible if straw, hay or silage and it hasn’t been in the same place for 3 years and:</td>
</tr>
<tr>
<td></td>
<td>• is stored in the field from which it was harvested, or on which it is to be used</td>
</tr>
<tr>
<td></td>
<td>• the amount stored is proportionate to what could/can actually be used on the field the heap is located in (larger amounts are ineligible)</td>
</tr>
<tr>
<td></td>
<td>Not eligible if it’s in the same place for more than 3 years.</td>
</tr>
<tr>
<td>Heather</td>
<td>Eligible (as ‘permanent grassland’) if it’s managed so that it’s in a state suitable for grazing.</td>
</tr>
<tr>
<td>Hedges</td>
<td>Eligible if protected under cross compliance.</td>
</tr>
<tr>
<td></td>
<td>Hedges not protected under cross compliance which are wider than 2 metres from the centre are not eligible. This applies for BPS and greening.</td>
</tr>
<tr>
<td>Machinery (on grass or bare soil)</td>
<td>Eligible if it hasn’t been there for more than a year. Not eligible if it has been stored in the same place for a year or longer.</td>
</tr>
<tr>
<td>Peat production</td>
<td>Land used for producing peat is not eligible.</td>
</tr>
<tr>
<td>Feature</td>
<td>BPS eligibility</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Polytunnels</td>
<td>Eligible if on soil used to grow eligible crops. Not eligible if on a hard standing.</td>
</tr>
<tr>
<td>Pond</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Railway</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Recreational parks</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Residential gardens</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Rivers and streams</td>
<td>If it forms part of a field boundary, it is eligible if:</td>
</tr>
<tr>
<td></td>
<td>• it is up to 4 metres wide for the majority of its length, and</td>
</tr>
<tr>
<td></td>
<td>• the boundary is the centre of the watercourse</td>
</tr>
<tr>
<td></td>
<td>If it is not part of a field boundary, it is eligible if the overall area of ineligible features in the field does not exceed 0.01 hectares.</td>
</tr>
<tr>
<td>Road</td>
<td>Not eligible if it is a manmade surface (includes tracks and paths).</td>
</tr>
<tr>
<td>Salt marshes and reed beds</td>
<td>Eligible (as ‘permanent grassland) only if it’s managed so that:</td>
</tr>
<tr>
<td></td>
<td>• grasses and other herbaceous forage remain predominant, and</td>
</tr>
<tr>
<td></td>
<td>• it’s suitable for grazing.</td>
</tr>
<tr>
<td>Scree / rock outcrops / boulders</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Scrub – including gorse bushes and briar</td>
<td>Eligible (as ‘permanent grassland) only if it’s managed so that:</td>
</tr>
<tr>
<td></td>
<td>• grasses and other herbaceous forage remain predominant, and</td>
</tr>
<tr>
<td></td>
<td>• it’s suitable for grazing.</td>
</tr>
<tr>
<td></td>
<td>‘Dense scrub’ is not eligible.</td>
</tr>
<tr>
<td>Sheds</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Solar panels</td>
<td>Land parcels which contain solar panels are ineligible. If the panels are concentrated in one end of a field, the rest of the land can be eligible if the 2 areas are registered as individual land parcels and separated by a permanent boundary.</td>
</tr>
<tr>
<td>Stone banks</td>
<td>Eligible if protected under cross compliance.</td>
</tr>
<tr>
<td>Stone walls</td>
<td>Eligible if protected under cross compliance.</td>
</tr>
<tr>
<td>‘Table top’ strawberries</td>
<td>As long as the land is eligible (for example not concrete or hard standing), the cropped area, including normal headlands, is eligible and should be counted as strawberries for crop diversification.</td>
</tr>
<tr>
<td>Feature</td>
<td>BPS eligibility</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Trees</strong></td>
<td>Land with trees on is eligible if the trees:</td>
</tr>
<tr>
<td></td>
<td>• are scattered within an agricultural land parcel</td>
</tr>
<tr>
<td></td>
<td>• allow agricultural activity to be carried out in the same way as in parcels without trees in them</td>
</tr>
<tr>
<td></td>
<td>Not eligible if they prevent the growth of vegetative under-storey (plants growing beneath the canopy of the trees) that is suitable for grazing.</td>
</tr>
<tr>
<td></td>
<td>Farmers don’t need to reduce the area of land they claim for if they have eligible trees on it (they don’t need to deduct the area taken up by tree trunks or tree cover).</td>
</tr>
<tr>
<td></td>
<td>Under cross compliance there is a no cutting period on eligible trees from 1 March to 31 August 2015.</td>
</tr>
<tr>
<td><strong>Turf production</strong></td>
<td>Eligible unless it’s used for fuel production.</td>
</tr>
<tr>
<td><strong>Walkway grass strip between fenced paddock</strong></td>
<td>Eligible if:</td>
</tr>
<tr>
<td></td>
<td>• it is 0.1 hectares or more in size</td>
</tr>
<tr>
<td></td>
<td>• it is grazeable and predominantly used for agriculture</td>
</tr>
</tbody>
</table>
Entitlements

What are entitlements?
Entitlements are what farmers use to get paid for BPS. To get paid for an entitlement, a farmer must have a hectare of eligible land to use with it on their application. For each land parcel a farmer wants to claim BPS for, the minimum number of entitlements they can use for the land parcel is 0.10.

If a farmer claimed SPS, the SPS entitlements they held on 31 December 2014 automatically became BPS entitlements on 1 January 2015. There are no ‘special entitlements’ for BPS.

New farmers and young farmers will be able to apply online to receive entitlements – read page 52. At www.gov.uk/ruralpayments applicants will be able to:

- check how many entitlements they hold and what payment ‘region’ they’re in
- check the value of each entitlement (later in 2015)
- check the ‘use-by date’ of their entitlements
- transfer entitlements to someone else

Payment ‘regions’
Entitlements and land in England are divided into 3 payment regions:

- Non-Severely Disadvantaged Area (non-SDA)
- Severely Disadvantaged Area (SDA)
- SDA Moorland

An entitlement can only be used with land that is in the same payment region. ‘English’ entitlements can’t be used with land outside of England.

Entitlement values
Entitlements have different values depending on which region they are in. SDA Moorland entitlements are worth less than SDA and non-SDA entitlements (which will have similar values).

The value of entitlements will be worked out once RPA knows the total number of hectares of eligible land claimed for in each region in 2015. Entitlement values will not include the greening part of a farmer’s payment, which is worked out separately.

How to use entitlements
Only the person who holds an entitlement at midnight on 15 May 2015 can use it to be paid for BPS. They’ll need a hectare of eligible land at their disposal to go with it. The land must be in the same payment region as the entitlement.

When making a BPS application, farmers must use at least 5 entitlements (with 5 hectares of eligible land) – this is sometimes called the ‘minimum claim size’. Anyone with fewer than 5 entitlements and 5 hectares isn’t eligible to apply for BPS in 2015. This is a change from the SPS 2014 eligibility criteria.
Using entitlements in 2015

In 2015, farmers will keep their entitlements as long as they declare enough hectares of eligible land on their BPS 2015 application to support them. Farmers who don’t have enough eligible land to go with their entitlements this year will lose some of their entitlements (see ‘Losing excess entitlements in 2015’, below).

All BPS entitlements have been given a ‘use-by date’ of 2016. If an entitlement (which isn’t ‘lost’ by an applicant in 2015) isn’t used by 2016, it will expire (and it can’t be used to claim BPS).

After 2015, at least once in every 2 years, farmers must use all their entitlements in a single application. They won’t be able to ‘rotate’ entitlements by swapping the entitlements they activate from year to year.

Losing ‘excess entitlements’ in 2015

In 2015, if an applicant does not have eligible land to go with an entitlement, it will be considered an ‘excess entitlement’ and it will be lost.

This means that farmers who don’t make an application in 2015 will lose all of their entitlements, because they will all be considered excess entitlements.

If they do make an application and the number of entitlements they hold (whether they use them to get paid or not) exceeds the number of hectares of eligible land they declare, they will lose the excess entitlements.

If a farmer declares enough hectares of eligible land to go with the entitlements they hold, they won’t lose any entitlements.

If a farmer leases some of their entitlements from someone else and also holds some of their own, excess entitlements will be taken away proportionately. This means that some (or all) of the leased entitlements won’t be returned to the original owner.

RPA will apply the rules on excess entitlements separately within each payment region.

Example 1:

On 15 May 2015, a farmer who farms in one region only:
- has 90 hectares of eligible land
- holds 100 entitlements:
  - owns 60 entitlements and
  - leases in 40 entitlements

This means there are 10 excess entitlements: 6 of the entitlements they own and 4 of the entitlements they have leased in would be lost.
Example 2:
On 15 May 2015, a farmer who farms in more than one region:

- has 70 hectares of eligible land
  - 40 hectares in the non-SDA region and
  - 30 hectares in the SDA region
- holds 80 entitlements
  - owns 40 entitlements in the non-SDA region and
  - leases in 40 entitlements in the SDA region

This means there are no excess entitlements in the non-SDA region and 10 excess entitlements in the SDA region. The excess SDA entitlements will be lost.

Transferring entitlements
Entitlements can be transferred online at any time at www.gov.uk/ruralpayments. It’s up to the entitlement holder how many they want to transfer and no advance notice to RPA is necessary.

Transfer by sale or lease should take around 24 hours online, transfers through inheritance or sublease will take longer, as RPA will need to check them.

Only the person who holds the entitlements at midnight on 15 May can use them to get paid in that scheme year. This means all entitlement transfers need to be made before 15 May 2015.

Although the holder transferring the entitlement(s) does not have to be an active farmer, the farmer receiving the entitlements must be registered as an active farmer at www.gov.uk/ruralpayments before the transfer can take place (read pages 7 to 12). If they need to send RPA evidence to qualify under the readmission criteria, they will not be registered as an ‘active farmer’ on the online service until RPA has received this evidence.

There are different ways entitlements can be transferred:

- by sale or gift
- by lease
- through inheritance
- as part of a merger or scission

Leased entitlements automatically return to their owner at the end of the lease. This doesn’t count as a ‘transfer’ so the owner doesn’t have to be an active farmer to receive them back.

Land is transferred separately at www.gov.uk/ruralpayments.

Invalid transfers
If a farmer receives entitlements that they shouldn’t have had (for example, because RPA find that they are not an active farmer), the transfer is invalid and they will lose those entitlements. In these cases, the transferred entitlements (whether they were leased or sold) will not be returned to their original owner.

