



Rural Payments
Agency

Basic Payment Scheme in England:

The greening rules for 2016



Find this online - search for 'BPS 2016' at www.gov.uk

Basic Payment Scheme in England: rules for 2016

This guidance from the Rural Payments Agency explains the greening rules, which are part of the Basic Payment Scheme (BPS). Farmers must follow the greening rules every year (although some farmers might not need to do anything differently to meet them).

Farmers should do their greening calculations each year. This will help them to make their cropping decisions about what to do with their land.

What's changed about greening since 2015?

The greening rules are largely the same as they were in 2015, except that:

- oilseed radish can now count (as part of a mix) as an EFA catch and/or cover crop
- some EFA features can now be up to 5 metres away from arable land, rather than immediately next to it

When the European Commission finalises all the rules and this guidance is completed in February 2016, it will also explain which farmers can apply for the Basic Payment Scheme in 2016 and what all the rules of the scheme are.

Anyone claiming BPS will also need to follow the cross compliance rules (search for 'cross compliance at www.gov.uk).

1. The greening rules

Every year, farmers claiming BPS need to follow the greening rules, or risk losing 30% of their payment. Read this section to find out what rules there are and how to follow them.

1.1 Who has to follow the 3 greening rules?

Farmers with 10 or more hectares of arable land need to follow the crop diversification greening rule.

Farmers with more than 15 hectares of arable land must follow the crop diversification and the ecological focus area (EFA) greening rules.

Farmers with less than 10 hectares of arable land don't need to do anything differently – they meet the crop diversification and ecological focus area rules automatically.

Farmers with permanent grassland must follow the permanent grassland greening rule.

To help farmers work out how to meet the rules the RPA will publish a greening workbook for 2016. The 2015 version, 'Greening workbook for the 2015 Basic Payment Scheme in England' is already published on GOV.UK

Who has to meet the rules?

The person responsible for making sure the greening rules are met is the farmer who has the land at their disposal on 16 May 2016. (For land in Northern Ireland, Scotland and Wales this date is 15 May 2016)

Some rules must be met for the whole calendar year that farmers are applying in. If the rules aren't followed for the whole calendar year, the payment may be reduced.

Farmers with organic land

Organic land (including land 'in conversion') meets the crop diversification and EFA greening rules automatically – as long as it's been certified by an accredited organic control body. The land must be organic for the whole of the scheme year and the certification must be valid at the date of the BPS application.

Farmers who want their organic land to meet the rules automatically will need to send a copy of their 'organic documentary evidence' to RPA when they make an application (RPA may ask to see other documentation too).

If only some of a farmer's land is organic, they should only count their non-organic land when they work out their arable area as part of their greening calculations. The crops and EFAs they use to meet the rules must be on their non-organic land.

However, farmers can opt out of this automatic qualification and instead choose to count their organic land when they do their greening calculations. If they do, they must count all of it. They will then be able to count the crops and EFAs on all their eligible land, including organic land. Farmers who do this don't need to send RPA a copy of their organic certification.

1.2 What land is eligible for BPS

The types of agricultural land that are eligible for BPS - and that farmers need to count when doing their greening calculations - are:

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

Farmers must have at least 5 hectares of eligible land 'at their disposal' on 16 May 2016. (For land in Northern Ireland, Scotland and Wales this date is 15 May 2016). The land must be eligible for the whole of the calendar year.

There are some other factors which can affect whether land is eligible or not – read page 19 to 27 of the Basic Payment Scheme in England 2015 guidance for more information.

Arable land

For BPS, the definition of '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)
 - 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 an ecological focus area (EFA), fallow land must be kept fallow from 1 January 2016 to 30 June 2016. To count as a 'crop' for crop diversification, fallow land must be kept fallow from 1 May 2016 to 30 June 2016.

There is no difference between fallow land for EFA or crop diversification, other than:

- the time period which the fallow must be maintained for, and
- what can be claimed for EFA if used for storage – see 'EFA fallow land' for more information.

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'. If applicants have grassland that has been in temporary grass on 16 May 2016 for 5 consecutive years (so has been coded as TG1 or TG01 in the years 2011 to 2015), this should be classed as Permanent Grassland from 2016.

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.

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 the crop list 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.

1.3 How to calculate the total area of arable land

To make sure they meet the crop diversification and EFA greening rules, farmers need to calculate the total area of arable land they have at their disposal.

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

Total field size (including eligible features) - Area of ineligible features (both permanent and temporary) = arable area of the land parcel

Repeat this for every arable land parcel on the holding and add all the areas together. This will give the total arable area of the whole holding.

1.4 What calculations to do for crop diversification and EFA

To check whether they're exempt from the crop diversification and/or EFA rule (even if they have more than 10 hectares /15 hectares of arable land), farmers need to calculate how much permanent grassland and permanent crops they have.

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 a permanent crop for the purpose of the greening calculations.

Farmers should make sure they know if any temporary grassland they have will become permanent grassland on their 2016 application to assist in working out their permanent grassland area.

1.5 How greening affects agri-environment agreements

Farmers with an Entry Level Stewardship (ELS), Organic ELS 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 wrote to affected farmers about this in 2014.

Farmers with an Entry Level Stewardship, Organic ELS or Uplands ELS agreement which started before 1 January 2012 aren't affected.

Greening doesn't affect payments for options under Higher Level Stewardship and payments for Entry Level Stewardship or Organic ELS agreements that underpin Higher Level Stewardship, where they also run for 10 years. The Higher Level Stewardship agreement start date is not relevant.

Environmental Stewardship agreement holders can 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.

Under the new Countryside Stewardship scheme, there are management options which, if used on land which is an EFA, will result in a reduction to the farmer's stewardship payment.

Greening: crop diversification on arable land

Farmers with 10 hectares or more of arable land need to grow at least 2 or 3 different crops on it. However, some farmers are exempt from this rule.

2.1 How many different crops to grow for crop diversification

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% (the remaining crops must cover at least 5% of the eligible arable land).

The 'area of a crop'

Grass strips (such as tracks, margins and headlands) only need to be given a different land use code - separate from the rest of the land parcel - if the farmer wants to count the area:

- separately for crop diversification
- towards their permanent grassland total for a greening exemption; or
- towards their temporary grassland and/or fallow land total for a greening exemption

Pollen and Nectar mix and Game Cover crops can be included within the main land use of a parcel if applicants want to (as long as the areas don't affect the crop diversification calculations). Alternatively the area can also be coded as a mixed crop.

Which crops count for crop diversification?

The crop list explains which crops count towards crop diversification and how long the crops need to be in the ground.

2.2 Exemptions - who doesn't need to follow the crop diversification rule?

Farmers with less than 10 hectares of arable land do not need to do anything differently – they meet the crop diversification rule automatically.

Farmers with 10 or more hectares of arable land don't need to follow the crop diversification rule 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 agricultural land on the holding 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

and the rest of the arable area is 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 the arable land is fallow land and/or temporary grassland
- the rest of the arable area is 30 hectares or less.

Crop diversification exemption 3

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

- all of the arable land parcels on a farmer's holding are planted with different crops compared to the 2015 calendar year
- more than 50% of the arable land on the holding in 2016 wasn't declared on their BPS 2015 application

To check this, RPA will look at the land use the farmer declared on their BPS 2015 application.

If the farmer declares a land parcel on their BPS 2016 application that wasn't declared by anyone the year before, RPA might ask them to send pesticide application records and fertiliser application records to provide evidence of different crops being grown in 2015. Seed labels and invoices (or other evidence of cropping) may also need to be provided. More information about this will be in the full 2016 guidance.

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.

Even if a farmer doesn't meet any of the exemptions above, if they 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, they 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 eligible arable land. Their main crop on this remaining arable land must not cover more than 75% of this land

Example

The table below is an example of what a farmer might have on their holding. It shows the fields they have, how big they are, what they're growing and how much counts as eligible arable area.

Field	Size in hectares (ha)	Crop	Arable area in hectares (ha)
Field A	5	Permanent grassland	0 Permanent grassland is not arable land
Field B	6	Peas and a 1 hectare stone track	5 The stone track is an ineligible feature
Field C	30	Wheat, a 1.5 metre ditch and a 2 hectare wood	28 The wood is ineligible and because the ditch is under 2 metres wide, it can be counted as part of the arable area
Field D	1	Permanent crop	0
Field E	10	Barley	10
Field F	1	Fallow land	1
			Total arable area = 44 hectares

They are already growing 4 'crops' (Peas, Wheat, Barley and Fallow land) so they meet this part of the rule.

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

3. Greening: ecological focus areas (EFA) on arable land

Farmers with more than 15 hectares of arable land must have 'ecological focus areas' (EFAs) on their land. However, some arable farmers are exempt from this rule.

3.1 What counts as an ecological focus area (EFA)?

The following features and areas can count as EFAs:

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

Farmers don't have to claim payment on an area of land for it to count it as an EFA, but the land must be arable and eligible for the scheme. EFAs must be 'at the disposal' of the farmer.

Following one EFA land use with another

An area of land can only count as one type of EFA per scheme year. For example, if a farmer declares an area of fallow land as an EFA on their 2016 application and plans to grow a catch crop on the same land later in 2016, they can't declare the catch crop as an EFA on their 2016 application (because they've already declared that area as EFA fallow land).

