



Department
for Environment
Food & Rural Affairs



CAP Reform
Countdown

The new Common Agricultural Policy schemes in England: August 2014 update

Including 'Greening: how it works in practice'



Please read this important information

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In this leaflet, you'll see the following icons.

When you see this icon:

It means that this information:



is important information that you need to know



has been decided and will be part of the new schemes



hasn't been agreed yet – we'll give you more information about it later this year

Since we published our last leaflet 'Greening: Work out what it means for you', more decisions have been made. When you see the two icons below next to each other, this means this information wasn't agreed in an earlier leaflet, but is now.





CAP Reform Countdown | Introduction

This leaflet follows the one we sent in April 2014, called 'An Introduction to the new Common Agricultural Policy schemes in England'. It explains what's happened since, provides updates about the new schemes and more information on the greening rules.

The first leaflet can be found on GOV.UK: www.gov.uk/cap-reform.

Throughout the CAP implementation process we have been determined to meet our EU obligations, whilst at the same time ensuring maximum flexibility for farmers to manage their business in the way they see fit. We want to have a system that minimises red tape and bureaucracy and keeps things as simple as possible. We do not intend to change rules for the sake of it and where the opportunities have presented themselves we have consolidated or simplified existing ones.

Through this document we are seeking to provide farmers and landowners with as much clarity as possible, enabling them to plan for the future. Where issues remain unresolved, we aim to give a clear indication of the way we'd like to do things, with a commitment to provide further information in due course.

Greening

In 2015 the Single Payment Scheme will be replaced by the Basic Payment Scheme (BPS). The BPS will include new 'greening' rules farmers must follow to get a greening payment that will be worth about 30% of the total payment.

If you're going to claim BPS in 2015, you should start thinking about the new rules and how they might affect your business. The rules may cover things you're already doing – in which case you won't need to do anything differently – but it is worth checking now.

This leaflet explains what we know so far about the new schemes and what they may mean for farmers. The information in this leaflet replaces and updates the information that was published on the GOV.UK site in June.

We've included as much information as we can in this leaflet. We don't know all the details about greening yet, because the European Commission hasn't finalised all the guidance. More information on greening will be available in October.



If you currently have a holding that is less than 5 hectares in size, we'll be writing to you soon. Claimants that don't have at least 5 hectares of eligible land and 5 entitlements to activate in 2015 won't be able to apply for the new Basic Payment Scheme.





The latest information we have about the new CAP schemes.

Active farmer test

The April 2014 leaflet explained the new active farmer test in the Basic Payment Scheme. As part of this test, the European Commission asks us to classify land which is 'naturally kept in a state suitable for cultivation and grazing' and then decide the agricultural activity that needs to be done on it.

We have not identified any land in this category in England. As a result, only the first part of the active farmer test, about business activities, will apply. More details about the active farmer test will be published in October.

New deadline for transferring SPS entitlements

On 1 January 2015, SPS entitlements will become BPS entitlements. If you want to transfer your SPS entitlements before that happens, you need to tell the Rural Payments Agency (RPA) by 21 October 2014.

To transfer your entitlements, you will need to fill in an 'RLE1 form' and send it to the RPA. The RPA must receive your RLE1 form by midnight on 21 October 2014. This date has changed since our April 2014 leaflet. Your 'effective date of transfer' must be on or before 3 December 2014.

The RLE1 form and guidance on the rules for transferring entitlements in 2014 are on GOV.UK: www.gov.uk/transfer-sps-entitlements.

Any leased entitlements that are due to be returned to their owner after 21 October 2014 will still be returned. We'll also still be able to transfer any entitlements that are part of an inheritance after this date.

In January 2015 entitlements will automatically become BPS entitlements. These can be transferred to an 'active farmer' from early in 2015 using the new CAP Information Service (see page 7).

Common land

Common land will be eligible for the BPS. We're still working on the detailed rules, but commoners are likely to activate their entitlements against a 'notional area' of a common based on the number of rights they hold to graze animals on the common. We also know that:

- your notional area of the common will count towards your eligible agricultural area under the greening rules (see page 12) – so if the common is permanent grassland, it may help you qualify for an exemption from the greening rules.
- the permanent grassland rules for greening will apply to most commons.
- we will be using new maps of common land, so the notional area of the common may be different from 2014 – we'll consult on these maps over the next few months.

- we'll continue to calculate the notional area for the New Forest differently to other commons.
- shared grazing will be treated in much the same way as common land – graziers will activate their entitlements against a 'notional area' of the grazing in proportion to the share of the rights they hold to graze animals on it.

Pollinators and the new CAP

Farmers are ideally placed to adopt measures which can help bees and other pollinators. Advisers from the Campaign for the Farmed Environment can help all farmers manage their land in a way which maximises such benefits.

The new Ecological Focus Area (EFA) rules present an excellent opportunity to help pollinators. We have already announced that farmers in England will be able to choose from hedges, nitrogen-fixing crops, catch/cover crops, buffer strips and fallow land in order to comply with the new greening requirements. In deciding which EFA options to select, we would like farmers to consider, on a voluntary basis, how their selection and the management of those EFA options can bring the greatest environmental benefit on their holding, particularly for bees and pollinators.

Voluntary management actions on fallow land or buffer strips in particular can provide benefits for pollinators. Sowing nectar and pollen-rich wildflower seed mixtures can encourage high flower densities which attract pollinators. Managing buffer strips through grazing and cutting can help prevent grass domination and further encourage wildflowers and pollinators.

All farmers with hedgerows, whether they are being used to meet their EFA requirement or not, can consider voluntarily reducing the frequency with which they trim them in order to encourage flower production.

New scheme for environmental land management

A new scheme for environmental land management will replace Environmental Stewardship (ES), the English Woodland Grant Scheme (EWGS) and capital grants from the Catchment Sensitive Farming (CSF) programme in 2015. The new scheme, part of the Rural Development Programme for England (RDPE), will deliver over £900 million for enhancing the countryside.

It will be open to all eligible land managers, owners and tenants. If you already have an existing agreement which runs past 2015, you'll be able to carry on with this agreement until it ends.

Overall, biodiversity will be the priority for the new scheme, with water also an important area of focus. The scheme will deliver outcomes for the historic environment, landscape quality and character, genetic conservation and educational access. It will also contribute to climate change adaptation and mitigation.

Alongside current Environmental Stewardship and English Woodland Grant Scheme agreements, the new scheme will be the main way of supporting a wide range of local, national and international environmental commitments. It will be delivered by Natural England, the Forestry Commission and the Rural Payments Agency.

How the scheme will work

The new scheme will have 5-year voluntary contracts. There may be times when contracts will run for more than 5 years. You'll be able to apply for the scheme in three ways:

- 1. On the most environmentally important sites, holdings and woodlands** – the application process will be similar to the current Higher Level Stewardship (HLS) scheme. In many cases these will be locations which need complex management, for example habitat restoration. The full range of scheme options is potentially available to applicants, along with one-to-one advisory support.

To apply for one of these agreements, applicants need to speak to Natural England or the Forestry Commission first.

- 2. For any other holding or site** – agreements will be available nationally through a competitive online application process. Your application will be assessed against environmental priorities in the local area.

The range of management options available will be limited to those that are effective but simple to implement - especially when delivered across a wide area to address common goals. For example habitats for farmland birds and pollinators or water quality.