If the recipient has already transferred them again (to a third business) that business may lose some or all of the entitlements which came from the invalid transfer.
The ‘greening’ rules

Work out how many different crops to grow and what farmers need to do with their land.

What is greening?
There are 3 ‘greening’ rules that farmers must follow:

• the crop diversification rule (page 33)
• the ecological focus area (EFA) rule (page 37)
• the permanent grassland rule (page 48)

The person who declares land on their application (and so has it at their disposal on 15 May 2015) is responsible for making sure the greening rules are met on it for the whole calendar year. If they don’t, their payments may be reduced. Read page 57 for more information on payment reductions.

What will farmers have to do to meet the greening rules?
What farmers need to do will depend on how much arable land they have.
If they have:

• less than 10 hectares of arable land – they won’t need to do anything differently
• between 10 and 15 hectares of arable land – they will probably need to meet the crop diversification rule
• more than 15 hectares of arable land – they will probably need to meet the crop diversification and EFA rules

Farmers with organic land

The greening rules don’t apply to land which is certified as organic (including land ‘in conversion’) – as long as it’s been certified by an accredited body. Farmers who want their organic land to qualify for greening will need to send a copy of their organic certification to RPA when they make an application.

If some of a farmer’s land is organic, they should only count their non-organic land when they work out their arable area to see how many crops they need to grow, or whether they need EFAs. The crops and EFAs they use to meet the rules must be on their non-organic land.

However, farmers can choose to count their organic land in their arable area when they do their greening calculations. If they do, they have to count all of it. They will then be able to count the crops and EFAs on their organic land, as well as on their non-organic land. Farmers who do this don’t need to send RPA a copy of their organic certification.

How to work out ‘total arable area’

In order to understand how to meet the crop diversification and EFA rules, farmers need to calculate:

• exactly how much eligible land is at their disposal
• how much of it is arable
Farmer’s need to work out what they’ve got to do for greening based on all of the eligible land that is at their disposal (even if BPS isn’t claimed on all of it). This includes all the land a farmer has in all English payment regions and the rest of the UK, if they have land there. For those with land in England only, this is land declared under their SBI.

As explained on page 13, eligible land is made up of:

- arable land (including fallow land and temporary grassland)
- permanent grassland
- permanent crops

Use the following calculation to work out the arable area of an arable land parcel:

\[
\text{Total field size (including eligible features)} - \text{Area of ineligible features} = \text{Arable area of the land parcel}
\]

Repeat this for every arable land parcel on the holding and add all the areas together – this final figure will be the total arable area of the whole holding.

**How to work out the total area of permanent grassland or permanent crops**

To work out the total area of permanent grassland or permanent crops, include any eligible features as part of the total parcel size when working out greening. For example, if a farmer has a field with 5 hectares of permanent crops and 0.2 hectares of eligible grass track running through it, the track should be included in the total area of the parcel (5.2 hectares) and be treated as permanent crop for the purpose of the greening calculations.

Farmers should make sure that they know if any temporary grassland they have will become permanent grassland on their 2015 application to assist in working out their permanent grassland area. Read pages 17 and 18 for more information.

**Greening and agri-environment agreements**

Farmers with an Entry Level Stewardship (ELS), Organic ELS (OELS) or Uplands ELS agreement which started on or after 1 January 2012, could have their agri-environment payment for some of their options reduced due to greening. Natural England has written to all the farmers affected.

Farmers with an Entry Level Stewardship (ELS), Organic ELS or Uplands ELS agreement which started before 1 January 2012, won’t be affected.

Greening doesn’t affect payments for options under Higher Level Stewardship and payments for ELS/OELS agreements that underpin HLS, where they also run for 10 years. The Higher Level Stewardship (HLS) agreement start date is not relevant.

Environmental Stewardship agreement holders might be able to use some of their options as part of their ecological focus areas. That includes those with an ELS, Organic ELS or Uplands ELS agreement that started on, or after 1 January 2012. Hedges can be used for ES and the EFA rules.

Under the new Countryside Stewardship scheme, there are 19 management options which cannot be used on land which is a BPS ecological focus area. If they are, the Countryside Stewardship payment will be reduced. For more information, search for ‘Countryside Stewardship’ at www.gov.uk.
Greening: crop diversification

How many different crops to grow

Under the crop diversification rule, farmers may need to grow at least 2 or 3 crops, covering certain areas of their land (some farmers are calling it ‘the 2 or 3-crop rule’).

Farmers who have from 10.00 to 30.00 hectares of arable land must grow at least 2 different crops on it. The area taken up by the main crop must not cover more than 75% of the arable land.

Farmers who have more than 30.00 hectares of arable land must grow at least 3 different crops on it. The area taken up by the main crop must not cover more than 75% of the arable land and the two main crops together must not cover more than 95%.

Which crops are eligible?

Read Annex A to see a list of crops which count towards crop diversification. Crops need to be in the ground from 1 May 2015 to 30 June 2015 under this rule (read Annex A for more information). The minimum area that eligible crops can cover is 0.01 hectares.

Crop diversification exemptions

Some farmers with 10 or more hectares of arable land may not need to follow crop diversification if any of the exemptions below apply to them.

Crop diversification exemption 1

The crop diversification rule doesn’t apply if more than 75% of the total eligible land is:

• permanent grassland
• temporary grassland
• used for the cultivation of crops grown in water (such as watercress) for 6 months or more in a calendar year
• a combination of the above

The rest of the arable land must be 30 hectares or less.

Crop diversification exemption 2

The crop diversification rule doesn’t apply if both of the following apply:

• more than 75% of their arable land is fallow land and/or temporary grassland
• the rest of the arable land is 30 hectares or less.

Crop diversification exemption 3

The crop diversification rule doesn’t apply if all of the arable land parcels are planted with different crops compared to the 2014 calendar year and more than 50% of their arable land this year was not declared on their SPS 2014 application.

To prove what was grown on the land in 2014, farmers will need to send RPA (so they receive it by midnight on 15 May 2015) pesticide application records and fertiliser application records for each land parcel. Where available, seed labels and invoices (or other evidence of cropping) should also be provided.
Farmers who don’t meet the exemptions

Farmers with 10 or more hectares of arable land who don’t meet the exemptions above must follow the crop diversification rule.

Farmers who don’t meet any of the exemptions above, but have

- temporary grassland or fallow land on more than 75% of their arable land, and
- the rest of their arable land is more than 30 hectares

can:

- count the temporary grassland or fallow land as their main crop, and they don’t need to reduce the percentage covered by this crop
- grow at least 2 other crops on their remaining arable land. Their main crop on this remaining arable land must not cover more than 75% of this land

How to meet the crop diversification rule

To work out if they are meeting the rule, farmers with 10 hectares or more of arable land need to:

- work out the total arable area on the holding (read ‘How to work out ‘total arable area’’ on pages 31 and 32 to find out how to do this)
- work out how many crops need to be grown, based on the total arable area (the minimum is 2 or 3)
- for the crops that will be grown to meet the rules, work out what they are worth as a percentage of the total arable area (for the main crop if the total arable area is between 10.00 and 30.00 hectares of arable land and for the two main crops if it is over 30.00 hectares)

Example

A farmer has the following in their holding:

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field A</td>
<td>5 hectares total size, with permanent grassland in it</td>
</tr>
<tr>
<td>Field B</td>
<td>6 hectares total size with peas grown in it and a 1 hectare stone track</td>
</tr>
<tr>
<td>Field C</td>
<td>30 hectares total size, with wheat grown in it, a 2 hectare wood and a 1.5 metre ditch</td>
</tr>
<tr>
<td>Field D</td>
<td>1 hectare total size, with a permanent crop in it</td>
</tr>
<tr>
<td>Field E</td>
<td>10 hectares total size, with barley grown in it</td>
</tr>
<tr>
<td>Field F</td>
<td>1 hectare total size, fallow land</td>
</tr>
</tbody>
</table>

The farmer’s total arable land is:

- Field A: 0 hectares (permanent grassland is not arable land)
- Field B: 5 hectares (6 hectares total size, minus the 1 hectare stone track as it’s an ineligible feature)
Field C: 28 hectares (30 hectares total size, minus the 2 hectare wood. The wood is ineligible as it cannot be grazed. The ditch is under 2 metres wide so can be included in the arable area)

Field D: 0 hectares (permanent crops don’t count as arable land)

Field E: 10 hectares

Field F: 1 hectare

\[5 + 28 + 10 + 1 = 44\] hectares of arable land on the holding. This means the farmer must grow at least 3 crops. They are already growing 4 ‘crops’ for crop diversification, so they meet this part of the rule:

- Peas
- Wheat
- Barley
- Fallow land

To meet the crop diversification rule, the farmer also needs to make sure that his main crop does not cover more than 75% of the total arable land and that the two main crops together do not cover more than 95%.

This farmer’s main crop is wheat (the largest at 28 hectares), so it covers just over 63% of his total arable land. \((28 \text{ hectares} / 44 \text{ hectares} \times 100 = 63.64\%)\). He is meeting the rule on the size of his main crop.

The farmer’s 2 main crops are wheat (28 hectares) and barley (10 hectares), together they cover 38 hectares, which is just over 83% of his total arable land \((38 / 44 \times 100 = 83.86\%)\). So the farmer has two main crops which cover less than 95% of his total arable land.

This farmer is meeting the crop diversification rules. He is growing at least 3 crops, the main crop covers less than 75% of his total arable land and the two main crops together cover less than 95%.

**How to count mixed crops**

The examples below explain how to count mixed crops under the crop diversification rules. Crops in fields which are split into distinct areas don’t count as mixed crops.

1. **Undersowing a main crop**
   - If a main crop is undersown with a second crop, only the main crop can be counted for that area.

2. **Sowing a seed mixture**
   - If there is an area where a seed mixture is sown, this area must be counted as a single crop – it doesn’t matter what crops are included in the mix.

   If two different seed mixtures are grown, these can count as separate crops if:
   - it can be shown that the species included in each of them are different from each other, and
   - they do not fall under the definition of temporary grassland
3. Growing rows of 2 or more crops at the same time

In an area of mixed crops, where 2 or more crops are grown at the same time in distinct rows, each crop can be counted as a distinct crop when it covers at least 25% of that area.

To work out the area covered by the 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.

Mixed crops grown on temporary grassland or fallow land won’t count as mixed crops under the crop diversification rule.