However, if a farmer declares a cover crop as an EFA on their 2016 application, and then follows this with fallow land, they can declare it as EFA fallow land in their following scheme year's application (even though the management requirements overlap for 15 days because crops sown in 2016 must be retained until at least 15 January 2017 and the rules for fallow land must be followed from 1 January 2017).

They must not destroy the cover crop before the 15 January. Any activities that would destroy the cover crop, such as use of herbicides and cultivation to control weeds (for example, Blackgrass, Ragwort, Hemlock) may only take place after 15 January 2017. Similarly, carrying out of drainage work, sowing of wild bird seed mixes and/or nectar sources, topping of green cover or previous crop residue may only take place after 15 January 2017.

3.2 How many EFAs to declare

Farmers who need ecological focus areas will need to declare them on their BPS application.

The total of all their EFAs must add up to an equivalent of at least 5% of the total amount of arable land they have (even if they aren't claiming a BPS payment for it). They can declare more EFAs if they want to make sure they are meeting this rule. They won't be able to increase the percentage they've declared after they have applied.

If a farmer declares an EFA feature on their application which they can't then carry out during the year, they will be able to nominate an alternative feature/area. However the alternative feature/area must be on (or next to, if it's a hedge or buffer strip) land which they've already

declared on their application and must be present (or already declared for land area features such as cover crops) at the time of inspection

Different types of ecological features areas are worth different amounts towards the total.

3.3 Exemptions – who doesn't need to follow the EFA rule?

Farmers with less than 15 hectares of arable land don't need to do anything differently – they meet the rule automatically.

Farmers with more than 15 hectares of arable land don't need to declare EFAs if either of the exemptions below apply to them.

EFA exemption 1

Farmers don't have to declare EFAs if more than 75% of the agricultural land on the holding 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

and the rest of their arable land is 30 hectares or less. Read 'How to work out the total area of permanent grassland'.

EFA exemption 2

Farmers don't have to declare 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

and the rest of their arable land is 30 hectares or less.

Read the crop list to check what counts as a leguminous crop.

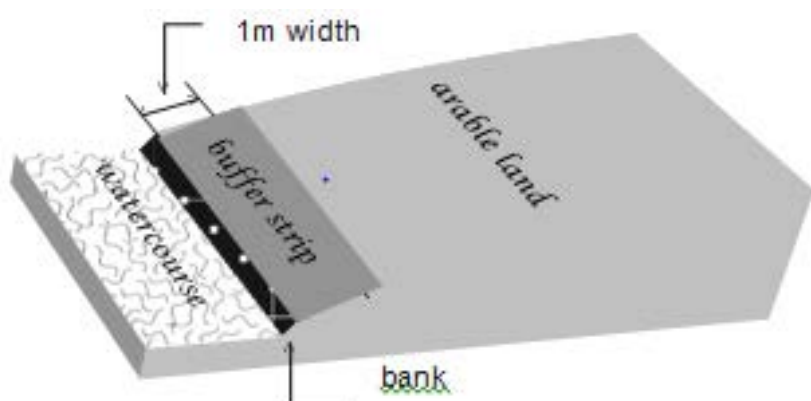
3.4 EFA buffer strips

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

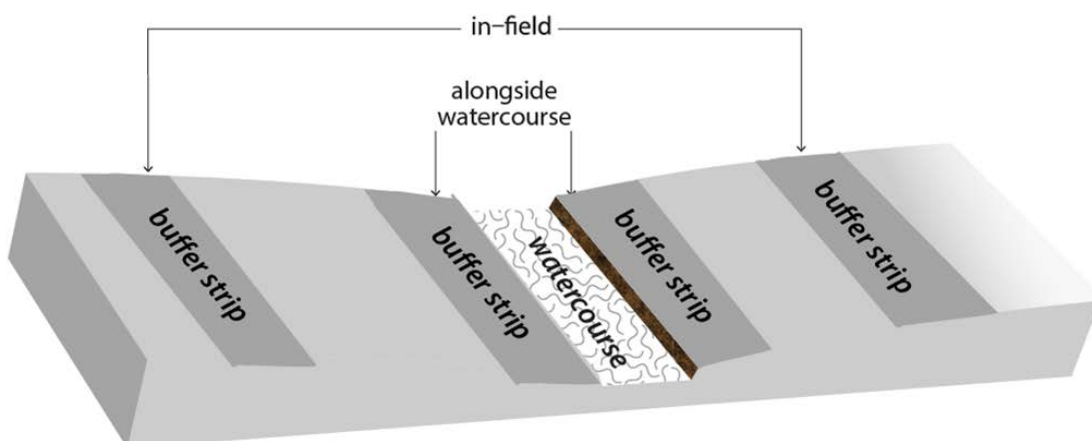
- at least 1 metre wide (edge to edge)
- next to arable land (or within 5 metres of it) and on the arable side of the watercourse
- next to a watercourse or parallel with (and on a slope leading to) a watercourse.

It must not be used for any crop production (although if it is temporary grass it can be grazed and/or cut).

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.



Farmers can count a maximum of 2 EFA buffer strips on each side of a watercourse. One of these must be directly alongside the watercourse - the other can be in the field:



Farmers can use the same buffer strips to meet the greening and the cross compliance rules. Wild bird seed mixes, pollen sources or nectar sources can be sown on EFA buffer strips but GAEC rules must be followed (for example, ploughing and spreading fertiliser is not allowed on buffer strips).

How to measure a buffer strip

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

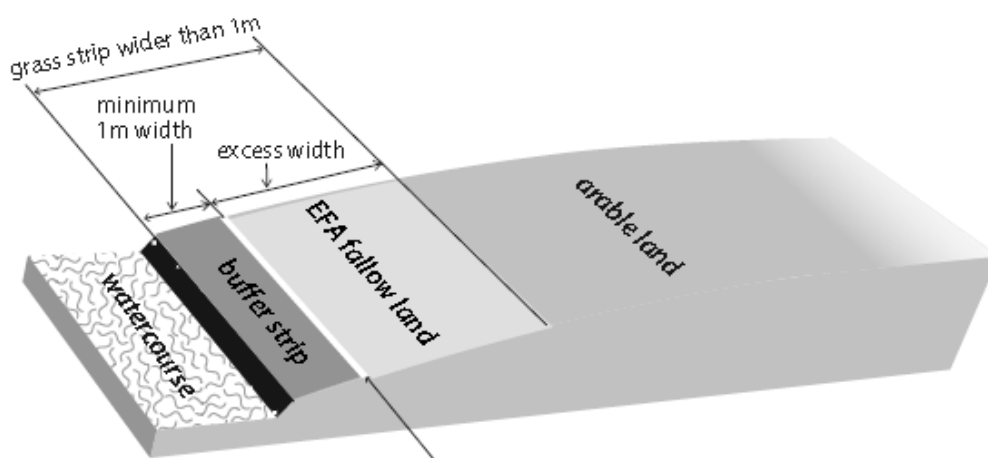
Temporary grass strips: EFA buffer strip and EFA fallow land

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).

However, it must be possible to tell the difference between the EFA buffer strip and the EFA fallow land during the EFA fallow period (1 January to 30 June). The difference must be visible at an inspection and 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)

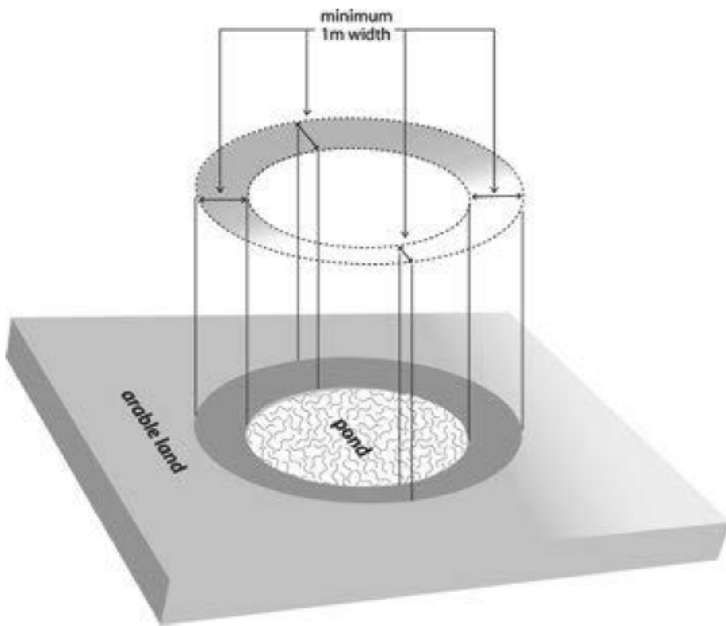


it must be possible to tell the difference:

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

Buffer strips alongside a watercourse

Buffer strips around ponds can count as an EFA:



Here's a picture of a buffer strip which could count as an EFA because it is next to a watercourse (in this case a field ditch):

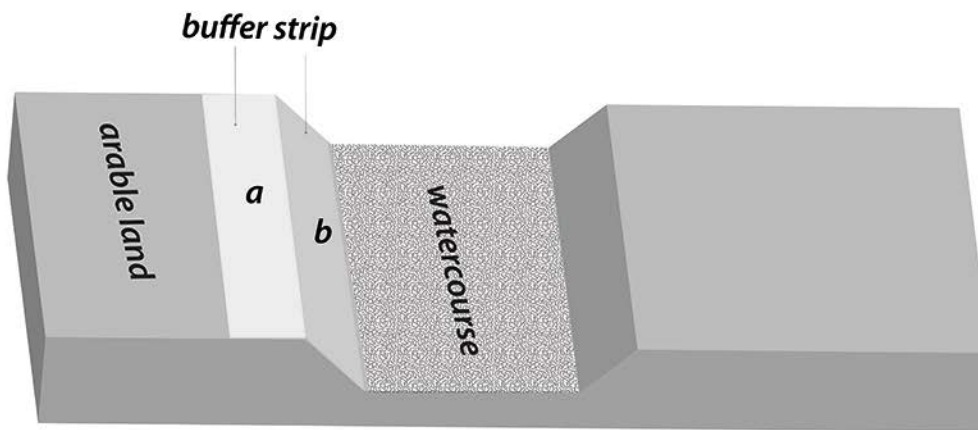


A hedge next to a watercourse can't count as an EFA buffer strip, even if it is carrying out the function of a buffer strip. That means that in the picture above, the hedge can't count as an EFA buffer strip (though it could count as an EFA hedge because it is next to arable land).

