



Rural Payments
Agency



Basic Payment Scheme: rules for 2016



Get everything you need to know about the Basic Payment Scheme 2016:
www.gov.uk/rpa/bps2016

Claim BPS online



Find out more at:
www.gov.uk/rpa/bps2016



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What's changed for 2016?

The Basic Payment Scheme (BPS) rules for 2016 are largely similar to those of 2015. However there are some important things to remember.

Claim BPS online in 2016

In 2016, farmers can apply for the Basic Payment Scheme online, using the Rural Payments service. In fact, they'll be able to do more than just apply. They will also be able to transfer entitlements, print digital maps and more.

Checks have been built into the service to help farmers with their application. There will also be help onscreen.

RPA will send all registered customers more information about applying online as part of their application pack. Paper forms will be available for those that need them.

BPS on GOV.UK

Everything about the Basic Payment Scheme in 2016 (including how to apply online) is on GOV.UK - go to www.gov.uk/rpa/bps2016. There is also extra guidance for those farmers who use areas of common land or shared grazing, and those who have land in more than one part of the UK.

RPA will update this page with all the latest guidance and information about the scheme.

Application deadlines

The deadline for RPA to receive applications is midnight on 16 May 2016. Late applications can be accepted – see the 'Key dates for 2016' chapter for more.

Active farmer

As in 2015, farmers must qualify as an 'active farmer' and they must declare this on their application. Those farmers who qualify under the 'readmission criteria' will need to provide supporting evidence. They must do this in 2016 even if they provided evidence in 2015.

If a farmer declared that they were an 'active farmer' on their BPS 2015 application, their active farmer status lasts until they apply for BPS 2016 (when they need to confirm that they are still an 'active farmer').

Greening rules

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

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

How to apply for new entitlements ('new' and 'young' farmers only)

In 2016, new and young farmers can apply for a new allocation of entitlements. This year, there is a separate form to do this, which will be published on GOV.UK.

Key dates for 2016

Cross compliance rules must be followed all year.

1 January

- Official start of the BPS 2016 scheme year

1 January 2016 to 31 December 2016

- Ecological focus area (EFA) period for hedges (which must be present all year unless newly planted) and buffer strips (which must be present all year)
- Cross compliance rules must be followed all year

1 January 2016 to 30 June 2016

- EFA period for EFA fallow land

15 January 2017

- EFA cover crops must be retained until at least this date

1 May 2016 to 30 June 2016

- Crop diversification period and EFA period for nitrogen-fixing crops

16 May (midnight)

- BPS 2016 application deadline
- Deadline for RPA to receive evidence to prove active farmer, young farmer or new farmer status
- Deadline for BPS 2016 entitlement transfers (only the person who holds an entitlement on this date can use it to get paid for BPS in 2016)
- Land you use to claim BPS in 2016 has to be 'at your disposal' (only the person who has the land at their disposal on this date can use it to get paid for BPS in 2016)
- Deadline for RPA to receive applications for new entitlements from new or young farmers

31 May (midnight)

- Deadline to make changes to an application without receiving a penalty

10 June (midnight)

- 'Late application' deadline

31 August 2016

- EFA catch crops must be established by this date (and retained until at least 15 January 2017)

1 October 2016

- EFA catch crops must be retained until at least this date
- EFA cover crops must be established by this date

1 December

- Payment 'window' opens

31 December

- Official end of the BPS 2016 scheme year

30 June 2017

- Payment window ends

Making an application

What farmers need to declare on their BPS application (online or on paper) and when.

How to apply

Applications should be made every year. If a farmer doesn't apply, they won't receive a payment in that scheme year.

In 2016, farmers can apply online – using the Rural Payments service - or on paper using a BP5 application form.

To apply online, go to www.gov.uk/claim-rural-payments, click 'start now' and follow the help onscreen. All registered farmers will receive a paper guidance booklet called 'How to claim BPS online'.

Applying on paper

Farmers who didn't apply online for the old Single Payment Scheme in 2014 will also receive a paper application pack, including a paper application form and a guidance booklet called 'How to claim BPS on paper'. However, these farmers can still choose to apply online, by calling 03000 200 301.