**Spring and winter crops**

Spring and winter varieties of eligible crops will count as separate crops under the crop diversification requirement.

Check the National List or the Processors and Growers Research Organisation’s (PGRO) Recommended List to see whether a crop is a spring or winter variety:

- Recommended list: www.pgro.org/index.php/

For varieties that aren’t on these lists, check the EC Common Catalogue at: www.ec.europa.eu/food/plant/propagation/catalogues/database/public/index.cfm

In this catalogue, winter varieties are called ‘forma hibernalis’. Spring varieties are called ‘forma aestiva’. If a variety isn’t described as forma hibernalis or forma aestiva, it should be counted as a spring crop.

Where a crop isn’t on any of the lists, re-check for the genus of that crop. If the genus is not on any of the lists, contact RPA.

RPA will count winter and spring varieties of brassicas as separate crops. Farmers can count a maximum of one winter brassica and one spring brassica when following the crop diversification rule. A list is available on GOV.UK.
Greening: ecological focus areas (EFA)

Who has to have ecological focus areas?
Farmers with more than 15 hectares of arable land must have ‘ecological focus areas (EFAs)’ on their land. These need to be declared and mapped online when making a BPS application. Farmers do not have to claim BPS on an area of land to use it as part of their EFA.

EFAs can be made up of these features and/or areas:

- buffer strips
- catch crops
- cover crops
- fallow land
- hedges
- nitrogen-fixing crops

Read more about these in the pages below.

The features and areas above must be ‘at the disposal’ of the applicant and the total area of their EFAs must add up to the equivalent of at least 5% of their arable land (regardless of whether they are claiming BPS for that land or not).

Farmers can have an equivalent area that is more than 5% if they want to make sure they are meeting this rule. There are some exemptions to the requirement for EFAs (see below).

EFA exemptions
Some farmers with more than 15 hectares of arable land may not need EFAs if any of the exemptions below apply to them.

EFA exemption 1
Farmers don’t have to have EFAs if more than 75% of their arable land is any of the following:

- fallow land
- temporary grassland
- used for cultivation of leguminous crops
- a combination of the above

The rest of their arable land must be 30 hectares or less.

Read ‘Annex: Crops for greening/permanent crops’ to check what counts as a leguminous crop.

EFA exemption 2
Farmers don’t have to have EFAs if more than 75% of their total eligible land is:

- permanent grassland
- temporary grassland
- used for the cultivation of crops grown in water (such as watercress) for 6 months or more in a calendar year
- a combination of the above

The rest of their arable land must be 30 hectares or less.
**EFA buffer strips**

To count as an EFA, a buffer strip must be all of the following:

- next to a watercourse (or parallel with, and on a slope leading to, a watercourse)
- on or next to arable land
- have a minimum width of 1 metre (edge to edge), and
- not be used for any crop production (although if it is temporary grass it can be grazed and/or cut)

Farmers can use the same buffer strips to meet the greening and the cross compliance rules.

Measure the buffer strip from the top of the bank (not including the bank itself), then away from the watercourse into the field.

Wild bird seed mixes, pollen sources or nectar sources can be sown on EFA buffer strips. The rules on sowing these mixes on EFA buffer strips are the same as they are for EFA Fallow land (read page 42 for more information).

A ‘watercourse’ is any surface waters – including coastal water, estuaries, lakes, ponds, rivers, streams, canals, field ditches. Temporarily dry watercourses still count as a watercourse. Buffer strips around ponds can be eligible as part of an EFA:
EFA Buffer strips directly next to a watercourse

To count as an EFA, there must not be a man-made or landscape feature between the buffer strip and the watercourse (unless it’s a fence).

A hedge next to a watercourse can’t count as an EFA buffer strip, even if it is carrying out the function of a buffer strip.

Buffer strips in a field

To count as an EFA, an ‘in-field’ buffer strip must be all of the following:

• parallel to a watercourse,
• on a slope that leads down to a watercourse,
• within a land parcel that is alongside a watercourse
• have arable land on both sides of the buffer strip
How many buffer strips to count

Farmers can count a maximum of two EFA buffer strips on each side of a watercourse. One of these must be directly alongside the watercourse - the other can be in-field:

Temporary grass strips: buffer strip and fallow land

Some strips of temporary grassland are wider than 1 metre and meet the definition of both an EFA buffer strip and EFA fallow land.

In these cases, farmers can count the first metre as an EFA buffer strip. They could count the extra width as EFA fallow land (as long as it is at least 2 metres wide).

If this is done, it must be possible to tell the difference between the EFA buffer strip and the EFA fallow land during the fallow period (1 January to 30 June). This means at least one of the following must apply:

- they have different vegetation
- the vegetation is of different heights
- there is different land management (for example, the fallow land has been cultivated)

The difference must be visible at an inspection.
**EFA catch crops or cover crops**

Catch crops and cover crops are used to protect the soil and use available nutrients between harvesting and sowing.

Under the EFA rules, catch crops or cover crops must be made up of a sown mix of at least 2 different cover types that establish quickly, achieve ground cover and will use available nutrients.

The minimum area of EFA catch or cover crops is 0.01 hectares. They must be on arable land.

To count as an EFA, farmers can use a sown mix of at least 2 different crops from this list (a minimum of one cereal and one non-cereal):

<table>
<thead>
<tr>
<th>Cereal:</th>
<th>Non-cereal:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rye</td>
<td>Vetch</td>
</tr>
<tr>
<td>Barley</td>
<td>Phacelia</td>
</tr>
<tr>
<td>Oats</td>
<td>Mustard</td>
</tr>
<tr>
<td></td>
<td>Lucerne</td>
</tr>
</tbody>
</table>

Alternatively, grass can be counted as either an EFA catch crop or an EFA cover crop, as long as it was undersown in the previous crop and is sufficiently established.

Read Annex A (page 62) to find out which catch and cover crops count as part of an EFA. The regulations don’t allow farmers to include crops that are usually grazed, so kale and stubble turnips aren’t shown as catch or cover crops.

Farmers can include other crops in their catch crops or cover crops, but these areas cannot count as part of an EFA.

To count as an EFA in 2015, catch crops must be established by 31 August 2015 and retained until at least 1 October 2015.

To count as an EFA in 2015, cover crops must be established by 1 October 2015 and retained until at least 15 January 2016.

There are no restrictions on the management of catch or cover crops outside these periods. The cover does not need to be destroyed after them and it can be grazed outside these periods.

**EFA fallow land**

To count as an EFA, fallow land must be kept fallow from 1 January 2015 to 30 June 2015. This is different to the fallow period for crop diversification (read page 17 for more information).

The fallow area must also be on arable land.

Farmers must follow the cross compliance rules on all fallow land, even if the land is being counted towards EFA.

The minimum area of EFA fallow land is 0.01 hectares. It must have a minimum width of 2 metres. The area(s) occupied by the following don’t count as EFA fallow land:

- bales of hay
- silage
- straw
- muck
- farm machinery
Farmers can count temporary grass as EFA fallow land. There is no restriction on how many years land is classed as fallow under the EFA rules. It can still count as arable land even if it has been EFA fallow with a grass cover for 5 years or more.

**Managing fallow land during the EFA fallow period**

During the EFA fallow period (1 January 2015 to 30 June 2015), farmers can do the following on their fallow land:

- use herbicides and cultivation to control weeds (for example, Blackgrass, Ragwort, Hemlock)
- carry out drainage work
- sow wild bird seed mixes and/or nectar sources
- top green cover or previous crop residue
- sow grass, if they can show that it is being sown for reasons other than agricultural production, such as where it is sown under an agri-environment scheme. This will apply to fallow land counted for both the crop diversification and EFA rules.

They must not:

- harvest or graze it
- plant or sow any crop on it (except wild bird seed mixes, pollen sources or nectar sources)
- apply fertiliser or farmyard manure (except where a wild bird seed mix, a pollen source or a nectar source has also been sown)

**Managing fallow land outside the EFA fallow period**

Outside the fallow period, farmers can use fallow cover as they wish (except for grazing or harvesting wild bird seed mixes).

If fallow land has grass cover, it can be grazed or made into hay/silage after 30 June.

**Planting wild bird seed mixes, pollen sources and nectar sources**

Farmers can plant wild bird seed mixes, pollen sources and nectar sources on their EFA fallow land during the fallow period.

These must be an unharvestable mix of at least 2 crops that support wildlife and pollinators (advisers from the ‘Campaign for the Farmed Environment’ can help farmers choose).

Wild-bird seed mixes should be an area with a balanced combination of small-seed bearing crops, for example Barley, Triticale, Kale, Quinoa, Linseed, Millet, Mustard, Fodder radish, Sunflower. This will benefit over-wintering birds.

Pollen sources and nectar sources should be in an area with a mixture of nectar-rich plants, for example Red clover, Alsike clover, Bird’s foot trefoil, Sainfoin, Musk mallow or Common knapweed. This will benefit nectar feeding insects like butterflies and bumble bees.
**EFA hedges**

A hedge can only be used as part of an ecological focus area if it is growing on or next to arable land which forms part of the holding. In accordance with cross compliance rules, it must have:

- a continuous length of at least 20 metres, or is part of any such length
  - or
- a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedgerow at each end

These hedges can be any width, or any height. They must be maintained for the whole scheme year (in line with cross compliance rules), however newly planted hedges can count for EFA if they are in the ground when a BPS application is made.

Hedges can include gaps. There is no limit on how many gaps a hedge can have – as long as each individual gap is not more than 20 metres.

Hedges not protected under cross compliance which are wider than 2 metres from the centre are not eligible. This applies for BPS and greening.

To count as an EFA, a hedge:

- must be on arable land or next to arable land along its longest edge (it’s ok if there is an eligible feature in between, for example a ditch that is up to 2 metres wide from the centre of a hedge)
- must be at a farmer’s disposal
- doesn’t have to contain trees, but any trees that are in it do form part of the hedge
- is eligible if it’s on a bank
There must not be an ineligible feature between the hedge and the arable land, unless it’s a fence.

Read ‘How to calculate total EFA’ (below) to find out how much of a hedge to count as an EFA.

**Looking after EFA hedges**

Farmers must manage their hedges according to the cross compliance guidance (for example, follow the cutting restrictions). Other than that, there are no more management rules for hedges under the greening rules.

Farmers with Higher Level Stewardship or Entry Level Stewardship agreements may also have other management requirements for their hedges.

