

Single Payment Scheme Handbook for England 2013

Including the Uplands Transitional Payment



Department
for Environment
Food & Rural Affairs

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Key dates for 2013

The 2013 scheme year

The scheme year begins on this date.



The scheme year ends on this date.




Your 2013 application

Your application must reach us by midnight on this date.



Once you have sent your application to us, you can make certain changes by writing to us. If we receive your changes by midnight on this date we will not apply a penalty for these changes.



 For more information about making changes to your application read section N, paragraphs 10 - 12

We can accept your application or any changes until midnight on this date. However, we will apply a penalty. If we receive your application after this date we will not accept it.



Paying you for 2013

The payment window opens on this date.




The payment window closes on this date.



Other important dates for 2013


If you want us to take into account an entitlement transfer for the current scheme year payment, you must tell us about it by midnight on this date.



 For more information about transferring entitlements read section F

Single Payment Scheme (SPS) land must be at your disposal on this date.



 For more information about 'Land at your disposal' read section H

A Introduction

1 What does this handbook cover?

- The scheme rules for the Single Payment Scheme (SPS).
- How to apply using SPS online.
- How to fill in your SPS application.
- An introduction to the Uplands Transitional Payment (UTP).
- A new section on empowerments.

You should read, understand, and apply this guidance. If you do not follow the scheme rules we may apply reductions, and additional penalties, to your payment(s).

This handbook is our interpretation of the SPS legislation. It is not a definitive statement of the law. Only the courts can give this. We reserve the right to review our position if circumstances change. For example, if the European Commission issues new guidance or we change how we interpret the regulations. We cannot advise you or your legal representatives. You may want to get independent professional or legal advice before you change anything about the way you farm.

This is the list of the main scheme regulations:

- Council Regulation (EC) No 73/2009 (as amended)
- Commission Regulation (EC) No 1120/2009 (as amended)
- Commission Regulation (EC) No 1122/2009 (as amended)
- Statutory Instrument 2010 No 39
- Statutory Instrument 2009 No 3263 (as amended)
- Statutory Instrument 2010 No 2941
- Statutory Instrument 2010 No 540 (as amended)
- Statutory Instrument 2009 No 3365

2 What period does this handbook cover?

It covers the SPS scheme year for 2013. However, we recommend that you keep this handbook as it may provide the basis for SPS guidance in future years. If there are any changes to the scheme rules or how to apply for payment for later years we will let you know.

3 What is the Single Payment Scheme?

The Single Payment Scheme is part of the European Union's Common Agricultural Policy (CAP) and is the main payment scheme for farmers.

In 2005, we gave one entitlement for each hectare of eligible land. These entitlements give you the right to claim for payment provided you meet the other scheme rules. We use entitlements to work out how much to pay you.

4 I have more entitlements than SPS eligible land, can I use other eligible land and claim my spare entitlements against it?

We will not pay anyone who artificially creates the conditions required for claiming SPS payments, with a view to obtaining an advantage contrary to the objectives of the Scheme.

SPS claimants should take particular care where they lease in additional eligible land (sometimes known as 'naked acres') to claim payment on surplus entitlements they may hold. If the lease arrangement has no commercial purpose other than to activate the surplus entitlements, we may find that arrangement to be artificial. For example, where a lease gives the SPS claimant that land at his disposal for only a short period around 15 May, we will look at whether the arrangement has been artificially created to obtain an SPS payment and is contrary to the objectives of the Scheme.

Each case will be considered on its merits.

5 Can I apply for SPS?

Yes, provided you:

- Are a farmer;
- Have eligible land (read section G);
- Have payment entitlements (read section E);
- Meet the minimum claim size (read section E);
- Have the land at your disposal on the day of the application deadline (read section H).

You must also meet the cross compliance rules, including maintaining all of your agricultural land in Good Agricultural and Environmental Condition (GAEC). Read the current Guide to Cross Compliance in England. You do not need to be farming crops or keeping livestock to be eligible for SPS.

- i** A farmer is a natural or legal person (or a group of such persons, whatever the legal status of the group or its members in national law):
- with a holding in the European Union, and
 - who exercises an agricultural activity, which includes maintaining the land in Good Agricultural and Environmental Condition

6 How do I apply for SPS?

Applying online is the quickest, easiest and most secure way to apply for SPS. Alternatively you can apply by post. You can find out how to do this in sections P and Q. You will need to apply every year. We must receive your application no later than midnight on the application deadline date to avoid late application penalties. If we receive your application after the late application deadline, we will not pay you.

- ti** For more information about deadlines read the Key dates section



7 What is cross compliance?

It is a set of rules that farmers need to meet to receive support payments The term cross compliance refers to the requirement for farmers to:

- Meet a set of Statutory Management Requirements (SMRs). These relate to the areas of public, animal and plant health, environment and animal welfare.
- Keep their agricultural land in Good Agricultural and Environmental Condition (GAEC). The GAEC standards relate to soil erosion, soil organic matter and soil structure; making sure a minimum level of maintenance is in place to avoid the deterioration of habitats; and ensuring the protection and management of water.

For more information about cross compliance read the current Guide to Cross Compliance in England available on our website at rpa.defra.gov.uk/crosscompliance

8 How is England divided into regions for SPS?

We divide England into three areas (the English Areas):

Area	Code	Type
Land outside the severely disadvantaged areas. This is the majority of land in England. It simply means normal land.	EOUT	Non SDA
Severely Disadvantaged Area (SDA): this is upland other than moorland.	ESDA	SDA
Upland SDA Moorland	EMOR	SDA Moorland

9 What is happening with the Common Agricultural Policy (CAP) reform?

The European Union (EU) is carrying out a review of the CAP including SPS. As part of this review, the European Commission published proposals in October 2011 for a new system of payments to replace SPS, including a 'basic payment scheme' and 'greening' measures. These proposals are continuing to evolve and it will be some time before we can confirm the details of the new scheme(s).

The draft proposals currently require that, in order to establish entitlements for the new basic payment scheme, a farmer must have activated at least one entitlement for payment in a reference year. However, the reference year or period to be used has not been finalised. We are unable to provide advice on the impact business changes or restructuring may have on eligibility for the new scheme(s). It is possible that we may have the option of rolling forward existing SPS entitlements into the new scheme rather than carrying out a new allocation of entitlements.

For more information about these proposals, visit the Defra website at defra.gov.uk/food-farm/farm-manage/cap-reform


The European Commission proposed that the new scheme(s) would begin in 2014, meaning that 2013 could potentially be the last year of SPS. However, delays in the negotiations may mean that the new schemes will not start until 2015 or possibly even later.

Until SPS is replaced, we expect the main scheme rules to continue to apply as they do now. Entitlements will continue to have the same flat rate value in each of the three English regions. It is possible that this flat rate could change each year (while SPS is still running) if we need to scale back entitlements to keep within our budgetary ceiling.

10 What else do I need to read?

Before applying for the SPS, you need to read:


- *The Guide to Cross Compliance in England 2013 edition* – this tells you what you need to do to meet the cross compliance rules.

 For the latest versions of all these guides visit our website at rpa.defra.gov.uk

 Or call our Customer Service Centre on 0845 603 7777

11 What else may I need to read?

- The booklet on how to *Register and Enrol for SPS Online* – if you are new to the Online service.
- *Customer Registration Guidance – Completing the customer registration Form* (CREG 02).
- *Cross Compliance Guidance for Soil Management 2010 edition* – this gives you advice and guidance on filling in your Soil Protection Review.
- *Guidance for Cross Compliance in England: Management of Habitats and Landscape Features 2011 edition*.
- *RLE 1 Guidance – Request for changes to the Rural Land Register and for the transfer of entitlements January 2013*.
- *Uplands Transitional Payment 2012 to 2014* – if you want to apply for the Uplands Transitional Payment (UTP).

 For the latest versions of all these guides visit our website at rpa.defra.gov.uk

 Or call our Customer Service Centre on 0845 603 7777

B Important things to look out for in 2013


1 When do restrictions apply to ploughing up permanent pasture?


Whether or not you are claiming for SPS, you must get consent from Natural England before you plough up or improve land which has not been cultivated for 15 years or which is semi-natural grassland or another semi-natural area. You will need to do this by making an initial Environmental Impact Assessment (EIA) screening application to Natural England. These EIA rules are also a GAEC.


We are also required under European legislation to maintain the level of permanent pasture, as defined for SPS purposes, in England. The European Commission has proposed that this requirement continues beyond the next CAP Reform. As a general rule, permanent pasture for the purposes of the scheme is land used to grow grass or herbaceous forage which has not been included in the crop rotation for five years or longer.

If permanent pasture reduces beyond a certain level in England, we may have to introduce new cross compliance rules to control the level of pasture. This means that in future you may have to apply for permission before converting permanent pasture to another land use, or return previously converted land back to permanent pasture. It is important that all of your land parcels that meet the scheme definition of permanent pasture are declared on your SPS application using the correct land use code for permanent pasture. We use this information to show the European Commission how much pasture there is in England and this determines whether we have to introduce the rules described above to stop or reverse any decline in permanent pasture levels.

 For more information about Environmental Impact Assessments, visit Natural England's website at www.naturalengland.org.uk/ourwork/regulation/eia/, call them on 0800 028 2140 or e-mail eia.england@naturalengland.org.uk

 For more information about cross compliance visit our website at rpa.defra.gov.uk/crosscompliance

 For more information about permanent pasture read section G

 For more information about penalties read section N

2 Dual use


Dual use is where one business uses land to apply for SPS that someone else is using to claim under a different CAP scheme (for example, Entry Level Stewardship, Environmentally Sensitive Areas, Countryside Stewardship, the English Woodland Grant Scheme or another Rural Development Programme for England (RDPE) scheme). Please read the note about dual use which is being provided separately.

3 Checking your maps and telling us about changes to your land

We have reviewed the findings from our inspections and the most common issues found are what we call 'in field features'. These are areas of trees and woodland, hard surfaced roads/tracks, buildings, ponds and permanent muck heaps that have been found in fields.

Please check your land for these, or any other SPS permanent ineligible features and tell us of any that are not already included on your maps to help you to avoid any penalties.

You must fill in *Request for changes to the Rural Land Register and for the transfer of entitlements* form (RLE 1) to tell us about any changes as soon as they have been made. An advantage of this is that we will include your updated information on your maps and this will help you apply for SPS on the correct areas.

 For more information about ineligible features, please read the table in section G on pages 26 to 33 of this handbook


 You can print an RLE 1 from rpa.defra.gov.uk/rle1 or you can ask us to send you one by calling us on 0845 603 7777

4 Do I still use the SP11 Entitlements Declaration Form?

No. The *Entitlements Declaration Form* (SP11), previously used to change the order of activation or tell us if your entitlements were wrong, is no longer necessary.

This is because in 2012 we have changed the default order in which we activate entitlements to use those entitlements with the earliest expiry date first.

If you think your entitlements are wrong you should write to us, or e-mail us, giving as many details as you can. We will investigate your case and if appropriate, make any necessary changes.


 For more information about entitlements read section E

5 What changes have you made to SPS Online?

We have made some improvements to SPS Online so that it is now even easier to use:

- You can now edit the County Parish Holding number (CPH) against an individual land parcel, without having to delete the land parcel and re-enter it against a different CPH.
- You can now edit all areas of a part field at once, with the validation of the changes only taking place once you apply the changes.
- We have improved the information for each stage your claim can be shown at on Track Claims.
- You can also now order Single Business Identifier (SBI) Bar Code Labels using SPS Online.


We recommend that you use SPS Online this year so that you get used to applying online for a scheme you are familiar with. This will mean you will face less change when the new scheme(s) is introduced following CAP reform.

 For more information about the changes, or how to apply online read section P



6 Will I need to apply online for payment in the future?

Yes, we will be increasingly providing our services and guidance on line over the next two years, working towards all applications being submitted online by 2015.

 For more information about how to apply online read section P

1

Can I be involved in more than one business?

Yes, you can be involved in more than one business in the UK that are separate entities, for example, limited companies or partnerships.

The relationship between those businesses will determine if you can make separate SPS applications for each business. You must tell us about all the businesses you are involved in, so we can check you meet the scheme rules.

If we have assessed your businesses for any previous schemes or SPS and their structure has not changed; the decision we made should still apply.


2

What do I do if I am involved in more than one business?

If you have not already done so, you need to tell us about the relationship between all of your businesses, and of any changes to these businesses, by:

- Contacting us for a *Separate Business Questionnaire (IACS 26)* and/or *New Business Questionnaire (IACS 27)*; and
- Filling in the IACS 26 and/or IACS 27 and returning it to us. This will help us to decide if you can make separate applications for each business, or if the business should be assessed as a single business for SPS.

You may want to get independent professional or legal advice before making any decisions about your business structure.

 For more information about business structures and the IACS 26 and IACS 27 form, please visit our website at rpa.defra.gov.uk/creg

3

What are 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 either:

- into two or more new farming businesses, at least one of which is controlled by one of the people who managed the original business; or
- into at least one new separate farming business, and the other business is still controlled by the farmer who managed the original business.

4

How will the restructuring of my business affect my SPS application?

Restructuring your business (for example, changing from a sole trader to a partnership or from a partnership to a limited company) may affect:

- your business status;
- your eligibility to claim aid for SPS, and other CAP schemes; and
- your access to SPS entitlements from the business owned or leased before restructuring (which may need to be transferred to the new business before you can use them).





5 What do I need to do if I change the structure of my business?


You need to tell us about any changes to the structure of your business by:

- Contacting us for a separate or new business questionnaire (IACS 26 or IACS 27).
- Filling in and returning that to us. This will help us to decide if your businesses are new or continuing.
- Telling us about these changes in enough time. This will make sure that you can submit an SPS application for the correct business by the scheme deadline.
- If we tell you that you need to fill in a *Request for changes to the Rural Land Register and for the transfer of entitlements* form (RLE 1), make sure it reaches us by the 2 April deadline. This will allow the transfer to be part of your SPS application for that scheme year.

You may want to get independent professional or legal advice before making any decisions.

 For more information about probate, visit our website at rpa.defra.gov.uk/creg

 For more information about the application deadlines read the Key dates section

 For more information about entitlement transfers read section F

6 What happens if I have a share farming agreement?

- When two or more farmers have a share farming agreement, only one farmer can apply for SPS.
- All of the land in the agreement must be included on that chosen farmer's application; and
- that farmer must hold the entitlements that are to be activated for payment in that scheme year.

However, before applying, you must:

- Be satisfied that the chosen farmer has land at their disposal on **15 May**.
- Make sure that the other parties to the share farming agreement who hold other land outside of this fill in and submit their own SPS application for the land which they are not share farming.
- Consider the structure of the businesses to make sure they are separate entities.

You may want to consider getting independent professional or legal advice before making any decisions.


Authorisation/empowerment D

1 What is empowerment?

Empowerment is when you give another person your permission or authority to act on behalf of your business when they deal with us.

You need to tell us who you want to authorise, including yourself, so that we know who the correct person(s) are to deal with.

If you have already given us this information, and there have been no changes since then, you do not need to tell us again.

 For more information about empowerments visit our website at rpa.defra.gov.uk/empowerments

2 What are the different types of empowerment?

There are two different types of empowerment. These will determine who can access the information we hold about your business. The types of empowerment are:

- Business empowerment. This relate to your whole business.
- Scheme empowerment. This are related to SPS only.

Both types of empowerment contain different levels. You can read more about these different levels below.

3 What are levels of business empowerment?

There are three levels of business empowerment:

Partial empowerment:

Allows you to access all the information we hold for the business. However, you will not be able to make any changes to this information. Partial empowerment does not allow you to appoint an agent to deal with SPS.

Full empowerment:

Allows you to access all the information we hold for the business. You can give other people full empowerment and change certain business details, for example:

- the business address;
- telephone numbers; and
- e-mail addresses.

Full empowerment allows you to deal with all areas of SPS or to appoint an agent to deal with SPS matters for the business.

Legal empowerment:

Allows you to access and change all the information we hold for the business. This is the only level of empowerment that allows you to change all details for the business.

Legal empowerment allows you to deal with all areas of SPS or to appoint an agent to deal with SPS matters for the business. To add a legally empowered person to the business the person making the request must be legally empowered.




Only people who are legally empowered can change controlled information. This includes:

- the name of the business;
- the legal status of the business;
- payment details; and
- in some cases remove the legal empowerment of people in the business.

You can change some of these details over the telephone, (after answering security questions) or you can make changes by filling in and sending a *Customer Registration Amendment form* (CREG 10) to us.

You can nominate one person as the "Primary Contact" for the business. We will send items of mail to this person. However, if there is someone with 'View/Amend/Receive mail' scheme empowerment for your business, we will send SPS mail to them.

 For more information about how empowerments affect mail visit our website at rpa.defra.gov.uk/empowerments

4 What are the levels of scheme empowerment?

There are three levels of scheme empowerment for SPS:

View:

Allows you to access SPS information we hold for the business. You cannot change any details with this level of empowerment.

View/Amend:

As above and allows you to provide or change SPS claim information.

View/Amend/Receive mail:

As above and all standard mail for SPS will be sent to the person with this empowerment.

This includes the SPS application and entitlement information. Only one person in the business can have this level of empowerment.

An agent cannot apply for SPS on your behalf unless they have 'View/Amend' or 'View/Amend/Receive mail' empowerment.

5 What levels of empowerment do I need to submit a claim using SPS Online?

To use SPS Online 'Make a claim' or a farm software package to submit an SPS application you must have one of the following levels of empowerment:

- Legal empowerment;
- Full empowerment; or
- Scheme empowerment: for SPS, either View/Amend or View/Amend/Receive mail.



6 What can I do at my level of empowerment?

	Empowerment level			
	Business			Scheme
	Legal	Full	Partial	
Change the name of the business	✓	✗	✗	N/A
Change the legal status of the business	✓	✗	✗	N/A
Give legal empowerment	✓	✗	✗	N/A
Remove legal empowerment	✓	✗	✗	N/A
Change your payment details	✓	✗	✗	N/A
Appoint an agent	✓	✓	✗	N/A
Submit applications	✓	✓	✗	View/Amend
Give full empowerment	✓	✓	✗	N/A
Change business address	✓	✓	✗	N/A
Change telephone numbers	✓	✓	✗	N/A
Change e-mail addresses	✓	✓	✗	N/A
View Customer Register details	✓	✓	✓	N/A
View SPS claim information	✓	✓	✗	View
Change SPS claim information	✓	✓	✗	View/Amend
Receive SPS mail	✓	✓	✗	View/Amend/ Receive mail
Submit an RLE 1 *	✓	✓	✗	View/Amend
Change an RLE 1 *	✓	✓	✗	View/Amend

* Request for changes to the Rural Land Register and for the transfer of entitlements (RLE 1)



7 How can I find out if I am empowered or register an empowerment?

Call our Customer Service Centre on 0845 603 7777 and we will tell you if empowerments are in place for your business.

If you are a member of the farming business (partner, director or sole trader), call our Customer Service Centre and we will usually be able to register your details over the telephone.

If this is not possible, we will send the appropriate registration form to you.

When you call our Customer Service Centre to check the details we hold, we will ask you security questions, we will ask you for:

- a date;
- a location; or
- an event that you have given us.

If you have not set your security questions you can contact the Customer Service Centre on 0845 603 7777 and choose the 'Customer Registration' option.


8 How can I empower someone else to act on behalf of my business?


If you have legal or full empowerment, you can do this over the telephone. Call our Customer Service Centre, and choose the 'Customer Registration' option.

Alternatively, there are three forms the business can use to empower another individual. The form you need to fill in depends on whether or not you have already registered with us.

- **Customer Registration Form (CReg 01).**
Fill in this form to tell us about all the people responsible for the business (for example, partners, directors) and the people you want to empower for the business (for example, an agent).
- **Customer Registration Amendment form (CREG 10).**
Fill in this form if you have previously filled in a **Customer Registration Form (CReg 01)** and now want to add someone new to the business. However, if the person is only to have scheme empowerment for SPS use an **SPS Agent/Partnership Authorisation form (SP9)**.
- **SPS Agent/Partnership Authorisation Form (SP9).**
Fill in this form to tell us about who you want to represent your business for SPS. This will allow an agent to submit an SPS application or to submit or amend a **Register for changes to the rural Land Register and for the transfer of entitlements (RLE 1)** form on your behalf. We must receive the SP9 by the application deadline.

If an agent applies for SPS on your behalf without the correct empowerment, we will allow 28 days to resolve the issue. If we cannot confirm that the person making the application is empowered to do so, we cannot make a payment.

 To find copies of the Creg 01 and CREG 10 forms, visit our website at rpa.defra.gov.uk

 For copies of the SP9 form, visit our website at rpa.defra.gov.uk

1

What is an entitlement?


If you hold an entitlement, you can apply for payment for SPS if you meet certain rules.

There are two types of entitlement:

- normal entitlements, which are claimed (activated) against eligible land; and
- entitlements with special conditions (special entitlements) which are activated against a minimum livestock requirement.

To activate means to use your entitlements along with eligible land or livestock to apply for payment for SPS.

Your latest Entitlements Statement will show the number of entitlements you hold at the time we produce it.

 You can view your Entitlements Statement online at rpa.defra.gov.uk

2

How do I receive payment on my entitlements?

To apply for payment you must activate your entitlements. You do this in Part C of your SPS application. If you are using common land to activate SPS entitlements, you should normally enter this in Part CA of your SPS application rather than Part C. Each scheme year you must tell us the number of entitlements you want to activate for that scheme year.

To activate all your normal entitlements you must claim them against at least the same number of hectares of eligible land, which must be in the same English region in which we allocated the entitlement.

If you claim fewer hectares of eligible land than entitlements, we will only activate the same number of entitlements as hectares of eligible land included in your SPS application.

If you do not activate your entitlements at least once every two years they will be taken away from you and the value will be put into the National Reserve, except in cases of force majeure or exceptional circumstances.

We activate the entitlements with the earliest 'use by date' first.

Example:


You held 50 entitlements on 15 May 2012.


Block 1 is 40 normal entitlements valued at the regional flat rate:


- 15 with a use by date of 2013; and
- 25 with a use by date of 2014.

Block 2 is 10 normal entitlements valued at the regional flat rate and a use by date of 2013.

You have only 45 hectares of eligible land you can use in 2013.

 For more information about common land read section I

 For more information about force majeure and exceptional circumstances read section N

 An entitlement block is a group of entitlements that share the same features. They are registered under one identification number (ID) because they were established at the same time, they are in the same region and they have the same value and may have been transferred to you at the same time



We activate your entitlements in the following order:

The 15 normal entitlements from block 1 with a use by date of 2013.

The 10 normal entitlements from block 2 with a use by date of 2013.

20 of the normal entitlements from block 1 with a use by date of 2014.

You then have 5 entitlements from block 1 that are unused, but these will not be lost as they have a use by date of 2014 not 2013.

3 What is the value of my entitlements?

All entitlements, including special entitlements, are valued each year at the appropriate regional flat rate. We will calculate these flat rates in the autumn of the scheme year and put them on our website.

Although all entitlements are now based on a flat rate, this flat rate value may still change in future scheme years based on the number of entitlements which exist across England and the total value available for SPS. The value of entitlements is set in euros.

i For more information about how we calculate your payment read section M

4 How do I use my special entitlements?

To activate your special entitlements for payment you must maintain at least 50% of the level of agricultural activity you had during the reference period of 2000 to 2002.

You need to declare the number of animals that meet the SPS special entitlement rules that you have had in your flock or herd on your holding up to and including 31 October each year.