What farmers need to declare on their application

As part of applying, farmers (or their agent, if they use one) need to declare the following:

- how they qualify as an 'active farmer'
- all the agricultural land parcels and areas on their holding
- the 'land use' and any ineligible features that can't be claimed for
- what eligible land they're using with their entitlements
- how many entitlements they want to use to claim for payment (which must be at least 5)
- their preferred payment currency (sterling (£) or euros (€))

If applicable, they may also need to:

- declare what ecological focus areas they have
- confirm if they are exempt from the greening rules (for example, provide organic certification)
- declare if they want to apply for the young farmer payment
- fill in a separate application to apply for new entitlements (new and young farmers only)
- provide evidence to prove their active farmer or new/young farmer status
- fill in separate applications for land they have in other parts of the UK

If farmers are using an area of common land for grazing, they must declare all of their rights in their application form (even if they choose not to claim payment for them)

Sending evidence with an application

Applicants who need to send evidence with their application must do this early enough for RPA to receive it (and their application) by the BPS application deadline of midnight on 16 May 2016.

If RPA receive evidence late, the application it relates to may be treated as late too and a penalty could be applied. The application may be rejected entirely if the evidence is received after midnight on 10 June 2016.

RPA will need originals of any evidence, so farmers may want to keep copies. All evidence should be sent to RPA by post. Before sending evidence, applicants should put their name and address on the front page, and their SBI on every page. RPA will post confirmation receipts for any evidence received and if they are returning evidence, they'll do so by post (usually within 3 working days). Applicants should keep any evidence after RPA has returned it, in case RPA needs to see it again in the future.

Deadline for applications

The deadline for applications (and any supporting evidence, like an active farmer certification form), is midnight on 16 May 2016.

Applications received after midnight on 16 May 2016 but by midnight on 10 June 2016 will be considered as 'late applications' and will receive a penalty (apart from cases of force majeure). Applications received after the 10 June 2016 will be rejected (apart from cases of force majeure).

Changing a BPS application

Farmers must tell RPA as soon as possible if they want to change an application after it's been submitted.

Until midnight on 31 May 2016 farmers can, without a penalty:

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

Farmers can still make these changes after midnight on 31 May 2016 but RPA will apply a penalty. These changes can't be made after midnight on 10 June 2016.

Farmers can't make these changes if:

- they have already been told about any non-compliance affecting the agricultural parcel they want to amend

- an inspection has revealed a non-compliance affecting the agricultural parcel they want to amend
- they have received advance warning of an inspection

‘Notified errors’

Farmers can notify RPA of errors in their application - for the purpose of avoiding a penalty - at any time unless they have:

- already been told of any non-compliances in their application, or
- received advance warning of an inspection.

RPA will not apply penalties in these specific cases of notified errors. For information on amendments which will increase an applicant’s claim, read ‘Changing an application after it has been submitted’ in the ‘Payments, reductions and penalties’ section.

‘Obvious errors’

If a simple mistake has been made on an application (which is obvious from a simple check), RPA may be able to correct it at any time without applying a reduction or a penalty (this is sometimes called an ‘obvious error’).

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

Withdrawing all or part of an application

Farmers can withdraw an application at any time unless:

- they’ve already been told about any non-compliances in their application
- an inspection has revealed any non-compliances in their application
- they have received advance warning of an inspection

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

- they’ve already been told about any non-compliance affecting the part of the application they want to withdraw
- an inspection has revealed a non-compliance affecting the part of the application they want to withdraw
- they have received advance warning of an inspection

This includes non-compliances found by Natural England or the Forestry Commission when they cross-check BPS information against Rural Development agreement(s) (such as for Countryside Stewardship).

Who can claim BPS

To claim BPS (and receive entitlements), applicants must be a 'farmer' and also qualify as an 'active farmer'.

The BPS definition of 'a farmer'

For BPS, a 'farmer' is a person/group of people, or a business that does at least one of the following on their holding:

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

For BPS, these are known as an 'agricultural activity'.

What is a 'holding'?

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

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

The 'active farmer' rule

To claim BPS, a farmer (or farming business) must qualify as an 'active farmer'. They can either qualify automatically or if they meet one of the readmission criteria.

They qualify as an active farmer automatically if their BPS 2015 claim was worth €5,000 (£3,656.45) or less, before any penalties were applied or cross compliance reductions were made.

Farmers who didn't claim BPS in 2015 can still qualify automatically if their claim would have been worth €5000 or less, had they applied. They can call RPA to check if they qualify.