**EFA nitrogen-fixing crops**

The minimum area of nitrogen-fixing crops which can count as an EFA is 0.01 hectares. Read Annex A (page 62) to find out which nitrogen-fixing crops can count as an EFA.

There are no specific restrictions on the use, location or inputs (for example, pesticides and herbicides) for nitrogen-fixing crops, but farmers must follow the cross compliance rules on this land.

**How to calculate total EFA**

As a minimum, a farmer’s total EFA must be equivalent to at least 5% of their total amount of arable land. Farmers may want to have more than 5% to make sure they are meeting this rule.

Each EFA feature has a different weighting towards the total EFA area. This will affect how the calculation for EFA is worked out. EFAs can be calculated online at www.gov.uk/ruralpayments

Farmers can count more than 1 EFA in a land parcel – but not if they are on exactly the same area of land (even if they are on it at different times in the year).

Farmers can have more EFA ‘area’ than the area of a field which their EFA features/areas are located in (in certain circumstances). So if a farmer has a field of 10 hectares and his EFA for the field is worked out as 10.5 hectares, this is allowed under the rules.

EFA hedges next to fallow land, nitrogen-fixing crops or catch/cover crops can be part of an EFA (even though the hedge and the land being used for EFA cover the same area). But the area of land included in the EFA has to be reduced (read ‘EFA hedges next to fallow land, nitrogen-fixing crops or catch/cover crops’ below). The area of the ‘crop’ for crop diversification does not need to be reduced if it is next to a hedge.
EFA buffer strips do not count as covering the same area of land as the rest of a crop in a field, so they can be included in full in EFAs. Their EFA area does not need to be reduced in the same way as EFA hedges next to crops or fallow land.

How to measure EFAs

<table>
<thead>
<tr>
<th>Feature/area</th>
<th>What it’s worth for EFA</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFA buffer strips</td>
<td>Count every metre of length as 9 square-metres of EFA</td>
</tr>
<tr>
<td>Catch crops and cover crops</td>
<td>Count every square-metre as 0.3 square-metres of EFA</td>
</tr>
<tr>
<td>EFA Fallow land</td>
<td>Count every square-metre of fallow land as 1 square-metre of EFA</td>
</tr>
<tr>
<td>EFA Nitrogen-fixing crops</td>
<td>Count every square-metre as 0.7 square-metres of EFA</td>
</tr>
<tr>
<td>EFA Hedges</td>
<td>• Both sides of the hedge: Count every metre of length as 10 square-metres of EFA&lt;br&gt;• One side only: Count every metre of length as 5 square-metres of EFA&lt;br&gt;• When next to fallow land, nitrogen-fixing crops or catch/cover crops that are also being used as part of an EFA, a deduction needs to be made, read page 47.</td>
</tr>
</tbody>
</table>

The table below shows how much of a hedge to count for EFA, depending on what is on either side.

<table>
<thead>
<tr>
<th>What’s on either side of the hedge</th>
<th>How much to count as part of an EFA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arable land on both sides</td>
<td>The whole hedge is eligible for EFA if the land on both sides of the hedge is at the farmer’s disposal. If they’re responsible for one side only, they can count only that half of the hedge as an EFA feature.</td>
</tr>
<tr>
<td>Arable land on one side and non-arable land on the other</td>
<td>If a farmer is responsible for both sides of the hedge, they can count the whole hedge as an EFA feature. If they’re responsible for the arable side only, they can count only that half of the hedge as an EFA feature.</td>
</tr>
<tr>
<td>Arable land on one side and non-agricultural land (for example, a road or woodland) on the other</td>
<td>If a farmer is responsible for both sides of the hedge, they can count the whole hedge as an EFA feature. If they’re responsible for the arable side only, they can count only that half of the hedge as an EFA feature.</td>
</tr>
<tr>
<td>Arable land on one side and land under someone else’s control on the other (for example, land that belongs to a neighbour)</td>
<td>If a farmer is responsible for the arable side only, they can only count that half of the hedge as an EFA feature.</td>
</tr>
</tbody>
</table>

This document was archived on 8 June 2016.
Making sure there is at least the equivalent of 5%

Farmers need to measure the size of the EFA features/areas they want to include in their ecological focus area, then work out what they are worth for EFA.

Adding all of the areas together provides the total EFA.

To calculate whether the total EFA is enough to meet the 5% rule:

• divide the total EFA by the total number of hectares of arable land
• multiply the figure by 100 to give a percentage.

If this answer is 5 or more, the EFA rule has been met. If it is less than 5, further EFAs will be required on the land, or payments may be reduced.

Example

A farmer has 120 hectares of arable land they plan to claim on in 2015 with:

• 8,800 metres of hedges (he is using both sides of his qualifying hedges)
• 2,500 metres of buffer strips.
• 1 hectare of spring beans (nitrogen-fixing crop)

The farmer needs 6 hectares of EFA (5% of 120 hectares) to meet the rule.

He converts his hedges and buffer strips to show what they are worth for EFA:

• Hedges: when including both sides, 1 metre of length is worth 10 square-metres, so he multiplies the number of metres of hedge by 10:
  8,800 x 10 = 88,000 square-metres
• Buffer strips: 1 metre of length is worth 9 square-metres, so he multiplies the number of metres of buffer strip by 9:
  2,500 x 9 = 22,500 square-metres

Then he converts his hectare of beans into square-metres (1 hectare is equal to 10,000 square-metres):

1 x 10,000 = 10,000 square-metres

1 square-metre of nitrogen-fixing crops is worth 0.7 square-metres under the EFA rules. He then multiplies the number of square-metres he has by 0.7:

10,000 x 0.7 = 7,000 square-metres

His total area in square-metres is:

Hedges: 88,000 square-metres + Buffer strips: 22,500 square-metres + Nitrogen-fixing crops: 7,000 square-metres

= 117,500 square-metres

To convert square-metres into hectares, divide by 10,000. So the area of his EFA in hectares is: 117,500 / 10,000 = 11.75 hectares. So he is meeting the EFA rule.
**EFA hedges next to fallow land, nitrogen-fixing crops or catch/cover crops**

Under the EFA rules, an additional rule applies if a farmer has:

- a field with EFA fallow land, nitrogen-fixing crops or catch/cover crops in, and
- an EFA hedge around the edge of the field (around any part of it or all the way around the edge) and the hedge is directly next to the area of the field being used for EFA fallow/cropping.

The hedge and the fallow land, nitrogen-fixing crops or catch/cover crops can be included as part of their EFA. However, the area of the fallow land, nitrogen-fixing crops or catch/cover crops must be reduced to take account of the area taken up by the hedge. To do this, a farmer must reduce the area of the crop or fallow by 2.5 square-metres for each metre length of EFA hedge in the field.

**Example**

A farmer has a 10 hectare field of EFA fallow land, with an EFA hedge around part of it that measures 600 metres. He can include both the fallow land and the hedge in his ecological focus area for that field, but he needs to reduce the area of fallow land to take account of the area taken up by the hedge.

To work out what the fallow land and the hedge are worth, the farmer needs to:

1. work out the area to be allowed for the EFA hedge
2. take this away from the area of fallow land
3. calculate the EFA areas for the Hedge

For this farmer, this means:

1. work out the area to be allowed for the EFA hedge = 600m x 2.5m = 1,500 square-metres.
2. take this area from the area of fallow land (100,000 square-metres) = 100,000 – 1,500 = 98,500 square-metres. The farmer’s fallow land in this field is therefore worth 98,500 square-metres for EFA
3. calculate the EFA areas for the hedge

   The EFA value for the 600m of hedge within this land parcel (each metre is worth 5 square-metres for EFA) = 600 x 5 = 3,000 square-metres.

The total EFA area for this field is 98,500 + 3,000 = 101,500 square-metres. To convert to hectares, divide this figure by 10,000: 101,500 / 10,000 = 10.15 hectares.

The farmer does not need to reduce the area of fallow land if he uses it to meet the crop diversification rules. For crop diversification the fallow area would be 10 hectares.
Greening: permanent grassland

Under this rule, if the percentage of permanent grassland in England – relative to the area of agricultural land – falls by more than 5%, farmers who have ploughed permanent grassland may have to re-instate it.

RPA will monitor this across England and if it happens, RPA will write to inform farmers if anything must be done differently. It would also mean that there would be restrictions on any further ploughing of permanent grassland.

Under the permanent grassland rule farmers with any permanent grassland in areas covered by the Wild Birds and/or Habitats Directive (Natura 2000) must not plough that land.

Farmers can check if they have any of this land at:
- http://magic.defra.gov.uk/

Ploughing permanent grassland

Even if farmers are not claiming BPS on permanent grassland, they must not plough it if it is in a Natura 2000 site. For any other permanent grassland, they must get a screening decision from Natural England before they plough up or improve land which hasn’t been cultivated for 15 years, or which is semi-natural grassland (or another semi-natural area).

To get a screening decision, make an ‘initial Environmental Impact Assessment (EIA) screening application’ to Natural England. For more information about EIAs, visit www.gov.uk/eia-agriculture-regulations-apply-to-make-changes-to-rural-land
Making an application
What farmers need to declare on their BPS application and when to do it.

How and when to apply
To apply for BPS, go to www.gov.uk/ruralpayments and click ‘start now’.

Farmers who haven’t registered with RPA before won’t be able to log in. They will need to call RPA on 03000 200 301.

Farmers need to make sure they apply by the application deadline of midnight on 15 May 2015. This is also the deadline to get any supporting evidence (for example, a certification form) to the RPA.

Late applications receive a penalty (apart from cases of force majeure, read page 61). More information about penalties is on page 58.

What to do after logging in
The following information will be available online, based on details previously provided:
• the details registered for the farmer and the business
• the details registered for anyone else who’s part of the business
• all agricultural land parcels on the holding which are 0.10 hectares or bigger – even if a farmer is not claiming BPS on some of the land
• eligible and ineligible features

This information should be checked for accuracy and once done the application can be started.

Before farmers apply, they can give permission on the online service to anyone who will act on their behalf. Anyone previously given permission to act on behalf of claimants for SPS, will need to be given permission again for BPS (unless they had full legal empowerment under SPS).

What farmers need to declare when they apply
As the online service is new, the service is being released in stages. RPA will contact farmers to let them know when new functionality is added to the online service.