We check to make sure that you keep livestock numbers to the right levels to meet the special entitlement rules. These checks can include:

- checking your livestock records;
 - checking livestock movement databases, for example, the Cattle Tracing System; and
 - farm inspections.
-

i We will measure the level of agricultural activity in Livestock Units (LUs)

i We will send more information, including the *Special entitlements declaration form* (SP16) in October to holders of special entitlements who have said at question E1 on their SPS application form that they want to maintain the status of their special entitlements

5 When do special entitlements change into normal entitlements?

Special entitlements permanently convert into normal entitlements if:


- You declare more hectares of eligible land on your SPS application Field data sheet, than you need to activate all your normal entitlements. We will use the surplus hectares to activate up to the same number of special entitlements for payment.
- You do not confirm at question E1 of your SPS application that you want to keep the 'special' status.
- You are transferring all or some of your special entitlements. We convert them to normal entitlements, except for those special entitlements transferred by inheritance that keep their special status.


6 What happens if I think my entitlements are wrong or if I have not received my SPS Entitlements Statement?


You should always check your SPS Entitlements Statement to make sure it is correct. If you think your entitlements are wrong you should write to us, or e-mail us, giving as many details as you can. We will investigate your case and if appropriate, make any necessary corrections.

If your entitlements are wrong and we have paid you too much, you will have to pay back any overpayment.

If we have not produced your SPS Entitlements Statement, you can also write to us, or e-mail us, at the same time as you apply for SPS to tell us what entitlements you believe you are activating. If you do not, we will activate the entitlements you hold as identified on our entitlements register against the land you use to claim for SPS on your application. We will activate the entitlements in the standard order: that is those with the earliest expiry date will be activated first.

 E-mail our Customer Service Centre at csc@rpa.gsi.gov.uk

 Our address:
Rural Payments Agency
PO Box 300
Sheffield
S95 1AA


 For more information about the order of activation of entitlements read paragraph 2 of this section


F Transfer of entitlements

1 Can I transfer entitlements?

Yes, you can transfer entitlements to other SPS farmers, but there are rules about how and when you can do this.

- You can only transfer entitlements to a farmer.
- The person transferring out the entitlements does not need to be a farmer at the date of the transfer.
- Transfers of entitlements to farmers in different Member States can only take place through inheritance. The entitlements can only be used in the Member State in which they were issued.

 For more information about transferring entitlements read the RLE 1 Guidance on our website at rpa.defra.gov.uk/rle1


 A farmer is a natural or legal person (or a group of such persons, whatever the legal status of the group or its members in national law):

- with a holding in the European Union, and
- who exercises an agricultural activity, which includes maintaining the land in GAEC

2 When would I need to have entitlements transferred in?

You may need to transfer entitlements in when you take on additional SPS eligible land, restructure your business, take on a farming business or if your business is involved in a merger or scission that results in the formation of a new business.

If you take on more SPS eligible land you will need to make sure that you have the correct number of entitlements if you want to use that land to apply for SPS. If you do not have enough entitlements you will need to get them from another farmer who will need to fill in a Request for changes to the *Rural Land Register and for the transfer of entitlements* form (RLE 1) to transfer them to you.

 For more information about business structures, mergers and scissions read section C

3 How are entitlements transferred?


Entitlements can be transferred by:

- sale or as a gift with land;
- sale or as a gift without land;
- lease of entitlements with the transfer of at least an equivalent area of SPS eligible land that is in the same region;
- inheritance; or
- surrender.

The farmer who is transferring the entitlements out (the transferor) is the person who will need to fill in and send an RLE 1 to tell us which farmer the entitlements are to be transferred to (the transferee).

The person signing the RLE 1 must have been properly empowered by the business transferring the entitlements out before they sign it.

The transferee will need a Single Business Identifier (SBI). If they do not have a SBI they should call our Customer Service Centre to register by telephone or to ask for the relevant forms.

 To check you are properly empowered call our Customer Service Centre on 0845 603 7777

We process transfers using the SBI and not the name and address of the farmer transferring the entitlements out or the farmer receiving the entitlements.

Therefore, if the SBI you give is wrong, it is possible that we will reject your RLE 1 or that we could transfer the entitlements to the wrong farmer.

4 When should I tell you that I want to transfer entitlements to another farmer?


You can tell us that you want to transfer entitlements at any time during the year, but you must let us know at least six weeks before you want the transfer to take place. We call this the effective date of transfer.

If we do not reject the transfer it will take place:

- a) on the date you have given on the RLE 1; or
- b) after a six week notice period if you have not given an effective date of transfer or you have given a date less than six weeks notice.

You should note that:

- The deadline for us to receive an RLE 1 is 2 April. This will allow the transferee to use the entitlements for their SPS application in that scheme year.
- We will allocate RLE 1s we receive after 2 April to the next scheme year.


 The deadline for an RLE 1 to reach us is 2 April


5 Can I change or withdraw my RLE 1?


You can change or withdraw your RLE 1 up to the day before the effective date of transfer unless we have already rejected your transfer because it was not valid.

Important

- If you want to change or withdraw the RLE 1 the transferor, or their empowered agent must contact us.
- If we receive your request on or after the effective date of transfer we cannot change or withdraw the RLE 1. You will need to speak to the transferee.
- If we have already rejected your RLE 1 we cannot accept any changes. You will need to fill in a new RLE 1 and send it to us.

 You can write to us at:
Rural Payments Agency
PO Box 300
Sheffield
S95 1AA

 You can call us on
0845 603 7777

 You can e-mail us at
csc@rpa.gsi.gov.uk

6 Will you tell me when my transfer has been successful?

Yes, we will send a letter and/or an Entitlements Statement to the transferor and transferee once the transfer has taken effect.

We will also send a letter to the transferor and transferee if your application is rejected.




7 What happens if I receive entitlements that you have wrongly issued?

You may have to give up the entitlements that you have been given, bought or leased if, for example:

- we should not have issued the entitlements at all, resulting in the transferor having insufficient entitlements available to honour the transfer; or
- a previous owner of the entitlements has not met the required usage rules.

Also the value of entitlements you have bought or leased before the 2012 scheme year may be reduced if their value was originally set too high.

In all of the above cases, the transferee will also have to pay back any undue payments they received while they held the entitlements. If you are buying or leasing entitlements, you may want to get professional advice.

 For more information about the usage of entitlements read section E

8 How can I get an RLE 1?

If you need an RLE 1 you can:

- download and print a blank one from our website at rpa.defra.gov.uk/rle1;
- e-mail us at csc@rpa.gsi.gov.uk; please make the subject line 'RLE 1 request'; or
- call our Customer Service Centre on 0845 603 7777; the opening hours are Monday to Friday, 8.30 am to 5.00 pm. (It will take about 10 days for the RLE 1 to reach you).

If you call or e-mail our Customer Service Centre you will need to tell us:

- your business name;
- the farm based SBI of your business;
- the number of land parcels being transferred if you are transferring land with your entitlements;
- the farm based SBI of the transferee's business (if known); and
- your Personal Identifier (PI) if known.

9 Will you accept faxed or e-mailed copies of an RLE 1?

No, as they do not contain an original signature.

What land is eligible for the Single Payment Scheme (SPS)?


1 What land is eligible for SPS?


You can only use eligible land to activate entitlements for payment for SPS. The land eligibility is defined by the land cover type. The eligible land covers include:

- ✓ normal arable or combinable crops, including protein crops and hemp;
- ✓ potatoes, sugar beet and other root crops;
- ✓ forage maize and forage rape;
- ✓ wild bird cover;
- ✓ fruit, including permanent fruit, (for example, orchards, top fruit and nuts) and strawberries;
- ✓ vegetables (including permanent vegetables);
- ✓ vines;
- ✓ other permanent crops, including lavender, miscanthus and reed canary grass;
- ✓ multiannual crops including: artichoke, asparagus, rhubarb, raspberries, blackberries, mulberries, loganberries, black, white or redcurrants, gooseberries, cranberries, bilberries, other fruit of the genus 'vaccinium';
- ✓ nursery crops;
- ✓ cut flowers and bulbs;
- ✓ turf, except for fuel (for example, peat cutting);
- ✓ hops;
- ✓ land under grass;
- ✓ short rotation coppice including: alder, birch, hazel, ash, lime, sweet chestnut, sycamore, willow and poplar;
- ✓ land under grass for less than five years;
- ✓ fallow land maintained in GAEC;
- ✓ in some circumstances woodland if it is being grazed (including pannage); and
- ✓ other woodland if there is less than 50 trees per hectare and it can be grazed.

It also includes:

- ✓ land under greenhouses or fixed or mobile cover (unless it has been made unsuitable for agriculture, for example, by concreting the ground);
- ✓ land under an RDPE agri-environment or forestry agreement which meets the usual SPS land eligibility rules; and
- ✓ other land under an RDPE agreement which was used to activate SPS entitlements in 2008.

 For a definition of nursery crops read Annex B

 For a definition of short rotation coppice read Annex B



2 What land do I need to register?


You must register all of your agricultural land on the Rural Land Register (RLR) to apply for any of our payment schemes:


- ✓ Single Payment Scheme (SPS); and
- ✓ Uplands Transitional Payment (UTP).

Even if you do not want to claim for SPS or any of our other schemes for parts of your land, you must declare all of your land in your application. This includes:


- ✓ All land in the RDPE, including land in Forestry Commission woodland agreements; and
- ✓ all other woodland/forest if it meets one or more of the following:
 - it is being grazed (including pannage);
 - there are less than 50 trees per hectare and it can be grazed;
 - it is short rotation coppice;
 - it is in a Rural Development Programme for England scheme, (for example, English Woodland Grant Scheme, Farm Woodland Premium Scheme or Entry Level Stewardship); or
 - it receives grants under the National Forest Changing Landscape Scheme and it was used to activate SPS entitlements in 2008.

 For a definition of agricultural land read Annex B

 If any of your land is registered common land read section I

 Forestry Commission woodland agreements include:

- Woodland Grant Scheme;
- English Woodland Grant Scheme;
- Farm Woodland Premium Scheme; and
- Farm Woodland Scheme

 For all information about woodland read paragraphs 14 to 19 of this section

3 Updating the Rural Land Register (RLR)

Tell us as soon as possible by filling in a *Request for changes to the Rural Land Register and for the transfer of entitlements* form (RLE 1) if you are:

- transferring out land that is already registered on the RLR;
- registering new land for the first time on the RLR; or
- changing boundaries or permanent ineligible features to land you have already registered on the RLR.

This will avoid delays in the processing of your application and help us to include the new information in the pre-printed data on your next SPS application.

We will complete mapping of any changes found on your RLE 1 form within 6 weeks of receiving it, or inform you within that timescale if this is not achievable.

4 What is the minimum area that I can claim?

If you are applying for SPS, you must claim on at least 1 hectare of eligible land. You must also hold at least 1 hectare of entitlement and activate that for payment against the eligible land area.



5 What is the smallest land parcel I can claim for?


You can only claim for payment on land parcels that are 0.1 hectares or larger. This means you cannot activate entitlements in column C9 on land that is less than 0.1 hectares, even if it is a 'Part Field' and is part of a larger field. Your SPS application must list all fields that are 0.01 hectares or larger.

6 What land features are not eligible for SPS?

The land features that are not eligible for SPS are shown as ineligible in the feature list. See table at paragraph 9 of this section.

7 Do I need to declare agricultural land that is not eligible for SPS on my application?

Yes. You must declare all agricultural land that is not eligible for SPS in your application. If you do not, we may apply a penalty.

 For a definition of agricultural land read Annex B


8 What is an ineligible feature?

There are two types of ineligible feature for SPS.

- **SPS Permanent ineligible features.** These should usually appear on Ordnance Survey maps and your RLR maps. When we calculated the Maximum area eligible for SPS (column C4 of your application Field data sheet) for each of your land parcels, we excluded those permanent ineligible features shown on your RLR maps and listed in the Field Data Information Sheet(s) that we sent to you with the maps. If you need to make any changes to those permanent ineligible features or need to add additional permanent ineligible features, you should send a completed RLE 1 to us.
 - **SPS Temporary ineligible features.** You may also have temporary ineligible features in your land parcel. These are areas temporarily not in agricultural use and which are likely to change over time. They are therefore not usually shown on Ordnance Survey maps. These temporary features are not shown on your RLR maps and were not taken into account when we calculated the Maximum area eligible for SPS (column C4 of your application Field data sheet) for each of your land parcels. Although their area should remain within the area shown in column C4 of your application Field data sheet, you must make sure that their area is not included in column C9 of your application Field data sheet.
-

9 How do I remove permanent and temporary ineligible features from the area of my application?

You must exclude the area of all permanent and temporary ineligible features from the area entered in column C9 of your SPS Field data sheet. When we calculated the Maximum area eligible for SPS (column C4 of your application

 For a full list of ineligible features visit our website at rpa.defra.gov.uk




Field data sheet) for each of your land parcels, we excluded those permanent ineligible features shown on your RLR maps and listed in the Field data sheet(s) that we sent to you with the maps. If you need to make any changes to those permanent ineligible features or need to add additional permanent ineligible features, you should send a completed RLE 1 to us. Scattered areas of permanent ineligible features in the same land parcel, for example, scrub or rocks, can be classed as a single ineligible feature and given a collective area for the purposes of making the deduction from the eligible area.

You may also have temporary ineligible features in your land parcel. These are areas temporarily not in agricultural use and that are likely to change over time. These temporary features are not shown on your RLR maps and we did not take into account when we calculated the Maximum area eligible for SPS (column C4 of your application Field data sheet) for each of your land parcels. Although their area should remain in the area shown in column C4 of your application Field data sheet, you must make sure that their area is not included in column C9 of your application Field data sheet.

The following table gives you a list of features showing if they are eligible for SPS, the English Woodland Grant Scheme (EWGS), and/or Environmental Stewardship (ES) schemes.

✗ - Ineligible for scheme ✓ - Eligible for scheme

 For more information about filling in an RLE 1 read the *RLE 1 Guidance Request for changes to the Rural Land Register and for the transfer of entitlements January 2013*

Land Description	Definition and/or comments	Temporary or permanent ineligible feature for SPS	Eligible for Scheme		
			Single Payment	Environmental Stewardship	English Woodland Grant
Agricultural sheds		Permanent	✗	✗	✗
Allotments	Allotments are generally ineligible and would not normally be recorded on the RLR. Commercial allotments may be eligible for SPS (see below).	Permanent	✗	✗	✗
Allotments – Commercial (Market Gardens)	Commercial allotments (but excluding ineligible features, for example, sheds, hard standing, etc.) are eligible provided they are used to produce an eligible crop which is intended for commercial sale.	N/A	✓	✓	✗



Land Description	Definition and/or comments	Temporary or permanent ineligible feature for SPS	Eligible for Scheme		
			Single Payment	Environmental Stewardship	English Woodland Grant
Animal shelters (excluding pens for rearing game) on bare soil	Some animal shelters are temporary or mobile structures sited on natural surface. These would normally be eligible for SPS.	N/A	✓	✓	✗
Animal shelters on hard standing		Permanent	✗	✗	✗
Bracken	Bracken is ineligible for SPS unless it is being grazed or there is enough grass or forage to support grazing. If we find large areas of bracken we map them as SPS permanent ineligible features. Individual small patches of bracken, generally less than 0.01ha, are not mapped individually. Instead we may map these as a single rectangular permanent ineligible feature of area equal to the scattered bracken areas.	Temporary/ Permanent	✗	✓	✓
Buildings – EWGS	All buildings are generally ineligible. Exceptionally they may be eligible for EWGS if they form an integral part of the woodland management, for example, a visitor centre.	Permanent	✗	✗	✓
Buildings – residential, commercial and agricultural	All buildings are ineligible for SPS. Exceptions exist if historical buildings are eligible for Environmental Stewardship scheme. Exceptionally they may be eligible for EWGS if they form an integral part of the woodland management such as a visitor centre (see above).	Permanent	✗	✗	✗
Ditch/drain/dyke	These water features are only eligible for SPS when they form part of a boundary. This is as long as the total width of the water feature is 4 metres or less and the boundary is the centre of the feature. If the water feature falls entirely within the field boundary, the width of the whole feature is deducted as a permanent ineligible feature if its area exceeds 0.01ha.	Permanent	✗	✓	✓



Land Description	Definition and/or comments	Temporary or permanent ineligible feature for SPS	Eligible for Scheme		
			Single Payment	Environmental Stewardship	English Woodland Grant
Farmyards	Farmyards and areas of bare soil within them are ineligible.	Permanent	✗	✗	✗
Fenced off pylons	Only pylons which are fenced off are ineligible for SPS.	Permanent	✗	✓	✓
Gallop – grass	Recreational - ineligible for SPS but eligible for ES if the cover is grass.	Permanent	✗	✓	✗
Gallop – non grass	Recreational - ineligible for SPS but eligible for ES if the cover is grass.	Permanent	✗	✗	✗
Glass house (on hard standing)		Permanent	✗	✗	✗
Glass house (not on hard standing)	Eligible for SPS if being used to grow eligible crops.	N/A	✓	✓	✗
Golf course – copse/ patch of trees	Recreational - ineligible for SPS. Exceptionally can be eligible for ES if the grass is grazeable.	Permanent	✗	✗	✓
Golf course (bunkers, greens, fairways and areas of rough that are part of the playing course)	Recreational - ineligible for SPS. Exceptionally can be eligible for ES if the grass is grazeable.	Permanent	✗	✗	✗
Hard standings	Ineligible for SPS.	Permanent	✗	✗	✗
Hard standings (EWGS)	Ineligible for SPS. Car parks for public access and hard standings for the stacking of timber can be eligible under EWGS if an integral part of the woodland management.	Permanent	✗	✗	✓



Land Description	Definition and/or comments	Temporary or permanent ineligible feature for SPS	Eligible for Scheme		
			Single Payment	Environmental Stewardship	English Woodland Grant
Heap – compost - temporary	The heap is deemed to be temporary if in the same place for less than 3 years. This area is eligible for SPS provided it is stored in the field on which it is to be used the amount stored is appropriate for that field (larger amounts are ineligible) and it is to be used as part of the normal cultivation cycle.	Temporary	✓	✓	✗
Heap – compost - permanent	The heap is deemed to be permanent if in the same place for more than 3 years.	Permanent	✗	✓	✗
Heap – straw, hay, silage, muck - temporary	The heap is deemed to be temporary if in the same place for less than 3 years. This area is eligible for SPS provided it is stored in the field on which it is to be used the amount stored is appropriate for that field (larger amounts are ineligible) and it is to be used as part of the normal cultivation cycle.	Temporary	✓	✓	✓
Heap – straw, hay, silage, muck - permanent	The heap is deemed to be permanent if in the same place for more than 3 years.	Permanent	✗	✓	✓
Machinery storage area on bare soil	Machinery on grass or bare soil in the same place for 1 claim year or more in which case it is permanently ineligible.	Permanent	✗	✗	✗
Manmade surfaced roads, tracks, paths, etc.	Ineligible.	Permanent	✗	✗	✗
Manmade walkway between fenced paddock	Ineligible for EWGS unless an integral part of woodland management, for example, providing public access (see below).	Permanent	✗	✗	✗
Manmade walkway between fenced paddock	Eligible for EWGS if an integral part of woodland management such as providing public access.	Permanent	✗	✗	✓



Land Description	Definition and/or comments	Temporary or permanent ineligible feature for SPS	Eligible for Scheme		
			Single Payment	Environmental Stewardship	English Woodland Grant
Metalled or surfaced road/footpaths/tracks/bridleways	Ineligible for EWGS if permissive access is not provided.	Permanent	✗	✗	✗
Metalled or surfaced road/footpaths/tracks/bridleways (EWGS)	Eligible for EWGS if permissive access is provided.	Permanent	✗	✗	✓
Natural unsurfaced roads, tracks, paths, etc.	Natural unsurfaced roads, tracks, paths and bridleways.	N/A	✓	✓	✓
Peat production		Permanent	✗	✗	✗
Poly tunnels on hard standing		Permanent	✗	✗	✗
Poly tunnels on soil	Eligible for SPS if being used to grow eligible crops.	N/A	✓	✓	✗
Ponds less than 1ha	Ponds are ineligible for SPS. Temporary water logging (because of flash floods or water spillage etc.) is eligible for SPS.	Permanent	✗	✓	✓
Ponds more than or equal to 1ha	Ponds are ineligible for SPS. Temporary water logging (because of flash floods or water spillage etc.) is eligible for SPS.	Permanent	✗	✗	✗
Railway	Railways including both the rail line and any unfenced land either side of the tracks are ineligible.	Permanent	✗	✗	✗
Recreational parks	Ineligible for SPS and normally ineligible for ES unless they form part of a farmed environment. Woodland areas in a park may be eligible for EWGS.	Permanent	✗	✗	✗



Land Description	Definition and/or comments	Temporary or permanent ineligible feature for SPS	Eligible for Scheme		
			Single Payment	Environmental Stewardship	English Woodland Grant
Recreational parks – ES and EWGS	Ineligible for SPS and normally ineligible for ES unless they form part of a farmed environment. Woodland areas in a park may be eligible for EWGS.	Permanent	✗	✓	✓
Residential gardens	Residential gardens are not mapped on the RLR, therefore you should not register residential garden with RPA.	Permanent	✗	✗	✗
Rivers and streams – less than 4 metres wide over the majority of its length used as boundary	If the RLR boundary is the centre of the watercourse, the area of watercourse falling within the land parcel is eligible for SPS. For ES and EWGS rivers and streams are only eligible if they comprise less than 1ha within the land parcel.	Permanent	✓	✓	✓
Rivers and streams – Internal less than 4 metres wide over the majority of its length used as boundary	If the watercourse falls entirely within the field boundary, the width of the whole watercourse must be deducted as a permanent ineligible feature if its area exceeds 0.01ha. Rivers and streams are only eligible for ES and EWGS if they are less than 1ha within the land parcel.	Permanent	✗	✓	✓
Rivers and streams more than or equal to 4 metres wide over the majority of its length	If the watercourse forms part of the boundary of a parcel then the land parcel boundary should be captured to the river bank. If the watercourse falls entirely within the field boundary, the width of the whole watercourse must be deducted as a permanent ineligible feature if its area exceeds 0.01ha.	Permanent	✗	✗	✗
Roads	Metalled or surfaced roads, for example, tarmac, concrete, gravel etc.	Permanent	✗	✗	✗
Salt marshes and reed beds	Generally these are ineligible for SPS. However when they are grazed, under certain circumstances they are eligible.	Permanent	✗	✓	✗



Land Description	Definition and/or comments	Temporary or permanent ineligible feature for SPS	Eligible for Scheme		
			Single Payment	Environmental Stewardship	English Woodland Grant
Scree/rock outcrops/ boulders	Scree/rock outcrops/boulders are ineligible for SPS.	Permanent	✗	✓	✓
Scrub – including gorse bushes and briar	Dense scrub is ineligible for SPS. If we find large areas of scrub we map them as SPS permanent ineligible features. Individual small patches of scrub generally less than 0.01ha are not mapped individually. Instead we may map these as a single rectangular permanent ineligible feature of area equal to the scattered areas of scrub.	Temporary/ Permanent	✗	✓	✓
Solar panels	The area taken up by the solar panels is ineligible, unless the area under it is capable of being grazed. If the primary purpose of the land parcel is for agriculture, the rest of the land parcel will be eligible. If the primary purpose of the land parcel is for operating solar panels, the whole land parcel is ineligible.	Permanent	✗	✗	✗
Tidal areas other than salt marshes	Beaches (and, for example, areas of muddy estuary) are ineligible for ES.	Permanent	✗	✓	✗
Trees – individual, trunks/stumps	Individual trees within a land parcel will not be mapped individually. If we find large areas of trees we map them as SPS permanent ineligible features. If there are a number of separate trees adding up to 0.01ha or more within a land parcel we may map these as a single rectangular permanent ineligible feature area equal to the area taken up by tree trunks and any cover that prevents growth of vegetation underneath.	Permanent	✗	✓	✓
Turf production (fuel)	Turf production for fuel.	Temporary	✗	✗	✗
Urban commons	Used for recreation and public amenity (not grazing). Normally ineligible for ES unless they form part of the farmed environment.	Permanent	✗	✗	✗



Land Description	Definition and/or comments	Temporary or permanent ineligible feature for SPS	Eligible for Scheme		
			Single Payment	Environmental Stewardship	English Woodland Grant
Urban commons – ES and EWGS	Eligible for ES if they form part of the farmed environment.	Permanent	✗	✓	✓
Walkway grass strip between fenced paddock	Eligible for SPS if greater than 0.1ha and is being grazed. Normally ineligible for EWGS unless it is an integral part of woodland management, for example, providing public access.	N/a	✓	✓	✗
Walkway grass strip between fenced paddock – EWGS	Eligible for EWGS if an integral part of woodland management, for example, providing public access.	N/a	✗	✓	✗
Wide hedge field boundary wider than 4 metres	For SPS, it is only the area of a wide field boundary feature (hedge) that would need to be deducted, for example, not the grass margin between the crop and the boundary feature. Exceptionally hedges up to 6 metres wide are eligible for SPS if they are characteristic of the regional landscape and being managed in line with good agricultural cropping and utilisation practice.	Temporary	✗	✓	✓
Woodland	Includes shelter belts. Ineligible for SPS unless the land parcel meets the definition of a grazed woodland (that is grazed, has a history of grazing and grazing causes no ecological damage), or is Short Rotation Coppice or the land is in an ESA/ES /FWPS/EWGS agreement and was used to activate entitlements in 2008. To be eligible for EWGS, shelter belts must be on average 15 metres wide and the woodland must be more than or equal to 10% of the total land parcel area.	Permanent	✗	✓	✓
Zoos	Recreational.	Permanent	✗	✗	✗
Zoos – farmed	Eligible for ES if they form part of the farmed environment.	Permanent	✗	✓	✗



10 Some of my land is in a Natural England Rural Development Scheme. Can I use this land to apply for payment for SPS?

You can apply for SPS on land that is in a Rural Development agreement with Natural England as long as it meets all of the SPS eligibility requirements. The main schemes are:

- Environmental Stewardship (ELS, OELS, HLS, UELS);
- Countryside Stewardship (CSS);
- Environmentally Sensitive Areas (ESA);
- Habitat Scheme;
- Energy Crops Scheme;
- Organic Farming Scheme; and
- Catchment Sensitive Farming.