- 3. A range of capital grants will be funded from 2016** – grant funding of up to £5,000 will be available for land managers who do not have a current multi-annual agreement, or don't wish to enter into one. It will focus on restoration of boundary features. Capital grants will also be available to support the production of woodland management plans and in response to tree health issues as well as targeted grants with associated advice for water quality benefits.

Applications are online

To apply for the new scheme you'll need to apply online through the new CAP Information Service (see pages 7 and 8). This can be accessed directly by applicants, or their agent. There will also be help available to those unable to access or use the online service (see page 8).

All the new multi-annual agreements will have a start date of 1 January with the first agreements starting in 2016. More information on how to apply, including details of the opening and closing date for applications, and what woodland and water quality grants may be available in 2015 will be published in October.

Growing the rural economy – update

Government continues to work with Local Enterprise Partnerships (LEPs) and their local partners to develop the new Growth Programme, which brings together £177 million of Rural Development funds with European Structural Funds.

Local Implementation Plans will be agreed by the end of 2014 and calls for projects will begin to be published from January 2015 on GOV.UK. To find out more about what might be available in your area, check your local LEP website.

To receive regular updates on the Growth Programme please send an email to esif@communities.gsi.gov.uk.

The LEADER approach will be a key part of the new Rural Development Programme from 2015. More information on LEADER, including the National Delivery Framework and details of prospective groups, is on GOV.UK: www.gov.uk/government/publications/leader-approach-in-the-rdpe-national-delivery-framework.

Prospective LEADER groups have been asked to submit their applications for the next Rural Development Programme by 5 September. The details of groups that have been selected will be announced in November.

An update on increasing farm and forestry productivity

We are continuing to develop a £140 million scheme to support farming and forestry businesses. More information about this scheme will be available on GOV.UK in October.

The Forestry Commission (FC) will provide free support to forestry businesses interested in applying. If you are interested, register with your regional FC contact.



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Cross compliance: latest news

Cross compliance will continue under the new Common Agricultural Policy, but there will be some changes.

If you claim the Basic Payment Scheme (BPS) or have a Rural Development Programme land-based agreement, you will have to meet the new cross compliance rules. The main changes from 2015 onwards are:



- all of the GAECs and most of the SMRs have been renumbered and some GAECs have been split or merged into other rules.
- there will be new rules for soils that will replace the current GAEC 1 (Soil Protection Review), which is being removed.



- GAECs 11 (control of weeds) and 12 (agricultural land which is not in agricultural production) will be removed. Instead, as part of the BPS eligibility rules, this land will need to be maintained in a state which makes it suitable for grazing or cultivation. More information will be provided on this in November.



- SMR 3 (sewage sludge) and SMRs 13, 14 and 15 (control of foot and mouth disease, certain animal diseases and bluetongue) will be removed.

There will also be a number of changes to landscape feature rules and under a new GAEC 7A, these will be grouped together. The changes will include:

- a longer 'no trimming' season for hedges will run from 1 March until 31 August 2015. This will also apply to trees from the start of 2015. This and the previous tree protection rules will be included in a new GAEC 7C.
- stone banks or earth banks mustn't be removed – (or stones or earth removed from these features).



CAP Reform Countdown

CAP Information Service: the new online service

A new single online service is being built for the new CAP schemes, the 'CAP Information Service'. This system will be where claimants apply and can keep track of their payments.

The screenshot shows the top navigation bar with the GOV.UK logo and 'CAP Information Service' header. Below the header is a beta notice: 'BETA: This is a trial service - your feedback will help us to improve it'. The main heading is 'Welcome to CAP Information Service'. The text below explains the service's purpose: 'This service helps you manage applications, agreements and claims online throughout the year.' It lists two main uses: 'You can use CAP Information Service to' followed by 'access Common Agricultural Policy (CAP) information' and 'apply for CAP schemes'. A second section, 'From 2015 you will be able to use this site to', lists 'manage applications, agreements and claims' and 'view and amend land information'.

Applicants for the new CAP schemes are likely to need to use the CAP Information Service. The service will replace some of the systems that are used to apply for the current CAP schemes, such as SPS Online and ELS Online.

The service has been designed to be easy to use and has help on every screen. It will also have a helpline to call for information about the service, or if you need help to use it.

The previous systems for SPS Online or CTS Online were accessed through the Government Gateway. The Government Gateway is gradually being replaced across all online government services and the new CAP Information Service will be accessed through the GOV.UK website. Details of how to log in to GOV.UK will be sent to initial applicants when they are sent the invitation to use the new CAP Information Service.

The new online service will be introduced gradually and applicants will be advised when it is ready for their use.

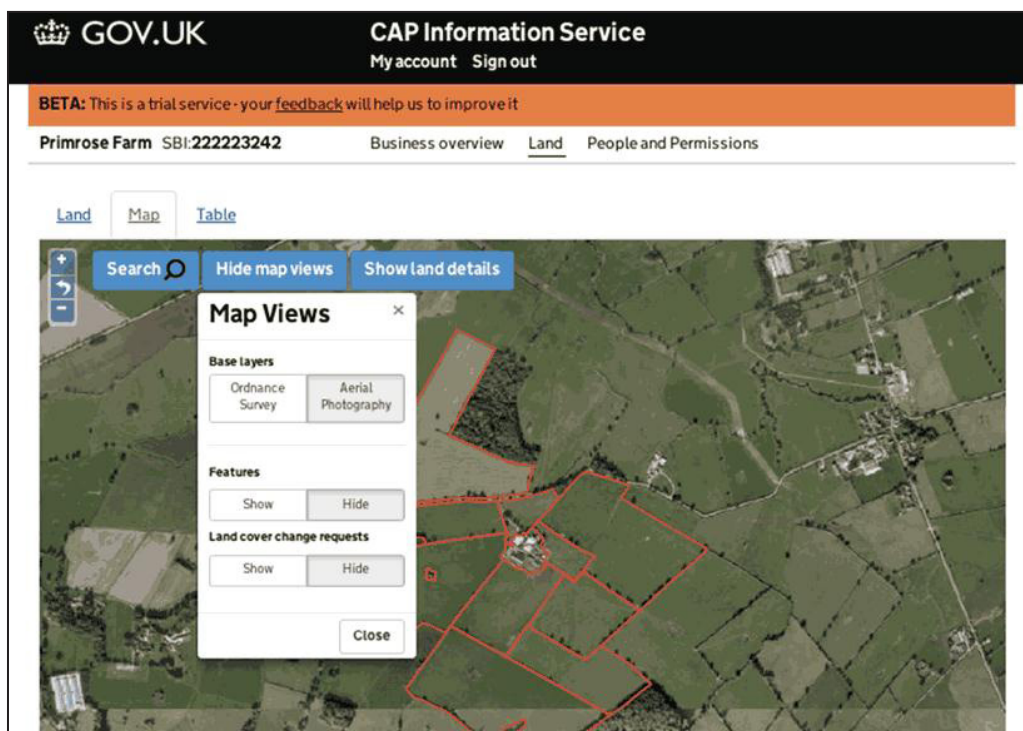
To be in the best position to apply for CAP schemes and payments in 2015, log in and register as soon as you are contacted. All applicants will need to register, even if they are using an agent, colleague or friend to help with the application.



A small number of farmers will be invited to use the service from late summer onwards, so that the system can be tested and we can get feedback from people using it. Those applicants not in this small test group will be able to get onto the CAP Information Service towards the end of this year.