To apply for BPS, farmers need to declare the following:
• any non-agricultural business activities (and, if they need to, the active farmer exception they are applying under)
• all the agricultural land parcels on their holding
• the ‘land use’ and any ineligible features that can’t be claimed for (find out more about how to check and update land information on GOV.UK at https://capreform.blog.gov.uk).
• (if they need to) what is being included in their ecological focus areas
• how many entitlements are being used (which must be at least 5).
• what eligible land is to be used with the entitlements
• preferred payment currency, whether in sterling (£) or euros (€). Farmers can change this information up to midnight on 9 June 2015.
• who the payment should go to
RPA will use the bank account details they already hold to pay farmers. Farmers need to tell RPA before December 2015 if they want to be paid into a different account (they need to call RPA to tell them this). Farmers who want to be paid in euros must have a UK bank account that accepts euros.

‘Artificiality’
If RPA find that an applicant has artificially created the conditions to qualify, with a view to obtaining an advantage contrary to the objectives of the scheme, the applicant will lose some or all of their payment.

Sending evidence
Applicants who need to send evidence must do this early enough for RPA to receive it (and their application) by the BPS application deadline (midnight on 15 May 2015).

If this is evidence not received by RPA by the deadline, then the application it relates to will not be accepted as being received by the deadline. If the evidence is received after the deadline, penalties will be applied in the same way as if the application was late. The application may be rejected if the evidence is received after midnight on 9 June 2015, unless there are mitigating circumstances.

All evidence should be sent to the RPA by post (read page 79 for the address). RPA will need originals, not copies, of any evidence. Before sending evidence, applicants must put their name and address on the front page, and their SBI on every page. Applicants cannot use bar code stickers as they did for the Single Payment Scheme.

RPA will post confirmation receipts for any evidence received and return evidence by post (usually within 3 working days). Applicants should keep any evidence after RPA has returned it, in case RPA need to see it again in the future.

Changing an application
To change an application after it’s been submitted, farmers must tell RPA as soon as possible. Until midnight on 1 June 2015, using the online service, farmers can:

- add a land parcel
- increase the area of a land parcel
- change the ‘land use’ of a land parcel
- increase the number of entitlements they want to use

If these changes are requested after midnight on 1 June 2015, RPA will apply a penalty. These changes can’t be made after midnight on 9 June 2015.

Farmers can’t change an application if:

- they’ve already been told about an error in it
- they’re inspected (or receive advance warning of an inspection)

Where a simple mistake on an application has been made (and which is obvious from a simple check of the application), farmers can ask RPA to correct it. The RPA may be able to correct it at any time without applying a reduction or a penalty – this is sometimes called an ‘obvious error’.

However, if a farmer makes the same mistake more than once, RPA may not accept it as an obvious error a second time.
Withdrawing all or part of an application

Farmers can withdraw an application at any time unless:

• they’ve already been told about an error in it
• they’re inspected (or receive advance warning of an inspection)

Farmers can withdraw part of an application (for example, a land parcel and/or entitlements) at any time unless:

• they’ve already been notified by RPA about an error in that part of the application
• they’re inspected (or receive advance warning of an inspection)

This includes errors found by Natural England or the Forestry Commission when they cross-check BPS information against Rural Development agreement(s).

‘Notified errors‘

Farmers can notify RPA of errors in their application at any time unless they have:

• already been told about the error, or
• received advance warning of an inspection.

RPA will not apply penalties in these cases. For information on amendments which will increase an applicant’s claim, read ‘Changing an application after it has been submitted‘ page 59.
‘New’ farmers and ‘young’ farmers

Applying for entitlements
RPA has used part of the BPS budget to create a pot of money called the ‘national reserve’. Some of this money will go towards creating more BPS entitlements.

New farmers and young farmers who apply for BPS can apply for entitlements at www.gov.uk/ruralpayments – even if they already have some.

They will need to confirm they are an active farmer and whether they are applying as a young farmer or a new farmer. They will also need to provide evidence to support their application. More information on how to do this will be on GOV.UK.

They will need to have at least 5 hectares of eligible land at their disposal on 15 May 2015 (read page 13).

When to apply for entitlements
Farmers need to apply for entitlements by the application deadline of midnight on 15 May 2015. They need to provide evidence to prove that they are a new or young farmer. RPA must receive this evidence by midnight on 15 May 2015.

Late applications can be made until midnight on 9 June 2015, but farmers who do this will receive a penalty. Read ‘Late applications’ on page 59 for more information.

After they’ve applied, RPA will tell farmers if they are eligible to receive entitlements and (later in 2015) how many entitlements they will receive. The maximum amount farmers can receive is 1 entitlement for each hectare of eligible land they have. They will receive fewer if they already have entitlements to use with some of their land.

The entitlements given to new and young farmers will have the same value as all other entitlements for the region they have been allocated for. For example, non-SDA entitlements given to young and new farmers will have the same value as all other non-SDA entitlements.

Successful applicants will not be able to apply for entitlements again in future years.

If farmers sold entitlements in the last year and apply for new ones as young or new farmers this may be considered to be ‘artificial’ and they may not get more BPS entitlements. Read ‘Artificiality’ on page 50 for more information.

Proving a farmer is a ‘new’ or ‘young’ farmer
To prove their status, farmers will need to take documents to a solicitor or accountant (that is independent from and not an employee or a director of the farmer’s business).

A solicitor or accountant needs to check the documents and fill in a ‘certification form’ (available on GOV.UK).

Farmers should send the signed form to RPA by post. To avoid a penalty it must be received by RPA by midnight on 15 May 2015. The RPA will not accept it if they receive it after midnight on 9 June 2015.
**New farmers**

New farmers need to show that:

- they are at least 18 years old when they make their 2015 BPS application
- they are in ‘control’ of the farm business that is applying for BPS. (This can be as a sole trader).
- their business started an ‘agricultural activity’ (read page 7) in 2013 (or later).
- they didn’t carry out (or weren’t ‘in control’ of carrying out) any farming in the 5 years before their business started its agricultural activity

New farmers must apply for BPS entitlements no later than 2 years after the calendar year in which the business started farming.

**Example**

A farm business started in 2013. To apply for new entitlements, the farmer in control of this business cannot have been in control of carrying out any agricultural activities from 01/01/2008 – 31/01/2012.

This farmer must apply for BPS entitlements in 2015.

**Young farmers**

To apply for entitlements or the young farmer payment in 2015, young farmers need to show that they:

- are at least 18 years old when they make their 2015 BPS application, but not more than 40 years old in 2015 (they cannot become 41 years old during 2015)
- are in ‘control’ of the farm business that is applying for BPS. (This can be as a sole trader), and
- set up or took ‘control’ of their business for the first time on 1 January 2010 or later

**What does ‘in control’ mean?**

‘In control’ means a person has more than 50% of the shares and votes in the business.

More than one person can ‘control’ the business if one of the following applies:

- there is a formal agreement between them to vote together, giving them a majority of the business votes and shares
- they jointly own shares, giving them overall majority control.

For new farmers, where more than one farmer is in control of the business, all those in control must meet the rules for new farmers. For young farmers, only one of the farmers in control (who must be over 18 years old) needs to meet the rules for young farmers.

Farmers ‘in control’ of a business are the ‘head of holding’.

Organisations which don’t expose the people directing the business to financial benefit or harm resulting from the success or failure of the business can’t apply for entitlements. For example charities, trusts or public bodies.
The young farmer payment

Young farmers can apply for an extra payment on top of their BPS payment.

Young farmers who apply for BPS can apply for an extra payment, worth up to 25% of the average value of a farmer’s entitlements they use to claim BPS (only counting their first 90 entitlements). The exact percentage will depend on how many farmers apply.

Young farmers can apply for the top up payment at www.gov.uk/ruralpayments.

To apply for the young farmer payment in 2015 young farmers need to show that they:

• are at least 18 years old when they make their 2015 BPS application, but not more than 40 years old in 2015 (they cannot become 41 years old during 2015). Successful applicants only have to meet this age criteria in the first year they apply.

• are in ‘control’ of the farm business that is applying for BPS. (This can be as a sole trader).

• set up or took ‘control’ of their business for the first time on 1 January 2010 or later.

Young farmers can apply for the payment each year, for a maximum of 5 years after the year they started, or took control of, their business.

When to apply for the young farmer payment

Farmers will need to apply and provide evidence to prove that they are a young farmer by midnight on 15 May 2015. Read page 50 for more information on the evidence that needs to be sent to RPA.

Late applications can be made until midnight on 9 June 2015, but a penalty will be applied. Read ‘Late applications’ on page 59 for more information.

After they’ve applied, RPA will tell farmers (later in 2015) if they are eligible to receive the young farmer payment.
Inspections

To check that farmers are following the BPS rules (including the greening rules), RPA will inspect at least 5% of holdings each year.

Either an inspector will visit a farm in person, or RPA will use aerial photography and satellite images. Most inspections are unannounced which means RPA won’t give any advance notice.

**Farms chosen for inspection must allow the inspector (and anyone with them) to check their land, animals, storage facilities and farm records.**

If the inspection finds that the rules aren’t being followed, there may be reductions and penalties applied (read more about these on pages 57 to 61).

The RPA will also inspect to make sure cross compliance rules are being followed. Read ‘The guide to cross compliance in England 2015’ for more information about cross compliance inspections.
Payments, reductions and penalties

Payments

BPS payments will be made between 1 December 2015 and 30 June 2016.

Once a payment is made, farmers will be able to check online to see what they have been paid. They’ll also be able to see if they have received any reductions or penalties.

If, when payments are calculated, RPA find that the BPS budget for the year has been exceeded, they will have to reduce all payments. If this is needed, RPA will give farmers more information with their payment.

Once a farmer has been paid, they will be able to log in to www.gov.uk/ruralpayments and see:

- how much their whole claim is worth
- what reductions and penalties (if any) have been applied to the claim
- the amount of their payment

How RPA calculate payments

Farmers can only receive a payment for the entitlements which they use correctly with eligible land to claim payment. The size of the payment will depend on how many entitlements they use and the value of those entitlements.

The greening part of the payment will be calculated by taking the number of entitlements that they’ve used with eligible land to claim payment, and multiplying it by the greening payment rate. The greening payment rate will be decided at the same time as the entitlement values. Reductions will be applied if the greening rules are not met, read page 57 for more information.

Penalties are then applied in the following order:

- penalties for over-claiming eligible land
- penalties for a late application
- penalties for not declaring all of the agricultural land parcels on the holding
- cross compliance penalties

For more information about these penalties, read pages 58 to 61.