Watercourse banks

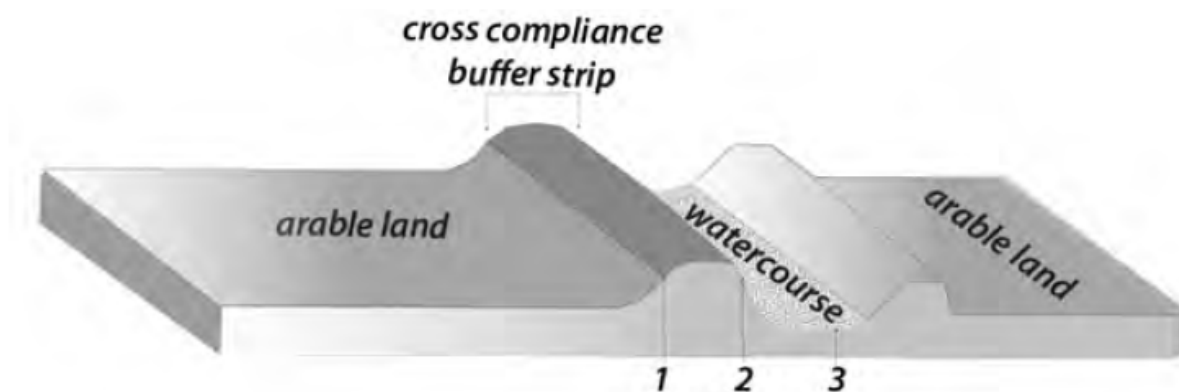
If the bank of a watercourse is suitable for grazing or cultivation (shown as 'a' on the diagram below), it can be considered to be part of the arable area of the parcel and will be eligible for BPS and can count as an EFA.

It's not eligible – and can't count as an EFA - if it's not suitable for grazing or cultivation because, for example, it is covered in scrub or isn't accessible (shown as area 'b' on the diagram below).



The diagram below shows where a 1 metre cross compliance buffer strip is needed on a bank. If the 1 metre buffer strip and the arable parcel are at the farmer's disposal they can count the bank as an EFA buffer strip – as long as it meets the definition of a buffer strip.

The land parcel boundary can be at point 1, 2 or 3.



EFA buffer strips up to 5m from arable land

A buffer strip can count as an EFA even if it is separated from arable land by:

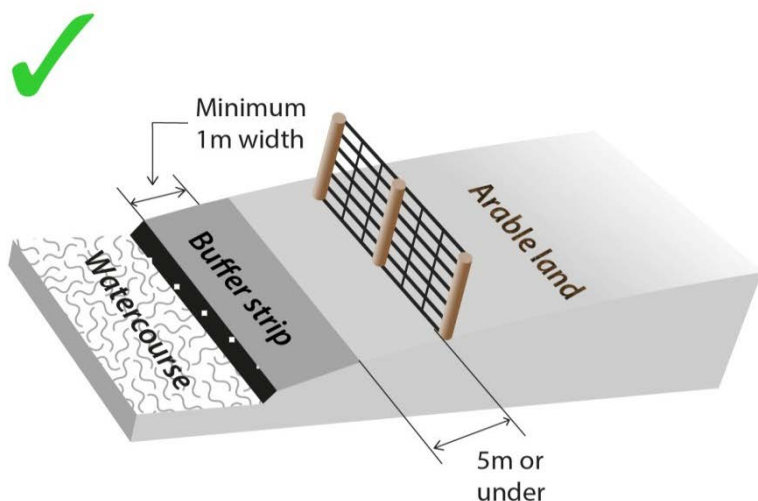
- a man-made feature (for example, a fence)
- a landscape feature (for example, a hedge or a line of trees)
- a feature which isn't eligible for BPS (for example, a track)

However, the distance between the buffer strip and the arable land must not be more than 5

metres and in all cases the buffer strip must be on the arable land side of the watercourse it protects.

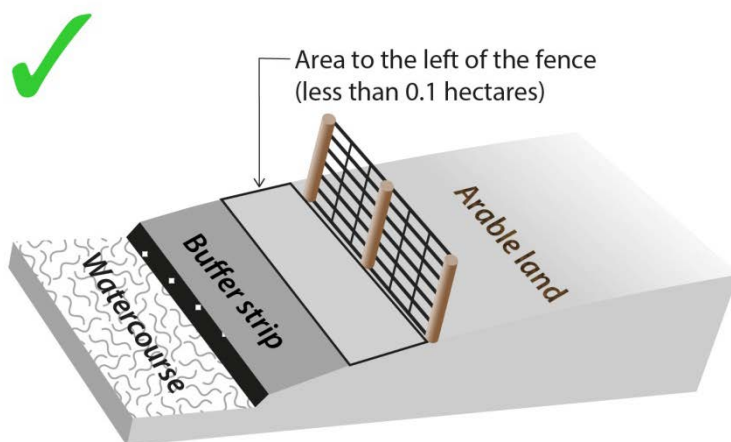
Example 1

In the diagram below there is a fence between the buffer strip and the arable land. However, the buffer strip can still count as an EFA because it's more than 1 metre wide and is less than 5 metre away from the arable land:



If the area to the left of the fence has an area of less than 0.1 hectares, it should be treated as part of the main arable parcel. This means the land parcel is not split along the fence line. The buffer strip can count as an EFA, if:

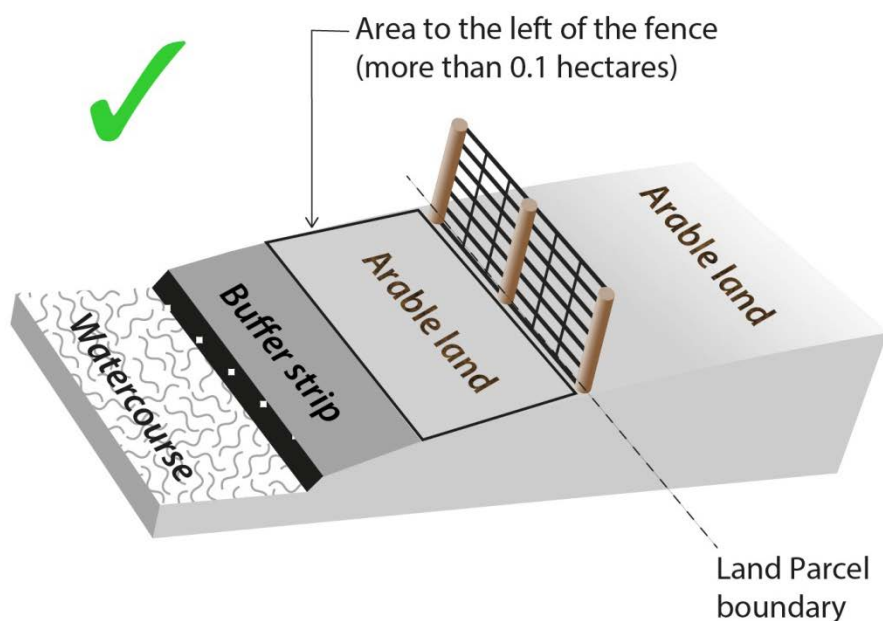
- the area to the left of the fence is arable, or
- the area to the left of the fence is not arable, and the distance between the buffer strip and arable land is less than 5 metres.