The benefits of the CAP Information Service:

- You can use it for your CAP claims.
- You'll see maps and aerial photos of your land and be able to map features and land cover online – avoiding the need to ask for maps to be sent to you.
- You can manage your personal and business details online.
- You can give permission to others to use the service on your behalf.
- You can manage your entitlements and transfer them online.
- It'll remember your details. So, once you've entered them, you only have to make sure you keep them up-to-date.
- You'll be able to check if you're meeting the greening rules.
- You'll also be able to check if you can get the young farmer payment or entitlements from the national reserve (if applicable).



Keep your details up to date

The details on the CAP Information Service can be updated throughout the year, so when it's time to make a claim, the relevant details will be ready.

Extra help

Some applicants might not have used online services before, so there will be extra help available for those who need it.

Everyone who hasn't applied online before will receive a form called 'Extra help to use the CAP Information Service', which should be filled in by anyone who thinks they might need extra help. Once the form has been returned, the RPA will get in touch to discuss the options for help that are available for each applicant.



CAP Reform Countdown

Greening: how it works in practice

This section sets out the decisions that have been made so far on the greening rules and how they work in practice, so farmers can work out how they will affect their businesses.

This section will explain what applicants need to do to meet the greening rules from 2015 onwards. Greening rules will need to be followed beyond 2015, so each business will need to work out what they need to do for greening every year. Farmers can grow different crops or use different Ecological Focus Area features and areas each year to meet the rules.

If you make a Basic Payment Scheme (BPS) claim, the greening rules are compulsory. Applicants that don't follow them will lose some – or all – of their greening payment.

The amount lost will depend on the level of non-compliance. In 2015, the maximum amount a farmer could lose if they don't follow the rules is 30% of their total payment.

Farms are also more likely to be inspected if it is found that the farmer is not following the greening rules.

Farmers that have an agri-environment scheme agreement and apply for BPS will still have to follow the greening rules.

Livestock farmers with temporary grassland still have to follow the crop diversification and Ecological Focus Area rules (unless they qualify for an exemption) – because temporary grassland counts as arable land under the BPS.



Farmers need to work out what they've got to do for greening based on all of the eligible agricultural land that is 'at their disposal' as part of their holding (even if the BPS isn't claimed on all of it). A definition of 'holding' is on page 12 and there is more information on 'land at your disposal' on page 49 of the 'Single Payment Scheme Handbook for England 2013' (which is available on GOV.UK). There is no need to consider land in each BPS region separately for the purposes of greening.

Farmers that meet the greening rules will receive the greening payment for all of the land that entitlements have been activated against in their BPS application. This may be less than the land that they have to meet the greening rules on, particularly if a business has more eligible land than entitlements.

The greening rules

There will be 3 greening rules:

1. Permanent grassland: Most farmers won't need to do anything differently to meet the permanent grassland rule. There are two parts to this rule:

- If the percentage of permanent grassland in England – compared to the area of agricultural land – falls by more than 5%, farmers who have ploughed permanent grassland may have to re-instate it. It would also mean that there would be restrictions on any further ploughing of permanent grassland.

If the percentage does fall, the RPA will let farmers know if they need to do anything differently.

- If a farmer has areas of permanent grassland which are covered by the Wild Birds and/or Habitats Directives (Natura 2000), this can't be ploughed up. The area covered by these rules can be checked on the Natural England website at: <http://www.naturalengland.org.uk/ourwork/conservation/designations/sac/natura2000.aspx>.

Page 14 explains what counts as permanent grassland.

2. Crop diversification: this has also been called the '2 or 3 crop rule'. If a farmer has 10 or more hectares of arable land, they will have to follow the crop diversification rules on the minimum number of crops they grow and the areas they cover – unless they qualify for an exemption. Exemptions are covered on page 18.

3. Ecological Focus Areas (EFAs): if a farmer has more than 15 hectares of arable land, they will need 'Ecological Focus Areas' on their arable land – unless they qualify for an exemption. Ecological Focus Areas are areas and/or features which the EU has decided are beneficial for the climate and the environment.

If a farm does need Ecological Focus Areas, the areas and features used must be equivalent to at least 5% of the total arable land the farmer declares on their BPS application. A list of the areas and features that can count as EFAs is on page 28.

The rest of this section of the leaflet will set out what farmers need to do to meet the crop diversification and Ecological Focus Area rules. The sections of this guidance that apply will depend on the circumstances of each farm. As temporary grassland is considered to be arable land (see 'Definitions' on page 12), these rules may also apply to farmers of mixed farms. The next section is made up of the following headings:

Definitions (page 12)

How each type of land is defined and how to calculate how much land on a holding will be defined as 'arable' in 2015.

Who the rules apply to (page 17)

What each farmer will need to do to meet the crop diversification and Ecological Focus Area rules in 2015 will depend on how much arable land they will have. The table in this section sets out who the rules apply to.

Exemptions (page 18)

This section explains the exemptions from the crop diversification and Ecological Focus Area rules.

Crop diversification: the rules (page 22)

This section sets out what farmers can grow in order to meet the crop diversification rules.

Ecological Focus Areas: the rules (page 28)

This section explains what can count as part of an EFA and how farmers can work out if they have an EFA that is the equivalent to at least 5% of the total arable land that they declare on their BPS application in 2015.

Organic land

Any land which is certified as organic (including land 'in conversion') will qualify for the greening payment automatically – as long as it's been certified by an accredited body.

More information will be provided in October on what farmers who have organic and non-organic land need to do to meet the greening rules on their non-organic land.



Definitions

To work out how a farmer will be affected by greening, they need to know the total agricultural area of their holding, in hectares, that will be eligible for the Basic Payment Scheme in 2015. Greening requirements are based on all the agricultural land on a holding, even if some of that land is not used to claim payment under the Basic Payment Scheme.

Each farmer will need to work out how many hectares of arable land, permanent grassland and permanent crops they will have in 2015. The definitions for all of these are different for the Basic Payment Scheme than they were for the Single Payment Scheme and the new definitions are explained below.

Holding

A holding is all of the land a farmer manages and uses for agricultural activities in the UK. For most farmers this is all of the land you should declare under your Single Business Identifier (SBI). It can include more than one County Parish Holding (CPH) number and land you farm at more than one location.

For crop diversification and EFA, it is important to first work out the area of arable land in 2015.

When estimating the area of a crop within a field, if the crop covers the entire utilisable area of the field according to normal agricultural practice, no deduction from the eligible area of the field is required. However, the RPA may need to be told about the individual parts of fields for other purposes, such as other elements of greening or the environmental land management schemes. We will tell you more about this later in the year.

Eligible agricultural area

This is the agricultural area that will be eligible for the Basic Payment Scheme. The amount of land that is eligible will be one of the things that will determine whether or not farmers qualify for an exemption from the greening rules. Eligible agricultural area is made up of:

- arable land
- permanent grassland
- permanent crops

Arable land

The amount of arable land that each farmer has in 2015 will determine what they need to do for their crop diversification and Ecological Focus Areas.