Exchange rate

The exchange rate used will be the average of the European Central Bank rates set over the month of September. This exchange rate will be published on GOV.UK when it is announced.

Payments over €150,000

If a farmer’s BPS payment (excluding greening and any young farmer payment) is over €150,000, RPA will reduce any money above this amount by 5%.

Financial discipline mechanism

Each year the European Commission uses some of the BPS budget to create a ‘Crisis Reserve’. To achieve this, and ensure that the overall European budget for BPS is not exceeded, a mechanism called ‘financial discipline’ is used. ‘Financial discipline’ means BPS payments across all Member States are reduced.
The rate of financial discipline is usually confirmed in November. It will be published on GOV.UK once it is known.

**Small payments**
Payments of very small amounts can attract bank charges for farmers as well as incur administrative costs to RPA. To limit these costs, RPA may retain very small BPS payments due to farmers until they reach a certain level and then pay them.

**Overpayments**
If RPA need to recover overpayments from farmers, they may add interest to the amount recovered. This will be the Bank of England Base Rate +1%.

**Reductions**
RPA can only pay farmers for the eligible land that they correctly declare, and that they are using properly to follow the scheme rules.

RPA will reduce the amount a farmer can get paid for if they:
- haven’t declared all their agricultural land parcels
- have claimed payment with land which isn’t eligible or isn’t at their disposal
- haven’t followed the greening rules

In cases of force majeure and exceptional circumstances, RPA may not reduce a claim (read page 61 for more information about this).

**Greening reductions**
If a farmer doesn’t follow the greening rules in 2015, the most they’ll lose is 30% of the total payment they would have received.

The size of the reduction will depend on which of the greening rules apply in their case and the extent to which they haven’t followed the rules.

**Not meeting the crop diversification rule**
If a farmer doesn’t follow the crop diversification rule, the most they will lose is 15% of the payment they would have received. RPA work out the size of the reduction using what’s called the ‘ratio of difference’.

RPA reduce the area to be used for the calculation of the greening payment by 50% of the total area of arable land multiplied by the ‘ratio of difference’.

If a farmer is required to have 2 crops, the ‘ratio of difference’ is the amount the main crop exceeds 75% of the farmer’s arable land by. It’s calculated as a proportion of 25% of the farmer’s arable land.

If a farmer is required to have 3 crops, the ‘ratio of difference’ is one of the following:
- the amount the main crop exceeds 75% of the farmer’s arable land by, calculated as a proportion of 25% of the farmer’s arable land
- the amount the 2 main crops combined exceed 95% of the farmer’s arable land by, calculated as a proportion of 5% of the farmer’s arable land
- the sum of the 2 points above, but this cannot exceed 1
Example
A farmer has to have 3 crops under the crop diversification rule. He has 400 hectares of arable land. His crop sizes are:

- Arable crop 1: 315 hectares (his main crop)
- Arable crop 2: 60 hectares
- Arable crop 3: 25 hectares

His main crop should not exceed 75% of his arable land (300 hectares) but it covers 15 hectares more than it should under the rules.

Ratio of difference = share of main crop above 75% / area required for the other crops:
\[
\frac{315-300}{400-300} = 0.15
\]

Greening reduction = 50% of eligible arable land x ratio of difference = 30 hectares reduction:
\[
(400 \times 0.5) \times 0.15 = 30
\]

Not meeting the ecological focus area rule
If a farmer doesn’t follow the ecological focus area rule, the most they will lose is 15% of the payment they would have received. RPA reduce the area to be used for the greening payment by 50% of the total eligible arable land multiplied by the ‘ratio of difference’.

The ‘ratio of difference’ is the amount by which a farmer has fallen short of the 5% requirement as a proportion of that requirement.

Example
A farmer has 400 hectares of arable land. He has 18 hectares of EFA.

The farmer’s EFA requirement is 5% of 400 hectares = 20 hectares.

Ratio of difference = EFA shortfall / EFA requirement: \( \frac{20 - 18}{20} = 0.1 \)

Greening reduction = 50% of eligible arable land x ratio of difference:
\[
(400 \times 0.5) \times 0.1 = 20
\]

Not meeting the permanent grassland rule
If a farmer doesn’t follow this rule, RPA will reduce the area to be used for the greening payment by the area of permanent grassland which is found not to meet the permanent grassland rule.

Penalties
Penalties are applied if:

- an application is late (see ‘late applications’ below)
- a late change is made to an application (this includes changes to supporting information or evidence submitted as part of the application)
- the application doesn’t contain all the agricultural land on a farmer’s holding
- the area of eligible land the farmer claims payment on is significantly larger than the area the farmer actually has
• a farmer provides false evidence in an attempt to qualify for the young farmer payment
• the farmer doesn’t follow the cross compliance rules

In cases of force majeure and exceptional circumstances, and notified errors, RPA may not apply penalties (read page 61 for more information about this).

**Late applications**
Midnight on 15 May 2015 is the deadline for BPS applications, including:
• applications for the young farmer payment
• applications for BPS entitlements (made by new and young farmers)
• any paperwork to support the above (such as a certification form)

Farmers can make a late application until midnight on 9 June 2015 but they’ll get a penalty. For each working day the application is late, the size of the penalty will be 1%.

In addition, new and young farmers applying for entitlements will get a 3% penalty for each working day they’re late. This penalty will only apply to the 2015 payment related to their new entitlements.

Applications for the Young Farmer Payment will get a 1% penalty for each working day it is late. This will only apply to the value of the Young Farmer Payment, not the main BPS payment.

Farmers can’t make applications after midnight on 9 June 2015 (apart from in cases of force majeure – read page 61).

**Changing an application after it has been submitted**
Applications can be changed until midnight 1 June 2015 without getting a penalty.

For each working day after this, a 1% penalty will be applied to the land parcel which the change relates to.

Applications can’t be changed after 9 June 2015, apart from:
• in cases of force majeure (read page 61 for more information)
• where an applicant withdraws all or part of an application (read page 51 for more information), or
• obvious error (read page 50 for more information)

**Not declaring all the agricultural land parcels on a holding**
If a farmer does not declare all of their agricultural land parcels, the size of the penalty depends on how big the difference is between the number of hectares declared and how many hectares are at the disposal of the farmer.

<table>
<thead>
<tr>
<th>Difference between land declared and what is actually held (as a % of land declared)</th>
<th>Size of penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 3% of the area determined</td>
<td>No penalty (but the claim will be reduced, see above)</td>
</tr>
<tr>
<td>more than 3% and up to 20%</td>
<td>1%</td>
</tr>
<tr>
<td>more than 20% and up to 50%</td>
<td>2%</td>
</tr>
</tbody>
</table>
### Over-claiming land

If a farmer tries to claim payment for land that isn’t eligible or at their disposal, their claim will be reduced so that RPA only pay them for the areas of land they have which meet the rules (called ‘the area determined’).

As well as a reduction, RPA may apply a penalty. The size of this penalty depends on the size of the over-claim. The over-claim will be the difference between the eligible area and the area the farmer used to claim BPS, with entitlements. The only exception is if the difference is less than or equal to 0.1 hectares. In this case, RPA will pay on the area which was declared by the farmer.

<table>
<thead>
<tr>
<th>Size of over-claim</th>
<th>Size of penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 2 hectares or 3%</td>
<td>No penalty</td>
</tr>
<tr>
<td>More than 2 hectares or More than 3% but not more than 20% (of the area determined)</td>
<td>Twice the difference of the over-claim For example, if the over-claim is 5 hectares, RPA will reduce the claim by 5 hectares and apply an additional 10 hectare penalty</td>
</tr>
<tr>
<td>More than 20% (up to 50%) of the area determined</td>
<td>100% (the whole payment)</td>
</tr>
<tr>
<td>More than 50% of the area determined</td>
<td>More than 100% (see below)</td>
</tr>
</tbody>
</table>

Sometimes a penalty can be more than 100% of a payment. The extra penalty is calculated based on the amount of land they have claimed for incorrectly.

**Example:**

- a farmer claims payment for 100 hectares of eligible land
- they actually only have 30 hectares
- the difference is therefore 70 hectares

Because 70 hectares is more than 50% of 30 hectares, the farmer will lose their whole payment (as per the table above) on the 70 hectares of land which they shouldn’t have claimed.

RPA will also deduct an amount equal to the value of the over-claim from future payments. In this example, the amount to be deducted will be the value of 70 hectares. This amount will be taken from future payments from:

- BPS (including greening)
- Young farmer payment
- Rural development schemes

If there is any money still outstanding after 3 years, RPA will cancel the balance. This is sometimes known as a ‘3-year penalty’. 
Young farmer payment
If a farmer applies for the young farmer payment but does not meet the rules for this, no young farmer payment will be made.

If a farmer uses false evidence in an attempt to qualify for the young farmer payment, RPA will apply a penalty of 20% of the amount of payment the farmer has, or would have received if their application had been successful.

Cross compliance
Read ‘The Guide to cross compliance in England 2015’ to find out about cross compliance penalties. These are applied after BPS penalties.

Force majeure and exceptional circumstances
If force majeure or exceptional circumstances mean that a farmer can’t follow the scheme rules, RPA may not have to apply a penalty or reduction, and may also be able to accept an application made after 9 June.

In these cases (which are looked at individually), the farmer must provide evidence produced to show that it was an unusual circumstance outside the farmer’s control and that the consequences - in spite of all due care – couldn’t be avoided except at the cost of excessive sacrifice on their part.

Some examples might be, but are not limited to:
• the death or long-term professional incapacity of a farmer
• a severe natural disaster which affects the agricultural land
• an accident which destroys livestock buildings
• an epizootic disease which affects livestock
• a plant disease which affects crops
• expropriation of all or a large part of a holding if the farmer couldn’t have anticipated this on the day they made their application

Farmers (or the executor(s) of the estate) must email or write to RPA within 15 working days of being able to do so. They’ll need to give evidence to show:
• what has happened
• how the event meant they couldn’t meet the scheme rules
Annex A: Crops for greening / permanent crops

The following count as a ‘crop’ for crop diversification:

- 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
- fallow land
- temporary grassland
- mixed crops

Use the list below to check which crops can be used to meet the scheme rules for crop diversification. Spring and winter varieties of eligible crops will count as separate crops for the crop diversification rule.

When does the crop have to be in the ground?

For crop diversification, the crop needs to be in the ground from 1 May 2015 to 30 June 2015. When RPA carry out inspections, they will want to see that the crops were in the ground during this period.