Farmers who were 'active farmers' for BPS in 2015

Unless their circumstances change, if a farmer declared that they were an 'active farmer' on their BPS 2015 application, their active farmer status lasts until they apply for BPS 2016 (when they need to confirm that they are still an active farmer). This means if a farmer wants to transfer in entitlements for a BPS 2016 application, they can do so before they submit their BPS 2016 application.

However, if their circumstances change and it affects their active farmer status, they must tell RPA.

Farmers with BPS 2015 claims worth more than €5,000

Farmers can still qualify automatically as an active farmer - even if their BPS 2015 claim was worth more than €5,000 (£3,656.45), before any penalties were applied or cross compliance reductions were made.

To do this, they must declare whether the business that is claiming BPS will be operating any of 5 specific 'non-agricultural activities' at any time in 2016. If they won't, they will qualify automatically as an 'active farmer'.

The non-agricultural activities are:

- airports
- railway services
- waterworks
- real estate services
- permanent sport and recreational grounds

Read more detailed definitions of the 5 non-agricultural activities below.

(The active farmer rule is different to the rules about what non-agricultural activities are allowed on eligible land.)

Farmers who operate any of the 5 non-agricultural activities

If the business that's claiming BPS operates any of the 5 non-agricultural activities above, it might still be able to qualify as an active farmer if it meets certain criteria – called the 'readmission criteria'.

What does 'operate' mean?

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

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

'Readmission' for farmers who operate non-agricultural activities

If the business operates any of the 5 non-agricultural business activities above, they might still be able to qualify as an active farmer by meeting at least one of the 'readmission criteria'.

They must tell RPA which one applies to them when they fill in their active farmer declaration.

The readmission criteria are:

- they have 36 hectares or more of eligible land
- the farmer's total agricultural receipts were at least 40% of their total receipts in their most recent financial year (normally no more than 3 years before the year they are applying)
- the value of the farmer's BPS claim - or Single Payment Scheme claim if they didn't apply for BPS in 2015 (before any penalties or cross compliance reductions), was equivalent to at least 5% of their total non-agricultural receipts in their most recent financial year (normally no more than 3 years before the year they are applying)

How to qualify as an active farmer under the readmission criteria

Farmers with 36 hectares or more of eligible land don't need to provide anything extra to prove they are an active farmer – they just need to make sure they declare all their eligible land on their BPS application.

For the other 2 criteria, farmers will need to ask an accountant to complete an 'Accountant certificate – active farmer status'. RPA must receive the completed certificate as evidence by midnight on 16 May 2016.

Read the 'Accountant certificate – active farmer status' form and guidance on GOV.UK for more information.

Until RPA has received this evidence, applicants will not qualify as an active farmer and so can't receive payments or have entitlements transferred to them.

Evidence for 'readmission' must be sent every year

Farmers must send a new 'Accountant certificate - active farmer status' each time they use the readmission criteria to apply for BPS. If a farmer sent one in with their BPS 2015 application, they must complete a new one for BPS 2016 and not send a copy of the 2015 certificate.

Farmers with more than one business

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

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

Example 1:

A farmer can apply as a sole trader for BPS and be an active farmer, even if they are also a director of a limited company which operates an airport. The sole trader is making the BPS application, not the limited company. The limited company is a separate business.

Example 2:

An employee of a business that operates one of these activities can still qualify as an active farmer for their own holding.

If a farmer doesn't qualify as an active farmer, they must not put in place, or have put in place, arrangements intended to allow them to qualify.

Example:

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

The 5 non-agricultural business activities - definitions

Airports

Includes:

- airports licensed by the Civil Aviation Authority

Does not include:

- military airbases
- unlicensed aerodromes and landing strips

Railway services

Includes:

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

Does not include:

- tramways
- miniature railways

Waterworks

- Utility companies licensed to put water into the public supply

Real estate services

Includes:

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

Does not include renting out:

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

Permanent sport and recreational grounds

These are grounds where all 3 of the following apply:

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

They do not include:

- an indoor facility that is completely enclosed

Examples of 'permanent sport and recreational grounds'