For the Basic Payment Scheme (BPS), arable land is:

- land cultivated for crop production – including land used for combinable crops, crops grown for fibre, root crops, crops grown for animal feed such as forage maize and forage rape, field vegetables, cut flowers or bulbs and soft fruit (other than permanent crops). This includes where these crops are grown under greenhouses, or under cover, on soil or grass
- fallow land (see page 13 for more information)
- temporary grassland (see page 13 for more information)

Permanent crops are not arable land but they are still eligible for the Basic Payment Scheme. There's more information on permanent crops on page 14.

Fallow land

Fallow land is land that has no crop production or grazing on it (this means it can't have a land use of permanent crops or permanent grassland).

This land must be maintained in a state which makes it suitable for grazing or cultivation. More information about what this means in practice will be published in November.

To count as fallow land for the purposes of the crop diversification rules, land must be kept fallow throughout the inspection period of 1 May to 30 June. If the fallow land is also being counted towards the Ecological Focus Area rules, then the period of time is longer, as described on page 31.



Temporary grassland (including herbaceous forage)

The amount of temporary grassland each farmer has will count towards the amount of arable land they will have in 2015.

Temporary grassland is land that has been in grass or other herbaceous forage for less than 5 years.

Herbaceous forage is any herbaceous plant traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the UK.

These mixtures can include Lucerne, Sainfoin, forage vetches and clovers. But not any of the following fodder crops – they count as arable crops:

- Kale
- fodder rape or any other forage Brassicas
- fodder root crops
- forage maize
- any other cereals grown for silage or for any other form of forage

Land used for livestock production that is not sown with another crop should be counted as temporary grassland – if it's been used for less than 5 years. If it's been used for 5 years or more, then it should be counted as permanent grassland. For example, if a farmer has pigs on stubble, this should be declared as temporary grassland on their BPS application. This land will still need to be kept so that it's meeting the cross compliance rules.



Definitions (continued)

Permanent grassland

Farmers will need to work out the amount of permanent grassland they have as this will count towards the eligible agricultural area they have in 2015. Knowing the amount of permanent grassland will also make it easier to determine if a farmer qualifies for any of the greening exemptions.

Permanent grassland is land that has been used to grow grasses or other herbaceous forage (that has not been included in the crop rotation of the holding) for 5 years or more. It can be self-seeded or sown.



If the land has been re-sown with grass or other herbaceous forage during the past 5 years, it is still permanent grassland.

If land has been entered as grass or herbaceous forage on 6 consecutive SPS/BPS applications, it must be recorded as permanent grassland on the sixth application. This is compulsory, unless it's been used to grow a catch crop in the time between applications – in which case it will be classed as temporary grassland.

The new CAP Information Service will show whole land parcels that have been declared as temporary grass on six or more SPS/BPS applications as permanent grassland.

Land parcels that contain trees

A land parcel that meets the definition of permanent grassland but contains scattered trees will still be classed as permanent grassland if:



- agricultural activities can be carried out in a similar way as on parcels in the same area without trees, **and**
- it does not contain more than 100 trees per hectare

Permanent crops

Permanent crops are crops that occupy the land for 5 years or more (other than permanent grassland) and provide repeated harvests. This includes short rotation coppice, nursery crops and multi-annual crops.



Permanent crops will be eligible under BPS. The area of permanent crops a business has will also count towards their eligible agricultural area in 2015. Land covered by permanent crops does not have to follow the greening rules, but the greening payment will be worked out using all the land that entitlements are activated against, including land used for permanent crops.

Examples of permanent crops

- Almonds
- Apples
- Apricots
- Artichoke
- Asparagus
- Avocados
- Bilberries
- Blackberries
- Cherries
- Chestnuts
- Citrus fruit
- Cranberries
- Currants
- Figs
- Gooseberries
- Grapes
- Guavas
- Hazelnuts
- Hops
- Lavender
- Loganberries
- Macadamia nuts
- Mangos
- Mangosteens
- Melissa
- Mint
- Miscanthus
- Mulberries
- Papayas and Locust beans
- Peaches
- Pears
- Pecans
- Pineapples
- Pine nuts
- Pistachios
- Plums
- Raspberries
- Reed canary grass
- Rhubarb
- Rosemary
- Sloes and Quinces
- Walnuts

Other fruits under the genus 'Vaccinium' are also permanent crops

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. They include:

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

Land used to grow Christmas trees will not usually be eligible for the Basic Payment Scheme, as the trees are not grown for later transplantation.



Definitions (continued)

Short rotation coppice

Short rotation coppice means areas planted with 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 eligible species for short rotation coppice are:

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

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

Information on CN codes can be found on the European Commission website. Go to www.ec.europa.eu/index_en.htm and search for 'combined nomenclature'.



Who the rules apply to

The table below sets out whether or not the crop diversification and EFA rules apply to a farmer, depending on the amount of arable land that they have.

If the area of arable land you'll have in 2015 is	Do you need to follow the crop diversification rules?	Do you need Ecological Focus Areas?
Less than 10 hectares	No	No
10 hectares to 15 hectares	Yes, you probably will – go to page 22 to check	No
More than 15 hectares	Yes, you probably will – go to page 22 to check	Yes, you probably will – go to page 28 to check

Exemptions

For those businesses that fall within the greening rules, there are some exemptions that may still apply. These are set out below.



The definitions of land types for the Basic Payment Scheme (BPS) are different than they were under the Single Payment Scheme (SPS). Farmers will need to be clear that these exemptions still apply using the new definitions of land types that have been set out in the last two sections (pages 12-16).

Crop diversification exemptions

Under the crop diversification rules farmers may have to grow at least 2 or 3 crops on their holding.

Even if a farmer has 10 or more hectares of arable land in 2015, they may still be exempt from the crop diversification rules. The table below shows all the exemptions from these rules. If any of these apply to a farmer, they will get the greening payment without having to do anything different for crop diversification. However, they will still need to follow the permanent grassland and Ecological Focus Area rules if they apply.

Crop diversification exemptions for 2015 (similar rules will apply after 2015)

Exemption A

More than 75% of your **arable land** will be:

- fallow land
- temporary grassland
- a combination of the above

and the rest of your arable land will be 30 hectares or less

Exemption B

More than 75% of your total **eligible agricultural area** will be:

- permanent grassland
- temporary grassland
- used for the cultivation of crops grown in water (such as Watercress)
- a combination of the above

and the rest of your arable land will be 30 hectares or less.

Exemption C

You have new land and different crops. There are two parts to this exemption:

1. More than 50% of the **arable land** you declare on your BPS 2015 application was not declared on your SPS 2014 application
and
2. All the arable land parcels you declare on your BPS 2015 application must be used to grow a different crop from the 2014 calendar year. (See page 23 for more information on crops).

Information on exemption C was published in the leaflet 'CAP reform in England: What you need to know now'. Further decisions have been made on this and we can confirm that any farmer who wants to use exemption C in 2015, will need to be able to show:

- pesticide application records
- fertiliser application records

This evidence must be shown for each land parcel. Farmers should also provide seed labels and invoices (or other evidence of cropping), if they are available.



Following the crop diversification rules

If these exemptions do not apply, farmers will need to follow the crop diversification rules. More information on this can be found at 'Crop diversification – the rules' (page 22).



Ecological Focus Area exemptions

Under the greening rules, some farmers may need to have Ecological Focus Areas (EFAs) on their holding. However, there are some exemptions. The table below explains all the exemptions from this rule. If any of these apply to a farmer, that farmer will get the greening payment without having to do anything different under the Ecological Focus Area rules. However, they will still have to follow the permanent grassland and crop diversification rules if they apply.