Most scheme options are compatible with the eligibility requirements for SPS. You should declare your agreement land using the most appropriate land use code to describe what is in your land parcel. For example, the code for arable land is OT1, for permanent pasture including moorland and rough grazing it is PP4 and for grazeable woodland it is PP1.

If there is a Rural Development equivalent for a land use code, for example, PP4 as opposed to PP1, you should only use PP4 for land, which is actually in an agri-environment scheme option. However, we appreciate that with schemes such as ELS which are whole farm you may have some pasture fields which are split between land directly in an option and land which is not, but still forms part of your overall agreement. In such cases it is acceptable to declare the whole field as PP4.

There are a few scheme options which can be placed on land which would ordinarily be ineligible for SPS, for example, inter-tidal land (see the list below). Similarly land which was previously eligible for SPS, for example, grazed woodland could become ineligible if Natural England's management prescriptions or supplementary payments no longer allow the land to be grazed. However, a European Commission policy change in 2009 (73/2009) now lets you claim land in these options for SPS if it meets certain criteria. If it does not meet the criteria, it remains ineligible for SPS. You can only apply for SPS on such land in the following circumstances:

- The land is in CSS option R (reedbeds), IT2 or IT3 (intertidal habitats), or ESA woodland option ESA01O2C, ESA08OOW, ESA09OOW, ESA14OOW, ESA15OOW, ESA16OOW, ESA16OSW, ESA17OOW, ESA19OOW or ESA21OOW, and must have been claimed as set-aside in 2008 and remains in the agri-environment agreement for the entire SPS year.

 For a definition of arable land read Annex B

- The land is in one of a few Environment Stewardship options, for example, woodland which you are not permitted to graze under the terms of your Natural England agreement, intertidal habitat, reedbed, scrub, fen and bog options that would ordinarily be ineligible for SPS. The land must have been activated for SPS in 2008. For example:
 - Land claimed as grassland for SPS in 2008 that has reverted to an intertidal habitat under HLS option HP8 in 2009.
 - Land claimed as grazed woodland (PP1) for SPS in 2008 which has been entered into an HLS agreement in 2009 under option HC8 and if option HC11 (livestock exclusion supplement) is also being claimed.

You must declare land that falls into the above categories and activate for SPS using land use code SA3, so we can identify it and carry out the necessary checks. The list of AE options above is not exhaustive. We have listed those options which are the most likely to either be ineligible or become ineligible for SPS. If your land is in an option or a scheme which is not listed here and you think there could be a problem complying with the SPS eligibility requirements you should contact our Customer Service Centre.

You should also use land use code SA3 for the following:

- The land in ELS options EF3 or EF5, or HLS options HF3, HF5, HF16, HF17, HF18 or HF19 if the Natural England prescriptions require the land to continue to be managed as set-aside.

 For more information on Land use codes read Annex A

 Call our Customer Service Centre on 0845 603 7777

11 Will you cross check my SPS application against applications I have in other schemes?

Yes. When we receive your application, we will check the land that you have told us about against:

- land held in Rural Development Programme for England (RDPE) agreements, including:
 - land held in Natural England schemes;
 - land held in Forestry Commission schemes.


If you do not declare all of your RDPE land correctly, this may delay your SPS and RDPE payments, and we may apply a penalty.


If the land use code that you enter on your SPS application does not match the requirements of your RDPE agreement, we may apply penalties.


If the land use code that you enter on your SPS application does not match Natural England's requirements, they will contact you to find out why. If they cannot solve the problem, they may stop your RDPE agreement payments, and may recover past payments from you.

For example, if you declare land as arable for SPS, but Natural England is paying for the land as permanent pasture, this would be against scheme rules and Natural England would need to contact you.

If you do not record all the land you hold that is covered by Forestry Commission schemes, it may delay your payment and we may apply a penalty.

 For more information about land in agri-environment and Forestry Commission schemes read paragraphs 14 to 19 of this section

 For more information about penalties read section N

 For more information about Land use codes read Annex A



12 What is permanent pasture?

This is land where all of the following applies:

- ✓ used to grow grasses or other herbaceous forage; either self-seeded or sown. It has not been included in the crop rotation for five years or longer;
- ✓ not been set-aside during this five year period for SPS options; and
- ✓ has not been taken out of production under certain agri-environment schemes (see paragraph 12a).

This means that if you enter land as grass or herbaceous forage on six consecutive SPS applications we will classify the land as permanent pasture at the sixth application.

If you have not declared this land on previous SPS applications, the same applies; once the land has been in grass or herbaceous forage at midnight on the application deadline for six consecutive years we will classify it as permanent pasture.

If you have re-sown land with grass or other herbaceous forage during the five years, it is still permanent pasture. However, if you have re-seeded the land following a catch crop, for example, stubble turnips, during the last five years, we will classify the land as arable land.

 For a definition of arable land read Annex B

12a Agri-environment schemes:

If you take the land out of production for any of the following agri-environment scheme options, it is not classified as permanent pasture, even if it meets the permanent pasture criteria described above. These options do not count as permanent pasture because they are regarded as farmer created pasture as part of your RD agreement. The land remains eligible for SPS as long as you comply with cross compliance and GAEC. The land should be claimed as TG3 or if it is a margin, buffer strip or similar (see paragraph 29 of this section) simply as part of the main land use code for the field concerned. Once your Rural Development Programme for England (RDPE) agreement ends, they could go back to being arable.

12b Environmental Stewardship:

- ✗ EC24, HC24, OC24 or OHC24 hedgerow tree buffer strips on cultivated/rotational land;
- ✗ EE1, HE1, OE1 or OHE1 2 metre buffer strips on cultivated/rotational land;
- ✗ EE2, HE2, OE2 or OHE2 4 metre buffer strips on cultivated/rotational land;
- ✗ EE3, HE3, OE3 or OHE3 6 metre buffer strips on cultivated/rotational land;
- ✗ EE8, HE8, OE8 or OHE8 buffering in-field ponds on arable/rotational land;
- ✗ EE9, HE9, OE9 or OHE9 6 metre buffer strips on cultivated/rotational land next to watercourse;
- ✗ EF1, HF1, OF1 or OHF1 management of field corners;
- ✗ EF4, HF4, OF4 or OHF4 nectar flower mixture;
- ✗ EF5 or HF5 pollen and nectar flower mixture on set-aside land. **Note:** the land was set-aside at the time you entered into the agreement;

- ✗ EF7, HF7, OF7 or OHF7 beetle banks;
- ✗ EG3, HG3, OG3 or OHG3 nectar flower mixtures in grassland areas;
- ✗ EJ5, HJ5, OJ5 or OHJ5 in-field grass areas to prevent erosion and run-off;
- ✗ EJ9, HJ9, OJ9 or OHJ9 12 metre buffer strips for watercourses on cultivated/rotational land;
- ✗ HE10 floristically enhanced grass margin; and
- ✗ EC1, HC1, OC1 and OHC1 protection of infield trees on arable/rotational land and HC5 ancient trees in arable fields.

12c Countryside Stewardship:

- ✗ R3 (6 metre margin), R7 (2 metre margin), R8 (2 metre beetle banks) and WM2 (pollen and nectar mixture).

12d Environmentally Sensitive Areas:

- ✗ The Broads (Tier 4B) and Upper Thames Tributaries (Tier 3C).

12e Habitat Scheme:

- ✗ Tier 1B.


If you have used the land to support set-aside entitlements in at least one of the last five years, it will not count as permanent pasture.

13 When do restrictions apply to ploughing up permanent pasture?


Restrictions apply if the land is defined as uncultivated land or semi-natural grassland/area. If it is, then the Environmental Impact Assessment, which is also a GAEC, may apply and you may need to make an application to Natural England.

We are also required under European legislation to maintain the level of permanent pasture in England and the European Commission has proposed that this requirement continues after the next CAP reform. If permanent pasture reduces beyond a certain level in England, we may have to introduce new cross compliance rules to control the level of pasture. This means that you may have to return land to permanent pasture in the future. It is important that you use the correct land use code for permanent pasture as we use this to show the European Commission how much pasture there is in England.

 To contact Natural England call 0800 028 2140 or e-mail eia.England@naturalengland.org.uk

 For more information about the UTP, read the *Uplands Transitional Payment 2012 to 2014* booklet

 Or call our Customer Service Centre on 0845 603 7777


 For more information about cross compliance, visit our website at rpa.defra.gov.uk/crosscompliance


14 Can I use my grazed woodland to apply for SPS?

You can use woodland if it has fewer than 50 trees per hectare to claim SPS and as long as it is grazeable.

If your woodland has more than 50 trees per hectare, you can apply if it is actually grazed and meets the following rules:

- ✓ If it is woodland, you can claim aid if you can show that there is a history of grazing. For example, if you have declared this on previous applications, or if there are trees that animals have been browsing, for example, they have swelling at the base.

 If you are not sure whether grazed woodland can be used to apply for SPS call us on 0845 603 7777

 For more information about deducting areas for trees read paragraphs 15 to 19



- ✓ If it is new planting, you can claim if you have protected the trees from grazing.
- ✓ Whether it is woodland or new planting, the grazing must not be damaging the land ecologically. For example, the grazing must not reduce the number of existing tree seedlings and saplings, and must not reduce plants that are sensitive to grazing, such as bramble.

i You do not need to register individual trees as permanent ineligible features on the RLR

15 Do I need to make any deductions to my grazed woodland if I want to apply for SPS?

Yes. When you measure the land, you must deduct the area taken up by tree trunks for your SPS application. You must also remove any areas where trees or bushes prevent the growth of vegetation suitable for grazing.

You will also need to make sure that the land follows the relevant cross compliance rules, including those about to over grazing and extra feeding.

16 Can I use my woodland that is in a forestry or woodland scheme to apply for SPS? (For woodland in an agri-environment agreement with Natural England see paragraph 10 of this section).

You cannot claim land in the following schemes as grazed woodland:

- Farm Woodland Scheme;
- Farm Woodland Premium Scheme;
- new planting under the Woodland Grant Scheme; and
- Woodland Creation Grant and Farm Woodland Payment options under the English Woodland Grant Scheme.

To qualify for these schemes, you must take land out of agricultural production and, therefore, not graze it. This rule also applies to open space areas in the same schemes. If you count land in these schemes as grazed woodland in your SPS application, we may reduce your payments and we may apply a penalty.

You can only claim for land in Forestry Commission schemes in the following three circumstances:

- As grazeable woodland in code PP1 provided it meets the SPS eligibility requirements and is not in one of the forestry schemes or options listed above.
- As eligible forestry in land use code SA2, provided the land was activated for payment in 2008 and the land is in a Farm Woodland Premium Scheme, English Woodland Grant Scheme, or Woodland Grant Scheme agreement with the Forestry Commission. This includes Forestry Commission agreements if you have received your final payment, but are required as part of the agreement to retain the trees and manage the woodland appropriately.

i If you are not sure if land you have in a forestry scheme qualifies for SPS call us on 0845 603 7777

- Areas which were used to activate payment for 2008 and which receive a grant under the National Forest's Changing Landscapes Scheme (CLS) may also be eligible to be claimed under land use code SA2.


The area of land that is under agreement is the only area that is eligible to be claimed as land use code SA2. You should claim other parts of the field under the most appropriate SPS land use code.


It is important to remember when filling in your SPS application that you must enter the most appropriate land use code to describe the land use on the application deadline date. This applies even if you are planning to change the land use and plant trees before the end of the year because you have signed up to, or are thinking about joining, a Forestry Commission or CLS agreement. You should only use land use code SA2 if the trees have actually been planted on or before the application deadline date.

17 Can I apply for SPS on my woodland that is not being grazed and is not in a woodland scheme?

To be eligible for SPS, woodland which has more than 50 trees per hectare must either be grazed or has a history of grazing. Simply identifying the ability of grazing is not enough to apply for SPS. However, you can apply:

- ✓ on land used for short rotation coppice (including land in short rotation forestry trials with the Forestry Commission); and
- ✓ for an area with trees, as long as you can carry out agricultural activities there in the same way as you would on land without trees in the same area.


 If you are not sure whether grazed woodland can be used to apply for SPS call us on 0845 603 7777


 For a definition of short rotation coppice read Annex B

18 Do I need to make any deductions for woodland if I want to apply for SPS?

If you are applying for SPS for an area with trees, you will need to assess the area taken up by the trees. To do this, use the following rules.

- If you have a few trees dotted around a land parcel, you only need to remove them from the claimed area of the land parcel if the area taken up by the tree trunks is 0.01 hectares or more.
- The same applies if you have clumps of trees, or any more extensive areas of grazed woodland. Therefore if, for the clumps of trees the area occupied by the tree trunks, plus the tree cover that prevents growth of vegetation take up 0.01 hectares or more, you need to remove their area from the claimed area of the land parcel. You will also need to remove the area if there are more than 50 trees per hectare, unless it is grazed. Please read the rules above.
- If you have woodland area dense enough to prevent grazing, you must remove the area from the claimed area of the land parcel. The only exception is if it is grazed woodland. Please read the rules above. Even if it is grazed, you must remove the area taken up by tree trunks and area of tree cover that prevents growth of vegetation if it adds up to 0.01 hectares or more from the claimed area of the land parcel.

 More information shown in paragraph 28 of this section

 You do not need to register individual trees as permanent ineligible features on the RLR



19 Do I need to declare woodland that is in a RDPE scheme?

Yes, even if you cannot claim for payment on it. If you have land that is not eligible for SPS and is not covered by a Forestry Commission scheme, please use land use code FR1 for it.

20 Is land with solar panels on it eligible for SPS?

To be eligible for SPS, the land must be predominantly used for agricultural activity. It will be easier for you to show this if the land is being grazed or harvested rather than just being kept in GAEC. Any areas that are taken up by the solar panels themselves, and that do not allow the areas underneath to be grazed or used for agricultural activity, are not eligible. These areas must be shown on the RLR as permanent ineligible features and you must not include them in column C9 of the Field data sheet on your SPS application.

If the solar panels are off the ground, for example, on a mast or a number of poles, the area of the masts, poles and any hard standing is not eligible. The area surrounding the mast or poles, under the panels, may be eligible if you can still use it for agricultural activity, for example, it is grazeable.

If the predominant use of the land parcel is for the housing and operation of solar panels, rather than an agricultural activity, we consider this as non-agricultural land and the whole land parcel is ineligible for SPS.

You will also need to consider the eligibility of the land during the initial installation of the solar panels. Depending on how much of the land parcel is affected by the work, and the extent it is affected, the land parcel is likely to be ineligible while the work is being done. If so, you should exclude this area from your SPS application in the year the solar panels are being set up.

21 I have pipelines or other utilities on my land. Do I need to reduce the area I am going to claim?

You should not include areas of land in your application if you are not able to farm part of your land. For example, if a utility company carries out work on your land, it may be difficult for you to meet SPS eligibility and cross compliance requirements. You should seek a compensation payment from the utility company or statutory agency concerned to cover the loss of aid on the land or to enable you to acquire alternative land.



For more information read the *Guide to Cross Compliance in England 2013 edition* on our website at rpa.defra.gov.uk/crosscompliance

22 I use some of my land for non-agricultural purposes. How does this affect my SPS payment?

This depends on the kind of non-agricultural activity that you use the land for. There are three categories:

- Category A – these are activities that will not affect your SPS application. We allow without any restriction.
- Category B – we allow these activities up to a 28 day limit.

- Category C – these activities will mean that you cannot use this land for SPS payment because the land is no longer in agricultural use.

Examples of the types of activities covered by each category are listed below.

22a

Category A – activities that will not affect your SPS application and are allowed without restriction:

- ✓ walking;
- ✓ bird watching;
- ✓ school or university nature or farm visits;
- ✓ horse riding along bridleways;
- ✓ bicycle riding along defined paths or bridleways;
- ✓ fishing;
- ✓ hedge laying competitions, local ploughing competitions or other demonstrations of farming that do not affect the land being in GAEC. This will exclude events that use trade stands. These are covered by Category B;
- ✓ shooting game;
- ✓ deerstalking;
- ✓ drag hunting; and
- ✓ paragliding and hang gliding.

i By bridleways, we mean any un-surfaced highway or route where riding is allowed, or where there is a right of way on horseback. This could include statutory bridleways but also other routes, for example, byways, permissive routes or field edges avoiding busy roads

22b

Category B – we allow activities that are up to a 28 day limit:

- ✓ clay shooting;
- ✓ car boot sales;
- ✓ car parking (whether it is for any of the listed activities or not);
- ✓ country fairs and shows;
- ✓ farm auctions and shows;
- ✓ horse riding activities other than those described in Category A;
- ✓ ballooning;
- ✓ festivals and events;
- ✓ scout or guide camps, or similar;
- ✓ TV and film locations;
- ✓ caravan sites (if you do have a caravan site that is used for longer than 28 days, exclude this land from your application. This need not affect a whole land parcel;
- ✓ motor sports; and
- ✓ grass airstrips.

22c

Category C – activities that mean you cannot claim SPS payment on the land:

- ✗ a golf course;
- ✗ any other permanent sports facility;



- ✗ gallops;
- ✗ airstrip; and
- ✗ community recreational land, for example, rural land used primarily for public recreation and/or dog walking.

22d

The examples given above are not exhaustive but normally land that is considered recreational or primarily of amenity use is not eligible for SPS.

If you rear game, this is also seen as a non-agricultural activity. The area taken up by pens for rearing game is not eligible for SPS. However, if you move the pens every 28 days or more often, the area will be eligible for SPS.

Restrictions on activities – how they work


The restrictions for Categories B and C apply throughout the calendar year. You will need to make sure that any land that is in agricultural use meets the cross compliance rules for the whole calendar year. You must remove any ineligible features – read below for more about this.

Where there are 28 day limits, these apply to the number of actual days that the activity takes place. You cannot spread the 24 hours of each 'day' over several days. You must also count days when you have reserved the land or are preparing for the activity, not just the days of the activity itself.

If you go over the 28 day limit, due to force majeure or exceptional circumstances, we will count the area of the activity as being ineligible. In other words, we will not count your whole holding as being ineligible, just the affected area. If you go over the 28 day limit due to circumstances that are completely beyond your control, please let us know and we will consider your case.

Please note: this information only applies to SPS. The rules for agri-environment schemes may be different. You can check the rules with Natural England.

There may be other limits on what you can do with the land, for example, planning restrictions.

 For more information about force majeure or exceptional circumstances read section N, paragraphs 4 to 6

23

Is temporarily flooded land still eligible for SPS?


Land which is flooded or waterlogged can still be considered eligible for SPS, provided that the flooding is temporary and the land would otherwise still be available for agricultural activity. However, any access made onto waterlogged land must be entered into your Soil Protection Review and any damage must be corrected as soon as possible within 12 months.

24 Can I apply for SPS if the military use some of my land?

Yes, if the land is eligible, you can still use it to apply for SPS even if the Ministry of Defence use it for training. However, you will still need to make sure that you meet the cross compliance rules for the land.

25 What area of my field should I use to activate entitlements?

The maximum area eligible shown in column C4 of your SPS application field data sheet is taken from the SPS recorded eligible area on your RLR map and does not take into account any temporary ineligible features. You must check this and calculate the area you are able to activate entitlements on by deducting the temporary ineligible features from the maximum area eligible for SPS.

 For more information about how to fill in your application read sections P and Q

26 What should I do if I have already included ineligible areas or features on my application?

You must write to tell us that these areas of land should not be used to activate entitlements for SPS or the UTP. If you do not tell us, we may apply penalties. You should also tell us in writing about any other change of circumstances that affects eligibility. We will consider each case individually.

27 How do I tell you about changes to field boundaries, permanent ineligible features or adding unregistered land?

Fill in and send us an RLE 1 and maps clearly showing the changes as soon as the changes are made on the ground. You also need to tell us the date the changes took place so we can assess how this affects any payments.


To tell us about the scattered ineligibility on a map, for example, trees and scrub, draw a box in the map and provide an area assessed to be ineligible because of scattered ineligibility. Scattered ineligibility is where there are a series of ineligible features scattered around a field in between eligible areas. For example, pockets of dense scrub and rocks scattered around a grass field.


To avoid non-payment or delays to your payment, please try to do this well before the application deadline, although you can submit your RLE 1 with your SPS application.


Once we receive your RLE 1, we will write to you to confirm your new field numbers and areas. You will need to fill in the new numbers and areas on your SPS application.

If you have not received the new field numbers and areas by the time you need to send your SPS application, please still enter the field on your SPS application using the details you entered on your RLE 1.

Do not resend it with your form. Instead, send a covering letter that explains clearly which fields the RLE 1 covers.