Inspectors will also want to see that fallow land was kept fallow for the same period. If the fallow land is also being used as an EFA, it needs to stay fallow from 1 January 2015 to 30 June 2015.

If a farmer has harvested crops before 30 June, RPA will accept that the crop was present if stubble or other crop residue is still there.

Some farmers may grow late-sown crops within the cropping period, or crops with a very short cropping period, and these may not be visible (or present) at the exact time of an RPA inspection. In these circumstances, farmers are advised to (if possible) keep records and evidence to show which crops were sown after the inspection and which areas they covered. For example, seed certificates or photography that can be shared with RPA as requested.

RPA may ask for confirmation of when a crop is sown or if it is harvested early, to allow the appropriate scheduling of inspections.

List of eligible crops for greening and permanent crops

The list below shows:

- crops which can be grown to meet the crop diversification rules
- crops that can be used as part of the EFA rules (as catch, cover or nitrogen-fixing crops)
- permanent crops (these can’t be used as part of the crop diversification or EFA rules)

Each crop diversification ‘crop’ counts as one crop under the rules. For example if a farmer grew Bread wheat, Biscuit wheat and Barley they would be growing 2 crops for crop diversification (as the two types of wheat count as one ‘crop’ because they are the same genus).

All the crops in this list are eligible for BPS.
<table>
<thead>
<tr>
<th>Crop name</th>
<th>Greening</th>
<th>EFA cover crop (when included in a mix)</th>
<th>EFA catch crop (when included in a mix)</th>
<th>EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)</th>
<th>Permanent crop</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almonds</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apples</td>
<td>Yes</td>
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<td></td>
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<td>Apricots</td>
<td>Yes</td>
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<td>Artichoke</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asparagus</td>
<td>Yes</td>
<td></td>
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</tr>
<tr>
<td>Aubergine</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Avocados</td>
<td>Yes</td>
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<tr>
<td>Banana squash, Buttercup squash</td>
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<td>Barley</td>
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<tr>
<td>Basil</td>
<td>Vetch</td>
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<tr>
<td>Beans - field</td>
<td>Vetch</td>
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Genus (or culture of an eligible species where shown) for crop diversification:
- Aubergine (Solanum melongena (Solanaceae genus))
- Barley (Hordeum)
- Basil (Ocimum)
- Beans - field (Vicia)

This document was archived on 8 June 2016.
<p>| Crop name | Genus (or culture of an eligible species where shown) for crop diversification | Includes | Crop diversification ‘crop’ (counts as one ‘crop’) | EFA cover crop (when included in a mix) | EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2) | EFA catch crop (when included in a mix) | Permanent crop |
|-----------|--------------------------------------------------------------------------------|---------|--------------------------------------------------|----------------------------------------|----------------------------------|----------------------------------------|---------------------------------|-----------------|
| Beans – green | Phaseolus | Yes | Yes | Yes | Yes | Yes | Yes |
| Beet | Beta | Yes | Yes | Yes | Yes | Yes | Yes |
| Bilberry | Lotus | Yes | Yes | Yes | Yes | Yes | Yes |
| Blackberry | Blackberry | Yes | Yes | Yes | Yes | Yes | Yes |
| Borage | Borago | Yes | Yes | Yes | Yes | Yes | Yes |
| Buckwheat | Fagopyrum | Yes | Yes | Yes | Yes | Yes | Yes |
| Butternut squash | Cucurbita moschata (Cucurbitaceae genus) | Yes | Yes | Yes | Yes | Yes | Yes |</p>
<table>
<thead>
<tr>
<th>Crop name</th>
<th>Genus (or culture of an eligible species where shown) for crop diversification</th>
<th>Includes</th>
<th>Crop diversification ‘crop’ (counts as one ‘crop’)</th>
<th>EFA catch crop (when included in a mix)</th>
<th>EFA cover crop (when included in a mix)</th>
<th>EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)</th>
<th>Permanent crop</th>
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<tbody>
<tr>
<td>Cabbage</td>
<td>Species - Brassicaoleracea (Brassicaceae genus)</td>
<td>Broccoli, Brussels sprouts, Cabbages, Calabrese, Cauliflower, Chinese kale, Kale, Kohlrabi, Red cabbage, Savoy cabbage, White cabbage</td>
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<td>Camelina</td>
<td>Camelina, gold-of-pleasure, false flax</td>
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<td>Phalaris</td>
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<td>Cherry</td>
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<td>Chichorium</td>
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<td>EFA catch crop (when included in a mix)</td>
<td>EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)</td>
<td>Greening</td>
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<td>Specie - Capsicum baccatum (Solanaceae genus)</td>
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<td>Yes</td>
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<td>Coriandrum</td>
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<td>Corn Cockle</td>
<td>Agrostemma</td>
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<td>Includes</td>
<td>Crop diversification 'crop' (counts as one 'crop')</td>
<td>EFA catch crop (when included in a mix)</td>
<td>EFA cover crop (when included in a mix)</td>
<td>EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)</td>
<td>Permanent crop</td>
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<td>Black eye peas, Cowpeas</td>
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<td>Black eye peas, Seakale</td>
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<td>Currants</td>
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<td>Red, white, black</td>
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<td>Narcissus</td>
<td>All daffodils</td>
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<tr>
<td>Dill</td>
<td>Anethum</td>
<td>Dill</td>
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<tr>
<td>English Chamomile</td>
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<tr>
<td>Evening primrose</td>
<td>Oenothera</td>
<td>Evening primrose</td>
<td>Yes</td>
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<tr>
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<tr>
<td>Fennel</td>
<td>Foeniculum</td>
<td>Fennel</td>
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<tr>
<td>Fenugreek</td>
<td>Trigonella</td>
<td>Fenugreek</td>
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<tr>
<td>Field for-get-me-not</td>
<td>Myosotis</td>
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<td>Figs</td>
<td>Fox glove</td>
<td>German chamomile</td>
<td>Gooseberries</td>
<td>Grapes</td>
<td>Hayrattle</td>
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</tr>
<tr>
<td>Greening</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>EFA catch crop</td>
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<tr>
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<tr>
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<tr>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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</tbody>
</table>

This document was archived on 8 June 2016
### Basic Payment Scheme 2015 - Annex A: Crops for greening/permanent crops

<table>
<thead>
<tr>
<th>Crop name</th>
<th>Genus (or culture of an eligible species where shown) for crop diversification</th>
<th>Includes</th>
<th>Crop diversification ‘crop’ (counts as one ‘crop’)</th>
<th>EFA catch crop (when included in a mix)</th>
<th>EFA cover crop (when included in a mix)</th>
<th>EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)</th>
<th>Permanent crop</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hyssop</td>
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<td>Yes</td>
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<tr>
<td>Japanese pie squash</td>
<td>Species - Cucurbita argyrosperma (Cucurbitaceae genus)</td>
<td>Japanese pie squash</td>
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<td></td>
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<td>Lavender</td>
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<td>Lentils</td>
<td>Lens</td>
<td>Lentils</td>
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<td></td>
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<tr>
<td>Lettuce</td>
<td>Lactuca</td>
<td>Butterhead lettuce, Cos lettuce, Iceberg lettuce, Lettuce, Romaine lettuce</td>
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<td>Linseed</td>
<td>Linum</td>
<td>Flax, Linseed</td>
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<td>Locust beans</td>
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<tr>
<td>Loganberries</td>
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<tr>
<td>Lucerne</td>
<td>Medicago</td>
<td>Lucerne (Alfalfa), Black medici</td>
<td>Yes – if they are grown on their own (not with grass). Classified as temporary grass if grown in a mix.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes (when grown on its own)</td>
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<td>Lupinus</td>
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<td>Crop name</td>
<td>Macadamia Nuts</td>
<td>Maize</td>
<td>Mango</td>
<td>Mangosteens</td>
<td>Melissa</td>
<td>Melons</td>
<td>Species - Cucumis melo (Cucurbitaceae genus)</td>
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<td>(when included in a mix)</td>
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<td>Oca</td>
<td>Oxalis</td>
<td>Oca, New Zealand Yam</td>
<td>Yes</td>
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<td>Onions</td>
<td>Allium</td>
<td>Chives, Garlic, Onions, Leeks, Scallions, Shallot, Spring onions</td>
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<td>Oregano</td>
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<td>Pastinaca</td>
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<td>Peas</td>
<td>Pisum</td>
<td>Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea, Vining pea</td>
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<td></td>
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<td>Pecans</td>
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<tr>
<td>Pepper</td>
<td>Species - Capsicum annuum (Solanaceae genus)</td>
<td>Bell pepper, Chilli pepper</td>
<td>Yes</td>
<td></td>
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<td>EFA cover crop (when included in a mix)</td>
<td>EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)</td>
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<tr>
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<tr>
<td>Phacelia</td>
<td>Phacelia</td>
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<td>(when grown on its own for seed)</td>
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<td>Yes</td>
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<td>Papaver</td>
<td>Poppy, Corn poppy</td>
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<td>Potato</td>
<td>Species - Solanum tuberosum (Solanaceae genus)</td>
<td>Early potato, Maincrop potato, Seed potato</td>
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<td></td>
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<td>Quinoa</td>
<td>Chenopodium</td>
<td>Quinoa</td>
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<td>Radish</td>
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<td>Radish</td>
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<td></td>
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<td>Yes</td>
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<tr>
<td>Rapeseed</td>
<td>Species - Brassica napus (Brassicaceae genus)</td>
<td>Industrial rape, Oilseed rape, Swede</td>
<td>Yes</td>
<td></td>
<td></td>
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<tr>
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<td>EFA cover crop (when included in a mix)</td>
<td>EFA catch crop (when included in a mix)</td>
<td>Permanent crop</td>
<td>Greening</td>
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<td>Raspberries</td>
<td>Species - Eruca sativa (Brassicaceae genus)</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Reed Canary Grass</td>
<td>Rocket</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Rocket</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Rosemary</td>
<td>Secale</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Salvia</td>
<td>Yes</td>
<td>Yes</td>
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<td>Yes</td>
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<td>Onobrychis</td>
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<td>Yes</td>
<td>Yes</td>
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<td>Sia pump</td>
<td>Siam pumpkin, Sevenyear melon</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Glycine</td>
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<td>Yes</td>
<td>Yes</td>
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<td>Soya</td>
<td>Soybean, Soybean</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Squash</td>
<td>Species - Cucurbita pepo (Cucurbitaceae genus)</td>
<td>Pumpkins, Squashes, Marrows, Zucchini, Courgettes</td>
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<td>Strawberry</td>
<td>Fragaria</td>
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<td>Sweet Clover</td>
<td>Melilotus</td>
<td>sweet clovers</td>
<td>Yes – if grown on its own (not when grown with grass)</td>
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<td>Yes (when grown on its own)</td>
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<td>Sweet potato</td>
<td>Ipomoea</td>
<td>Sweet potato</td>
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<td>Tea</td>
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<td>Teasel</td>
<td>Dipsacus</td>
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<td>Temporary grass</td>
<td></td>
<td></td>
<td>Yes</td>
<td></td>
<td></td>
<td>Yes – if undersown in the previous crop and it is sufficiently established</td>
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<td>Thyme</td>
<td>Thymus</td>
<td>All thymes</td>
<td>Yes</td>
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<tr>
<td>Tobacco</td>
<td>Species - Nicotiana tabacum (Solanaceae genus)</td>
<td>Tobacco</td>
<td>Yes</td>
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<td>Tomato</td>
<td>Species - Solanum lycopersicum (Solanaceae genus)</td>
<td>Tomato</td>
<td>Yes</td>
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<td>Triticale</td>
<td>Triticosecale</td>
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<td>Tulip</td>
<td>Tulipa</td>
<td>All tulips</td>
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<td>Turnip</td>
<td>Species - Brassica rapa (Brassicaceae genus)</td>
<td>Bok choi, Chinese cabbage (Pak choi), Turnip, Turnip rape</td>
<td>Yes</td>
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<td>Walnuts</td>
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</tr>
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<td>Watercress</td>
<td>Species - Nasturtium officinale (Brassicaceae genus)</td>
<td>Watercress</td>
<td>Yes</td>
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<td>Water melon</td>
<td>Species - Citrullus lanatus (Cucurbitaceae genus)</td>
<td>Water melon</td>
<td>Yes</td>
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<tr>
<td>Wheat</td>
<td>Triticum</td>
<td>Biscuit wheat, Common or Bread wheat, Durum wheat, Einkorn, Feed wheat, Red wheat, Spelt</td>
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<td>Yam</td>
<td>Dioscorea</td>
<td>Yam</td>
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<td>Yarrow</td>
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</table>
Legumes mixed with other crops