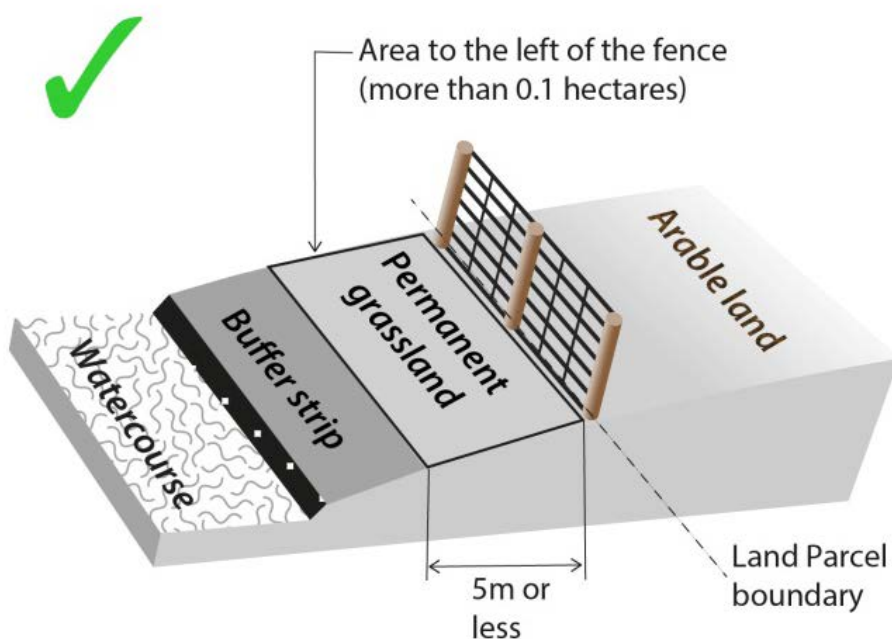
Example 2

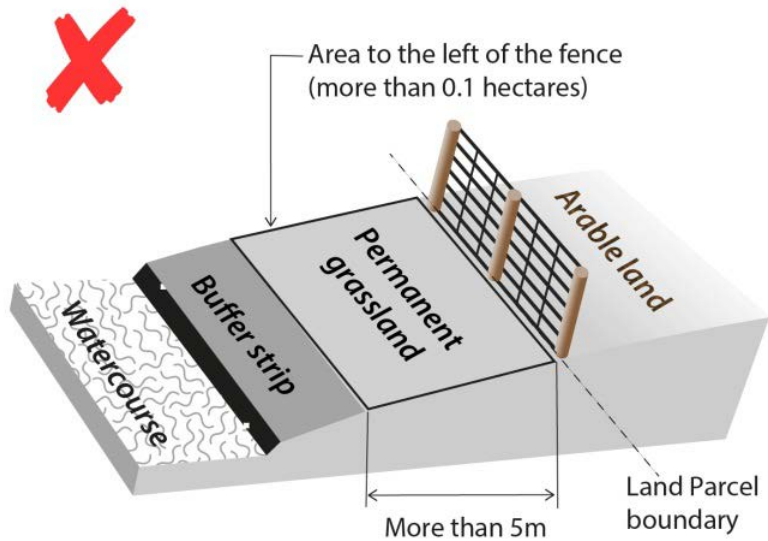
In this diagram, the area to the left of the fence is more than 0.1 hectares. This means it must be declared as a separate land parcel.

If the new land parcel is arable land, the buffer strip can count as EFA, because it is still next to arable land:

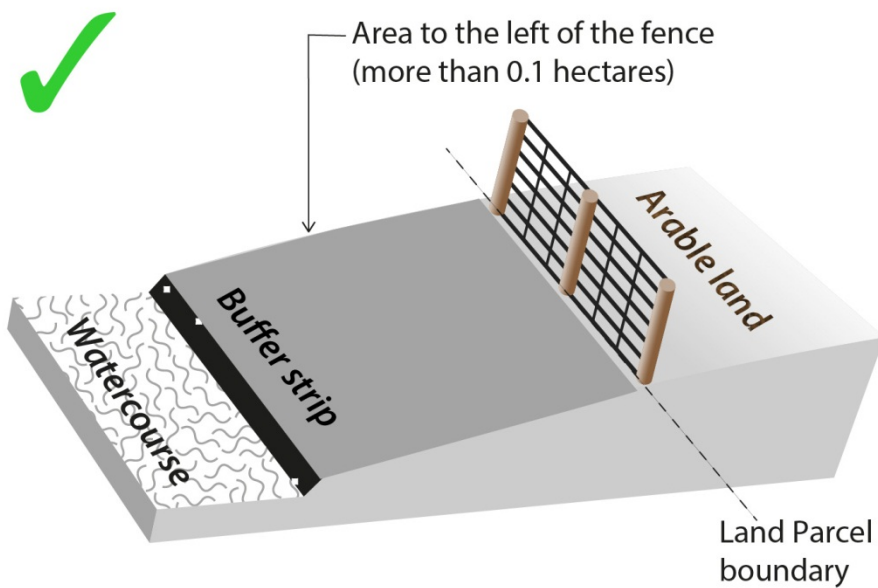


If the new land parcel is permanent grassland, the buffer strip can only count as an EFA if the distance between the buffer strip and the arable land is no more than 5 metres.





The only time it could count, is if the farmer classes the whole width of the parcel as the buffer strip. In this case the buffer strip would be next to arable land so could count as EFA.

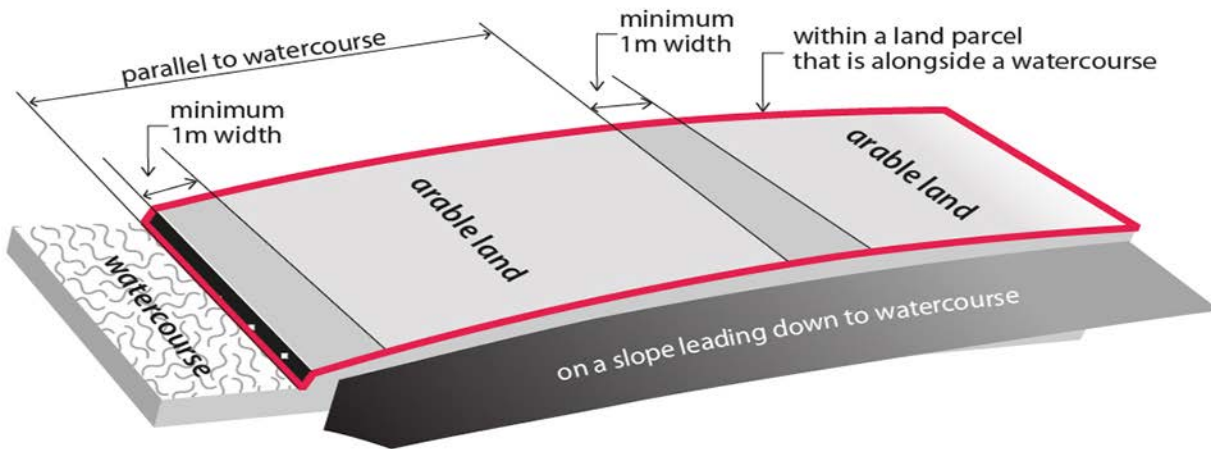


'In-field' EFA buffer strips

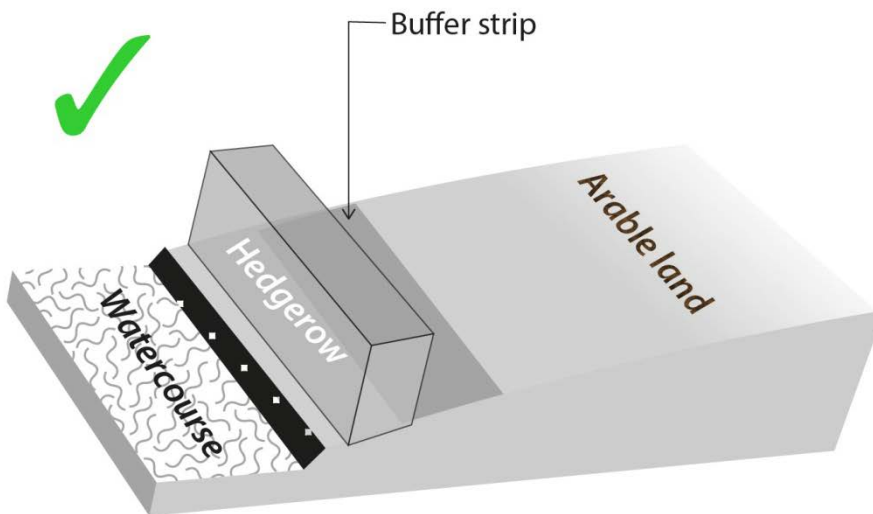
To count as an EFA, an 'in-field' buffer strip must be all of the following:

- have arable land, or be within 5 metres of arable land, on both sides
- parallel to a watercourse
- on a slope that leads down to a watercourse
- within an arable land parcel that is alongside a watercourse

Buffer strips in a field



The buffer strip below would be classed as an in-field buffer strip as the buffer strip is not adjacent to a watercourse (as it is separated from the watercourse by a man-made/landscape feature situated on the arable land) but is parallel and on a slope leading to a watercourse. This would prevent any further in field buffer strips being eligible for EFA within the same parcel.



3.5 EFA catch crops and 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 any percentage of a sown mix, as long as there is a visible mix of at least 2 different crops from this list (a minimum of one cereal and one non-cereal):

Cereal:

- Rye
- Barley
- Oats

Non-cereal:

- Vetch
- Phacelia
- Mustard
- Lucerne
- Oilseed radish (sown from 2016)

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 visible and dense enough to cover the ground by the start of the catch crop or cover crop period.

Read the crop list to find out which catch and cover crops can count as an EFA. The regulations don't allow farmers to include crops that are usually grazed, so kale and stubble turnips don't count.

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

When to grow catch and cover crops

To count as an EFA in 2016, catch crops must be established by 31 August 2016 and retained until at least 1 October 2016.

To count as an EFA in 2016, cover crops must be established by 1 October 2016 and retained until at least 15 January 2017.

There are no restrictions on the management of catch or cover crops outside these periods. However, farmer's EFA areas should not be sown with the intention of being used for harvesting or grazing.