Ecological Focus Area exemptions (these will apply from 2015 onwards)

Exemption A

More than 75% of your **arable land** will be:

- fallow land
- temporary grassland
- used for cultivation of leguminous crops (see the table on the next page)
- a combination of the above

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

Exemption B

More than 75% of your total **eligible agricultural area** will be:

- permanent grassland
- temporary grassland
- used for the cultivation of crops grown in water (such as Watercress)
- a combination of the above

and the rest of your arable land will be 30 hectares or less.



Exemptions (continued)

Leguminous crops

Examples of leguminous crops that could count towards the Ecological Focus Area exemption A (page 19) are shown in the table below. These crops will also count as nitrogen-fixing crops under the EFA rules.

Crop	Genus	This includes:
Beans	<i>Vicia</i>	Broad beans, Field beans, Tic beans, Vetches (if you grow these on their own and they aren't part of a mix)
Chickpea	<i>Cicer</i>	Chickpea
Cowpea	<i>Vigna</i>	Black eye peas, Cowpeas
Fenugreek	<i>Trigonella</i>	Fenugreek
Green beans	<i>Phaseolus</i>	French beans, Green beans, Haricot beans, Runner beans
Lentils	<i>Lens</i>	Lentils
Lupins	<i>Lupinus</i>	Lupins
Peas	<i>Pisum</i>	Feed pea, Mangetout, Marrow fat pea, Snap pea, Snow pea, Vining pea
Soya	<i>Glycine</i>	Soya bean, Soybean

Pasture legumes

The table below shows pasture legumes. If these are grown on their own and they aren't part of a mix they can count as a crop in their own right and they will qualify under exemption A (page 19). However, if these are grown in mixtures with grass they will have to be counted as either temporary or permanent grassland.

Crop	Genus	This includes:
Bird's foot trefoil	<i>Lotus</i>	Bird's foot trefoil
Clover	<i>Trifolium</i>	clovers and some trefoils
Lucerne	<i>Medicago</i>	Lucerne (Alfalfa), Black medic
Sainfoin	<i>Onobrychis</i>	sainfoins
Sweet Clover	<i>Melilotus</i>	sweet clovers

These crops will also count as nitrogen-fixing crops under the EFA rules. They also count as a crop under the crop diversification rules.

Legumes mixed with other crops

If legumes are grown in mixtures with other crops, they must be counted as mixed crops. This usually means that they can't count as nitrogen-fixing crops for EFA (see page 28) or exemption 'A' (page 19).

However, if all the crops of a mixed crop are individually considered to be leguminous crops (see the list above) farmers can count the mixture as 'mixed crop (legumes)'. 'Mixed crop (legumes)' can be counted as nitrogen-fixing crops for EFA and for exemption 'A'. The table below sets out how mixed crop ('legumes'), mixed crop, and temporary and permanent grassland are defined, and whether they are eligible as part of an EFA.

Land use	Cropping	Eligible for EFA (nitrogen-fixing crop) or EFA exemption 'A'
Mixed crop (legumes)	Mixture of 2 or more legumes (from leguminous crop list on page 20)	Yes
Mixed crop	Mixture of 2 or more crops where at least 1 of the crops is not a legume	No
Temporary grassland and permanent grassland	Grass grown with legumes	No

Following the Ecological Focus Area (EFA) rules

If none of the exemptions on page 19 apply, farmers will need to know what they need to have on their land to follow the EFA rules. More information on this can be found at 'Ecological Focus Areas – the rules' (page 28).



Crop diversification: the rules

If farmers don't qualify for one of the exemptions on page 18, they will need to check the number and area of crops they need to grow to meet the crop diversification rules. The table below explains what is required, depending on the area of the holding:

If your holding has:	You must grow:
Between 10 hectares and 30 hectares of arable land	At least 2 different crops on your arable land. Your largest crop must not cover more than 75% of your arable land.
More than 30 hectares of arable land	At least 3 different crops on your arable land: <ul style="list-style-type: none"> • your largest crop must not cover more than 75% of your arable land • the two largest crops together must not cover more than 95% of your arable land. Or If you have: <ul style="list-style-type: none"> • temporary grassland or fallow land which covers more than 75% of your arable land, and • you don't meet any of the exemptions on page 18 because the rest of your arable land is more than 30 hectares. You can count the temporary grassland or fallow land as your main crop, and you don't need to reduce the percentage covered by this crop. On your remaining arable land you need to grow at least 2 other crops. Your main crop on this remaining arable land must not cover more than 75% of this land.



The new EU rules require that where the arable land of a farmer covers between 10 and 30 hectares there shall be at least two different crops on different areas of that arable land over the year. Where the arable land of a farmer covers more than 30 hectares there shall be at least 3 different crops on different areas of that arable land over the year.

For the purpose of inspecting this requirement, we intend to set an inspection period of between 1 May to 30 June (also known as the "cropping period"), where the RPA will inspect a sample 5% of affected claimants.



This two month period takes account of traditional cultivation practices in England for the majority of arable crops. Farmers who have three eligible crops in the ground, in the right proportions, during this period can be confident that they will be complying with the rules. However, we also want to ensure that those who do not have all three crops planted in that period are also able to comply.

Should any crops be harvested before 30 June, the RPA will accept the presence of stubble as being evidence of a crop that has already been grown. We are also looking at the possibilities for accepting evidence if crops are not present at the time of inspection, such as physical signs or organic matter in the soil, or photographs and records.

This is one of the areas where we are seeking greater flexibility in our discussions with the European Commission.

We are also looking to establish exceptions for late-sown crops or crops with a very short growing period and we are working with the industry to devise special arrangements for non-standard crops including vining peas, maize and those vegetable and salad crops where the application of a two month inspection period is impractical due to the continuous nature of the harvest operation.

If the land is fallow throughout May and June, it can be counted as one of the crops for crop diversification.

We will provide final confirmation of the remaining details when discussions with the European Commission are completed. This is likely to be in the autumn.



What counts as a 'crop' for the crop diversification rules?

Under the rules a 'crop' can be any of the following, if they are present during the cropping period (see above) in the Basic Payment Scheme year (the calendar year):

- a) a culture of any of the different genera defined in the botanical classification of crops (see below and pages 24-25 for examples)
- b) a culture of any of the species in the case of Brassicaceae, Solanaceae, and Cucurbitaceae (see pages 25 and 26 for examples)
- c) land lying fallow (fallow land, see page 13)
- d) grasses or other herbaceous forage (temporary grassland, see page 13)



Information on crops under 'a' and 'b' can be found on the next few pages. The definitions of fallow land and temporary grassland were explained in the 'Definitions' section on page 12 - they do count as crops under the crop diversification rules. For fallow land to qualify under the EFA rules, there is a different period when it needs to be present during the calendar year – see page 31 for more information. More information on mixed crops is on page 27.

Examples of crops in 'a'

Some of the crops most commonly grown in England that would count under 'a' are listed below. This is not an exhaustive list and more examples will be added to it over the next few months. The most up to date list will be on GOV.UK: www.gov.uk/cap-reform.