Camping grounds and caravan sites	If specifically for this use (and maintained throughout the year for this use) and there are permanent structures such as toilet and washing blocks.
Cricket, football or rugby pitch	If the pitch is maintained throughout the year for cricket, football or rugby and there are permanent structures such as a spectator stand or pavilion.
Cross-country jumping course	If the cross-country course is permanent and maintained for this purpose and there are permanent structures such as a spectator stand.
Fields or village greens used for village fêtes, music festivals, sports days	If specifically for and maintained throughout the year to be suitable for sporting or recreational use, with permanent fixtures or structures for enjoyment or spectating.
Formal or ornamental gardens (for public use or paid access)	If maintained for visits by the public or paying guests and there are permanent structures such as a shop or toilets specifically for the use of visitors.
Golf course	If the course is maintained for golf throughout the year, and there are permanent structures for the use of players or visitors such as a club

	house, driving range with nets or stalls, or a spectator stand.
Manège (surfaced riding arena)	If it includes a permanent structure such as a spectator stand, judge's cabin or stables provided for the use of visiting participants.
Nature reserve	If maintained as a nature reserve and there are permanent structures such as viewing hides.
Point-to-point courses, eventing course	If the course is permanent and maintained for this purpose and there are permanent structures like spectator stands.
Shooting ranges, clay pigeon shooting	If the range is maintained throughout the year for shooting and there are permanent structures for shooting such as shooting stalls or targets.
Stables and/or livery stables	If they include grounds such as a manège with permanent facilities like a judge's cabin or spectator seating.
Track (enclosing an area of land) for motorsport, speedway, cycling, running, horse riding	If the area of land enclosed is maintained for this purpose and there are permanent structures such as a spectator stand or saddling boxes.
Waterpark	A complex of pools and other permanent structures (such as slides) that is a ground specifically for recreation.
Woods, quarries or other non-agricultural areas used for recreation (such as paintball, orienteering, climbing, assault courses)	If the area is maintained for this purpose and there are permanent structures such as a cabin or changing rooms.

The following don't meet the definition of 'permanent sport and recreational grounds':

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

Land

Every year, farmers claiming BPS must declare all of the agricultural land on their holding, as well as any non-agricultural land they use for a Rural Development scheme or the National Forest Changing Landscape Scheme.

Agricultural land - what farmers must declare

Agricultural land is:

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

All other land is 'non-agricultural'.

What land to declare on an application

On their BPS application, farmers must declare all the agricultural areas on their holding that are 'at their disposal' and are 0.01 hectares or more – whether or not they use that land to claim BPS.

Farmers must have at least 5 hectares of eligible land to claim for BPS and each land parcel a farmer uses in their claim must have a total eligible area of 0.1 hectares or more. Farmers can only use land that is 'at their disposal' on 16 May 2016 to claim for BPS.

Farmers must also declare all the non-agricultural land they are using to claim for any of the following schemes:

- Countryside Stewardship
- Entry Level Stewardship
- Organic Entry Level Scheme
- Uplands Entry Level Scheme
- Higher Level Stewardship
- English Woodland Grant Scheme
- Farm Woodland Premium Scheme
- Farm Woodland Scheme
- National Forest Changing Landscape Scheme

Land 'at your disposal'

Farmers can only claim for payment in 2016 on land that is 'at their disposal' on 16 May 2016.

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

- owner-occupier farming the land parcel themselves or employing a contractor
- tenant with a Farm Business Tenancy under the Agricultural Tenancies Act 1995 or an Agricultural Holdings Act 1986 tenancy (or equivalent). Read more about these tenancies at www.gov.uk/guidance/agricultural-tenancies

The land parcel is not at their disposal if they are:

- a contractor carrying out operations under the overall direction of the farmer
- a landlord whose tenant has a Farm Business Tenancy under the Agricultural Tenancies Act 1995 or an Agricultural Holdings Act 1986 tenancy (or equivalent)
- farming the land under licence

How to decide who has land at their disposal

An area of land can only be at the disposal of one farmer in a single BPS scheme year. If more than one farmer is using the land, they should consider:

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

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

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

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

If farmers are inspected, they may need to provide evidence showing how they have land at their disposal.

Dual use: land used by more than one applicant to claim under different schemes

A land parcel can be at the disposal of a BPS applicant on 16 May, even if another applicant is using the land to claim for Countryside Stewardship, Environmental Stewardship or the English Woodland Grant Scheme. This is sometimes called 'dual use.'

Dual use is allowed for higher-tier Countryside Stewardship (CS) agreements with a start date of 1 January 2016. Dual use is not allowed for mid-tier agreements with a start date of 1 January 2016. RPA are still considering how dual use will apply to Countryside Stewardship agreements with a start date of 1 January 2017 and will issue further guidance soon.