The cover does not need to be destroyed after these periods and it can be grazed outside of them.

3.6 EFA fallow land

To count as an EFA, fallow land must be kept fallow from 1 January 2016 to 30 June 2016. This is different to the fallow period for crop diversification (1 May 2016 to 30 June 2016). The fallow land must be on arable land.

Farmers must follow the cross compliance rules on all fallow land, whether they are counting it as an EFA or not.

The minimum area of EFA fallow land is 0.01 hectares, with 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.

If farmers have grassland that has been in temporary grass on 16 May 2016 for 5 consecutive years (so has been coded as TG1 or TG01 in the years 2011 to 2015), but is managed as fallow from 1 January 2016, they can count it as an EFA in 2016.

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 2016 to 30 June 2016), 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 and/or pollen 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.
- plough the ground – as long as it is only to prepare for sowing grass, wild bird mixes and/or nectar and/or pollen sources

They must not:

- harvest or graze it
- plant or sow any crop on it (except grass, wild bird seed mixes, pollen sources or nectar sources – see above)
- apply fertiliser or farmyard manure except where grass or a wild bird seed mix, a pollen source or a nectar source has also been sown (as long as it is permitted under any Countryside Stewardship agreement they have).

Managing fallow land outside the EFA fallow period

Outside the EFA 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.

3.7 EFA nitrogen-fixing crops

The minimum area of nitrogen-fixing crops which can count as an EFA is 0.01 hectares. Read the crop list 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.

3.8 EFA hedges

A hedge can only count as an ecological focus area if it is growing on or within 5 metres of arable land along its longest edge and is at the BPS claimant's disposal. In line with cross compliance rules, it must have either:

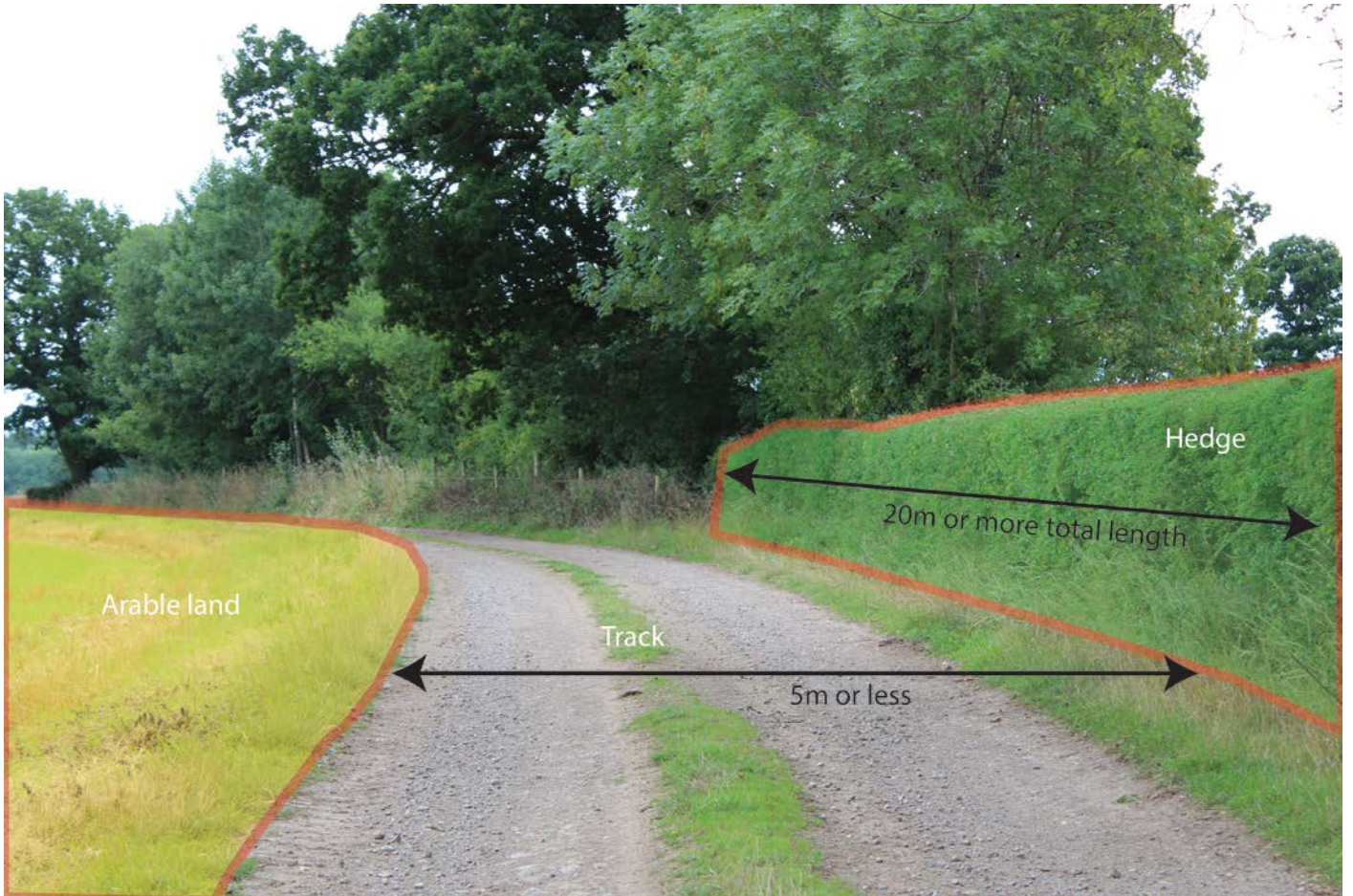
- a continuous length of at least 20 metres, or is part of any such length
or
- a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedgerow at each end

EFA hedges can be any width, or any height. They must be maintained for the whole scheme year in line with cross compliance rules. Newly planted hedges can also 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 don't have to contain trees, but any trees that are in it do form part of the hedge. Hedges can still count as an EFA if they are on a bank. For example a Cornish Hedge or Devon Bank.

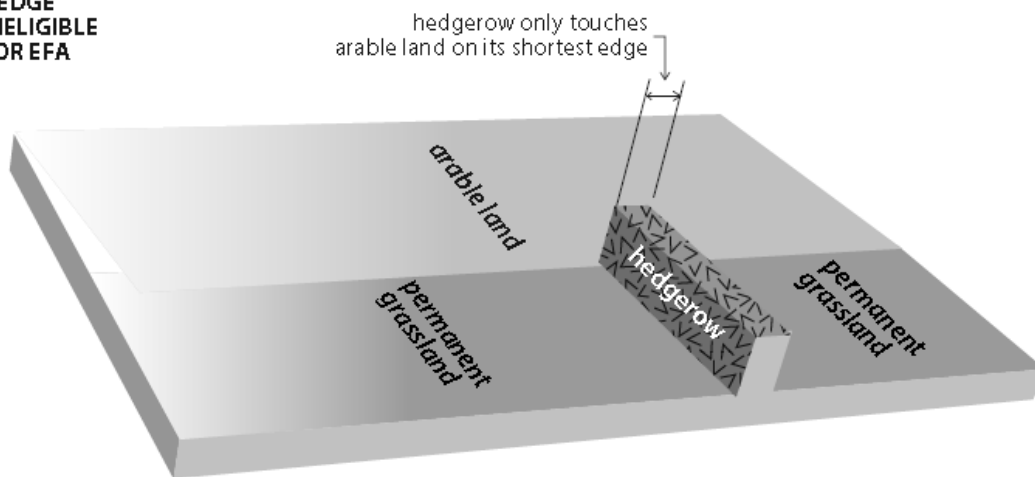
Here's an example of a hedge that could count as an EFA because it is more than 20 metres long and is within 5 metres of arable land:



In the diagram below, the hedge can't count as an EFA because the longest edge isn't next to the arable land:



**HEDGE
INELIGIBLE
FOR EFA**



Read 'What calculations to do for EFAs' to find out whether both sides of the hedge can 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). There are no additional management rules for hedges under the greening rules.

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

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.

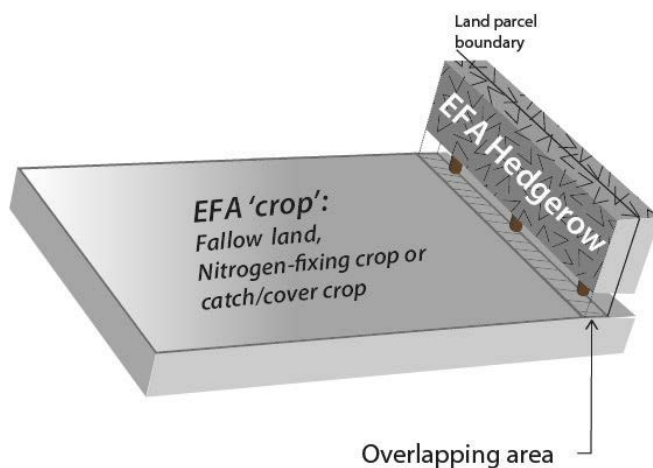
To do this, a farmer must reduce the area of the crop or fallow by 2.5 square-metres for each metre length of EFA hedge in the field.

The diagrams below show some examples of overlapping EFA features.