Crop name	Genus	Includes
Barley	<i>Hordeum</i>	Feed barley, Malting barley, Two row barley, Six row barley
Basil	<i>Ocimum</i>	all Basils
Beet	<i>Beta</i>	Beetroot, Chard, Field beet, Fodder beet, Mangolds, Redbeet, Sugar beet
Borage	<i>Borago</i>	Borage
Buckwheat	<i>Fagopyrum</i>	Buckwheat
Canary seed	<i>Phalaris</i>	Canary seed

Crop diversification: the rules (continued)

Crop name	Genus	Includes
Carrot	<i>Daucus</i>	Carrot
Celery	<i>Apium</i>	Celeriac, Celery
Chickpea	<i>Cicer</i>	Chickpea
Chicory	<i>Chichorium</i>	Chicory, Endive, Italian chicory, Radicchio
Daffodil	<i>Narcissus</i>	All daffodils
Dill	<i>Anethum</i>	Dill
Evening primrose	<i>Oenothera</i>	Evening primrose
Fennel	<i>Foeniculum</i>	Fennel
Fenugreek	<i>Trigonella</i>	Fenugreek
Field Beans	<i>Vicia</i>	Broad beans, Field beans, Tic beans
Green Beans	<i>Phaseolus</i>	French beans, Green beans, Haricot beans, Runner beans
Hemp	<i>Cannabis</i>	Hemp
Lentils	<i>Lens</i>	Lentils
Lettuce	<i>Lactuca</i>	Butterhead lettuce, Cos lettuce, Iceberg lettuce, Lettuce, Romaine lettuce
Linseed	<i>Linum</i>	Flax, Linseed
Lupins	<i>Lupinus</i>	Lupins
Maize	<i>Zea</i>	Corn, Maize, Sweetcorn
Millet	<i>Echinochloa</i>	Millet
Oats	<i>Avena</i>	Feed oats, Naked oats, Porridge oats, Quaking oats
Onions	<i>Allium</i>	Chives, Garlic, Onions, Leeks, Scallions, Shallot, Spring onions
Oregano	<i>Origanum</i>	Oregano, Marjoram
Parsley	<i>Petroselinum</i>	All Parsleys
Parsnips	<i>Pastinaca</i>	Parsnips
Peas	<i>Pisum</i>	Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea, Vining pea
Poppy	<i>Papaver</i>	Poppy
Quinoa	<i>Chenopodium</i>	Quinoa
Rye	<i>Secale</i>	Rye, Winter rye (for cover)
Sage	<i>Salvia</i>	Clary sage, Sages
Soya	<i>Glycine</i>	Soya bean, Soybean
Spinach	<i>Spinacia</i>	Spinach
Strawberry	<i>Fragaria</i>	Strawberry
Sunflower	<i>Helianthus</i>	Sunflower
Sweet potato	<i>Ipomoea</i>	Sweet potato
Thyme	<i>Thymus</i>	All thymes
Triticale	<i>Triticosecale</i>	Triticale
Tulip	<i>Tulipa</i>	All tulips

Crop name	Genus	Includes
Wheat	<i>Triticum</i>	Biscuit wheat, Common or Bread wheat, Durum wheat, Einkorn, Feed wheat, Red wheat, Spelt
Yam	<i>Dioscorea</i>	Yam

The examples of pasture legumes on page 20 will also count as a crop under the crop diversification rules if they are grown on their own.

Examples of crops in 'b'

Some of the crops that would count under 'b' (on page 23) are shown in the table below. Individual crops within a single species count as one crop for crop diversification. For example, if you grew Cabbage and Cauliflower these are both one species, 'Brassica oleracea'. For the crop diversification rules, these would count as one crop.

Brassicaceae

Crop name	Species	Includes
Brown mustard	<i>Brassica juncea</i>	Brown mustard
Cabbage	<i>Brassica oleracea</i>	Broccoli, Brussels sprouts, Cabbages, Calabrese, Cauliflower, Chinese kale, Kale, Kohlrabi, Red cabbage, Savoy cabbage, White cabbage,
Crambe	<i>Crambe maritima</i>	Crambe, Seakale
Horseradish	<i>Armoracia rusticana</i>	Horseradish (syn. Cochlearia armoracia)
Mustard	<i>Sinapsis alba</i> (Sometimes <i>Brassica sinapsis</i>)	White or Yellow mustard.
Radish	<i>Raphanus sativus</i>	Radish
Rapeseed	<i>Brassica napus</i>	Industrial rape, Oilseed rape, Swede
Rocket	<i>Eruca sativa</i>	Rocket
Turnip	<i>Brassica rapa</i>	Bok choy, Chinese cabbage (Pak choy), Turnip, Turnip rape
Watercress	<i>Nasturtium officinale</i>	Watercress

Solanaceae species

Crop name	Genus	Includes
Tobacco	<i>Nicotiana tabacum</i>	Tobacco
Potato	<i>Solanum tuberosum</i>	Early potato, Maincrop potato, Seed potato
Tomato	<i>Solanum lycopersicum</i>	Tomato

Crop diversification: the rules (continued)

Crop name	Genus	Includes
Aubergine	<i>Solanum melongena</i>	Aubergine, Eggplant
Pepper	<i>Capsicum annuum</i>	Bell pepper, Chilli pepper
Chilli	<i>Capsicum baccatum</i>	Bishop's crown chilli, Lemon drop chilli, Peppadew chilli
Tree chilli	<i>Capsicum pubescens</i>	Tree chilli

Cucurbitaceae species

Crop name	Genus	Includes
Squash	<i>Cucurbita pepo</i>	Pumpkins, Squashes, Marrows, Zucchini, Courgettes
Japanese pie squash	<i>Cucurbita argyrosperma</i>	Japanese pie squash
Siam pumpkin	<i>Cucurbita ficifolia</i>	Siam pumpkin, Seven year melon
Banana squash	<i>Cucurbita maxim</i>	Banana squash, Buttercup squash
Butternut squash	<i>Cucurbita moschata</i>	Butternut squash, Cheese pumpkin
Water melon	<i>Citrullus lanatus</i>	Water melon
Cucumber	<i>Cucumis sativus</i>	Cucumber
Melon	<i>Cucumis melo</i>	Melons

Spring or winter crops

Spring and winter varieties of eligible crops will count as separate crops for the crop diversification rules. The National List and the Processors and Growers Research Organisation's (PGRO) Recommended List both have details on whether a crop is a spring or winter variety.

The National List is published every year by the Food and Environment Research Agency (FERA): www.fera.defra.gov.uk/plants/publications/gazette.cfm

The PGRO Recommended List is part of the National List: www.pgro.org/index.php/

If the lists do not state whether it is a spring or winter crop, it should be counted as a spring crop for the crop diversification rules.

More information on whether or not other crop types not on these lists can be classed as spring or winter varieties will be published in October.



Mixed crops

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

1. Undersowing a main crop

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

2. Sowing a seed mixture

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

If two different seed mixtures are grown, these can count as separate crops if:

- it can be shown that the species included in each of them are different from each other, and
- they do not fall under the definition of temporary grassland

3. Growing rows of 2 or more crops at the same time

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

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

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

Ecological Focus Areas: the rules

If none of the exemptions on page 19 apply to a farmer, they will need to know what features need to be on their land to meet the Ecological Focus Area (EFA) rules.

Ecological Focus Areas are made up of areas and/or features on a holding. EFAs need to be equivalent to at least 5% of the total arable land declared on the BPS application.

Farmers can choose which areas and/or features they'll use to make up their EFA. They can choose from:



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



To be counted as an EFA, the area or feature must be 'at your disposal' and be on – or next to – a farmer's arable land.