If farmers grow legumes in mixtures with other crops, they must count them as mixed crops. This usually means that they can’t count as nitrogen-fixing crops as part of an EFA or for EFA exemption ‘1’.

However, if all the crops of a farmer’s mixed crop are individually considered to be leguminous crops they can count the mixture as ‘mixed crop (legumes)’.

‘Mixed crop (legumes)’ can be counted as nitrogen-fixing crops for EFA and for EFA exemption ‘1’. The table below shows how mixed crop (‘legumes’), mixed crop, and temporary and permanent grassland are defined, and whether they are eligible as part of an EFA.

<table>
<thead>
<tr>
<th>Land use</th>
<th>Cropping</th>
<th>Eligible for EFA (nitrogen-fixing crop) or EFA exemption ‘1’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed crop (legumes)</td>
<td>Mixture of 2 or more legumes</td>
<td>Yes</td>
</tr>
<tr>
<td>Mixed crop</td>
<td>Mixture of 2 or more crops where at least 1 of the crops is not a legume</td>
<td>No</td>
</tr>
<tr>
<td>Temporary grassland and permanent grassland</td>
<td>Grass grown with legumes</td>
<td>No</td>
</tr>
</tbody>
</table>
Annex B: Business structure

Farmers involved in more than 1 business
BPS applicants can be involved in more than 1 business in the UK, if the businesses are separate entities – for example, limited companies or partnerships.

The relationship between these businesses will determine if they are considered ‘separate’ for the purposes of applying for BPS.

When they register, applicants must tell RPA about all the businesses they are involved in when those businesses are registered for BPS and/or Countryside Stewardship.

The RPA will then decide if the farmers can make separate applications for each business, or if the business should be treated as a single business for BPS.

If the structure of a business changes
Restructuring a business (for example, changing from a sole trader to a partnership or from a partnership to a limited company) may affect a farmer’s:
  • business status
  • eligibility for BPS and/or Countryside Stewardship
  • access to BPS entitlements that the business owned or leased before restructuring

Mergers and scissions
A merger is when two or more farming businesses join to create a new farming business, controlled by at least one of the farmers who managed one of the original businesses.

A scission is when one farming business is split into 2 or more businesses.

Share farming agreements
When 2 or more farmers have a share farming agreement (but their businesses are separate legal entities), only 1 farmer can apply for BPS.

All of the land in the agreement must be included on that 1 farmer’s application. They must have the land at their disposal on 15 May 2015 and hold the entitlements at midnight 15 May 2015.

The other parties to the share farming agreement who hold other land outside of this can submit their own BPS application for the land which they are not share farming.
Annex C: Hemp

It is against the law to grow hemp without a licence from the Home Office. Farmers can apply for one on GOV.UK.

There is a list of eligible varieties of hemp on the Common Catalogue of Varieties of Agricultural Plant Species:
http://ec.europa.eu/food/plant/plant_propagation_material/plant_variety_catalogues_databases/index_en.htm

When applying for BPS, hemp growers must declare land parcels they’re growing hemp on.

In order for the RPA to confirm the varieties of hemp grown, farmers must write their Single Business Identifier (SBI) on the official seed labels and send them to RPA. RPA must receive them by midnight on 15 May 2015 (or by 30 June 2015 if they haven’t sown hemp by 15 May 2015). RPA will return these labels.

Under European Commission rules the UK must sample and test at least 20% of all the hemp grown. Inspectors from the Food and Environment Research Agency (FERA) carry out these tests on behalf of RPA.

This includes 20% of the total area of hemp and all varieties of hemp grown. This is done to make sure that the tetrahydrocannabinol content is below the level set by European Commission legislation.

Hemp growers will receive a letter by 10 July 2015 telling them if RPA have selected them for testing or not. Those that have been selected must not harvest their hemp until RPA have done the inspection.
More information

Contact RPA
All written queries, or evidence to support BPS applications, should be sent to:
Rural Payments
PO Box 352
Worksop
S80 9FG

(A different address is used for cross compliance. Read ‘The guide to Cross Compliance in England 2015’ for more information).

Email: ruralpayments@defra.gsi.gov.uk
Call: 03000 200 301 open 8.30am to 5pm Monday to Friday (except Bank Holidays).
Website: www.gov.uk/rpa
Twitter: @Ruralpay

When you contact RPA please give your Single Business Identifier (SBI) and your business name.

If you’re deaf, deaf blind, deafened, hard of hearing or speech impaired and have a text phone, you can use Text Relay (previously known as Type Talk). This is a telephone relay service that means you can communicate with hearing people by telephone. To contact RPA using Text Relay, dial 18001 03000 200 301 from your text phone.

To use text relay on a device such as a smartphone or computer you also need to download the free Next Generation Text app from www.ngts.org.uk or from a marketplace such as Google Play or the App Store.

You can make a text relay call in a number of different ways and using a number of different devices.

For more information go to www.ngts.org.uk

To receive this guidance in large print, or another alternative format, contact the RPA.

How to complain

Farmers or agents who are unhappy with a decision or service they’ve had from RPA, can call, email or write to RPA.

For contact details and more information about how to complain or appeal go to www.gov.uk/rpa and click on ‘Complaints procedure’ in the ‘Corporate Information’ section.
## BPS regulations

This guidance is not the law. It’s designed to help farmers follow the Basic Payment Scheme rules. For legal advice, contact a legal professional.

The main European regulations are:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Direct Payments</td>
<td>Regulation (EU) No 1307/2013</td>
</tr>
<tr>
<td>Financing, Management &amp; Monitoring (IACS)</td>
<td>Regulation (EU) No 1306/2013</td>
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</table>

The European Commission delegated and implementing regulations are:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct payments Delegated Regulation</td>
<td>Regulation (EU) No 639/2014</td>
</tr>
<tr>
<td>Direct payments Implementing Regulation</td>
<td>Regulation (EU) No 641/2014</td>
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<tr>
<td>IACS Delegated Regulation</td>
<td>Regulation (EU) No 640/2014</td>
</tr>
<tr>
<td>IACS Implementing Regulation</td>
<td>Regulation (EU) No 809/2014</td>
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Domestic regulations:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 SI No 3263</td>
<td></td>
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For more information, go to www.legislation.gov.uk.

If the regulations change or the interpretation of them changes, RPA will publish more information.

## Data Protection

Defra is the data controller for personal data you give to us or we hold about you. We use it in line with the Data Protection Act.

For more information, go to www.gov.uk/rpa, choose ‘Contact RPA’ and click on ‘Personal information charter’.

## Farming Community Network

Farming people who need any help or support can call the Farming Community Network (formerly the Farm Crisis Network).

They give pastoral and practical support to farming people during times of worry, stress and problems about the farming business and the farming home.

They run a helpline from 7am to 11pm every day of the year and are staffed by a team of volunteers. Call 0845 367 9990. Email: mail@fcn.org.uk. Website: www.fcn.org.uk.

## Legal notice

This guidance is our interpretation of the current regulations for the Common Agricultural Policy schemes from 2015. Only the courts can give a definitive interpretation of the law.

You may want to get independent professional or legal advice before you change anything about your business. We cannot advise you or your legal representatives on your business structure.
Applicants may want to get independent professional or legal advice before they change anything about their business. We cannot advise applicants or their legal representatives on business structure.
Countryside Stewardship

Countryside Stewardship is a voluntary scheme that will help rural business improve the environment. It will be open to all eligible farmers, foresters and other land managers and will replace:

- Environmental Stewardship (ES)
- the English Woodland Grant Scheme (EWGS)
- capital grants from the Catchment Sensitive Farming (CSF) programme.

We currently plan that farmers and land managers can apply for Countryside Stewardship agreements from July 2015 with payments beginning in 2016, but some grants will be available from early 2015.

The scheme includes a Wild Pollinator and Farm Wildlife Package that brings together specific management options which (when done in the right combination at the right scale) provide the best outcomes for wild pollinators, farmland birds and other farm wildlife. Together, these will provide essential resources (like food, shelter and nesting sites) for wild pollinators and farm wildlife throughout the year, for example by sowing nectar flower mixes, and managing hedgerows and other farm habitats (like ponds).

Search for ‘Countryside Stewardship’ on GOV.UK to find out more.