 For more information about field boundaries, permanent ineligible features or adding unregistered land read section C of the RLE 1 Guidance

 For an RLE 1 and guidance, visit our website at rpa.defra.gov.uk/rle1

 If changes to your field boundary mean that you are transferring entitlements read section F



If you have not sent your RLE 1 to us by the time you make your SPS application, send it to us at the same time you apply. You must also enclose a map that shows any new land or permanent changes to field boundaries or changes to SPS permanent ineligible features. If you do not send a map, and we cannot identify the field, we will not be able to pay you for that land.


28 Have you made some temporary ineligible features into permanent ones?

Yes. We changed the classification for some ineligible features during the 2012 scheme year. This means that some ineligible features that we previously treated as temporary will in future be treated as permanent.

If we find that any of the following features or areas on your land are 10 square metres or more, we will map the area as an SPS permanent ineligible feature on the RLR and on any new maps we send to you:

- Dense scrub or bracken that prevents grazing.
- Compost/muck heap or silage clamp if located in the same place for more than three years.
- Woodland or coppice (with the exception of grazed woodland, short rotation coppice and land parcels that are eligible for SPS).
- Scree/rocks/outcrops.
- Tidal areas.

This will then reduce the maximum area eligible for SPS for the land parcel. However, if these are not shown as SPS permanent ineligible features on your maps you must reduce the area you claim to take account of the ineligible areas.

 For more information about woodland and short rotation coppice read paragraphs 14 to 19 of this section and Annex B

29 How should I declare my agri-environment margins?

You should declare your agri-environment margins, buffer strips, field corners and beetle banks as part of the main land use code for that field. You do not need to declare them separately. This is particularly important for areas of less than 0.10 hectares, as this is the minimum land parcel size you can claim for SPS.

30 How do I make sure that my land parcels are linked to the correct County/Parish/Holding number (CPH)?


We group the land parcels in your application by their CPH. We show the CPH at the top of each page, and we link all the land parcels on that page to that CPH. There are rules set by Defra on the allocation of a CPH, and you need to make sure that your land parcels meet these rules. A land parcel can only be linked to a particular CPH if it lies within 5 miles of the CPH for sheep and goats, or 10 miles for cattle. If any of your land parcels do not meet the rules, or are linked to the wrong CPH, you need to change the information in your application.

31 How do I move a land parcel to a different CPH?

On SPS Online you can change the CPH a land parcel is assigned to by clicking change CPH on the edit land parcel details screen.

Or you can do this on paper by putting an 'X' in the 'delete line' box (column C10) on the page where the land parcel links with the wrong CPH, and fill in the same land parcel information on the page which has the correct CPH at the top. You should record all other land parcel details as usual. If there is no page with the required CPH, use one of the blank pages and fill in the CPH and land parcel information. If you do not have a CPH that meets the distance rules, call our Customer Service Centre for a new one.

Please send a covering letter with your application to tell us that you have a new CPH.

 Call our Customer Service Centre on 0845 603 7777

32 Can I apply for SPS on steep banks?

You should only include river, ditch and dyke banks as part of your Maximum area eligible for SPS (column C4 of your application) if they form part of the agricultural area of your holding. They must clearly be able to be used for productive agricultural activity. You should account for factors, for example, the steepness of the bank, its location and accessibility for animals and machinery. If this is uncertain, on an inspection, we will take account of supporting evidence, for example, a history of use for grazing and/or cropping.

33 What do I do if I have streams, ditches or hedges along my field boundary?

If you have landscape features such as these running along the boundary of a field, the following rules apply:

- Streams and ditches have been mapped using data from Ordnance Survey Master Map. We will measure their width as that of the flow at normal winter level, excluding banks.
- If the field boundary runs down the far side of a stream or ditch that is included entirely within the area of the field, the stream or ditch must be treated and mapped as an SPS permanent ineligible feature if it is greater than 0.01 hectares in area.
- If the field boundary runs down the middle of a stream or ditch less than 4 metres in width (or 2 metres from its centre point), the stream or ditch will be treated as a boundary feature and no deduction will be made from the eligible area of the field.
- If the field boundary runs down the middle of the stream or ditch greater than 4 metres in width (or 2 metres from its centre point), the area of the stream or ditch from its centre point to the edge of the water must be treated and mapped as an SPS permanent ineligible feature if it is greater than 0.01 hectares in area.



34 Are there any exceptions for ditches and hedges?

Yes. Exceptionally, if the field boundary runs down the centre of a hedge characteristic of the regional landscape and is being managed in line with good agricultural cropping and utilisation practice, no deduction should be made if the total width of the hedge is less than 6 metres (3 metres from its centre point). If a hedge has grown out beyond this width, you should treat it as a temporary ineligible feature and the area within the boundary of the field (from centre point to field edge) should be deducted from the claimed area of the land parcel.

Ditch and hedge combinations:

- If the boundary of the land parcel runs down the centre of a hedge, a ditch can be included within the area eligible for SPS if it falls completely within 2 metres of the centre of the hedge.
- A ditch can also be included in the area eligible for SPS if it is fully underneath the canopy of the hedge and the hedge is characteristic of the regional landscape and is up to 3 metres wide from its centre.
- If a ditch protrudes further into a field than the hedge, and is over 2 metres from the centre of the hedge, you should declare the ditch as an SPS permanent ineligible feature if it is greater than 0.01 hectares in area and meets the criteria to be classed as an SPS ineligible watercourse.

Note:

- Inspectors will take into account whether or not a hedge has recently been trimmed.
- Normally, a permanent fence should be treated as a land parcel boundary. However, a number of conservation organisations have recommended that, when farmers renew fences next to hedges, they should place the new fence a metre or so out from the hedge. This enables the hedge to be cut inside the fence and stops it growing over the fence – thereby making fence repairs easier. In addition, a strip of uncultivated land is created that is important for wildlife. In such cases, provided the fence is within 3 metres of the centre of the hedge, inspectors should continue to treat the hedge as the boundary feature. The area between the edge of the hedge and the fence should be treated as if it was part of the hedge. That is, no deduction from the eligible area should be made if the distance from the centre of the hedge to the fence is 3 metres or less. However if the area between the hedge and the fence is clearly unavailable for grazing and provides no environmental benefit, the area between the hedge and the fence should be considered to be ineligible for SPS. For example, if the area between the hedge and the fence is taken up by a public footpath, the boundary of the land parcel should be considered to be the fence.

35 I have uncropped areas, for example, grass banks, strips and wide field margins. How do I work out my land areas for SPS?

You can use the whole field area declared on the RLR to apply for SPS, but you must deduct any SPS ineligible areas from it. In a cropped field, this means that you can claim for grass margins and banks, as long as they are maintained in accordance with cross compliance, for example, keeping it in Good Agricultural and Environmental Condition.

36 Can I claim for paths, tracks or bridleways across my land?

Yes, you can apply for SPS for footpaths, tracks and bridleways that are unsurfaced as long as you keep them in Good Agricultural and Environmental Condition.

i By bridleways, we mean any unsurfaced highway or route where riding is allowed, or where there is a right of way on horseback. This could include statutory bridleways but also other routes, for example, byways, permissive routes or field edges avoiding busy roads

37 Can I apply for SPS on a land parcel containing scrub?

You can apply for payment for areas of scrub that can clearly be grazed. That means areas where the scrub is not thick, allowing grazing vegetation to grow. If you have areas that are covered with taller or thicker scrub where animals cannot graze, these are not eligible for SPS and you will need to remove these areas when you calculate the claimed area of the land parcel .

Where areas of thick scrub is scattered, you should make an assessment of total area occupied by inaccessible scrub (the area that is not grazed). To tell us about the scattered ineligibility from scrub, draw a box in the map and provide an area assessed to be ineligible because of scattered ineligibility.

i More information shown in paragraph 28 of this section

38 When do I no longer classify scrub as agricultural land?

You can apply for payment for areas of scrub as long as it can clearly be grazed. That means areas where the scrub is not thick, allowing grazing vegetation to grow.




39 Some of my land is bracken. Can I apply for SPS?

If the bracken or bracken litter is too thick for grass or other forage to grow, you cannot apply for SPS payment on this area. If your area of bracken is being grazed, or if there is enough grass or other forage to support grazing, you can apply for SPS for the area.

We count bracken separately from scrub because:




- bracken is generally not grazed;
- bracken is poisonous to cattle and only eaten by sheep if there is nothing else to eat; and
- scrub is permanent, while bracken dies back each year, building up a dense layer of litter.

 More information shown in paragraph 28 of this section

40 What should I do if anything changes after I have sent my application?

You must tell us in writing or by e-mail. If you do not inform us of any changes we may apply penalties in some cases. Please give us your:

- SBI number;
- field number;
- area; and
- claim year with all communications.


 For more information about penalties read section N
 E-mail our Customer Service Centre at csc@rpa.gsi.gov.uk
 Rural Payments Agency
PO Box 300
Sheffield
S95 1AA

1

When does land have to be at my disposal?

It must be at your disposal on the application deadline if you want to claim SPS on land in England. In Wales, Scotland and Northern Ireland land must be at your disposal on 15 May. The land must be eligible for SPS for the entire calendar year.

The land at your disposal rules do not apply to land that is only used to claim for the Uplands Transitional Payment.

 For more information about the Uplands Transitional Payment read section J


2

How do I identify what land is at my disposal?

You should only apply for payment if you can show that the land is at your disposal on the date of the application deadline.

For example, we consider you to have the land at your disposal if you are one of the following:

- An owner-occupier, who is also farming the land, which can include keeping the land in Good Agricultural and Environmental Condition (GAEC) or paying for the land to be farmed under contract.
- A tenant with a Farm Business Tenancy under the Agricultural Tenancies Act 1995, an Agricultural Holdings Act 1986 tenancy or equivalent.
- A licensor when the licensee (grazier) only has access to graze or mow the land.

 For information about who can use common land to apply for SPS read section I

We do not consider you to have the land at your disposal if you are one of the following:

- A landlord where you have a tenant who has a Farm Business Tenancy under the Agricultural Tenancies Act 1995, an Agricultural Holdings Act 1986 tenancy or equivalent.
- A licensee, for example, a grazier who only has access to graze or mow the land.
- A contractor.

3

Someone else also carries out agricultural activities on the same land as me. How can I decide if the land is at my disposal?

You need to consider the rights and responsibilities you have for the land, and how they operate in practice. These are more important than what your agreement with the other party is called.

For example:

If you only have access to graze or mow land under a grazing licence you will not have sufficient control of that land for it to be at your disposal. If your agreement gives you other responsibilities for the management or control of the land, you may, in practice, have a tenancy and so may be able to use that land to apply for SPS.



You will need to consider the type of agreement you have and how it works on the land. Among other things, you will need to consider:

- Who carries out any agricultural activity on this land and what they are doing?
- Who controls the use of the land and who has access to it?
- Who takes the profit from the land?
- What responsibilities each party has for meeting the cross compliance conditions, including keeping the land in GAEC?

4

I have an agreement with another party about who will use the land. Does this mean the land is at my disposal?

No. The fact that you have an agreement with another party about who will use the land to apply for payment does not mean that you have the land at your disposal. It is the rights and responsibilities you have in relation to the land, and how they operate in practice, which determine this.

5

Is there any difference if I am a tenant instead of a licensee?

If you are a tenant, you will have greater management responsibilities than a licensee and will have exclusive possession of the land. You are therefore likely to be able to show that you have the land at your disposal.

We may ask for evidence of how you meet the scheme rules, including having the land at your disposal. In particular, if you have a verbal agreement, you must carefully consider how you will be able to meet the scheme rules.

6

At what stage should I discuss my rights and responsibilities with others who farm the same land?

You should do this before you apply for SPS. After we receive your application, if we find that you are not eligible to claim for SPS on this land, or if we receive more than one application for the same land, we may apply penalties, and this may delay any SPS payment.

You may want to get independent professional advice about your circumstances.





7 What should I do if I am in dispute with another farmer over who can apply for SPS on the land?

We will only pay you if you are the farmer with the land at your disposal on the application deadline.

If we later find that you were not eligible to apply or that the land was not at your disposal, we may apply penalties. We will not make a payment to anyone who artificially creates the conditions required to receive payment.

If we receive more than one application for the same land, we may not be able to pay you. The responsibility to resolve this is with you. We will apply penalties to the party who was not eligible to claim.

-  A farmer is a natural or legal person (or a group of such persons, whatever the legal status of the group or its members in national law):
 - with a holding in the European Union, and
 - who exercises an agricultural activity, which includes maintaining the land in Good Agricultural and Environmental Condition

 For more information about penalties read section N

8 Who is responsible for meeting cross compliance rules?

It is the claimants responsibility that cross compliance rules are met for the whole calendar year. This applies even if the land is not at your disposal for the whole year. However, it must have been at your disposal on 15 May for your application to be valid.

9 What do I need to consider when transferring land?

For details about liability for cross compliance when land is transferred please refer to the current version of the Guide to Cross Compliance in England.

You should carefully consider the terms of any contractual arrangements between yourself and the other party. You should consider whether you are protected if cross compliance rules are broken or inspectors are refused access before or after any land transfers. You should consider the risks of not having an agreed contract in place.

I Commons and Common Land

1 What is common land?

Common land is land owned collectively or by one person, over which other people have certain traditional rights, for example, to allow their livestock to graze on it, to collect firewood, or to cut turf for fuel.

2 Can I use common land to claim SPS?

If you have common rights, you may be able to use them to activate SPS entitlements. You must:


- be a farmer; and
- have a legal right to use the common. This will usually be a right of grazing registered under the Commons Registration Act 1965 or Part 1 of the Commons Act 2006. However, it may be possible for you to claim other rights, for example, an owner's right to surplus grazing. If an owner of a common assigns or leases his surplus grazing rights to a third party, that person may be able to use them to claim for SPS.

If you own a house or other land that has common grazing rights attached, you will only be able to use those rights to support an SPS application if you meet the definition of being a farmer, and hold the relevant entitlements.


You can apply to SPS for any common right that entitles you to graze stock on the common. The common grazing needs to be at your disposal on the SPS application deadline. There must be nothing in the common land register that stops you from being able to meet this.

The common land used to support your application must meet all SPS eligibility requirements and must be managed to meet the cross compliance rules including the Good Agricultural and Environmental Condition standards. If a cross compliance rule is broken anywhere on the common, the farmer (or farmers) who broke the rule may have their payments reduced. You do not need to carry out a Soil Protection Review for a common unless you are the sole occupier of the common land.

SPS does not alter your legal rights of common, or your ability to exercise those rights.

 A farmer is a natural or legal person (or a group of such persons, whatever the legal status of the group or its members in national law):

- with a holding in the European Union, and
- who exercises an agricultural activity, which includes maintaining the land in Good Agricultural and Environmental Condition


 Some areas of the country are in pilot areas under Part 1 of the Commons Act 2006. When we refer in this Handbook to the Commons Registration Act 1965, we are also referring to the Commons Act 2006 for these pilot areas

3 How do I use common land to apply for SPS?

You must declare common land in Part CA of your application. Do not declare common land in Part C, as this will delay your claim and we may apply penalties.

To activate your common land rights you must:

- make sure each line is filled in correctly in Part CA; and
- put an 'X' in the 'Yes' box in column CA8.


 For more information about how to fill in your application read sections P and Q



If you do not, you may not receive a notional area for your common land grazing rights.

Important

Different rules apply if you are claiming the common land for the UTP.

 For more information about the UTP read section J

4 I claimed for SPS last year in Part C of my application, on a land parcel that has common rights over it. Can I do this again this year?

You can only continue to claim for this land parcel in Part C, if the land is not used in common. That is, if no one else is claiming on the common. If you do claim for this land in Part C, and another farmer holding rights to the common is also claiming for the same area of land in Part CA of their application, we will remove the land used in common from your claim and may apply penalties.

5 How do I apply if I have an Ordnance Survey sheet and field number for the common I graze?

Common land is not registered on the RLR for SPS purposes. However, it may have been registered in relation to an agri-environment scheme agreement with Natural England. This may mean that the common is shown on the RLR and you will have been given a field reference number for it. You should remove any field reference numbers relating to common land from the field data information at Part C. For SPS, record your common grazing rights online or at Part CA of the application.


6 How do I know if I have common land rights or how many rights I have?

Your grazing rights will usually be listed in the register of common land held under the Commons Registration Act 1965 or Part 1 of the Commons Act 2006.

The local authority will hold these registers (the County Council in two tier areas).

We recommend that you check your local authority common land register to make sure you know:

- the number of the entry or entries to which your rights are attached;
- the number and type of rights that are available to you; and
- whether your rights are split.

 Split rights - where a common land register allows a grazier the right to graze their animals across more than one common, usually qualified in the register as over the whole of this register unit and CLXXXX



7 Do I need to provide evidence to prove I have common rights?

No. You do not need to provide evidence with your SPS application.

However, we check all common land claims against the common land register drawn up under the Commons Registration Act 1965. We check that customers are linked to an entry in the register by either their full name (first name and surname) or their address. Often the individuals listed in the register have transferred their grazing rights to someone else since the register was drawn up and this may not be shown in the register. In these cases, if you have not already supplied it in previous years, we will need to contact you to ask for evidence that you hold the common rights. Evidence you can give includes deeds, conveyances and Land Registry documents if these enable the common land rights to be traced to an entry or entries in the register(s). We will not be able to pay you until you give us satisfactory evidence.

8 What evidence should I give if I am claiming rights on the New Forest?

If you are using New Forest common rights to support your application and you are increasing your rights or have new rights as agreed by the Verderers, you must give us a copy of a valid marking fee receipt. A valid receipt is one that an agister has signed. The receipt should show that marking fees have been paid for a period up to and including the current year's application deadline. If your application has not changed from previous years and the previous receipt covers 15 May 2013 you do not need to provide a further marking fee receipt.

9 How should I apply if I am claiming grazing rights that can be for different types of animals?

If you have the rights to graze more than one type of animal on a common, for example, five cattle and 10 sheep and two ponies, you should enter them all in the common land grazing section (Part CA) on separate lines.

If your rights are in the form of gates, gaits or stints, you must explain their equivalent value as defined in the common land register. For example, one stint equals the right to graze one cow or five sheep. You should enter a right type of 'STNTS' on your SPS application and provide the information to us at the time of your application so that we can calculate the actual notional area in relation to your rights. If in any doubt, please give all the information contained in your register entry.

If your register entry gives you a choice of animal types, you should convert them into Livestock Units (LUs) and enter whichever rights give the highest LU value. If cattle maximises your claim, in the following scheme year we will show 'CTTLE' in your application.



Please note this will not affect any environmental agreement you have as we base SPS on the registers and not what is actually grazed.

Example

The common land register shows that the farmer has the right to graze 10 cattle or 50 sheep or 15 ponies. The LUs are calculated as follows:

- A) 10 cattle x 1.0 LUs = 10 LUs,
- B) 50 sheep x 0.15 LUs = 7.5 LUs,
- C) 15 ponies x 0.6 LUs = 9 LUs.

In this case, the farmer can maximise his common land allocation by claiming for 10 cattle.

10 How will you calculate my common land allocation?

We will normally base allocations on your entries in the common land register. To make sure you receive your full allocation, and if your register entry gives you the option of different animal types, you should claim the animal type that gives the maximum number of LUs for your entries. See example above.

We will notionally allocate part of the area of the common to you. We will calculate your notional allocation on the common as follows:

The agricultural area of the common divided by the total number of LUs on the common multiplied by the number of rights you have claimed (as expressed in LUs).

11 I am the owner of a common. Do you calculate my allocation differently?

Owners, who must be farmers, generally have the right to any surplus grazing beyond the registered rights of the commoners. We call this the structural surplus or headroom. If the common can accommodate more animals than are registered in the common land register, surplus grazing will be available for the owner to use. However, a common may have registered rights for so many animals that there is no surplus grazing available to the owner.

To see if there is surplus grazing available, we will check whether there is any headroom between the total rights available on the common (both claimed and unclaimed) and a measure of the overall capacity of the common. If there is headroom, we will convert it into a notional land area for the owner to activate entitlements. If there is no headroom, there will be no surplus grazing available for the owner to claim.

i There is a difference between the 'structural surplus' and what is generally considered as 'surplus'. The structural surplus is the difference between the carrying capacity and the total registered rights and is available to the owner. The surplus is often described as the unused registered rights on a common



If the owner of the common has chosen not to establish entitlements on the common, or if we calculate that there is no surplus grazing, we will allocate the area of the common only to those with rights to graze.

We will base calculations on the following stocking rates:

Severely Disadvantaged Area moorland: 0.25 Livestock Unit/hectare

Severely Disadvantaged Area non-moorland: 0.75 Livestock Unit/hectare

Non-Severely Disadvantaged Area grassland: 0.75 Livestock Unit/hectare

Example 1

Common One is 20 ha in the Severely Disadvantaged Area moorland. The common land register gives 3 commoner farmers the right to graze 3 LUs each on the common.

In this case, the surplus grazing is calculated as follows:

- A) Stocking density is 0.25 LU/ha: $20 \text{ ha} \times 0.25 \text{ LU/ha} = 5 \text{ LUs}$
- B) Total registered rights on common: $3 \text{ commoners} \times 3 \text{ LUs} = 9 \text{ LUs}$
- C) Structural surplus grazing (A – B): $5 \text{ LUs} - 9 \text{ LUs} = -4 \text{ LUs}$

As the surplus grazing is calculated as -4, there is no surplus and so the owner cannot establish entitlements on this common.

Example 2

Common Two is 20 ha in the Severely Disadvantaged Area non-moorland. The common land register gives 3 commoner farmers the right to graze 3 LUs each on the common.

In this case, we calculate the surplus grazing as follows:

- A) Stocking density is 0.75 LU/ha: $20 \text{ ha} \times 0.75 \text{ LU/ha} = 15 \text{ LUs}$
- B) Total registered rights on common: $3 \text{ commoners} \times 3 \text{ LUs} = 9 \text{ LUs}$
- C) Structural surplus grazing (A – B): $15 \text{ LUs} - 9 \text{ LUs} = +6 \text{ LUs}$

As the surplus grazing is calculated as +6, the owner can claim the notional grazing for 6 LUs.

12

**Some grazing rights are not being used on my common.
Will you divide these rights amongst those applying for SPS?**

No, we will not increase your notional area to take account of any rights that are not being used to apply for SPS.



13 How should I apply for my common land between England and Wales that you class as 'cross border'?

If you have rights on a common that straddles the border between England and Wales, you must fill in both our SPS application (SP5) and a Welsh Single application (SAF). You should enter your cross border common land on both applications.

The number of rights you can hold and activate in England will be in proportion to the area of the common that is in England. The balance will be in the other region. You should apply for the correct number of rights in each region.

14 I am applying on behalf of other commoners as a Commoners' Association. How should I apply?

Exceptionally, you may be able to activate entitlements as a Commoners' Association (or similar body) if you can show that the association meets the definition of being a farmer and:

- lawfully exercises the rights of one or more commoners; or
- lawfully exercises the rights on behalf of the owner of the common; and
- can meet the remaining scheme rules.


You must provide evidence to us to show that:

- The association's SPS application is supported by some form of legal or other formal written agreement between one or more participant graziers/owners for the association to claim their common rights on their behalf. The common rights must be traceable to the 1965 Act or 2006 Act register.
- The association is acting as the 'farmer' in terms of keeping the land in Good Agricultural and Environmental Condition.


You must send the documents referred to above in support of your SPS application.

A CReg 01 must be filled in to include all commoners who agree to be part of the association.

If you are considering applying for SPS as a Commoners' Association (or similar body) you should get independent professional or legal advice.