Land used for nitrogen-fixing crops, catch crops and cover crops, and fallow land will count as arable land. Any buffer strips or hedgerows that are included as part of an EFA must be next to arable land too.

EFA features and areas



<p>Buffer strips</p>	<p>Buffer strips must be:</p> <ul style="list-style-type: none"> • next to watercourses, or • parallel with, and on a slope leading to, a watercourse. <p>'Watercourses' are defined as all surface waters, including coastal water, estuaries, lakes, ponds, rivers, streams, canals and field ditches. Temporarily dry watercourses are included.</p> <p>To qualify under the EFA rules buffer strips must have a minimum width of 1 metre (this should be measured from the top of the bank where buffer strips are next to watercourses). This is the same as the buffer strips you'll have for cross compliance. You can use the same buffer strips to meet the greening and cross compliance rules.</p> <p>There must be no production taking place on a buffer strip – but grazing and/or cutting is allowed. Sowing of wild bird seed mixes or nectar sources is permitted on in-field buffer strips parallel to the watercourse (see the information on wild-bird and nectar seed mixes on page 31).</p>
<p>Nitrogen - fixing crops</p>	<p>The list of nitrogen-fixing crops is in the tables on page 20 under 'Leguminous crops' and 'Pasture legumes'.</p> <p>Nitrogen-fixing crops have to be in the ground for the same period as crops under the crop diversification rules (pages 22-23).</p> <p>The minimum area of nitrogen-fixing crops you can count as part of your EFA is 0.01 hectares.</p>

Hedges

We don't have all the details on hedges for EFAs yet, because we're still discussing some of the rules with the European Commission. More information on hedges will be published in October, but we can confirm that:

Hedges can be used as an EFA feature if:

- the length of the hedge is located between two arable land parcels that are at your disposal, and
- both sides of the hedge are next to the arable crops in those land parcels

Pages 32-33 explain how to measure these types of hedges.

We are checking with the European Commission how hedges that are next to arable land at your disposal on one side (not both) should be measured for EFAs. This means we are not sure yet how hedges should be measured where one side is next to a:

- non-arable land parcel under your control
- land parcel under your neighbour's control, or
- non-agricultural area (a road for example).

More information will be published on how these should be measured in October.

We're also discussing with the Commission how:

- gaps in hedges will be handled
- hedges which have features or areas of land that separate them from crops on arable land (for example hedges with a ditch between them and the arable crops) can be used.

If a farmer wants to use hedges as part of their EFA, this could delay their BPS 2015 payment. This is because the European Commission requires us to make sure that hedges have been declared correctly in BPS applications. We will do all that we can to minimise any delays.



Ecological Focus Areas: the rules (continued)

Catch crops/ cover crops

These must consist of a sown mix of at least 2 different cover types (1 cereal and 1 non-cereal) that:

- establish quickly
- achieve ground cover
- will utilise available nutrients

This would include Rye, Vetch, Phacelia, Barley, Mustard, Oats and Lucerne. It does not include crops that are usually grazed – except where grass is undersown in a previous crop.

Catch crops will need to be established by 31 August in the Basic Payment Scheme year and retained until at least 1 October in the same year.

Cover crops will need to be established by 1 October in the Basic Payment Scheme year and retained until at least 15 January the following year.

The minimum area of catch/cover crops you can count as part of your EFA is 0.01 hectares.

More information about the crops that will count as catch and cover crops will be published in October.



Fallow land

See page 13 for a definition of fallow land for BPS. For fallow land to qualify as part of your EFA, it must also:

- meet the definition of fallow land for the whole of the fallow period (1 January to 30 June) in the scheme year that you are claiming it as part of your EFA. For fallow land to qualify under crop diversification there is a different time period (see page 22).
- have a minimum width of 2 metres
- not have any crop planted or sown on it during the fallow period

Land under temporary grass can be used as fallow land, but grass can't be sown on this land during the fallow period.

There is no restriction on how many years land is classed as fallow under the EFA rules. It will remain arable.

Wild-bird seed mixes and nectar sources can be planted during the fallow period. These should be an unharvestable mix of at least two crops that support wildlife and pollinators. Advisers from the Campaign for the Farmed Environment can help farmers to maximise the benefits from these practices.

Wild-bird seed mixes	Nectar sources
Should be an area with a balanced combination of small-seed bearing crops. For example, Barley, Triticale, Kale, Quinoa, Linseed, Millet, Mustard, Fodder radish, Sunflower. This will benefit over-wintering birds.	Should be an area with a mixture of nectar-rich plants. For example, Red clover, Alsike clover, Bird's foot trefoil, Sainfoin, Musk mallow, Common knapweed. This will benefit nectar feeding insects like butterflies and bumble bees.

There aren't any other management rules for fallow land, but the cross compliance rules must still be followed on this land.

The minimum area of fallow land you can count as EFA is 0.01 hectares.



Ecological Focus Areas: the rules (continued)

More than one feature / area on the same piece of land

Under the EFA rules, there can be more than one feature or area on the same land parcel – as long as they don't occupy exactly the same area of land during the year.



For example, catch crops could be grown on one half of the land parcel and nitrogen-fixing crops on the other. However, if nitrogen-fixing crops were grown, then a catch or cover crop was grown on exactly the same area of land in the same year, they couldn't both be claimed as EFA areas.

How to meet the EFA Rules



The new CAP Information Service can help farmers work out if they are meeting the crop diversification and EFA rules, so long as an applicant enters the right land and feature details for their holding.

To check if they'll be meeting the 5% requirement, farmers will need to:

1. work out their EFA requirement
2. measure their features and areas (checking they're on or next to their arable land)
3. work out what their features and areas are worth under the EFA rules
4. see if they have the equivalent of 5%

1. Work out the EFA requirement

To work out the equivalent of 5% of the total arable land that is declared on the BPS application, take the amount of arable land and multiply it by 0.05.

Example

If you have 200 hectares of land, of which 120 hectares is arable land, the EFA requirement is: $120 \times 0.05 = 6$ hectares.

2. Measure the features and areas

The table below explains how each of the features and areas need to be measured if they are being used for an EFA.

Buffer strips	You'll need to measure the length of these.
Nitrogen-fixing crops	You'll need to measure the area of the land you have these on.
Hedges	You'll need to measure the length of these.
Fallow land	You'll need to measure the area of the land you have.
Catch crops/ cover crops	You'll need to measure the area of the land you have these on.

3. Work out what the features and areas are worth under the EFA rules

Some EFA features (hedges and buffer strips) are worth more than their actual measurement. Some are worth less than their actual measurement (catch/cover crops and nitrogen-fixing crops).

Once the EFA features and areas have been measured (length in metres or area in square-metres), farmers can then work out the total EFA equivalent area these features and areas will add up to.

The table below explains how to work out what each feature or area is worth under the EFA rules.

Hectares

If your measurements are in hectares (ha), multiply your figures by 10,000 (x10,000) to change them to square-metres (m²).