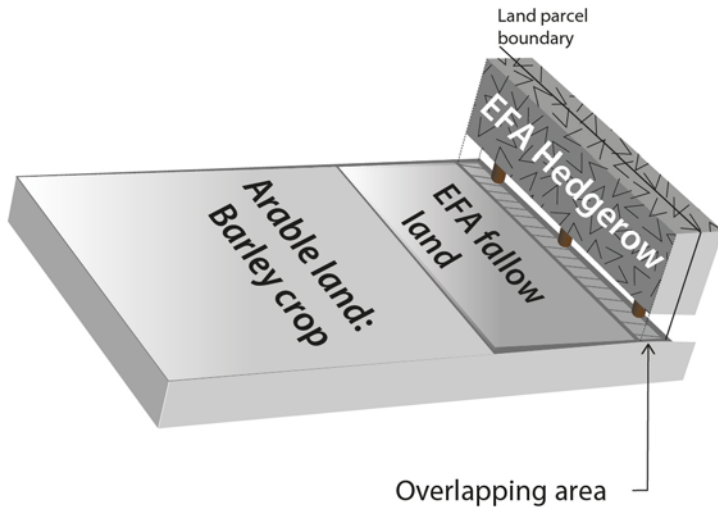
Hedgerow and EFA 'crop' overlap

Area of EFA fallow land/Nitrogen-fixing crop or catch/cover crop needs to be reduced by 2.5 square-metres for each metre of length of the hedge.



X Hedgerow and EFA fallow land overlap

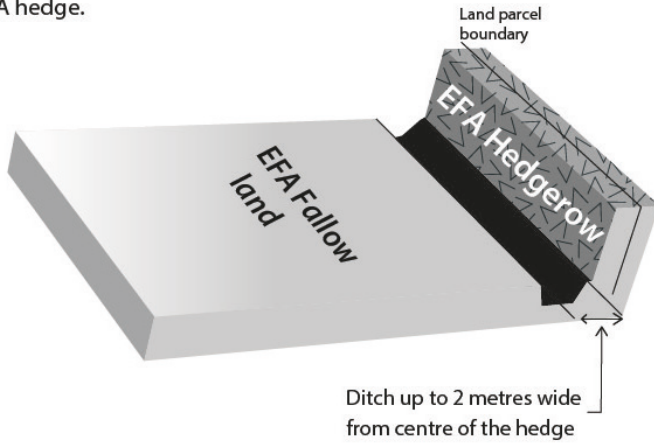
Area of EFA fallow land needs to be reduced by 2.5 square-metres for each metre of length of the hedge.



X EFA hedge and EFA fallow land overlap

Area of EFA fallow land needs to be reduced by 2.5 square-metres for each metre of length of the hedge.

Ditch counts as eligible arable land as it is up to 2m wide. The area up to the centre of the hedge also counts as eligible arable land. Both areas count as fallow land for EFA - so a reduction is needed to the EFA fallow land to allow for the EFA hedge.

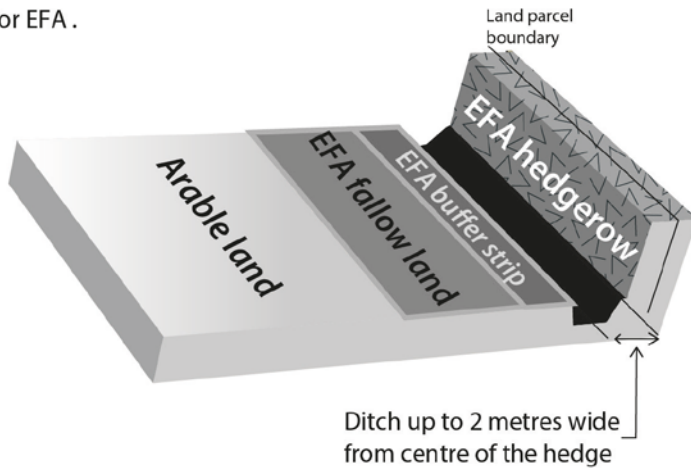


In the following diagrams, there is no overlap (and no need to reduce the area for EFA):

- ✓ No overlap - so the area of EFA buffer strip and fallow land does not need to be reduced

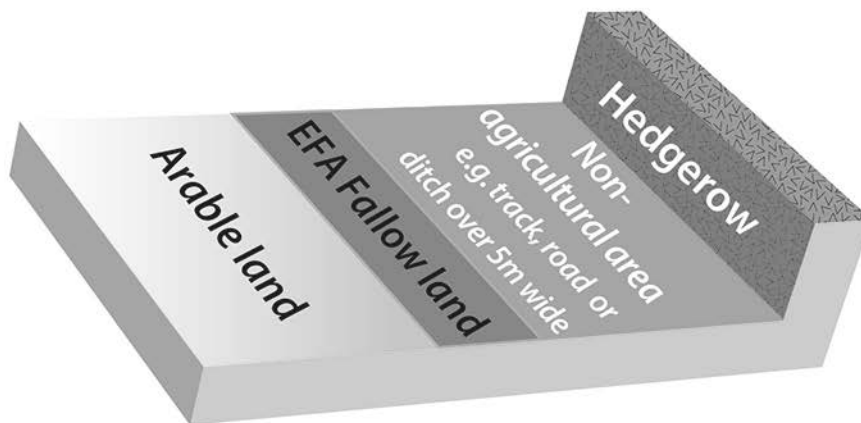
EFA buffer strips do not count as covering the same area of land as the rest of a crop in a field, so they can be included in full in EFAs. Their EFA area does not need to be reduced.

Ditch counts as eligible arable land as it is up to 2m wide, so the hedge is also eligible for EFA .



- ✓ All the fallow land can be included in EFA - there is no overlap as the hedge is ineligible for EFA

Hedge is ineligible for EFA because of the non-agricultural area between it and the fallow land.



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:
work out the area to be allowed for the EFA hedge take this away from the area of fallow land
calculate the EFA areas for the hedge

For this farmer, this means:

work out the area to be allowed for the EFA hedge:

$$600\text{m} \times 2.5\text{m} = 1,500 \text{ square-metres.}$$

take this area from the area of fallow land (100,000 square-metres):

$$100,000 - 1,500 = 98,500 \text{ square-metres}$$

The farmer's fallow land in this field is therefore worth 98,500 square-metres for EFA

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):

$$600 \times 5 = 3,000 \text{ square-metres.}$$

The total EFA area for this field is:

$$98,500 + 3,000 = 101,500 \text{ square-metres.}$$

To convert to hectares, divide this figure by 10,000: $101,500 / 10,000 = 10.15$ hectares.

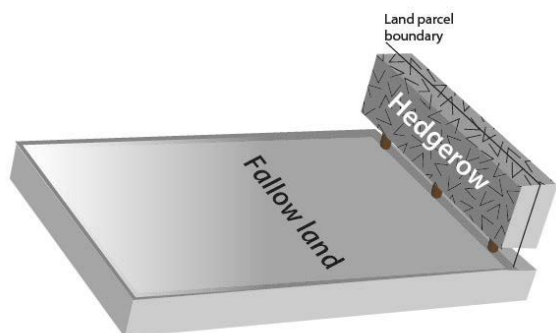
The farmer does not need to reduce the area of fallow land if he uses it to meet the crop diversification rules. For crop diversification the fallow area would be 10 hectares.

EFA hedges and crop diversification

Farmers don't need to reduce the area when working out crop diversification, as shown in the examples below.

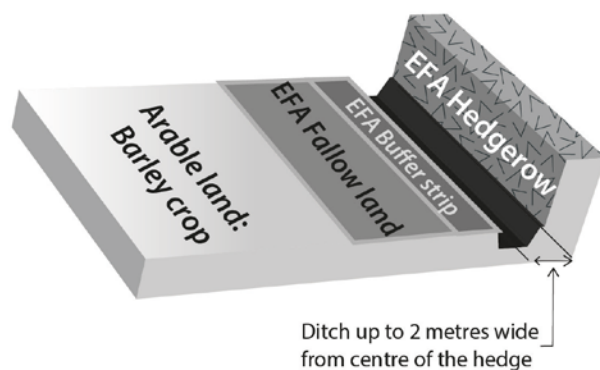
- ✓ All the fallow land, including the area up to the centre of the hedge, can be used towards crop diversification.

Deductions will only be made for EFA if the hedge and the land are both part of the EFA



- ✓ No overlap for Crop Diversification

Ditch counts as eligible arable land as it is up to 2m wide. The area up to the centre of the hedge also counts as eligible arable land. The fallow land and buffer strip count as fallow for crop diversification and occupy their own distinct areas. The other eligible arable land counts as the main land use (barley) for crop diversification and occupies its own distinct area.



3.9 What calculations to do for EFAs

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.

Different types of EFA are worth different amounts towards the total. This will affect how the calculation for EFA is worked out.

To help farmers work out how to meet the rules the RPA will publish a greening workbook for 2016. The 2015 version, 'Greening workbook for the 2015 Basic Payment Scheme in England' is already published on GOV.UK

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).

EFA equivalent area bigger than the land parcel

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

Example

A farmer has a 5 hectare field with 1,200 metres of hedges all round it and no BPS ineligible features within it. The field is bounded on two sides by a road, and the rest of it is adjacent to permanent grassland, all of the hedges are under the farmer's control.

The field is counted as fallow and the hedges are claimed as separate EFAs.

$1,200 \text{ metres} \times 2.5 \text{ square metres} = 3,000 \text{ square-metres} = 0.30 \text{ hectares}$.