 A farmer is a natural or legal person (or a group of such persons, whatever the legal status of the group or its members in national law):

- with a holding in the European Union, and
- who exercises an agricultural activity, which includes maintaining the land in Good Agricultural and Environmental Condition

 For more information about applying for SPS as a Commoners' Association call our Customer Service Centre on 0845 603 7777



15

What codes do I use for common land grazing in livestock units (LUs)?

The following table details the codes you will need to use.

Description	Code	Livestock Unit value
Cattle	CTTLE	1.0
Donkey	DNKYS	0.6
Geese	GEESE	0.04
Goats	GOATS	0.15
Heifers/stirks/calves	HEFER	0.6
Horses	HRSES	1.0
Other poultry (over six months)	PLTRY	0.02
Pigs	PIGS	0.3
Ponies	PONY	0.6
Sheep/lambs	SHEEP	0.15
Stints	STNTS	Value as register


Uplands Transitional Payment


1 What is the Uplands Transitional Payment (UTP)?

The UTP provides support to beef and sheep producers in England's Severely Disadvantaged Areas.

We make the UTP to those former Hill Farm Allowance (HFA) claimants who cannot yet enter the replacement scheme, Uplands Entry Level Stewardship (Uplands ELS), because of an existing commitment under the Environmentally Sensitive Areas (ESA) and/or Countryside Stewardship Scheme (CSS).

Both the UTP and Uplands ELS recognise the specific difficulties farmers can face in these regions and the vital role they play in delivering the landscape and environmental benefits for England's uplands.

 For more information about Uplands Entry Level Stewardship, visit the Natural England website at www.naturalengland.org.uk

 For the latest information about the UTP, visit our website at rpa.defra.gov.uk/utp


2 Can I apply for the UTP?

To apply for the UTP you must:

- farm at least 10 hectares of eligible Severely Disadvantaged Area (SDA) land (including SDA commons);
- have had a valid application for HFA 2010;
- farm at least one land parcel of SDA land which will be in an Environmentally Sensitive Areas (ESA) and/or Countryside Stewardship Scheme (CSS) agreement on 1 January following your application;
- keep eligible breeding sheep and/or cattle;
- have forage land that can be grazed for seven continuous months, on a date starting between 1 January and 31 March of the year of application and, this land is available to you for at least four of those seven months;
- meet cross compliance rules on your holding;
- commit to keep at least 10 hectares of land in the SDA in agricultural production continuously, for five years from the date of your first HFA payment; and
- make sure that no land on which you have applied for the UTP is entered into Uplands ELS by anyone (for example, your landlord). This applies until either the 31 December of the year following your application or the end of the ESA or CSS agreement, whichever is sooner.

3 How do I apply for the UTP?

You must fill in, sign and submit your *Application for the Single Payment in England* (SP5) each year. The question at Part E3 is specific to the UTP. Make sure you list all your available forage area and any land that will qualify you for an enhancement payment in column C11 at Part C on your Field data sheet.

 For more information about available forage areas read the *Uplands Transitional Payment 2012 to 2014* booklet, section B, paragraph 3

 For more information about the enhancement payment read the *UTP 2012 to 2014* booklet



To receive the UTP you must fill in column C11 of your SPS application. The eligible land use codes are:

Land use code	Description
PP1	Permanent Pasture
PP4	Permanent Pasture in an agri-environment scheme
TG1	Temporary Grass
TG3	Temporary Grass in an agri-environment scheme

4 Can I claim the UTP on common land?

If you own (or lease) grazing rights on a common and the common is in an ESA/CSS agreement you may be able to receive the UTP on your rights.

If you have rights on an eligible common and you want to apply for the UTP, you must fill in Part CA of your SPS application, as well as Parts C and E3. Please make sure that you do not activate your entitlements for SPS (column CA8), unless you hold the rights to do so.

5 What happens if the Environmentally Sensitive Areas (ESA) and/or Countryside Stewardship Scheme (CSS) agreement ends early?

We will reduce your UTP or not pay you. Eligibility for the UTP is dependent on you farming land in an ESA and/or CSS agreement. The agreement must still be live on 1 January following your application and should still be in place on 31 December of that year if you are to receive a full payment.

If you qualify for a full payment, but you or your landlord decides to end the ESA and/or CSS agreement after 1 January, but before 31 December of the year following your application, you will receive a reduced payment according to the length of time your agreement lasts after 1 January.

If you have already received your full UTP before the agreement ends, you will have to repay the difference between the amount you were paid and the reduced payment to which you are now entitled.

A worked example of how to calculate a pro rata payment

Application for 40ha of SDA forage land is received on 15 May 2013. The ESA agreement is terminated early and ends on 30 April 2014. It covers 120 out of the 365 days in the year (the period from 1 January 2014 to 30 April 2014).

The maximum payment due would be:

40ha x £40.96 = £1,638.40

Payment due for 120 days =

$$\frac{£1,638.40 \times 120}{365} = £538.65$$


- For more information read the *Uplands Transitional Payment 2012 to 2014* booklet
- Call our Customer Service Centre on 0845 603 7777
- Visit our website at rpa.defra.gov.uk



6 What can I do if the ESA and/or CSS agreement covers only part of my Severely Disadvantaged Area (SDA) land?

You can either enter the remaining SDA land into an Uplands ELS agreement or apply for the UTP on all of your SDA land.

However, if you do enter the land not currently in an agreement into an Uplands ELS you will not be eligible for the UTP on any of your land.

 For more information about Uplands ELS visit the Natural England website at www.naturalengland.org.uk


7 How do I make sure I get uplands support?


You should fill in your SPS application as if you want to apply for the UTP. If you decide later to enter Uplands ELS instead, you can withdraw your UTP application at any time. You will not be able to do this if we have already told you about a mistake in your application, or you have been told about an inspection that later reveals mistakes.

However, if you withdraw your UTP application and do not tell us before we pay you, you will have been overpaid and must repay the difference.

8 How can I find out more about the UTP?

You should read the *Uplands Transitional Payment 2012 to 2014* booklet, which we sent to all farmers who claimed UTP 2011. If you would like to read or print a copy, visit our website or call our Customer Service Centre and ask for a copy.

 Visit our website at rpa.defra.gov.uk/utp

 Call our Customer Service Centre on 0845 603 7777

K Hemp

1 If I am growing hemp, do I need to declare it on my application?

Yes. You must declare any land parcels you grow hemp on using code HM1 at Part C, column C8 and at E2, Additional information section of your SPS application.

2 What conditions do I have to meet?


You must have a licence from the Home Office. It is against the law to grow hemp in the UK for any purpose without a licence.

3 How do I get a licence?

You will need to contact the Home Office. They will ask where and why you plan to grow hemp. They may ask for evidence that you have a contract to supply hemp to a Home Office approved processor.


You should contact:

Home Office
Drugs Licensing and Compliance Unit
4th Floor, Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 020 7035 0445
E-mail: licensing_enquiry.aadu@homeoffice.gsi.gov.uk

 To apply for a hemp licence online visit www.homeoffice.gov.uk/drugs/licensing

4 How do I confirm the variety I am growing?

You will need to send the original official seed labels with your SPS application or as soon as possible, noting your SBI on each label. The seed label must confirm the variety and be certified seed from one of the eligible varieties. We will return these labels to you.

 For a list of eligible varieties read the Common Catalogue of Varieties of Agricultural Plant Species at <http://ec.europa.eu/food/plant/propagation/catalogues/database/public/index.cfm?event=RunSearch>

5 What do I do if I sow hemp after the application deadline date?

If you sow your hemp crop after the 15 May you need to send your official seed labels to us by 30 June. We will not pay you if we do not receive the labels for the area declared for hemp and we may apply a penalty.

6 What sampling and testing will be done?

Under European Commission rules the UK must sample and test 20% of all SPS applications which include hemp. Inspectors from the Food and Environment Research Agency (FERA) carry out these tests on our behalf. 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 outlined by European Commission legislation.

You will receive a letter by 12 July 2013 from us telling you if we have selected you for testing or not. If you have been selected you must not harvest your hemp until we have done an inspection.

L Inspections


1 What are inspections?

These are checks to make sure that the information you have given in your SPS application is correct and that you have met all the relevant scheme rules, including cross compliance. We carry out these inspections in two ways:

- on-farm inspection, when an inspector will visit your farm; and
- remote sensing, which uses satellite images or aerial photography.

EU rules generally require inspections to be unannounced, which means we may not give you any notice of our visit.

If we do tell you, it is likely to be less than 48 hours before the inspection.

 For more information about inspections visit our website at rpa.defra.gov.uk/inspections

2 Why do you do inspections?

The European Commission requires us to carry out inspections to make sure that:

- All the information you have given in your application is correct.
- You are eligible to receive payment.
- You have met all the scheme rules.
- You are meeting cross compliance rules.
- All the ineligible areas from each of your land parcels are deducted correctly, including those arising from changes to their boundaries.
- The land parcel boundaries on the RLR are accurate and correct.
- You receive the right payment.

It is in your best interest to take care when you are completing your application and to make sure that it is accurate. Mistakes can lead to a reduction to your payment and may even lead to an increase in the number of inspections, for you, or the farming community in general.

3 How do you decide who to inspect?

Inspection selections are based on:

- risk assessment, for example, based on your claiming history and the details you have declared in your application. If we select you on this basis you should not assume that we suspect that your application is fraudulent;
- random selection; and
- specific targeting (if we feel there is a need to inspect certain individuals).

We may inspect your holding more than once in a calendar year.


Under European legislation, annual eligibility inspections must take place for at least 5% of farmers submitting applications for SPS and annual cross compliance inspections must take place for:

- at least 1% of farmers submitting applications for SPS; and
- at least 1% of farmers that entered into new commitments under relevant rural development schemes from 1 January 2007.



4 Who carries out inspections?

	Types of Inspections		
Inspecting Bodies	SPS eligibility inspections	Cross compliance inspections	Information from other agencies*
	RPA	RPA	Natural England ¹
		Animal health and Veterinary Laboratories Agency	Forestry Commission ¹
			Environment Agency ¹
			Veterinary Medicines Directorate ¹
			Chemical Regulations Directorate ¹
			Food Environment Research Agency ²

 For more information about cross compliance inspections read the current Guide to Cross Compliance in England available on our website at rpa.defra.gov.uk/crosscompliance

*We will also use information resulting from checks carried out by other inspecting bodies.

¹These agencies can tell us of any breaches of the cross compliance rules in their relevant areas.

²This agency samples and tests hemp on our behalf

This information could result in us directly applying reductions to your payments.

5 What do I need to do if I am selected for inspection?

You must allow the inspector (and people accompanying them) access to check your land, animals, storage facilities and farm records.

You can help us by:

- keeping copies of your claims and declarations;
- making sure all your records and documents are up to date and close to hand; and
- for livestock inspections, if necessary, bring in your animals so that we can inspect them safely and make sure that your facilities for handling livestock are suitable and well maintained. This will reduce any risk to you, your livestock and our people.



6 What will happen if I do not co-operate with or refuse an inspection?

We will not pay your claim and we may have to take action restricting the movement of animals on your holding if you:

- refuse to give access;
- intentionally obstruct; or
- refuse to give reasonable assistance to the inspector.

Our people are here to help, and are committed to providing good customer service. We will treat you with respect, and expect you to do the same.

We will not tolerate threatening or abusive behaviour towards our people, either:

- verbally;
- physically; or
- in writing.

We will take whatever action is necessary (including legal action) against any person who is involved in threatening or abusive behaviour to our people.

7 What happens when an inspector visits?

They will meet you when they arrive at your holding before they start an inspection and will:

- provide a clear explanation of why they are there;
- explain how they will carry out the inspection; and
- say what they will need from you.

They will take all precautions to prevent the risk of contamination or the spread of disease from one premise to another.

8 What will happen after an inspection?

We will:

- give you a summary of what we have found in writing, normally within five days for land eligibility inspections;
- advise you of any cross compliance breaches within three months;
- give you the opportunity to fill in a customer feedback form;
- advise you to keep all records which confirm that you have provided complete and accurate information in your application and that you have met all of our requirements;



-
- assess whether we need to make any adjustments to your claim and tell you about these;
 - make any mapping changes if needed, and send you a map of the revised land parcel(s); and
 - advise you of any corrective action you must take if any cross compliance rules have been broken.
-

9 What will happen after a remote sensing inspection?

We will not automatically tell you if you have been selected for a remote sensing inspection. We may write to you if we have any queries following the inspection.

We may need to visit you to inspect any land parcels that we could not check using the satellite imagery (for example, due to cloud cover) and/or confirm any queries we found using the imagery. After an inspection visit we will follow the arrangements set out in paragraph 8 of this section.

M Payment

1 When will you make my SPS payment?

We will make payments between 1 December and 30 June.

2 How will you make my payment?

We make all payments directly into your bank account. You need to give us correct bank account details before the 30 September or this may delay your payment.


3 What if my bank account details have changed?

You need to give us these details by 30 September, or this may delay your payment.

To do this either:

- Call our Customer Service Centre and choose the 'Customer Registration' option. We will ask you security questions before we change any details.
- Fill in and send a *Customer Registration Form* (CReg 01) to us.
- If you have previously sent a CReg 01 to us and you have now changed your details, use a *Customer Registration Amendment form* (CREG 10).

 Call our Customer Service Centre on 0845 603 7777


 For Customer Registration forms, visit our website at rpa.defra.gov.uk/creg and select Forms and Guidance

4 Can I change the currency that you will pay me in?

Yes, we can pay you in either sterling or euros. If you want us to pay you in euros, you must have a UK bank account that accepts euros.

Your application will show your choice of currency from last year. We will pay you in that currency again unless you ask us to change it. You can do this on your SPS application at Part B.


We will pay all direct aid schemes in the currency you have chosen. We cannot change your choice of currency after the claim amendment deadline date of **9 June**.

 You can change your choice of currency up until the claim amendment deadline date of 9 June

5 What happens if I have my euro payment paid into my sterling account?

We will send a letter to you to tell you that your bank may charge you a fee for converting your payment to sterling. You will be liable for any charges. You will need to call us or sign and return the letter to confirm that you understand and accept these conditions.

 Call our Customer Service Centre on 0845 603 7777

 You can change your choice of currency up until the claim amendment deadline date of 9 June

6 What will the national exchange rate be for payments?

The exchange rate for SPS is calculated on the last working day of September. We will put this exchange rate on our website and in the farming press.

7 How do you work out my payments?

We have a fixed amount (known as the 'ceiling') available to make payments for SPS each year. We split this between the three English Regions and is used to fund the flat rate value of SPS entitlements.

To work out your payments we simply multiply your activated entitlements by the flat rate.

8 What is modulation and how does it affect my payments?

Each year, the EU takes a percentage of every SPS payment to help fund rural development programmes. We call this modulation.

The UK Government also makes an additional contribution to the Rural Development Programme for England (RDPE), which includes support for agri-environmental, forestry, less-favoured areas, and socio-economic measures.

We will take modulation from your payment after we have applied any penalties (except those resulting from a breach in cross compliance). The first €5,000 of your payment is exempt from European modulation but not exempt from national modulation.

For the 2013 scheme year, the total modulation rate (including European and national modulation) will be 19%.

9 What else can affect my payments?

If, when we calculate payments we find that we have exceeded the payment ceiling we may have to reduce ('scale back') all payments. If we need to do this, we will give you more information with your payment.

If the overall European budget for direct payments is in danger of being exceeded there is a mechanism (called financial discipline). This is when payments being made across all Member States are reduced. This action is designed to protect EU taxpayers from budget increases. If financial discipline is to be applied to payments, we will tell you in a separate mailing.

Payments of very small amounts can attract bank charges as well as incur administrative costs to us. To limit these costs we may retain very small payments due to you, until they reach a certain level and then pay them.

i Scale back occurs when the payment ceiling is exceeded. It means everyone's claim is reduced by a certain percentage to make sure the total figure goes back below the ceiling level

N Penalties


1 What are penalties?

Penalties are financial reductions made to the value of your claim. We apply penalties when we find that you have not followed the scheme rules properly. For example, when we receive your application late or the area you claim for a land parcel is bigger than it is.

2 When do you apply penalties to claims?

We may apply penalties, reductions or exclusions if:

- we have received your application after the deadline;
- we find you have broken the scheme eligibility rules;
- you do not meet the cross compliance rules; or
- you make certain amendments to your application after the deadline.

 For more information about deadlines read the Key dates section


3 Do you always apply penalties?

Not necessarily in all cases. For example, if you realise you have made a mistake in your application and tell us before we contact you about it (or before we tell you we are going to inspect your farm) then we may not apply penalties.

If you realise, after you have submitted your application, that you have made a mistake, for example, declared more land than you should have done, you must tell us quickly or we may apply penalties.

Another example is if you can show us that a mistake you have made can be classed as an 'obvious error', we may not penalise you.


It is in your best interests to tell us as soon as possible of any mistakes in your application. Otherwise, apart from cases of force majeure, exceptional circumstances or obvious error, we have no discretion to waive penalties.


 For more information about obvious errors read paragraphs 7 and 8 of this section

4 What can be considered as force majeure or exceptional circumstances?

Examples include:

- the death of the farmer (who farms alone);
- a long-term professional incapacity of the farmer;
- a severe natural disaster affecting the holding's agricultural land;
- the accidental destruction of livestock buildings; or
- an epizootic disease affecting livestock.

 Force majeure is defined as unusual circumstances outside your control where the consequences, in spite of all due care, could not be avoided except at the cost of excessive sacrifice on your part


 For more information about epizootic diseases visit the Defra website at [defra.gov.uk](https://www.defra.gov.uk)

5 What happens if force majeure or exceptional circumstances apply?

In some cases, we may accept that you are prevented from meeting the scheme rules, or we do not receive your application by the deadline, due to force majeure or exceptional circumstances. In these cases, we may not have to apply penalties or reductions. We consider each case individually.

6 What do I have to do if I want you to consider my case under force majeure or exceptional circumstances?

You (or the estate executor) must write to us within 10 working days of being able to do so. You must give us evidence of what has happened, and how the event resulted in you not being able to meet the scheme rules. We will consider your case individually.

 Write to us at
Rural Payments Agency,
PO Box 300,
Sheffield,
S95 1AA

7 What is an obvious error?

It is a mistake or an omission in your application that we may be able to correct if you can show that the mistake is obvious from a simple examination of the application.

Responsibility for claiming an obvious error is with you or your agent. We cannot correct a mistake you or your agent made because of a misunderstanding of the scheme rules.

We do not check applications for obvious errors.

8 Can you give me some examples of obvious errors?

The following are types of mistake we can class as obvious errors:

- clerical errors where the mistake is clear from the rest of the application;
- arithmetical mistakes and inconsistent information, for example, declaring the same land parcel twice in a single application or declaring the same land parcel for two types of usage; and
- differences in land parcel numbers or references when we cross check the application. For example:
 - reversed figures (land parcel number 1169 instead of 1196);
 - mistakes in map reference numbers; or
 - mistakes in land parcel numbers because of a mistake made in map reading.

Please note we will not take any information in the 'for your own use box' into consideration for obvious errors because it does not form part of your application and we will not check it.



9 What happens if I make the same mistake as in a previous year?

It is unlikely that we will accept the same mistake twice. Your error maybe considered intentional and you could receive a harsher penalty.

We do not check applications for obvious errors. It is your responsibility to send a correct application.

10 What is a notified error?


This is where you find an error in your application and tell us before we contact you about it or before we tell you that an inspection is due.

We will not apply penalties in these cases.

You can tell us about an error at any time. However, we cannot increase your claim after the deadline without applying penalties.

Example

If the field area is 9.5 hectares and you enter 7.5 hectares, you could be penalised for not declaring all of your agricultural land. However, if you tell us, although we will only pay you on 7.5 hectares, we will not apply a penalty on that land parcel.

 For more information about deadlines read the Key dates section

11 Can I withdraw all or part of my application?

Yes. You can withdraw all or part of your application at any time before we pay you. You must tell us in writing and this must be before we tell you about any mistakes, and before we tell you about an inspection.

12 Can I make changes?


After you have sent your application to us, you can make the following changes by writing to us:

- add land parcels (whether or not they are accompanied by payment entitlements); and
- make changes of the use of individual land parcels, or the aid scheme, already included in your application.

If we receive your changes by midnight on **31 May 2013**, we will not apply a penalty for these changes.

After this date, we can continue to accept changes until midnight on **9 June**. However, we will apply a penalty of 1% to the related land parcels for each working day the changes are late.

If we have already told you about a mistake in your application, or you have been told about an inspection that later reveals mistakes, then you cannot amend details for the parcels of land concerned. This includes mistakes found by Natural England or by the Forestry Commission when cross checking your SPS information against their agreement details.

 For more information about the late application period read the Key dates section


13 What happens if you receive my application late?


Except in cases of force majeure and exceptional circumstances, we will reduce the amount we pay you by 1% for each working day that your application is late after the application deadline.

You can only submit your application up to 25 calendar days late (9 June 2013). We cannot accept applications received after the late application period and we will not pay you. We will also consider your entitlements as unused for that year. We can accept applications under force majeure or under exceptional circumstances at any time.

Example


An application we receive on 24 May 2013 is seven working days late. We reduce this payment by 7% of the overall amount due (this takes account of non working days, for example, weekends) unless force majeure or exceptional circumstances apply.

 For more information about deadlines read the Key dates section

 For more information about the entitlement usage rule read section E

14 What land do I need to declare?

You must declare all agricultural land on your holding (not just the land which you are using to support your SPS application), even if it is not eligible for the scheme. If you do not do this, we may reduce your payment. If you are in doubt, please get independent legal or professional advice.

 For more information about declaring land read section H

 For a definition of agricultural land read Annex B

15 What happens if I do not declare all the agricultural land on my holding?

If there is a difference between the total area you actually declared in your application and the area you should have declared we would reduce your payment as follows, if the difference were:


- up to 3% – we will not reduce your payment;
- more than 3% and up to 20% – we will reduce your payment by 1%;
- more than 20% and up to 50% – we will reduce your payment by 2%; and
- more than 50% – we will reduce your payment by 3%.

Example

Total area of agricultural land on your holding = 110 hectares.

You declare in your application = 50 hectares

Difference is more than 50% of the total area. We will reduce your total payment by 3%.

 For more information about declaring land read section H



16 What happens if there are differences (discrepancies) in the declared area?

We cannot pay you on an area larger than you declared in your application. If we find the area eligible for SPS to be larger than you declared in your application, we will use the area you have declared to calculate your payments.

If we find (determine) the area is smaller than the area you declared we will calculate your payment on the smaller area.

If you declare more land than you have payment entitlements for, and the area you declare meets all other eligibility requirements, we will only pay you for the payment entitlements you hold.


If you declare more land than you have payment entitlements for and the area you declare does not meet all eligibility requirements we will calculate any reduction. We will base this on the difference between the area that meets all other eligibility requirements and the amount of payment entitlements you declare.

Example

Declared SPS eligible area for activation = 100 hectares

Found area = 98 hectares.

- We will not apply a further reduction because the difference is less than 3% (of 98 hectares) or 2 hectares. We will base your payment on 98 hectares.

 For more information about the entitlement usage rules read section E

17 What additional penalties will you apply?

If we find ('determine') the area eligible for SPS is less than you declared, we would calculate your payment using the determined area:

- we will make a further reduction of twice the difference determined if the difference is more than either 3% or two hectares, but not more than 20% of the determined area; or
- if the difference is more than 20% of the determined area but not more than 50%, we will not pay you for SPS that year; or
- if the difference is more than 50%, not only will we not pay you for SPS that year but we will also apply a further penalty. We will work out the payment on the difference between the area you declared and the area we found. When we have calculated this amount, we will recover it from you from future payments. If you are not due sufficient payments in the three years after the year of the penalty to allow us to recover the whole of this amount, we will cancel the balance. We call this the three-year penalty.