Feature / area	What it's worth under the EFA rules
Hedges	For both sides of the hedge: 1 metre of length is worth 10 square-metres of area More information on how much one side of a hedge is worth under EFA rules, and how it can be worked out, will be published in October.
Buffer strips	1 metre of length is worth 9 square-metres of area
Fallow land	There is no change with fallow land. 1 square metre of fallow land is worth 1 square-metre of area under the EFA rules
Catch crops/ cover crops	1 square metre is worth 0.3 square-metres of area
Nitrogen-fixing crops	1 square metre is worth 0.7 square-metres of area*

*The European Commission are planning to increase the amount nitrogen-fixing crops are worth under the EFA rules from 0.3 to 0.7 square-metres. They haven't published the regulation with this change in yet, but for this leaflet we have used 0.7 square-metres. We'll let you know when this has been confirmed by the commission.

Example

You have 120 hectares of arable land you plan to claim on in 2015 with:

- 8,800 metres of hedges (you are using both sides of your qualifying hedges)
- 2,500 metres of buffer strips.
- 1 hectare of spring beans (nitrogen-fixing crop)

You need 6 hectares of EFA (5% of 120 hectares).

Ecological Focus Areas: the rules (continued)

Convert your hedges and buffer strips to show what they are worth for EFA using the numbers in the table on the previous page:

- Hedges: when you are including both sides 1 metre of length is worth 10 square-metres, so multiply the number of metres of hedge by 10.
 $8,800 \times 10 = 88,000$ square-metres
- Buffer strips: 1 metre of length is worth 9 square-metres, so multiply the number of metres of buffer strip by 9.
 $2,500 \times 9 = 22,500$ square-metres

Then convert your hectare of beans into square-metres (1 hectare is equal to 10,000 square-metres):

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

1 square-metre of nitrogen-fixing crops is worth 0.7 square-metres under the EFA rules. So multiply the number of square metres you have by 0.7:

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

Your total area in square-metres is:

Hedges:	88,000 square-metres
+ Buffer strips:	22,500 square-metres
+ Nitrogen-fixing crops:	7,000 square-metres
	= 117,500 square-metres

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

$$117,500 / 10,000 = 11.75 \text{ hectares.}$$

4. See if there is the equivalent of 5%

To work out if a farmer's Ecological Focus Area is the equivalent of 5% of their total arable land, divide the total area of your EFA by the total arable area. Then multiply this answer by 100. This will give you the EFA percentage (%). If it's 5% or more, that meets the EFA rules.

There is no penalty if you have more than 5%. You might want to have more than the equivalent of 5% to make sure you meet the rules.

Example

You have 120 hectares of arable land and 11.75 hectares of EFA features/areas. To work out the percentage your areas and features are worth, divide the amount of EFA area you have by the hectares of arable land you have.

In the example shown in this leaflet, this would mean dividing 11.75 hectares of EFA features by 120 hectares of arable land. Then multiplying the answer by 100 to convert it into a percentage:

$$11.75 / 120 = 0.0979$$

$$0.0979 \times 100 = 9.79\%$$

In this example, the rules are being met as the equivalent of more than 5% of the total arable land is an EFA. Having more than 5% is acceptable under the greening rules.

Greening: some other things you need to know

Dual use

We will publish more information in October on whether different people will be able to use the same land to claim payments under BPS and another scheme at the same time.

We do know that where land is let out under a tenancy agreement (Agricultural Holdings Act or Farm Business Tenancy):

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



Greening and your agri-environment payment

If a farmer has an Entry Level Stewardship (ELS), Organic ELS or Uplands ELS agreement which started on or after 1 January 2012, the agri-environment payment for some of their options could be reduced. Natural England will write to those farmers that have these agreements soon to tell them how their payments may be affected and about the choices available to them.

If a farmer is told by Natural England that their payment will be reduced, they will have until 15 November 2014 to tell Natural England what they want to do.

If a farmer has an Entry Level Stewardship (ELS), Organic ELS (OELS) or Uplands ELS agreement which started before 1 January 2012, their payment won't be affected. Payments for options under Higher Level Stewardship and payments for ELS/OELS agreements that underpin HLS, where they also run for 10 years, won't be affected by greening. The Higher Level Stewardship (HLS) agreement start date is not relevant.

Environmental Stewardship agreement holders may be able to use some of their options to meet EFA. That includes those with an ELS, Organic ELS or Uplands ELS agreement that started on, or after 1 January 2012.

Cross border farming: land in England and somewhere else in the UK

Businesses that farm in England and somewhere else in the UK (Northern Ireland, Wales or Scotland), will need to meet the greening rules at a holding level. This means that they will need to count all of their land in the UK as one and make sure they meet the new rules across all of their land as a whole.

What this means for crop diversification rules

The crop diversification rules apply across the whole of their holding. It doesn't matter which part of the UK the land is in. So if a farmer has land in England and Wales and plants:

- main crop (65%) in England
- 2nd crop (25%) in England
- 3rd crop (10%) in Wales

they would meet the crop diversification rules.

What this means for Ecological Focus Areas

It means the same for the EFA rules as well – all land must be treated as one holding. For example, if a farmer's main holding is in England, but they also have land in Scotland, they could use areas or features on their Scottish land to count towards their EFA to meet the greening rules.

However, there are some complications. We know there are some differences in the areas and features which other parts of the UK count as EFAs. So, although 5% can be made up of areas and features from anywhere a farmer has eligible land in the UK, that farmer will also need to make sure that each area or feature that they use qualifies as an EFA for the part of the UK it's in.

There are differences. For example in England a farmer can use buffer strips next to water courses to meet the rule, but in Northern Ireland they can't.

Transferring land during the Basic Payment Scheme year

If land is transferred during the Basic Payment Scheme year, it will still need to meet the greening rules.

If a farmer transfers out land before 15 May 2015, they won't be able to include it in their Basic Payment Scheme (BPS) claim. That land will also not count towards them meeting the greening rules. The person they transfer the land to can include it in their BPS claim and that person would then be responsible for meeting the greening rules.

If a farmer transfers land out after 15 May, they will still be responsible for making sure that any greening features or areas they declared on that land are maintained for the rest of the year.

If a farmer transfers land out after 15 May and any greening features or areas on that land are changed or removed, or the land cannot be inspected, they might lose some of their greening payment.

Claimants will need to carefully consider the terms of any transfer before transferring any land.



More information will be published throughout the rest of the year. Meanwhile, there is further information at:

- **www.gov.uk/cap-reform** – this web page is dedicated to CAP reform. It's got all the latest news, as well as all the leaflets and publications we've released so far.
- **'An Introduction to the new Common Agricultural Policy schemes in England'** – this leaflet was published in April 2014 and can be found on GOV.UK at the address above. It gives a simple summary of the new schemes and explains what to expect over the coming months.
- **'CAP reform in England: What you need to know'** – this was sent to farmers who claim for the Single Payment Scheme in March 2014. It includes information about transferring SPS entitlements before the scheme ends, as well as an introduction to the crop diversification rules. It can be found on GOV.UK at the address above.

The main European regulations governing the Basic Payment Scheme and greening are EU Regulation No. 1307/2013 and EU Regulation No. 1306/2013.

Farming Advice Service

The Farming Advice Service offers advice on greening and cross compliance, for more information call 0345 345 1302 or email advice@farmingadvice.org.uk.

The Farming Advice Service also offers information through events. To see if there are events planned near you, visit www.farmingadvice.org.uk/events/

Campaign for the Farmed Environment

The Campaign for the Farmed Environment can provide information on how to protect and enhance the environmental value of your farmland. Visit their website for more information: www.cfeonline.org.uk.

Disclaimer/legal notice

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

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

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