This area has to be reduced from the area of fallow land as hedges are not allowed to overlap.

$1,200\text{m hedge} \times 10 \text{ square-metres} = 12,000 \text{ square-metres} = 1.20 \text{ hectares}$

A 1 metre length of hedge (when claimed on both sides of hedge) is worth 10 square-metres. If only half of the hedge is claimed, 1 metre length is worth 5 square-metres.

Therefore:

- 5.00 hectares fallow for crop diversification
- $5.00 \text{ hectares} - 0.30 \text{ hectares} + 1.20 \text{ hectares} = \text{EFA area of } 5.90\text{ha}$

What different types of EFA are worth towards the total 5%

The table below explains how to check what an EFA is worth – farmers must declare an equivalent of 5% of the total amount of arable land they have.

Feature/area	What it's worth for EFA
EFA buffer strips	Count every metre of length as 9 square-metres of EFA
EFA Catch crops and cover crops	Count every square-metre as 0.3 square-metres of EFA
EFA Fallow land	Count every square-metre of fallow land as 1 square-metre of EFA
EFA Nitrogen-fixing crops	Count every square-metre as 0.7 square-metres of EFA
EFA Hedges	<p>Both sides of the hedge: Count every metre of length as 10 square-metres of EFA</p> <p>One side only: Count every metre of length as 5 square-metres of EFA</p> <p>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 (see EFA hedges next to fallow land, nitrogen-fixing crops or catch/cover crops)</p>

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

What's on either side of the hedge	How much to count as part of an EFA
Arable land on or within 5 metres of both sides	<p>The whole hedge is eligible for EFA if the land on both sides of the hedge is at the farmer's disposal.</p> <p>If they're responsible for one side only, they can count only that half of the hedge as an EFA feature.</p>
Arable land on or within 5 metres of one side and non-arable land on the other (for example, permanent grass or crops)	<p>If a farmer is responsible for both sides of the hedge, they can count the whole hedge as an EFA feature.</p> <p>If they're responsible for the arable side only, they can count only that half of the hedge as an EFA feature.</p>
Arable land on or within 5 metres of one side and non-agricultural land (for example, a road or woodland) on the other	<p>If a farmer is responsible for both sides of the hedge, they can count the whole hedge as an EFA feature.</p> <p>If they're responsible for the arable side only, they can count only that half of the hedge as an EFA feature.</p>

Arable land on or within 5 metres of one side and land under someone else's control on the other (for example, land that belongs to a neighbour)	If a farmer is responsible for the arable side only, they can only count that half of the hedge as an EFA feature.
---	--

Making sure there is at least the equivalent of 5%

Farmers need to measure the actual size of the EFA features/areas they want to include in their ecological focus area, then use the tables above 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 2016 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 EFA 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:

$$8,800 \times 10 = 88,000 \text{ square-metres}$$

- Buffer strips: 1 metre of length is worth 9 square-metres, so he multiplies the number of metres of buffer strip by 9:

$$2,500 \times 9 = 22,500 \text{ square-metres}$$

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

$$1 \times 10,000 = 10,000 \text{ square-metres}$$

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:

$$10,000 \times 0.7 = 7,000 \text{ square-metres}$$

His total area in square-metres is:

$$\text{Hedges: } 88,000 \text{ square-metres} + \text{Buffer strips: } 22,500 \text{ square-metres} + \text{Nitrogen-fixing crops: } 7,000 \text{ square-metres} = 117,500 \text{ square-metres}$$

To convert square-metres into hectares, divide by 10,000. So the area of his EFA in hectares is:

$$117,500 / 10,000 = 11.75 \text{ hectares. This means he is meeting the EFA rule.}$$

4. Greening: permanent grassland

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 the percentage of permanent grassland across England. If the percentage of permanent grassland – relative to the area of agricultural land – falls by more than 5%, RPA will write to tell farmers whether they need to do anything. 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://natura2000.eea.europa.eu/>

<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.

5. Payments, reductions and penalties

The greening part of a BPS payment can be worth up to 30% of the total payment. Farmers who don't follow the greening rules will get their payment reduced.

5.1 How RPA calculates greening payments

RPA calculates the greening part of a BPS payment by taking the number of entitlements that the farmer has used with eligible land to claim payment correctly, and multiplying it by the greening payment rate.

The greening payment rate for 2016 may be different from the rate in 2015. It will be calculated in Autumn 2016, at the same time as the entitlement values.

5.2 Greening reductions

If a farmer doesn't follow the greening rules in 2016, 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.

Reductions for 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 a value of 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: $(315 - 300) / (400 - 300) = 0.15$

Greening reduction = 50% of eligible arable land x ratio of difference = 30 hectare reduction:

$$(400 \times 0.5) \times 0.15 = 30$$

Reductions for 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 total payment they would have received.

RPA reduce the area to be used for the greening payment by 50% of the total 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: $(20 - 18) / 20 = 0.1$

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

Reductions for not meeting the permanent grassland rule

If a farmer doesn't follow the permanent grassland 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.

6. Eligible crops

This is the list of crops which are eligible for the scheme and for the greening rules.

6.1 What counts as a crop?

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

The minimum area that a crop must cover is 0.01 hectares.

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 the crop diversification rule, the crop needs to be in the ground from 1 May 2016 to 30 June 2016. 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 to count as an EFA, it needs to stay fallow from 1 January 2016 to 30 June 2016.

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 visible in the land parcel.

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. If possible, farmers should keep records and evidence to show which crops were sown in the land parcel (and the areas they covered) during the crop diversification period. . 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.

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:

For varieties that aren't on these lists, check the EC Common Catalogue

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.

If 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.

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.

6.2 Crop list

The list below shows:

- crops which can be grown to meet the crop diversification rule
- crops that don't count as catch, cover or nitrogen-fixing crops for the EFA rule
- 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.

Greening

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Almonds							Yes
Apples							Yes
Apricots							Yes
Artichoke							Yes
Asparagus							Yes
Aster (Chinese)	Callistephus		Yes				
Aubergine	Species - Solanum melongena (Solanaceae genus)	Aubergine, Eggplant	Yes				
Avocados							Yes
Banana squash	Species - Cucurbita maxim (Cucurbitaceae genus)	Banana squash, Buttercup squash	Yes				
Barley	Hordeum	Feed barley, Malting barley, Two row barley, Six row barley	Yes	Yes	Yes		
Basil	Ocimum	all Basils	Yes				

Beans - field	Vicia	Broad beans, Field beans, Tic beans, Vetch	Yes Vetch – Yes (when grown on its own and not in grass)	Vetch – Yes	Vetch – Yes	Yes Vetch – Yes (when grown on its own or when included in a leguminous mix)	
---------------	-------	--	--	-------------	-------------	--	--

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Beans – green	Phaseolus	French beans, Green beans, Haricot beans, Runner beans	Yes			Yes	
Beet	Beta	Beetroot, Chard, Field beet, Fodder beet, Mangolds, Redbeet, Sugar beet	Yes				
Bilberry							Yes
Bird's foot trefoil	Lotus	Bird's foot trefoil	Yes – if its grown on its own (not when grown in grass)			Yes (when grown on its own or when included in a leguminous mix)	
Blackberry							Yes
Borage	Borago	Borage	Yes				
Buckwheat	Fagopyrum	Buckwheat	Yes				
Butternut squash	Species - Cucurbita moschata (Cucurbitaceae genus)	Butternut squash, Cheese pumpkin	Yes				

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Cabbage	Species - Brassica oleracea (Brassicaceae genus)	Broccoli, Brussels sprouts, Cabbages, Calabrese, Cauliflower, Chinese kale, Kale, Kohlrabi, Red cabbage, Savoy cabbage, White cabbage	Yes				
Camelina	Camelina	Camelina, gold-of-pleasure, false flax	Yes				
Canary seed	Phalaris	Canary seed	Yes				
Carrot	Daucus	Carrot	Yes				
Celery	Apium	Celeriac, Celery	Yes				
Cherry							Yes
Chestnuts							Yes
Chickpea	Cicer	Chickpea	Yes			Yes	
Chicory	Chichorium	Chicory, Endive, Italian chicory, Radiccio	Yes				

Greening

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Chilli	Species - Capsicum baccatum (Solanaceae genus)	Bishop's crown chilli, Lemon drop chilli, Peppadew chilli	Yes				
Chilli - tree	Species - Capsicum pubescens (Solanaceae genus)	Tree chilli	Yes				
Citrus fruit		Lemon, orange, lime					Yes
Clover	Trifolium	clovers and some trefoils	Yes – if they are grown on their own (not when grown with grass)			Yes – when grown on its own or when included in a leguminous mix	
Coriander	Coriandrum	Coriander	Yes				
Corn chamomile	Anthemis arvensis		Yes				
Corn Cockle	Agrostemma		Yes				
Corn flower	Centaurea		Yes				
Corn Gromwell	Buglossoides (also known as Lithospermum)	Corn Gromwell	Yes				
Corn Marigold	Chrysanthemum		Yes				