A three-year penalty means that, as well as receiving no payment for SPS for the scheme year that you made the over claim in, we will deduct the value of the over claim (until it is repaid or cancelled) from your future payments for SPS, other direct payment schemes and schemes under the Rural Development Programme for England.

We will apply a small allowance (tolerance) if:

- the difference between the total area determined and the total area declared is less than or equal to 0.1 hectare; and
- is less than or equal to 20% of the total declared area.

We will then adjust the area determined to agree with the area declared. However, we will not apply this tolerance if you have made this same mistake in any previous year.

Example 1

You declare your eligible area as 20 hectares, but we find it is 17 hectares, a difference of 3 hectares (17.65% of 17 hectares). We will base your payment on 17 hectares – 6 hectares (3 hectares x 2) = 11 hectares.

Example 2

You declare your eligible area for activation as 250 hectares, supported by 250 entitlements, but we find it is 198 hectares, a difference of 52 hectares (26.26% of 198 hectares). We will not pay you for SPS.

Example 3

You hold 200 entitlements. You declare your eligible area for activation as 250 hectares but we find it is 198 hectares, a difference of 52 hectares. As you could only have been paid on 200 hectares (due to the number of entitlements you hold), we will treat the difference as 2ha. We will base your payment on 200 hectares – 2 hectares = 198 hectares.

Example 4

You declare your eligible area as 20 hectares, but we find it is 12 hectares, a difference of 8 hectares (66.67% of 12 hectares). As this is greater than 50% of the 12 hectare determined eligible area, we will not pay you for SPS that year and will apply a three-year penalty. This means we will also deduct an amount equal to the value of this difference again, taken from your subsequent claims across a maximum of 3 years. If the difference of 8 hectares was worth £2,000 we could, for example, deduct this as £750, then £750 and then £500 from your next 3 claims respectively.



18 What will happen if I know that I am declaring more land than I actually have?

(Intentional over declaration)


Harsher penalties may be applied if we find you have deliberately claimed for land that is clearly ineligible, or you could have foreseen that your application would result in an over declaration, and therefore increased payment, we will treat this as 'intentional over declaration'.


Some features are ineligible for SPS payments, for example, roads, ponds, concrete pads and buildings. You must deduct these features from the area of the relevant land parcel.

If you do not make deductions for these types of features, we may apply intentional over declaration penalties to your claim. For example, if you have intentionally over declared by more than 0.5% of the area determined or by more than 1 hectare, we will not pay you SPS for the scheme year.

If we have already told you about irregularities you made on your previous year's claim, you must be particularly careful to make sure you do not claim for these areas if they remain ineligible this year.

If you have intentionally over declared by more than 20% of the area determined we will not pay you for the scheme year and we will apply a three-year penalty.


 For more information about three-year penalties read paragraph 17 of this section

 For more information about ineligible features read section G paragraph 8

19 What will happen if I do not meet cross compliance rules?

If you, or someone acting on your behalf or under your control, do not meet any of the cross compliance rules we may reduce your payments.

You can find full details of how we calculate reductions in the current Guide to Cross Compliance.


 For more information about reductions read the current Guide to Cross Compliance in England available on our website at rpa.defra.gov.uk/crosscompliance or by calling 0845 603 7777


20 If you apply different penalties or reductions to my payment, how will you do this?

We will apply penalties or reductions in the following order:

- penalties for over declaration of an area;
- penalties for late application;
- penalties for not declaring all agricultural land on your holding; and
- reductions or exclusions for not meeting cross compliance rules.

We will base each successive reduction on the amount resulting from the previous reduction.

 For more information read the guidance booklet *Understanding your Single Payment Scheme Claim Statement* (SP18) available on our website at rpa.defra.gov.uk or by calling 0845 603 7777



 For a definition of agricultural land read Annex B

Complaints and appeals



We are committed to giving good customer service and we welcome your feedback because it helps us to improve.

If you are not satisfied with the service you have received or a decision we have made and you would like to complain, you can telephone, e-mail or write to us. You can also complain face to face with anyone representing RPA.

-  To make a complaint call us on 0845 603 7777 or
-  e-mail us at csc@rpa.gsi.gov.uk or
-  write to us at:
Rural Payments Agency
PO Box 300
Sheffield
S95 1AA

1 What do I do if I want to complain about your service?

If you are not satisfied with the service you have received because of something we have, or have not done and you would like to complain, please let us know as soon as possible.

You should set out the facts as fully as possible including:

- what went wrong;
- when it happened;
- who you dealt with; and
- what you would like to happen next.

The more details we have, the better equipped we are to deal with your complaint.

Always remember to tell us your unique customer reference number which could be one of the following:

- Single Business Identifier (SBI);
- Personal Identifier (PI); or
- County/Parish/Holding number (CPH).


Also make sure you put it on all documents you send to us.

You also need to tell us:

- your daytime telephone number; and
- your preferred method of contact.

We will acknowledge receipt of your complaint by telephone. If we are not able to contact you we will send you an e-mail or letter. We will aim to resolve your complaint within 15 working days. If this is not possible, the person dealing with your complaint will contact you.

If you are not satisfied with the outcome, you can ask your Member of Parliament (MP) to refer your complaint to the Parliamentary and Health Service Ombudsman.

-  For more information read the *Complaints and Appeals Guidance* on our website at rpa.defra.gov.uk/complaints or
-  request a copy from our Customer Service Centre by calling us on 0845 603 7777

2 What do I do if I want to complain about a decision you have made?

If you are not happy with a decision we have made or you think a decision is wrong, you can ask us to review it.



You should set out the facts as fully as possible including:

- what decision you want to be explained or re-considered;
- the date of the decision;
- what you do not understand or why you disagree with a decision; and
- what outcome you are looking for.

If you want us to review a decision, you need to submit all the evidence you want to be considered so that we have all the facts. But you can still introduce new evidence at any point in the process.

Always remember to tell us your unique customer reference number which could be one of the following:

- Single Business Identifier (SBI);
- Personal Identifier (PI); or
- County/Parish/Holding number (CPH).

Also make sure you put it on all documents you send to us.

You also need to tell us:

- your daytime telephone number; and
- your preferred method of contact.

We will acknowledge receipt of your request by telephone. If we are not able to contact you we will send an e-mail or letter. We will aim to give you an explanation of the decision or the outcome of our review within 15 working days. If this is not possible, the person dealing with your request will contact you to agree a proposed plan to resolve your complaint, which may include passing it on for further consideration..


3 Can I appeal against a review decision?


You can appeal against any decision we make that affects your entitlement to, or liability for, payments or your ability to participate in a particular scheme.

After the decision review process outlined at paragraph 2 above, if you are still not satisfied with the outcome and you want to appeal you will need to fill in an Appeal Form (CA1). You can request one from our Customer Service Centre by telephone or e-mail. You can print one, or fill one in electronically from our website, and send it to us by post to:

Complaints and Appeals
Rural Payments Agency
Alverton Court
Crosby Road
Northallerton
DL6 1AD

You need to enclose a cheque payable to the Rural Payments Agency for £100 when you send your appeal form to us. We will refund this money if your appeal is fully or partly successful.

 For more information read the *Complaints and Appeals Guidance* on our website at rpa.defra.gov.uk/complaints or

 request a copy from our Customer Service Centre by calling us on 0845 603 7777.


How to apply using SPS Online P

1 How do I start using SPS Online?


If you have not already enrolled for SPS Online, you will need a Personal Identification Number (PIN).

If you are an agent, you will need a Personal Identifier (PI) and a PIN to use the service.

You do not need another PIN if you have previously registered and enrolled for the RPA SPS Electronic Channel. For example, if you submitted your application electronically last year.

 E-mail our Customer Service Centre at csc@rpa.gsi.gov.uk

 Call our Customer Service Centre on 0845 603 7777

 Our address:
Rural Payments Agency
PO Box 300
Sheffield
S95 1AA

2 How do I get a PIN?

If you have not previously enrolled and no longer have your PIN, you can get a new one at rpa.defra.gov.uk/spsonline by selecting the 'Request a PIN' link, or by calling our Customer Service Centre.

Please note:

- We will send your PIN by post. If you have not received this within 10 working days of asking for it, please contact us.
- If you ask for a new PIN, this will make any previous PINs invalid.
- We will only send the PIN to the person(s) registered as legally empowered for the business. Usually this person is legally responsible for the business (the owner, partner, or director).
- We do not send a PIN to an agent or other members of the business who are empowered to receive SPS mail.
- If you are an agent, you will need a Personal Identifier (PI) and a PIN to use the service.
- When you have your PIN, you will be able to enrol on SPS Online.


 Call our Customer Service Centre on 0845 603 7777

3 How do I register for SPS Online?

You need to register as a Government Gateway user and enrol for the RPA SPS Electronic Channel. You will need your SBI or PI and your PIN and follow these steps:

- in your browser bar type gov.uk/single-payment-scheme-online;
- click on 'Start now', then select 'Get Started';
- select the most appropriate option according to whether you are already registered with the Government Gateway, and whether you are an agent;
- fill in the details requested;
- make a note of your Government Gateway User ID and Password, as you will need these every time you log on to the service.

When you enter SPS Online for the first time, we will ask you to confirm your contact details. Please make sure that we have your correct e-mail address so that we can send you an acknowledgement that we have received your application.

 For more information about enrolling as an agent for SPS Online read the Registering and enrolling Guidance on our website at rpa.defra.gov.uk/spsonline


4 I used SPS Online last year, what do I have to do this year?

In your browser bar type gov.uk/single-payment-scheme-online, click on 'Start now', then select 'Continue' and enter your Government Gateway User ID and password from last year.


If you have forgotten one of these, the quickest way to get it is online using your PIN.

You can do this by selecting the link next to either the User ID or Password. Select 'RPA SPS Electronic Channel' then enter the details requested. You will see half of the forgotten details immediately and receive the second half by e-mail.

If you have forgotten both your User ID and Password call our Customer Service Centre.

 For more information about applying online visit our website at rpa.defra.gov.uk/spsonline

 Or call our Customer Service Centre on 0845 603 7777

 If you do not know your PIN please read paragraph 2 of this section


5 What are the benefits of applying online?

Over 38,000 applications were made using SPS Online in 2012.

- It is easy, quick and free with our SPS Online service.
- It saves time and money. You no longer have to:
 - Photocopy your forms.
 - Go to the Post Office.
 - Pay for stamps and envelopes.
 - Wait in a queue.
 - Risk your application being lost or delayed in the post.

It allows you to:

- Access and amend personalised SPS data, and submit your application to us electronically.
- Access and change pre-populated claim information.
- Check your application for common errors so you can correct them before you submit.
- See an on-screen acknowledgement that confirms we have received your application followed by an e-mailed receipt.
- Track your SPS claims, regardless of whether you submitted your application electronically or on the paper form.
- View printable versions of Claim Statements and Entitlements Statements that have been issued to you.

 To apply online for SPS visit gov.uk/single-payment-scheme-online

6 Are there any changes to SPS Online?

We are continually listening to your feedback and making improvements to SPS Online and its services. Some of the key changes for 2013 are listed overleaf:

Make a Claim

- You can now edit the CPH against an individual land parcel, without having to delete the land parcel and re-enter it against a different CPH.
- You can now edit all areas of a part field at once, with the validation of the changes only taking place once you apply the changes.
- You can now sort your land parcels into alphabetical order by Field Name.

Track Claims

- We have updated the information for each stage your claim can be shown at during processing, to better explain what happens during each stage and how long your claim may stay there before progressing to the next stage.
- We have increased the number of outstanding actions that will be displayed, if relevant, if you can provide information to help us process your claim.

View Statements

- We have updated the guidance for both claim and entitlements statements to clarify when you can expect a statement to be added to the View Statements service.

You can also now order SBI barcode labels using SPS Online.

7 How do I make a claim using SPS Online?

Once you have registered for SPS Online and logged on click on the Make a Claim button to access your online application. This gives the same information as shown on a pre-printed paper application. We have arranged it in several sections that relate to the parts of the paper form:

- Field data (Part C);
- Common land grazing rights (Part CA);
- Cross compliance (Part D); and
- Additional information (Part E).

You need to work through each section, checking carefully that all the information is complete and correct, and change it if necessary.

There are also two sections which are for your information only, and will not form part of your submitted application:

- Area Summary (similar to Part G1 of the paper application, but the totals are automatically calculated from your Field data); and
- Entitlements (similar to Part G2 of the paper application).

8 What are the differences between online and paper applications?

The key differences between online and paper applications are:



8a Claimant details/Your business

Online – When you log on to SPS Online for the first time, we will ask you to confirm whether the contact details we hold are correct. In some cases, we may not hold up to date telephone numbers and/or e-mail addresses.

If you update these details, we will be able to contact you straightaway if we need to discuss your application.

Paper – If any of the details shown in Part A of the form are wrong, an empowered representative of the business should call our Customer Service Centre and we can change the details over the telephone.

 Call our Customer Service Centre on 0845 603 7777

8b Payment


Online – We ask you to select which currency you want to be paid in for this scheme year. This is in the Additional information section.

Paper – You must select which currency you want to be paid in at Part B of the form.

8c Field data

Online – When you access the field data information, we will list all your CPHs on the Your CPH list page. To see field data for each CPH you need to click on the View Land Parcels link. At the end of each line there is a Delete link that you can use to remove a land parcel. To change the details of a land parcel, click on Edit. You can add, merge or split land parcels by clicking on the appropriate buttons.


Paper – If you have multiple CPHs or a CPH with land in different English regions they will each have their own Field data sheet. To remove a land parcel, put an 'X' in column C10. To merge or split land parcels you will need to delete the original line(s) and fill in the new information on a new line(s).

 The guidance for filling in the Field data information on pages 94 to 111 in this handbook applies to both online and paper applications

8d Common land grazing rights

Online – When you access the common land grazing rights information, we will show them all on the common land grazing rights list. Click on the Edit link to change an entry, or click on Add Common land to add a new one.

Paper – We will list all your common land grazing rights in Part CA.

 The guidance for filling in the common land Field data sheet on pages 100 to 103 in this handbook applies to both online and paper applications

8e Cross Compliance

This section is the same for online or paper applications.

8f Additional information

Online – In this section you need to select the currency in which you want to be paid, and tell us if you are claiming for land in another region of the UK. There are additional questions relating to special entitlements, hemp and your eligibility for the UTP. Depending on your answers to these, we may ask some supplementary questions.

Paper – Part E of the form asks additional questions relating to special entitlements, hemp and the UTP. The question about land in another UK region is in Part F.

8g Other documents that you are sending

Online – You cannot submit supporting documents online. You should send any to us labelled '2013 supporting information' and attach an SBI barcode label or clearly write your SBI and business name on the document(s).

Online there is a prompt in a section called 'Things to check before you submit'. You only arrive at this screen once the service has performed basic validation checks. It is the screen immediately before the 'Your declaration and responsibilities' screen.

Paper – Part F asks you to tell us which supporting documents you are sending. You should send these with your paper application labelled '2013 supporting information' and attach an SBI barcode label or clearly write your SBI and business name on the document(s), making sure that they are signed if necessary.

i Send all supporting documents to:
Rural Payments Agency
PO Box 300
Sheffield
S95 1AA

8h Area Summary/Claim summary

Online – The Area Summary is for your information and is not part of your application. When you view your claim after submission this section will not be listed.

Paper – The Claim summary (Part G) is not part of your application and is for your own use.

8i Checklist for your own use

Online – This section does not appear online. As you complete each section, the system will perform basic validation checks for completeness and consistency. This reduces errors, and may speed up the processing of your claim. We do not verify that the information you have entered is correct, only that it is in the correct format, therefore you should double check it before you submit your application.

Paper – If you use the list in Part H it may reduce the risk of you making errors and the need for us to return the form to you.

8j Your declaration and responsibilities

Online – Before you can submit your application you must read and agree to the declaration. Once you have done this and ticked the box we will accept your application.

Paper – You must sign and date your paper application.

9 I am applying online, but you have not listed the common land I want to claim. What should I do?

We may not have shown the common land you are claiming in the drop-down list if it has not been claimed before.

- You should submit your application as normal online then call our Customer Service Centre asking us to send a continuation form Part CA to you.


i Call our Customer Service Centre on 0845 603 7777

- You will need to fill this in as normal and send it to us with a covering letter explaining your situation by the application deadline.
- We will then add this to your application and it will be validated in the normal way.

10 How do I submit my application online?


The Entitlements section is the final section to check or view before submitting your application. To complete the submission process you should follow the steps below.

- From the Entitlements page select the 'Continue to Complete and Submit' button, which will return you to the '2013 Claim – Complete and Submit' page.
- Select the 'Complete and Submit' button.
- If there are any errors in the information in your application these would now be presented to you, so you can make the necessary changes.
- If there are no errors, or you have corrected them, you will see a checklist of things to check before you submit. Select the 'Continue Complete and Submit' button.
- You will see 'Your declaration and responsibilities'. Before you can submit your application online, you must read and agree to the declaration. Once you have ticked the box we will accept your application.
- When you are satisfied your information is correct and you have ticked the box on the 'Your declaration and responsibilities' screen, select 'Submit'.
- You will receive an instant on-screen acknowledgement that you can print for your records.
- We will also send a receipt to the e-mail address we hold for you. If you do not receive this in 24 hours, please e-mail us, and include your SBI.

 E-mail our Customer Service Centre at csc@rpa.gsi.gov.uk


11 What can I do if I realise that I have made a mistake after I have submitted my application online?

You can make a new application, which will replace the first. However, if it is after the application deadline, you should send an e-mail (or a letter) to us, explaining that this is a change to your original application. This could prevent late application penalties being applied.

 E-mail our Customer Service Centre at csc@rpa.gsi.gov.uk or write to the address below

12 How do I send supporting documents to you if I am applying online?



You will need to post them to us, as you cannot submit supporting documents online.

 Post all supporting documents to:
Rural Payments Agency
PO Box 300
Sheffield
S95 1AA

You should place an SBI barcode label on the first page of each letter or set of documents and make sure your business name is clearly shown.

13 Where can I get help?

Online help screens are available at each stage of the process. If you cannot find the help you need, call our Customer Service Centre.

-  Call our Customer Service Centre on 0845 603 7777
-  Or visit our website at rpa.defra.gov.uk/spsonline


14 What else can I do in SPS Online?

Once you have registered and enrolled for SPS Online, you can also use the following services:

- Update Contact Details; update your personal details at any time.
- Track Claims; check the status of all your claims (whether you applied online or on paper) from the 2009 scheme year onwards. You can see if we are asking for any more information to progress your claim, and if so, you can reply to us electronically.
- View Statements; see all Claim and Entitlements Statements issued to you from the 2009 scheme year onwards.

You can access these services from the homepage of SPS Online, or from the left-hand menu in any screen.

If you apply online using a farm software package (see next paragraph), you can also enrol for SPS Online and use the additional services listed above.

-  For more information on SPS Online visit our website at rpa.defra.gov.uk/spsonline

15 Is there any other online package I can use?

Yes. As an alternative to SPS Online, there are currently two farm software packages, which will allow you to download, amend, and submit your SPS application electronically.

You must register with the Government Gateway, and you should follow your software supplier's instructions.

The approved commercial farm software packages are:

- Single Payment Supervisor available from Paul Holliday Software, and
- SPS Planner available from Farmplan

-  For more information about these farm software packages visit our website at rpa.defra.gov.uk/spsonline

16 Will I receive a paper form in future, if I have applied online?

No. If you submitted your application using SPS Online or a farm software package for 2012 we will not automatically send you a paper application for 2013.

You will be able to access your online form from 26 February. If you still want a paper application call our Customer Service Centre on 0845 603 7777 or e-mail csc@rpa.gsi.gov.uk

-  Call our Customer Service Centre on 0845 603 7777
-  E-mail our Customer Service Centre at csc@rpa.gsi.gov.uk

Q How to apply on paper


1 What important issues do I need to know about the application process?

Please read the Key dates section to check the deadline for when we need to receive your application.

Common land data will only be included in your SPS information and your pre-printed data if you used common land to activate entitlements in the previous year.

You can ask for blank copies of the Field data sheets (Part C) and the Common land grazing rights (Part CA) from our Customer Service Centre if you need them.

 For more information about common land read section I


 Call our Customer Service Centre on 0845 603 7777

2 Will I automatically receive a paper application?

If you applied on paper in 2012 we will automatically send you a SPS application if you hold entitlements, or you have registered to receive an *Application for the Single Payment in England (SP5)*. If you have not received a form, you will need to ask us for a copy.

If you submitted your application using SPS Online or a farm software package for 2012 we will not send you a form for 2013. You can call our Customer Service Centre or e-mail us if you want a form.

 Call our Customer Service Centre on 0845 603 7777

 E-mail our Customer Service Centre at csc@rpa.gsi.gov.uk

3 What is the first thing I should do when I receive my SPS application form?

When you receive your paper *Application for the Single Payment in England (SP5)*, we will usually have pre-printed it with information in words, figures and filled-in check boxes.

You must check this information very carefully and make sure it is correct for your current application.

On the SPS application you should use the blank boxes provided to change any incorrect pre-printed information.

Our scanning equipment will not pick up any information you write outside of the boxes.

If you make a mistake on your Field data sheet (Part C) you should:

- put an 'X' in the 'Cross to delete line' box; and
- re-enter the entire line of information for a land parcel on a new line.

You do not need to do anything in Parts C and CA if the information is correct.



4 What information will you show from the Rural Land Register (RLR) on my Field data sheets (Part C)?

We connect a land parcel on the RLR to one or more customers using their registered County/Parish/Holding number (CPH).

We will take the following information from land that is linked to you:

- CPH;
- English area,
- Ordnance Survey (OS) Map sheet reference (column C2);
- National Grid field number (column C2);
- Total field size (ha) (column C3);
- Maximum area eligible for SPS (ha) (column C4).

5 What other information will you show on my Field data sheets (Part C)?

We will show information in the areas listed below which we have mainly taken from your previous year's SPS claim.

- Your field name (column C1);
- Part field suffix (column C5);
- Part field size (ha) (column C6);
- Land use code (column C8);
- Area to activate entitlements to claim SPS (column C9).

6 Why have you not shown some of my field data information?

If there have been changes to field numbers and sizes, it is not possible to show all the information needed for every line of your claim. The reasons include:

- If a field number has been changed, we may not be able to trace the information for the same land parcel. We will show the field number, but we may not show your field name, land use code or the previous year's area activated for payment.
- If a field was split into two or more parts last year, and the two parts is more than the total field size, we may not be able to show the part field suffix, part field size or the land use codes for these part fields. We will show the field number, total field size and maximum area eligible for SPS of the whole field.
- If there is a new or existing field on your application that was not claimed by you last year, we may only be able to show the field number, total field size and maximum area eligible for SPS for the whole field.

We have highlighted where we have left blank the current land use and area to activate (C8 and C9) to help you, but you must check all of the information.



7 What should I do if some of my field data information is not shown?

You must check the information in every box for each land parcel carefully to make sure the information is correct. If you find it is wrong, or blank, you should fill in the correct information.