Applicants in a dual use situation must be able to demonstrate that they are meeting the rules and eligibility requirements of the scheme they are claiming for. The BPS applicant must have a written record which shows both:

- the rights and responsibilities they and the other applicant in the dual use situation each have for the land
- that they have the land at their disposal on 16 May 2016

This could be a tenancy agreement, a letter, or both. It must be signed and dated by both applicants before 16 May 2016. RPA inspectors may ask to see this.

Share farming agreements

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

All of the land in the agreement must be included on that 1 farmer's application. They must have the land at their disposal on 16 May 2016 and hold the entitlements at midnight on 16 May 2016.

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

What land is eligible for BPS

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

- permanent grassland
- arable land
- permanent crops

Land is also eligible if it was used to claim for SPS in 2008, and has become non-agricultural under certain Rural Development agreements or the National Forest Changing Landscape Scheme, and is still covered by that agreement.

All of the agricultural land farmers use to claim for BPS must be used primarily for an agricultural activity for the whole calendar year. The land must be at the farmer's disposal on 16 May 2016.

Permanent grassland

Permanent grassland is land which is used to grow grasses or other herbaceous forage for 5 or more consecutive years. It can be self-seeded or sown.

Permanent grassland includes:

- areas of bracken, salt marshes, reed beds and light scrub (including gorse bushes and briar) if the land is managed so that:
 - they are suitable for grazing and
 - grasses and other herbaceous forage remain predominant
- areas of heather - where these are kept in a state suitable for grazing.

Permanent grassland does not include areas of dense scrub which prevent grazing.

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

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

Grasses and herbaceous forage

This is any herbaceous plant traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the UK. These plants include:

- lucerne
- sainfoin
- forage vetches
- clovers

It doesn't include:

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

Arable land

'Arable land' is:

- land cultivated for crop production - this includes:
 - land used for combinable crops
 - crops grown as root crops and/or fibre (including hemp)
 - crops grown for animal feed, such as forage maize and forage rape
 - field vegetables
 - cut flowers or bulbs and soft fruit (other than permanent crops)
- fallow land
- temporary grassland

Fallow land

Fallow land is land which has been taken out of a crop rotation and is maintained in a state suitable for grazing or cultivation.

Fallow land is particularly important for farmers who need to follow the greening rules. To count as an ecological focus area (EFA), fallow land must be kept fallow from 1 January 2016 to 30 June 2016. To count as a 'crop' for crop diversification, fallow land must be kept fallow from 1 May 2016 to 30 June 2016.

Temporary grassland

Temporary grassland is:

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

Land can only be declared as temporary grassland for 5 consecutive years. After that, it will normally become 'permanent grassland'.

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

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Temporary grassland	Permanent grassland				

Land under some agri-environment scheme options is treated as 'arable land' for BPS even though it may have been temporary grassland for 5 consecutive years.

Temporary grassland that is declared as fallow land for EFA will not convert to permanent grassland for the entire time that the land:

- is declared for EFA, and
- remains fallow

Land in agri-environment schemes

Arable land that is taken out of production to be used for one of the following agri-environment options is still treated as 'arable' land for BPS. It will remain 'arable' land while it's being used for the agri-environment option and will not become permanent grassland.

The time land is used for one of these options doesn't count when working out whether temporary grassland becomes permanent grassland after 5 years.

Example

A farmer has a land parcel which was temporary grassland for 3 years. The parcel was then taken out of production under an agri-environment scheme option for 5 years (see tables below).

Once the land comes out of the option, it will still be classed as temporary grassland (which is arable land). At the next BPS deadline after the land comes out of the option it will be counted as the fourth year of grassland (not the ninth).