Greening

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Cowpea	Vigna	Black eye peas, Cowpeas	Yes			Yes	
Corn poppy	Papaver		Yes				
Crambe	Species - Crambe maritima (Brassicaceae genus)	Crambe, Seakale	Yes				
Cranberries							Yes
Cress	Species – Lepidium sativu (Brassicaceae genus)	Garden Cress	Yes				
Cucumber	Species - Cucumis sativus (Cucurbitaceae genus)	Cucumber	Yes				
Currants		Red, white, black					Yes
Daffodil	Narcissus	All daffodils	Yes				
Dill	Anethum	Dill	Yes				
Echium	Boraginaceae		Yes				
English Chamomile							Yes
Evening primrose	Oenothera	Evening primrose	Yes				
Fallow land			Yes				

Fennel	Foeniculum	Fennel	Yes				
Fenugreek	Trigonella	Fenugreek	Yes			Yes	
Field for-get-me-not	Myosotis		Yes				

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Figs							Yes
Fox glove	Digitals		Yes				
German chamomile	Matricaria	Chamomile, German Chamomile, Hungarian Chamomile, Kamilla, Wild Chamoile, Scentless Mayweed	Yes				
Gladioli	Gladiolus		Yes				
Gooseberries							Yes
Grapes							Yes
Guavas							Yes
Hayrattle	Rhinanthus		Yes				
Hazelnuts							Yes
Hedge bedstraw	Galium		Yes				
Hemp	Cannabis		Yes				
Hops							Yes
Horseradish	Species - Armoracia rusticana (Brassicaceae genus)	Horseradish (Cochlearia armoracia)	Yes				

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Hyssop							Yes
Italian Ryegrass	Lolium		Yes				
Japanese pie squash	Species - Cucurbita argyrosperma (Cucurbitaceae genus)	Japanese pie squash	Yes				
Larkspur	Consolida		Yes				
Lavender							Yes
Lentils	Lens	Lentils	Yes			Yes	
Lettuce	Lactuca	Butterhead lettuce, Cos lettuce, Iceberg lettuce, Lettuce, Romaine lettuce	Yes				
Linseed	Linum	Flax, Linseed	Yes				
Locust beans							Yes
Loganberries							Yes

Lucerne	Medicago	Lucerne (Alfalfa), Black medic	Yes – if they are grown on their own (not with grass). Classed as temporary grass if grown in a mix.	Yes	Yes	Yes – when grown on its own or when included in a leguminous mix	
Lupins	Lupinus	Lupins	Yes			Yes	

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Macadamia Nuts							Yes
Maize	Zea	Corn, Maize, Sweetcorn	Yes				
Mango							Yes
Mangosteens							Yes
Melissa							Yes
Melon	Species - Cucumis melo (Cucurbitaceae genus)	Melons	Yes				
Millet	Echinochloa	Millet	Yes				
Mint							Yes
Miscanthus							Yes
Mulberries							Yes
Mustard	Species - Sinapsis alba (Brassicaceae genus)	White or Yellow mustard.	Yes	Yes	Yes		
Mustard - brown	Species - Brassica juncea (Brassicaceae genus)	Brown mustard	Yes	Yes	Yes		
Nigella	Nigella		Yes				

Oats	Avena	Feed oats, Naked oats, Porridge oats	Yes	Yes	Yes		
------	-------	--	-----	-----	-----	--	--

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Oca	Oxalis	Oca, New Zealand Yam	Yes				
Oilseed radish (aka Diakon)	Species - Raphanus sativus (Brassicaceae genus)		Yes	Yes	Yes		
Onions	Ilum	Chives, Garlic, Onions, Leeks, Scallions, Shallot, Spring onions	Yes				
Oregano	Origanum	Oregano, Marjoram	Yes				
Papaya							Yes
Parsley	Petroselinum	All Parsleys	Yes				
Parsnips	Pastinaca	Parsnips	Yes				
Peaches							Yes
Pears							Yes
Peas	Pisum	Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea, Vining pea	Yes			Yes	
Pecans							Yes

Pepper	Species - Capsicum annuum (Solanaceae genus)	Bell pepper, Chilli pepper	Yes				
--------	--	-------------------------------	-----	--	--	--	--

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Permanent grass							Yes
Phacelia	Phacelia		Yes – if its grown on its own (not when grown in grass)	Yes	Yes		
Pineapples							Yes
Pine nuts							Yes
Pistachios							Yes
Plantains							Yes
Plums							Yes
Poppy	Papaver	Poppy, Corn poppy	Yes				
Potato	Species - Solanum tuberosum (Solanaceae genus)	Early potato, Maincrop potato, Seed potato	Yes				
Quinces							Yes
Quinoa	Chenopodium	Quinoa	Yes				
Radish	Species - Raphanus sativus (Brassicaceae genus)	Radish	Yes				

Rapeseed	Species - Brassica napus (Brassicaceae genus)	Industrial rape, Oilseed rape, Swede	Yes				
----------	--	--	-----	--	--	--	--

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Raspberries							Yes
Reed Canary Grass							Yes
Rhubarb							Yes
Rocket	Species - <i>Eruca sativa</i> (Brassicaceae genus)	Rocket	Yes				
Rosemary							Yes
Rye	<i>Secale</i>	Rye, Winter rye (for cover)	Yes	Yes	Yes		
Sage	<i>Salvia</i>	Clary sage, Sages	Yes				
Sainfoin	<i>Onobrychis</i>	sainfoins	Yes – if it's grown on its own (not when grown with grass)			Yes – when grown on its own or when included in a leguminous mix	
Samphire	<i>Salicornia</i>		Yes				
Siam pumpkin	Species - <i>Cucurbita ficifolia</i> (Cucurbitaceae genus)	Siam pumpkin, Seven year melon	Yes				

Sorghum	Sorghum		Yes				
Soya	Glycine	Soya bean, Soybean	Yes			Yes	
Sticky Nightshade (Solanum sisymbriifolium)	Solanum		Yes				
Spinach	Spinacia	Spinach	Yes				

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Squash	Species - Cucurbita pepo (Cucurbitaceae genus)	Pumpkins, Squashes, Marrows, Zucchini, Courgettes	Yes				
Strawberry	Fragaria	Strawberry	Yes				
Sunflower	Helianthus	Sunflower	Yes				
Sweet Clover	Melilotus	sweet clovers	Yes – if its grown on its own (not when grown in grass)			Yes – when grown on its own or when included in a leguminous mix	
Sweet potato	Ipomoea	Sweet potato	Yes				
Sweet William	Dianthus		Yes				
Tea							Yes
Teasel	Dipsacus		Yes				
Temporary grass			Yes	Yes – if undersown in the previous crop and it is sufficiently established			
Thyme	Thymus	All thymes	Yes				
Tobacco	Species - Nicotiana tabacum (Solanaceae genus)	Tobacco	Yes				

Tomato	Species - Solanum lycopersicum (Solanaceae genus)	Tomato	Yes				
--------	--	--------	-----	--	--	--	--

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Triticale	Triticosecale	Triticale	Yes				
Tulip	Tulipa	Alltulips	Yes				
Turnip	Species- Brassica rapa (Brassicaceae genus)	Bokchoi, Chinese cabbage(Pak choi), Turnip, Turniprape	Yes				
Walnuts							Yes
Watercress	Species - Nasturtium officinale (Brassicaceae genus)	Watercress	Yes				
Water melon	Species - Citrullus lanatus (Cucurbitaceae genus)	Water melon	Yes				
Wheat	Triticum	Biscuit wheat, Common or Bread wheat, Durum wheat, Einkorn, Feed wheat, Red wheat, Spelt	Yes				
Wallflower	Erysimum		Yes				
Yam	Dioscorea	Yam	Yes				
Yarrow							Yes

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.

Land use	Cropping	Eligible for EFA (nitrogen- fixing crop) or EFA exemption '1'
Mixed crop (legumes)	Mixture of 2 or more legumes	Yes
Mixed crop	Mixture of 2 or more crops where at least 1 of the crops is not a legume	No
Temporary grassland and permanent grassland	Grass grown with legumes	No

7. 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

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.

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'.

Legal notice and BPS regulations

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

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.

The main European regulations are:

Direct Payments Regulation (EU) No 1307/2013
Financing, Management & Monitoring (IACS) Regulation (EU) No 1306/2013

The European Commission delegated and implementing regulations are:

Direct payments Delegated Regulation Regulation (EU) No 639/2014
Direct payments Implementing Regulation Regulation (EU) No 641/2014
IACS Delegated Regulation Regulation (EU) No 640/2014
IACS Implementing Regulation Regulation (EU) No 809/2014

Domestic regulations:

The Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014 SI No 3259

The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 SI No 3263.

If the regulations change or the interpretation of them changes, RPA will publish more information. For more information, go to www.legislation.gov.uk.

If you need help

The Farming Advice Service

The Farming Advice Service (FAS) is funded by Defra to provide free, confidential advice to farmers and farming industry advisers to help them understand and meet requirements for cross compliance, 'greening' and water protection and the sustainable use of pesticides.

Call their helpline on 0345 345 1302 (Monday to Friday, 8am to 6pm) or search for more information on the [Farming Advice Service](#) online.

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: 03000 111 999

Email: mail@fcn.org.uk.

Website: www.fcn.org.uk.

© Crown copyright 2016

You may re-use this document (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence v3.0. To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence>; or write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey, TW9 4DU or email: psi@nationalarchives.gsi.gov.uk

This document is also available at www.gov.uk/rpa/bps

Any enquiries regarding this document should be sent to: Webmaster.rpa@rpa.gsi.gov.uk

Produced by the Rural Payments Agency

www.gov.uk/rpa

Version 1.0