If you are claiming a whole field

For every whole field you want to claim on you will need to make sure that the correct information is shown or you have filled in each of the following (column numbers refer to Part C of the SP5 application form):

- OS Map sheet reference (C2).
- National Grid field number (C2).
- Total field size (ha) (C3).
- Maximum area eligible for SPS (ha) (C4).
- Land use (C8).
- Area to activate entitlements to claim SPS (ha) (C9).

If you are claiming a part field

For every part field you want to claim on you will need to make sure that the correct information is shown or you have filled in each of the following:

- OS Map sheet reference (C2).
- National Grid field number (C2).
- Total field size (ha) (C3).
- Maximum area eligible for SPS (ha) (C4).
- Part field suffix (C5).
- Part field size (ha) (C6).
- Land use (C8).
- Area to activate entitlements to claim SPS (ha) (C9).

For either whole or part fields, if your field name is wrong, add the correct details so that we can pre-print the name in future years. Please note that we can only record up to eight characters.

Important

Without an entry in Land use (C8) and Area to activate entitlements (C9) we will not be able to pay you for that land parcel, and similarly we cannot pay the UTP without an entry in the corresponding box (C11). You must check this information carefully.

8 How do I calculate my maximum area eligible for SPS?

We can only pay you for land that is eligible and that you have activated for payment in the 'Area to activate entitlements to claim SPS (ha)' column C9 on your application. If there is an ineligible feature in the field, this reduces the area of the land parcel that you can claim.



The 'Maximum area eligible for SPS' column C4 is the most you can claim for a particular land parcel for SPS. We show the maximum area eligible on the RLR and on the maps that we send to you. We calculate it by deducting the size of any permanent ineligible features that we have identified from the total field size. We show both on the RLR.

The maximum area eligible for SPS does not take into account temporary ineligible features that may exist. If you have a temporary ineligible feature in a land parcel, you must not include the area of the feature in column C9. This means that you may not be able to claim for payment on the whole maximum area eligible for SPS for some land parcels.

You should check your maps carefully and tell us about any changes that have happened as soon as possible so that we can make sure our information is up to date and the maximum area eligible for SPS is correct.

Before you send your application to us, you should check every land parcel you have to make sure the amount you claim in column C9 is no more than the maximum area eligible in column C4 minus any temporary ineligible features. If it is, we may apply penalties.

If you split a land parcel into two or more parts, the combined part field sizes (column C6) must not be greater than the total field size (column C3) of the whole land parcel. Similarly, the amounts you claim in column C9 for the part fields must not be greater than the maximum area eligible for SPS in column C4 minus any temporary ineligible features.

9 **How do I remove a land parcel from my Field data sheet (Part C)?**

Put an 'X' in the 'Cross to delete line' box (C10) to delete the whole line and remove the land parcel from your application. If you fill in column C10 by mistake, make sure you re-enter the land parcel on the next available blank line. If you do not re-enter the land parcel we will not pay you for it.

10 **What do I have to do to make sure my application gets to you by the application deadline?**

It is your responsibility to make sure that we receive your completed SPS application by midnight on the deadline date to avoid any late application penalties. If we do not receive your application by the late application deadline we will reject it.

If you decide to use the paper form, please use the envelope provided and we will send you an acknowledgement card by post.


The acknowledgement card is proof that your paper SPS application has been received by us, so please keep it.


If you send your application by post, please make sure you pay the correct amount of postage for the size and weight of your envelope as Royal Mail may return letters with insufficient postage. The envelope may need more stamps than the usual first or second class delivery charge, especially if you are including supporting documents.


We strongly recommend you send your application well in advance of the application deadline and that you use a mail service which requires a signature on delivery.

You should send your postal applications as soon as possible so that our acknowledgement card reaches you before the application deadline and you know that we have received your application in time. You should receive this card within seven days. Please contact us if you do not get one.

We also recommend that you apply using SPS Online. Our online service is quick, easy and will provide you with an online acknowledgment giving you the peace of mind knowing that we have received your application.

 For more information about deadlines read the Key dates section.

 E-mail our Customer Service Centre at csc@rpa.gsi.gov.uk

 For more information about SPS online, visit our website at rpa.defra.gov.uk/spsonline

11 What do I do if I farm in more than one region of the UK?


You should make one SPS application for all the land you farm in the UK.

If you farm land in more than one region (England, Northern Ireland, Scotland, Wales) your application will be made up of two or more separate forms, one for each region.

If you are an existing customer, please submit your applications to your existing paying agency.


If you are a new customer, please submit your applications to the paying agency where the majority of your land is situated.

If we are your paying agency, you can apply online for your land that is in England only. For your land in other UK regions, you will need to fill in and send the paper forms for that region to us.

 For information on how to apply online read section P

12 What are Single Business Identifier (SBI) barcode labels?

These barcode labels are unique to each individual SBI and you should include them on all correspondence if there is no pre-printed barcode. There is more guidance enclosed with the labels and is available on our website.

 Visit our website at rpa.defra.gov.uk


13 How do I get more barcode labels?

We are not sending a bulk mailing of SBI barcode labels this year. You can still use any labels you have from previous years' mailings.

If you would like more labels you can now order them on SPS online or call our Customer Service Centre. To help us deal with your query quickly, have your SBI ready.

If you need labels you should order them or call before 31 March so that you get them in time.

 Call our Customer Service Centre on 0845 603 7777

 Or email us at csc@rpa.gsi.gov.uk

14 How do I use my barcode labels?

To use your SBI barcode labels:

- Follow the guidance on the reverse of the labels and place the label in the correct position on the document as shown.
- Allow plenty of time to reorder labels if you are running low. These should normally arrive within two weeks.
- Do not delay sending your documents if you have no labels. Make sure you write your SBI and business name clearly on each document.


Acknowledgement cards will include a reference to any document containing a pre-printed barcode or a SBI barcode label.


15 What should I do if I make a mistake on my application?

If you realise you have made a mistake with your application after you have submitted it, you should tell us as soon as possible. You are able to add land parcels or make certain amendments to land parcels already included in your application provided that we receive your changes, in writing, by the deadline. We may also be able to accept some mistakes at any time as either notified errors (provided that you tell us before we contact you about it or notify you that an inspection is due) or obvious errors.

You can also make a new application which will replace the first. However, if this is after the application deadline, you should send an e-mail or letter to us, explaining that this is a change to your original application, as this may prevent us applying late application penalties.

In addition, you are able to withdraw all or part of your application at any time before we pay you. You must tell us in writing before we tell you about any mistakes we have found and before we tell you about an inspection.


 For more information about deadlines read the Key dates section.

 For more information about obvious errors and notified errors read section N

16 What are the Dos and Don'ts I need to remember when I fill in my paper application?


Do...

- ✓ If you are posting your paper application to us please make sure you have the correct amount of postage for the size and weight of your envelope.
- ✓ Make sure you sign and date the paper application at Part I.
- ✓ Make sure you use a current year's paper application. We will not accept any previous forms or any other versions.
- ✓ Use an original form, not photocopies. If you need extra SBI barcode labels, blank Field data sheets or a replacement form contact our Customer Service Centre.
- ✓ Send your completed application to reach us by midnight on the deadline date to avoid late application penalties.

 Call our Customer Service Centre on 0845 603 7777



- ✓ Tell us if you or any other members of your farming business have an interest in another farming business, whether in England or in another region of the UK.
- ✓ Use CAPITAL LETTERS.
- ✓ Use black ink.
- ✓ Fill in the Field data sheets in hectares and to two decimal places.
- ✓ Check all the pre-printed information carefully to make sure that it is correct for the current scheme year.
- ✓ Attach one of the SBI barcode labels to any covering letter (if included). If you have no barcode labels write your SBI, 'supporting information' and the current scheme year on your letter.
- ✓ Place any extra pages behind the paper application in the envelope provided along with supporting documents.
- ✓ You should use the blank boxes provided to amend any pre-printed information that is wrong.
- ✓ Our scanning equipment will not pick up any information you write outside of the boxes. Therefore, if you make a mistake, you should mark the 'Delete line' box and re-enter the entire line of information for a land parcel on a new line.
- ✓ Check all gaps in our printed information by reviewing column C7.
- ✓ Check you have met the requirements of Part H of the paper application.
- ✓ Keep a copy of the paper application for your own records.
- ✓ Use the land use codes as shown at Annex A at the back of this handbook.

 For more information about business structure read section C

Do not...

- ✗ Use a pencil or felt-tip pen.
- ✗ Use correction fluid.
- ✗ Use someone else's form, or let someone else use your form.
- ✗ Use a photocopy, as our system will reject the application as a duplicate.
- ✗ Damage the barcode, as the system will not be able to identify you.
- ✗ Remove staples or unused pages from the form.
- ✗ Cross through entire form pages or parts of the form; either leave them blank or use the delete line box.
- ✗ Fold your paper application as this may cause a delay in processing it.
- ✗ Use your own computer generated field data sheets.
- ✗ Send us a covering letter unless you need to give us extra information to support your application.

17 Tips for filling in boxes

If the pre-printed information is correct, you do not need to write anything in the boxes.

Please take note of the following when completing or correcting boxes on your SPS application form (SP5):

17a Written information. Put an 'X' in the relevant check box or, write the information in the boxes provided.

In these examples, you have chosen or written 'North'.

North ☒ South ☒ East ☒

N

O

R

T

H

17b Default information. We show this information as either a green cross in a check box or, green pre-printed text above the boxes.

In these examples, you are happy with the default of 'East', so you don't need to do anything.

North ☒ South ☒ East ☒

East

17c How to correct default information, if it is wrong.

In these examples, the default is 'East' as above, but you need to change it to 'North' as in the first example above.

In Parts C and CA, if any green default text is wrong, put the correct information in the boxes immediately below the green default text. If the black default text is wrong, you should delete the whole line of information by putting an 'X' in the relevant column C10 or CA4 'Cross to delete line'. Then re-enter the whole line of correct information for that land parcel or common on a new line.

North ☒ South ☒ East ☒

East

N

O

R

T

H

17d How to correct written information. To correct a mistake you have made on the form, for written information, (except in Parts C or CA) completely fill the check box containing the mistake or, cross through the written mistake at least three times, and initial and date these changes. Put an 'X' in the correct check box or, write the correct information near the boxes provided.

In these examples, you initially chose or wrote 'North' (as above), but then realised it should be 'South'.

æφ
1/12/09

North ☒ South ☒ East ☒

SOUTH

æφ
1/12/09

N

O

R

T

H

In Parts C or CA, if you make a mistake while re-entering the information, you should delete the whole line of information by putting an 'X' in the relevant column C10 or CA4 'Cross to delete line'. Then re-enter the whole line of correct information for that land parcel or common on a new line.

Q How to fill in your paper application

IMPORTANT notes

Read the notes and the rest of the guidance carefully before filling in the form. References on this form relate to this handbook.

IMPORTANT notes

It is up to you to make sure that you sign your application and we receive it by midnight on the application deadline to avoid late application penalties.

IMPORTANT notes

We scan the form so we may miss any information you write outside the boxes or it will slow down the scanning process.

Part A - Your business

Only use this form if this is your SBL.

Part A - Your business

Only use this form if this is the name of your business. If not, do not use it and call our Customer Service Centre on 0845 603 777. The telephone numbers and e-mail addresses shown here are those we hold for your business and not for any scheme empowered person or agent.

Part A - Your business

If your contact details are wrong, change your details online or call our Customer Service Centre on 0845 603 7777. **Please do not write on or make handwritten amendments to this part.**

Part B - Payment

Please put an 'X' in the relevant currency box. Please note if you have indicated you want to be paid in euros you must make sure you give us euro bank details, otherwise we will pay into your sterling account and your bank may charge you a fee. Please read section M.

Single Payment Scheme - 2013

Application for the Single Payment in England

SP5

Including Uplands Transitional Payment (UTP) 2014



IMPORTANT

The deadline for us to receive this signed application is midnight 15 May 2013.

Please read the *SPS Handbook for England 2013*. Please also read *The Guide to Cross Compliance in England 2013 edition*.

How to fill in this form

- Please use black ink and CAPITAL LETTERS. Do not use pencil or felt-tip pen.
- Please check any pre-printed information. If you are sure that it is correct, sign, date and return the form. If you need to change or add anything, write the correct information in the box below the pre-printed text, or put an 'X' in the relevant box. Information written outside the boxes may not be captured.
- Do not cross through whole pages or remove pages.
- Do not fold the form, use an old form or use a photocopied form. If you do, we may not be able to pay you.

If you make a mistake

- Do not use correction fluid. For boxes with an 'X', completely fill in the square box containing the mistake and, add your initials and the date. Put an 'X' in the correct box.
- At Part C or Part CA you should put an 'X' in the 'Cross to delete line' box, and re-enter the entire line of information on a new line.

Before returning this form

- Have you filled in all parts of the form and checked that all the pre-printed information is correct? Use the Part H checklist for your own use and section Q of the SPS Handbook to help you.
- Have you signed and dated the form? If you have not, we cannot pay you.

Remember you can now submit your SPS application electronically using our own service, SPS Online, or one of two farm software packages. For more information please visit rpa.defra.gov.uk/spsonline or call our Customer Service Centre on 0845 603 7777.

Part A: Your business

IMPORTANT: This form is only for the business below. If any information in Part A is wrong, you should either update your details online (read section P of the SPS Handbook), or call our Customer Service Centre on 0845 603 7777, then continue to fill in the rest of the form. Any changes you make to Part A on the form may not be captured.

Single Business Identifier (SBI): 987654321

Business name: A N OTHER

Contact name: A N OTHER

Contact address: ANYONE FARM, ANYONE LANE, ANYONE LANE 2,
ANYONE TOWN, ANYONE COUNTY, ANYONE POST CODE,
ANYONE COUNTRY

Contact telephone: 01234 567891

Contact mobile: 01345 678901

Contact e-mail: ANYONE@ANYNETWORK.COM

Part B: Payment

B1

Which currency do you want to be paid in?

Before you fill in this part, read section M of the SPS Handbook.

Sterling



Euros





Part C - Field data sheet

Please make sure that all of the agricultural land on your holding in England including any land claimed for in RDPE agreements (even if it is not being claimed for SPS) is entered in this section.

Please check carefully the information that we have pre-printed for your fields is correct and complete. If you need to add a land parcel, please use the next available blank line on your field data sheet. Enter any corrections in the boxes immediately below the pre-printed data, or delete the line by putting an 'X' in column C10 and putting the correct field data in the next available blank line. If information is missing for a land parcel, please fill in the correct information in the relevant column. If we do not have all the required information for a field, we will have to remove it from your claim and we will not pay you for it. **You must not fill in common land details in Part C. Common land must be claimed in Part CA.**

C1 - Your field name

Please use this column to record your own reference for the land parcel. This can be helpful if the field number changes.

C2 - Ordnance Survey Map sheet reference and National Grid field number

This must contain the official 10-figure reference comprising two letters, four numbers and the final four numbers indicating the centre of the land parcel (for example, OS AA1234 1234). We need the whole reference to identify the land parcel. If it is wrong, we will remove the land parcel from your claim and we will not pay you for it. Please note field numbers may have changed since last year, please refer to your latest maps.

If you tell us about permanent changes in columns C3 and C4, you must also fill in either a *Request for changes to the Rural Land Register and for the transfer of entitlements form (RLE 1)* and/or supply a supporting map. Otherwise, we cannot update the RLR.

C3 - Total field size

Total field size is the area of the land parcel before any ineligible features are deducted. This column must be filled in correctly for each land parcel. If not, we will remove the land parcel from your claim and we will not pay you for it.

C4 - Maximum area eligible for SPS

The 'maximum area eligible for SPS' is calculated as total field size minus the area of all permanent SPS ineligible features in the field. Please check this area carefully, making sure that all permanent SPS ineligible features have been deducted (read section G, paragraph 8). This column must be filled in correctly for each land parcel.

County/Parish/Holding (CPH) and English Area

You must use a separate Field data sheet for each CPH or English Area.

If the details are wrong in either the CPH or English Area boxes on your pre-printed application, you must not change these details on the form, as we will not pick up at scanning.

You should put an 'X' in the delete line box in column C10 on each line in that field data sheet. Use either a blank Field data sheet in the pre-printed form you have, or call our Customer Service Centre to ask for a blank separate Part C, Field data sheet. On the blank sheet you need to tell us the correct CPH and English Area, as well as all of the relevant details on each line of the field data sheet. Please send a covering letter with your application to tell us if you have a new CPH.

For England outside upland SDA use EOUT.

For England upland SDA use ESDA, and for English moorland within the upland SDA use EMOR. Please read section A paragraph 9.

*Note

This text will be present if some boxes have not been pre-printed.

C5 and C6 - Part field

If you are splitting a field on your SPS application or you are using parts of the field in different ways, or only claiming on part of it, use a separate line for each part of the field and enter an identifying suffix (parts A,B,C, etc) in column C5 for each part. You should then declare in column C6 the total area of each of the part fields at your disposal. This includes the area of any SPS ineligible features. The total of all the areas entered into column C6 for a particular field must not exceed the total field size in column C3. If you split a field on your previous application, we may have pre-printed this information on your field data sheet. If so, check this information carefully to make sure it is still correct and complete.

C7 - Intentionally blank

This text will only be present if some boxes have not been pre-printed.

C8 - Land use

This column must contain the land use code for the crop or cover for each land parcel at the application deadline. The list of codes is at Annex A. You must make an entry in this column otherwise we will not pay you for it.

C9 - Area to activate

This column must be filled in for each field that is being used to activate entitlements to claim SPS or we will not pay you. Please check carefully the area entered in this column. Take the maximum area eligible for SPS from column C4 and deduct the area of all temporary eligible features (read section G) to calculate the maximum area that you can use. The total area used to activate entitlements for any field must not exceed the maximum area eligible for SPS entered in column C4.

C10 - Delete line

Put an 'X' here to delete the line and remove the whole or part field from your application. A field can be re-entered on the next available line if needed.

C11 - Forage area for the UTP

Give the total eligible area of each land parcel you are claiming for the UTP. You must declare all of your available forage area as well as land on which you intend to claim enhancement payments. For more information about the UTP, read section J of this handbook and the *Uplands Transitional Payment 2012 to 2014* booklet.

C12 - Your checklist

This column is for your own use and does not form part of your application.



CPH of this sheet: 12 / 123 / 1234

English Area: EOUT

*Note: Some boxes are blank. If you want to claim on these parcels you need to check and complete these boxes as appropriate.

C5 Part field suffix	C6 Part field size (ha)	C7 Intentionally blank	C8 Land use 2013	C9 Area to activate entitlements to claim SPS (ha)	C10 Cross to delete line	C11 Forage area for the UTP (ha)	C12 Your checklist
A	5.00		PP1	5.00	X		<input type="checkbox"/> 1
B	5.20		OT1	5.20	X		<input type="checkbox"/> 2
A	10.00		OT1	10.00	X		<input type="checkbox"/> 3
B	5.30		OT2	5.30	X		<input type="checkbox"/> 4
C	10.00		PP1	10.00	X		<input type="checkbox"/> 5
					X		<input type="checkbox"/> 6
					X		<input type="checkbox"/> 7
					X		<input type="checkbox"/> 10
					X		<input type="checkbox"/> 11
C9 total					C11 total		

See *Note
above

It is important that you check all pre-printed information to make sure it is correct and complete. All SPS ineligible features must be deducted. Do not deduct the same feature twice in different columns of the field data sheet.

This area is for your own use.
These totals do not form part of your application.



You must only fill in common land details at Part CA.

Part CA - Common land grazing rights

We will only include the common land grazing rights section as part of your application if you received a common land allocation in the previous scheme year. If this section is missing and you want to activate entitlements on commons or claim common land for the UTP, you must ask for Part CA by calling our Customer Service Centre on 0845 603 7777.

CA1 and CA2 - Common land number and name

If the pre-printed information is wrong, use the boxes below to correct it. The CL number is always two letters and four numbers. Both the CL number and common land name will be registered officially with your local authority. Please read section I.

CA3 - Type of commons rights

If the pre-printed information is wrong, use the boxes below to correct it. Remember that if your register entry allows you a choice of animal types, for example, cattle, sheep or ponies, you should convert your rights to Livestock Units (LUs) and use whichever rights give the highest LU value. This will maximise the number of LUs you can claim on the common.

If you have the right to graze more than one type of animal, you should put each animal type on a separate line.

Please note, you are claiming for your right to graze common land. This will not necessarily be the same as what you actually graze on the common.

Please read section I.

**CA4 - Delete line**

Put an 'X' in the box if the information is wrong and you need to remove it from your application. You can re-enter information on the next available line if needed.

CA5 - Number of rights

Use this column to tell us the number of animals of the type you entered in column CA3. Do not give the number of stints/gaits, an area in hectares or the total LU value of your claim, as this can lead to us reducing your claim significantly or removing it entirely. If you are in doubt, please call our Customer Service Centre on 0845 603 7777.

CA7 - Do you own the common?

Make sure column CA7 is filled in correctly. If you own the common land (and not just the grazing rights) you may be eligible to claim for surplus rights if they exist. Please read section I.

CA8 - Activate entitlements

Make sure each line in column CA8 is filled in correctly if you want to be paid for your common land rights. Please note different rules apply if you are claiming the common for the UTP. Please read section J.

CA9 - CPH for this common

You should give your CPH in this column.

CA10 - Your checklist

This column is for your own use and does not form part of your application.



Only change the information below if the pre-printed information is wrong .

CA4	CA5	CA6	CA7	CA8	CA9	CA10	
Cross to delete line	Number of rights of this type		Do you own the common?	Do you want to activate entitlements?	CPH number for this common	Your checklist	
		Yes	No	Yes	No		
X	170.80	X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 1
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 2
X	21.50	X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 3
X	60.85	X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 4
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 5
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 6
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 7
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 8
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 9
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 10
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 11
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 12
X		X	X	X	X	CC/PPP/HHHH	<input type="checkbox"/> 13

**Part D - Cross compliance**

Read the current Guide to Cross Compliance in England for more information. If the pre-printed 'X's are correct you do not need to change anything on this page.

D1 - Statutory Management Requirements (SMRs)

Put an 'X' in the relevant box for any SMRs depending on whether it does or does not apply to you.

D2 - Good Agricultural and Environmental Condition (GAEC)

Put an 'X' in the relevant box for any GAEC depending on whether it does or does not apply to you.

D3 - Permanent pasture

Put an 'X' in the 'Yes' box if you have converted or you are planning to convert permanent pasture to some other land use during the current year. Put an 'X' in the 'No' box if this does not apply to you.

Part D: Cross compliance

Before you fill in this part, read *The Guide to Cross Compliance in England 2013 edition*.

This includes updated information on the Statutory Management Requirements (SMRs) and Good Agricultural and Environmental Conditions (GAECs). Use this part to tell us about the cross compliance rules that will be relevant to your holding in this scheme year.

		Yes	No
D1 Which Statutory Management Requirements (SMRs) will apply to your holding between 1 January and 31 December 2013?	A Will some or all of your holding be a Special Protection Area under the Wild Birds Directive (SMR 1)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	B Do you handle, store or dispose of any substance covered by SMR 2 in <i>The Guide to Cross Compliance in England 2013 edition</i> ?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	C Will you be using sewage sludge (SMR 3)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	D Will some or all of your holding be in a Nitrate Vulnerable Zone (SMR 4)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	E Will some or all of your holding be classified as a Special Area of Conservation, or are you aware of any European protected species on your holding (SMR 5)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	F Will you be keeping pigs, goats or sheep (SMR 6, 8, 12, 13, 14, 15, 17 and 18)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	G Will you be keeping cattle (SMR 7, 12, 13, 14, 15, 16 and 18)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	H Will you be keeping any livestock other than pigs, goats, sheep or cattle (SMR 12, 13, 14, 15 and 18)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	I Will you be using substances or products to protect plants, influence growth, or destroy undesirable plants (SMR 9)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	J Will you be using substances or products with hormonal or thyrostatic actions, or beta-agonists on your livestock (SMR 10)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	K Will you be producing food for human consumption, or feed for food producing animals (SMR 11)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
D2 Which Good Agricultural and Environmental Conditions (GAEC) will apply to your holding between 1 January and 31 December 2013?	A Sites of Special Scientific Interest (SSSIs) (GAEC 6)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	B Scheduled Monuments (GAEC 7)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	C Visible public rights of way (GAEC 8)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	D Burnt heather, rough grass, bracken, gorse and Vaccinium (GAEC 10)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	E Agricultural land that will not be in agricultural production during the scheme year (GAEC 12)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	F Stone walls (GAEC 13)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	G Hedgerows (GAEC 14 & 15)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	H Watercourses (GAEC 14 & 19)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
D3 Between 1 January and 31 December 2013, have you converted, or are you planning to convert, any permanent pasture on your holding?	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>	



**E1 - Special entitlements**

Put an 'X' in the box at E1 to keep entitlements subject to special conditions. If you do not put an 'X' in this box we will convert your special entitlements into normal entitlements.

E2 - Hemp

If you grow hemp please fill in how many kilograms you will be sowing per hectare, read section K before answering E2.

E3 - Uplands Transitional Payment (UTP)

If you want to apply for the UTP put an 'X' in the Yes box at E3A and fill in the required information at E3B and E3C.

If you do not put an 'X' in the Yes box we may not pay you for the UTP.

E3D - ESA or CSS agreement

Please tell us the number of the Environmentally Sensitive Area or Countryside Stewardship Scheme agreement that covers all or part of your holding. If you have more than one agreement you must tell us the number of the agreement that expires last.

If you are a tenant farmer and you do not know the number of the agreement for the land you are farming, leave question E3D blank.

F1 - Other documents

This lets you record the documents you are sending to us. Place an SBI barcode label on the first page of each letter or set of documents such as maps and make sure your business name is clearly shown.

Part E: Additional information

E1	Special entitlements If you do not have any special entitlements, go straight to E2.	Read section E of the SPS Handbook If you want all of the entitlements you hold that are subject to special conditions to remain as special and not revert to normal entitlements put an 'X' in this box.	<input checked="" type="checkbox"/>
E2	Hemp If you do not claim for hemp, go straight to E3.	Read section K of the SPS Handbook If you are growing hemp, how many kilograms will you be sowing per hectare? Send your seed labels in with this form.	<input type="text"/> <input type="text"/> * <input type="text"/> <input type="text"/> Kg/ha
E3	Uplands Transitional Payment (UTP) If you do not farm any Severely Disadvantaged Area (SDA) land, including moorland and common land, that is part of either an Environmentally Sensitive Areas (ESA) or Countryside Stewardship Scheme (CSS) agreement on 1 January 2014, go to Part F. If you have answered yes to E3A make sure you have filled in details of your land in column C11 in Part C.	Read section J of the SPS Handbook A Do you want to claim for the UTP? If 'no', go straight to Part F B How many eligible cattle will you keep for the 6 month retention period? You can start this period on any day between 1 July and 31 December 2013. C How many eligible sheep will you keep for the 100 day retention period? You can start this period on any day between 1 January and 22 September 2013. D Give the number of the ESA or CSS agreement. If there is more than one agreement, give the number of the agreement that is last to expire.	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Part F: Other documents that you are sending

F1	Use this part to tell us which documents you are sending with your application. Stick an SBI barcode label on each document.	A If you are sending an <i>Agent/Partnership Authorisation</i> form (SP9), put an 'X' in this box.	<input checked="" type="checkbox"/>
		B If you are sending a <i>Payment Assignee Details Form</i> (SP13), put an 'X' in this box.	<input checked="" type="checkbox"/>
		C If you are sending a letter to change the order of activation of entitlements, put an 'X' in this box.	<input checked="" type="checkbox"/>
		D If you are sending a <i>Customer Registration Form</i> (CReg 01), put an 'X' in this box.	<input checked="" type="checkbox"/>
		E If you are sending a <i>Request for changes to the Rural Land Register and for the transfer of entitlements/Entitlements transfer with land</i> form (RLE 1), how many are attached?	<input type="text"/> <input type="text"/> <input type="text"/>
		F If you are sending maps, including sketch maps, how many?	<input type="text"/> <input type="text"/> <input type="text"/>
		G If you are claiming for hemp, how many copies of original official hemp seed labels have you attached?	<input type="text"/> <input type="text"/> <input type="text"/>
		H How many continuation booklets for this form have you attached?	<input type="text"/> <input type="text"/> <input type="text"/>
		I How many other documents have you attached?	<input type="text"/> <input type="text"/> <input type="text"/>
		J If you are sending forms for other UK regions, put an 'X' in the relevant boxes to tell us which region or regions you are applying for.	Northern Ireland <input checked="" type="checkbox"/> Wales <input checked="" type="checkbox"/> Scotland <input checked="" type="checkbox"/>



**G1 - For your own use**

This is for your own use and will not be part of your application. You may find it useful to help manage the number of entitlements you have activated for payment.

G2 - Entitlements

We pre-print this with the number of entitlements we consider you to have. If you have recently transferred any entitlements they may not be shown in these figures.

G2 - Entitlements

Please note that we will ignore any changes you make to this part. It is for your information only and is not part of your application.

Part H - Checklist

Use this checklist to make sure you have correctly filled in your application and included all the necessary documents. Remember to make sure any supporting documents are marked with the name of your business and SBI barcode label or your SBI. The information in Part H is not part of your application.

Please note these sections do not form part of your application and we will not take any information in them into consideration for obvious errors

Part G: Claim summary

G1	For your own use:	This area is for your own use. These totals do not form part of your application. We will use the information from the Field Data Sheets to work out your claim totals.
----	-------------------	---

	Land outside SDA (EOUT)	SDA land non moorland (ESDA)	Moorland within SDA (EMOR)
Total land area	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> ha	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> ha	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> ha
Single Payment Scheme			
Total area claimed for SPS:	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> ha	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> ha	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> ha
Other aid schemes			
UTP:	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> ha	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> ha	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> ha

G2	Entitlements	This is the entitlements information that we have on record for your business. Recent transfers may not be taken into account. Read section E of the SPS Handbook.
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	Land outside SDA	SDA land non moorland	Moorland within SDA
Normal (NML)	86.74	283.63	3.87
Special (SPE)	15.81	97.41	87.65

Part H: Checklist for your own use

- | | | |
|---|--|---|
| A | Have you completed columns C8 and C9 in Part C, and if you are claiming common land CA8 in Part CA?
If these columns are not filled in, we cannot pay you. | X |
| B | If you are claiming for UTP 2014 have you answered the question at Part E3, and have you filled in columns C8 and C11 for the relevant land parcels? | X |
| C | If you have made any mistakes on this form, have you initialled and dated the corrections? | X |
| D | Have you read the declaration and signed and dated the form at Part I?
If you have not signed the form, we cannot pay you. | X |
| E | Have you attached your maps or other supporting documents? | X |

Remember to check through the notes on the front of this form and put the correct amount of postage on the application envelope before sending it to us. Remember to keep a copy of the form and send the original to us.





Part I - Your declaration and responsibilities

It is important to read this part to understand fully your responsibilities before you sign your application. We reserve the right to reject applications if *Your declaration and responsibilities* has been changed, or if the application has not been signed and dated.

Have you signed and dated your form? We will not pay you if you have not signed and dated your application.

You must make sure you are properly empowered to sign the application. If you submitted an *Agent/Partnership Authorisation* form (SP9) in previous years and no further changes have taken place you do not need to send a new one. If there have been changes or no *Agent/Partnership Authorisation* form (SP9) exists you must send a new one with this application.

Q Payment Assignee Details Form (SP13)


18 When would I use a *Payment Assignee Details Form (SP13)*?

You would fill this in if you want someone else (the assignee) to receive your payments.

You will also need to fill in a *Payment Redirection Form (CREG 08)*. You must use this to register the assignee's full details with us.

19 When should I send this form to you?

You should send it to us by the SPS application deadline.

 For more information about deadlines read the Key dates section

20 Do I have to fill in a *Payment Assignee Details Form (SP13)* every scheme year?

Yes, if you want to continue to redirect your payments.

21 Do I have to fill in a *Payment Redirection Form (CREG 08)* every scheme year?

No, you only need to do this once unless you want to change who is receiving your payment.

22 How do I get these forms?

You can:

- print one from our website at rpa.defra.gov.uk/sps, or
- call us on 0845 603 7777.

Annex A: Land use codes

(column C8 of Part C: Field data sheet)

Land Use Codes			
Permanent Pasture ¹	Crop or Cover code	Eligible for SPS	Eligible for UTP
Permanent pasture on RDPE agri-environment scheme land.	PP4	Y	Y
Permanent pasture used for dehydrated fodder.	PP3	Y	N
All other permanent pasture (including grazed woodland) that does not fit any of the above permanent pasture types.	PP1	Y	Y
Temporary Grass			
Temporary grass on RDPE agri-environment scheme land.	TG3	Y	Y
Temporary grass used to make dehydrated fodder.	TG2	Y	N
All other temporary grass that does not fit into any of the above temporary grass types.	TG1	Y	Y
Other crops			
Flax.	FL1	Y	Y*
Hemp.	HM1	Y	Y*
Hops.	HO1	Y	N
Dehydrated fodder crops.	DF1	Y	N
Forest/Woodland			
Land under the Woodland Grant Scheme (WGS), Farm Woodland Premium Scheme (FWPS), English Woodland Grant Scheme (EWGS) or the National Forest's Changing Landscapes Scheme (CLS), which you are using to support your SPS application. This land must have been used to activate SPS entitlements in 2008. For full details read section G paragraphs 14 to 18.	SA2	Y	N
Forest/Woodland not covered by the other land use codes.	FR1	N	Y*
RDPE Schemes, for example, Farm Woodland Scheme (FWS), Farm Woodland Premium Scheme (FWPS), Woodland Grant Scheme (WGS), and English Woodland Grant Scheme (EWGS).	FR3	N	N
Forested land that was permanent pasture on 15 May 2003.	FR4	N	Y*
Grazed woodland which you are using to support your application for SPS.	PP1	Y	Y

* If you are intending to apply for enhancement payments under the UTP.

¹ Whether you need to class your land as permanent pasture depends on how long it has been down to grass/herbaceous forage (read section G).



Land Use Codes			
General	Crop or Cover code	Eligible for SPS	Eligible for UTP
Land in CSS option R (reedbeds), IT2 or IT3 (intertidal habitats), or ESA woodland option ESA01O2C, ESA08OOW, ESA09OOW, ESA14OOW, ESA15OOW, ESA16OOW, ESA16OSW, ESA17OOW, ESA19OOW or ESA21OOW. The land must have been claimed as set-aside in 2008 and remain under the agri-environment agreement for the entire SPS year. Land in one of a few Environmental Stewardship woodland, intertidal habitat, reedbed, scrub, fen and bog options that would ordinarily be ineligible for SPS. The land was entered into the option on or after 1 January 2009 and must have been activated for SPS in 2008. Land in ELS options EF3 or EF5 or HLS options HF3, HF5, HF16, HF17, HF18 or HF19 where the Natural England prescriptions require the land to continue to be managed as set-aside.	SA3	Y	N
Land in non-agricultural activities for more than 28 days that would otherwise be eligible for SPS. Read section G paragraph 22.	NA1	N	N
Agricultural land not in production managed in accordance with GAEC12.	OT2	Y	N
Crops such as wheat, barley, maize and annual fruit and vegetable crops not covered by any other land use code, for example, strawberries. You should use this land use code for protein crops, for example, beans, peas, and lupins that were formerly coded PR0 and energy crops which would have been coded EC2, EC3, EC4, EC5, EC6, EC7 and EC8 in previous years. Eligible SPS crops which do not fit into any other land use code, for example, wild bird cover.	OT1	Y	Y*
Other non-eligible crops Also entire land parcels of ineligible scrub or bracken that could be returned to agricultural production (ineligible scrub within otherwise eligible land parcels should just be deducted from the eligible area).	NE1	N	N
Permanent Fruit and Vegetables (including Nuts): apples, pears, apricots, peaches, cherries, plums, sloes and quinces, citrus fruit, plantains, pineapples, figs, avocados, guavas, mangos, mangosteens, papayas and locust beans, mint, melissa, rosemary, chestnuts, pine nuts, macadamia nuts, pecans, almonds, hazelnuts, pistachios, and walnuts (formerly coded NT5-8). Nursery Crops: Areas of young woody plants grown in open air, on soil in greenhouses or under polytunnels for subsequent transplantation, vine and root stock nurseries, fruit tree nurseries, ornamental nurseries, nurseries of forest trees, commercial forest tree nurseries, land used for growing trees and bushes for planting in gardens or parks. Vines: (under polytunnels is also included). Other Permanent Crops: lavender, miscanthus, reed canary grass, short rotation coppice. PC2 also replaced short rotation forest trees that were previously recorded as land use code EC1.	PC2	Y	Y*
Agri-environment land that does not fit under any other code, for example; grazed fens/salt marshes and waterside margins (which are separate land parcels in their own right). You should also use AE1 to declare agri-environment land that is not part of the SPS eligible area. This may include ponds and rough/rocky ungrazeable moorland (which is not part of a common). You must declare such non SPS eligible agri-environment areas on your SPS application, but you must not activate for payment. You should claim commons in Part CA of your SPS application, but not enter in Part C, your Field data sheet, read section I. You should not use AE1 for land in production; the relevant crop code will apply, for example, OT1.	AE1	Y	N

Additional note

You should record agri-environment scheme margins and strips under the same land use code as the rest of the land parcel.



The following table gives details of Environmental Stewardship options and SPS land use codes.

Environmental Stewardship (ES) option	SPS land use code	Specific conditions of eligibility
EF3	SA3	None
EF5	SA3	None
HC7	PP4	Maintenance of woodland
HC8	PP4	None
HC8 (with HC11)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the HC11 option must have started in the ES agreement on or after 1 January 2009
HC9	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009
HC10	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009
HC12	PP4	Maintenance of woodland pasture
HC13	PP4	Restoration of woodland pasture
HC14	PP4	Creation of woodland pasture
HC15	PP4	Maintenance of successional areas of scrub
HC16	PP4	None
HC16 (with HC11)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the HC11 option must have started in the ES agreement on or after 1 January 2009
HC17	PP4	None
HC17 (with HC11)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the HC11 option must have started in the ES agreement on or after 1 January 2009
HC18	PP4	None
HC19	PP4	None
HC20	PP4	None
HC21	PP4	None
HF3	SA3	None
HF5	SA3	None
HF16	SA3	None
HF17	SA3	None
HF18	SA3	None
HF19	SA3	None



Environmental Stewardship (ES) option	SPS land use code	Specific conditions of eligibility
HP5 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HP5 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HP6 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HP6 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HP7 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HP7 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HP8 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HP8 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HP9 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HP9 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HQ3 (agreement allows grazing)	AE1	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HQ3 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HQ4 (agreement allows grazing)	AE1	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HQ4 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.



Environmental Stewardship (ES) option	SPS land use code	Specific conditions of eligibility
HQ5 (agreement allows grazing)	AE1	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HQ5 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HQ6 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HQ6 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HQ7 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HQ7 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HQ8 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HQ8 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HQ9 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HQ9 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
HQ10 (agreement allows grazing)	PP4	Grazing does not actually have to take place as long as it is permitted and the land is managed in accordance with GAEC and cross compliance.
HQ10 (agreement does not allow grazing)	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.
UC22	SA3	The land must have been used to activate entitlements for SPS in the 2008 scheme year and the option must have started in the ES agreement on or after 1 January 2009.

You should declare your agri-environment margins, buffer strips, field corners, beetle banks, and other areas which are not permanently divided from the rest of your field, as part of the main land use code for that field. You should not declare them separately.



When claiming for permanent pasture under an agri-environment scheme use land use code PP4. You should only use a temporary grass code if the land is under conversion and has been in pasture for less than five years.

You should only use land use code AE1 if there is no other suitable land use code. For example, use OT1 for arable land and PP4 for permanent pasture, including moorland and rough grazing.

Annex B: Key definitions

1 What is agricultural land?

The following is agricultural land and you should declare in your SPS application:

- arable land;
- permanent pasture;
- permanent crops (including permanent fruit and vegetable crops, nursery crops and vines);
- land used for grapes, tobacco, hops, agri-environmental, forestry, less favoured areas, and areas with environmental restrictions, olive oil, cotton, dried fodder, citrus for processing, tomatoes for processing and wine;
- land put to other agricultural uses other than the above and not already declared for SPS or other direct payments; and
- woodland, if;
 - it is being grazed (including pannage);
 - there are fewer than 50 trees per hectare and it can be grazed;
 - it is short rotation coppice; and/or
 - it is in a Rural Development Programme for England scheme, for example,
 - the Farm Woodland Premium Scheme,
 - the Farm Woodland Scheme,
 - the Woodland Grant Scheme and
 - the English Woodland Grant Scheme.

2 What is arable land?

Arable land includes the following:

- land used for normal arable/combinable crops, including protein crops, flax and hemp;
- land used for potatoes, sugar beet and other root crops;
- land used for forage maize and forage rape;
- land used for fruit (including strawberries), but not top fruit;
- land used for vegetables;
- land used under greenhouses or under fixed or mobile cover (unless the land was eligible land and has been made unsuitable for agriculture, for example by concreting);
- land for multiannual crops;
- land used for cut flowers or bulbs;
- land used for turf, except for fuel;
- fallow land kept in Good Agricultural and Environmental Condition; and
- temporary grass. This is land that has been in grass for less than five years whether reseeded or not during that time. We consider this as arable land for SPS.



3 What is permanent pasture?

Permanent pasture is land used to grow grasses or other herbaceous forage; either self-seeded or sown that has not been included in the crop rotation for five years or longer. This means that if you enter land as grass or herbaceous forage on six consecutive SPS applications you should classify it as permanent pasture on the sixth application. It does not depend on the land being grazed.

Please note there are some exceptions to this that we show in paragraph 12, section G of this guidance.

4 What is herbaceous forage?

Herbaceous forage is all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the UK (whether or not used for grazing animals).

These include:

- lucerne;
- sainfoin;
- forage vetches; and
- clovers.

None of the following is included: kale, fodder rape or any other forage brassicas, fodder root crops, forage maize or any other cereals grown for silage or for any other form of forage.

5 What are nursery crops?

Nursery crops are areas of young woody plants grown in the open air, on soil in greenhouses or under polytunnels for later transplantation and include:

- vine and root stock nurseries;
- fruit tree nurseries;
- ornamental nurseries;
- nurseries of forest trees (excluding those for the holding's own requirements grown in woodland);
- commercial forest tree nurseries, whether in woodland or outside;
- commercial forest tree nurseries for the holding's own requirements grown outside woodland; and
- trees and bushes for planting in gardens, parks, at the road side and on embankments. For example, hedgerow plants, rose trees and other ornamental bushes, ornamental conifers including all cases of their stock and seedlings.

Christmas trees will not usually be eligible, as they are not grown for later transplantation.



6 What is short rotation coppice?

Short rotation coppice means areas planted with those tree species of CN code 0602 90 41 that consist of woody, perennial crops, the rootstock or stools remaining in the ground after harvesting, with new shoots emerging in the following season. The following list of eligible species is appropriate for use as short rotation coppice and their maximum harvest cycle.

- 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.

Annex C: More information

1 How can I contact you?

You can contact our Customer Service Centre, which is open from 8.30am to 5.00pm, Monday to Friday. We will ask you for your SBI when you call.

If you write to or e-mail us, please give:

- your SBI;
- business name; and
- the scheme year your query relates to.

Text Relay (previously known as Type Talk) is a telephone relay service that enables deaf, deaf blind, deafened, hard of hearing and speech impaired people to communicate with hearing people by telephone. It is run by Action on Hearing Loss formerly The Royal National Institute for Deaf People (RNID).

To contact us using Text Relay, dial 18002 0845 603 7777 from your text phone.

Customer Service Centre: 0845 603 7777

E-mail address: csc@rpa.gsi.gov.uk

Address: Rural Payments Agency
PO Box 300
Sheffield
S95 1AA

For more information, visit our website at rpa.defra.gov.uk or the Defra website at defra.gov.uk

To find details of the relevant European regulations visit the:

- European Union website at http://europa.eu/legislation_summaries/agriculture/general_framework/ag0003_en.htm;
- Office of Public Sector Information website at opsi.gov.uk for the relevant domestic legislation; or
- call The Stationery Office (TSO) on 0870 600 5522.

2 Can I register or change my details over the telephone?

You can register or change your personal details by calling our Customer Service Centre and selecting the 'Customer Registration' option.

If you are a new customer please have the following information with you. We will not be able to complete registration without it.

- The name and address of your business and your contact details.
- The location of your land including the grid reference or postcode.
- The name and address of anyone you want to authorise to act on behalf of your business.
- Your bank details.

 Call our Customer Service Centre on 0845 603 7777




If you are already registered with us and are correctly empowered you can change your registration details, change your bank details and add an agent to your registered details by telephone. When calling to make changes to your RPA records you will need:


- the SBI you are calling about; and
- your security question details.

Calls for new registrations will take around 30 minutes to complete and calls for changing details will take around 15 minutes. The length of your call may vary depending on the kind of change you would like to make.

Important

We will take your details over the telephone but there can be times when we may need to contact you again if we need more information. If we still need you to fill in paper forms, we will tell you.

 For more information about empowerments visit our website at rpa.defra.gov.uk/empowerments


 For Customer Registration forms visit our website at rpa.defra.gov.uk/creg and select 'Forms and guidance'

3 Can I still bring my paper claim to a Drop-in Centre?

Last year more than 38,000 farmers and agents used SPS Online to send in their claim, and for this reason we are reviewing the way we provide Drop-in Centre services between March and May.

In 2013 we will be opening fewer centres where you can still bring in a paper claim form, but also learn more about the benefits of claiming online.

Information about the location of the centres and the services they will provide will be available on the RPA website shortly.

 For more information about Drop-in Centres visit our website at rpa.defra.gov.uk/sps/offices

 Or call our Customer Service Centre on 0845 603 7777

4 Where can I get support?

There are two independent organisations that may be able to help you. They will deal with your calls in the strictest confidence.

- **Farm Crisis Network** provides pastoral and practical support to farming people during times of worry, stress and problems about both the farming business and the farming home. They run a helpline from 7.00am to 11.00pm every day of the year and are staffed by a team of volunteers. Call them on 0845 367 9990.
- **Rural Stress Helpline** offers a confidential and non-judgemental listening service to anyone in a rural area who is feeling troubled, worried, stressed or needing information. The helpline operates from and is a project of The Arthur Rank Centre at Stoneleigh Park, Warwickshire. The helpline operates from 9.00am to 5.00pm Monday to Friday. Call them on 0845 094 8286.



5 Can I see this guidance in a different format?

Yes, if you would like this guidance in a alternative format (for example, in large print) please contact our Customer Service Centre on 0845 603 7777 or csc@rpa.gsi.gov.uk to discuss how we can help.

6 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 visit our website at rpa.defra.gov.uk, then put 'Personal Data' into the search box.

7 Keep up to date on Twitter

For latest news and reminders from RPA follow us @Ruralpay