2008 (Year 1)	2009 (Year 2)	2010 (Year 3)	2011	2012	2013	2014	2015	2016 (Year 4)
Temporary grassland	Temporary grassland	Temporary grassland	Agri-environment scheme	Temporary grassland				

Environmental Stewardship

Option	Description
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

Option	Description
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. The land must have been set-aside at the time the applicant 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
EC1, HC1, OC1 and OHC1	Protection of infield trees on arable/rotational land
HC5	Ancient trees in arable fields

Countryside Stewardship

Options	
AB1	Nectar flower mix
AB3	Beetle banks
AB5	Nesting plots for lapwing and stone curlew
AB8	Flower-rich margins and plots
AB9	Winter Bird Food
AB16	Autumn sown bumblebird mix
BE1	Protection of in-field trees on arable land
OP2	Wild bird seed mixture
SW1	4-6m buffer strip on cultivated land

Options	
SW3	In-field grass strips
SW4	12-24m watercourse buffer strip on cultivated land
WD3	Woodland edges on arable land
WT2	Buffering in-field ponds and ditches on arable land

Habitat Scheme

Option
Tier 1B

Permanent crops

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

These crops include crops grown in nurseries, multi-annual crops and short rotation coppice.

Read the list of crops on page 69 to find out what counts as a permanent crop for BPS. Permanent crops cannot be used to meet the greening rules – they should not be included when calculating the area of arable land on a holding.

Nurseries

These are areas of young woody plants grown in the open air, on soil, in greenhouses or under poly-tunnels for later transplantation. They include:

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

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

Short rotation coppice

These are areas planted with the following species:

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

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

Factors which can affect whether land is eligible or not

Land used with entitlements to claim BPS must be eligible throughout the calendar year.

Farmers must also follow the cross compliance rules.

Utility and transport works

If a farmer has utility or transport works taking place on their land, it can sometimes mean that the land isn't eligible for BPS that year, as well as breaching certain cross compliance rules. If this

happens, affected farmers may want to seek compensation for lost payments and/or entitlements from the organisation carrying out the work.

If this happens after the farmer has already applied for BPS, they should either:

- ask RPA to remove the land from the area used to claim BPS on their application, or
- request that RPA consider it as 'force majeure' (each case will be considered individually)

If the farmer could have anticipated that the work was going to take place on their land during 2016 when they applied for BPS, this will not be treated as force majeure.

Flooded land

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

Transferring land to someone else during the year

Land can be transferred at any time.

However, in cases where the farmer transferring the land (the transferor) has included it on their BPS 2016 application, it is still their responsibility to make sure the land:

- stays eligible for BPS for the rest of the year (or is withdrawn from their BPS claim)
- continues to meet the greening rules in the way it was declared on their 2016 application
- meets the cross compliance rules for the whole year (unless the person they've transferred it to is also claiming BPS – in which case they take over this responsibility)

Farmers transferring land should make sure that any contract they have is clear about what happens if any of the BPS, greening or cross compliance rules are broken, or if inspectors are refused access to the land.

Claiming BPS on land in agri-environment and woodland schemes

Land used in an agri-environment scheme can still be eligible for BPS, depending on the management of options involved.

Some management options require that the land is taken out of agricultural use. Normally, this would mean it's not eligible for BPS because it is no longer 'agricultural' land that is being used for an 'agricultural activity'. However, this land is eligible for BPS if both of the following apply:

- it was used with entitlements to claim under the Single Payment Scheme (SPS) in 2008, and
- it's used for one of the options below, or is declared under the National Forest Changing Landscape scheme

The land is only eligible for BPS for as long as it remains in one of the options listed below. Typically, this land would have been declared under land use code 'SA2' or 'SA3' under SPS.

Countryside Stewardship option	
CT4	Creation of inter-tidal and saline habitat on arable land
CT5	Creation of inter-tidal and saline habitat by non-intervention
CT7	Creation of inter-tidal and saline habitat on intensive grassland
UP6	Upland livestock exclusion supplement
WD1	Woodland creation – Maintenance Payments
WD9	Livestock exclusion supplement – scrub and successional areas.
WT6	Management of reedbed
WT7	Creation of reedbed
WT8	Management of fen
WT9	Creation of fen
WT10	Management of lowland raised bog
SP9	Threatened species supplement

Higher Level Stewardship (including agreements underpinned by Entry Level Stewardship (ELS) or Organic Entry Level Stewardship (OELS) where there is no agricultural production, and Upland Entry Level Stewardship (UELS) where there is no agricultural production)	
Option code	Option name
HC9	Creation of woodland in Severely Disadvantaged Areas
HC10	Creation of woodland outside Severely Disadvantaged Areas
HC11	Woodland livestock exclusion supplement
HP5	Maintenance of coastal saltmarsh
HP6	Restoration of coastal saltmarsh
HP7	Creation of inter-tidal and saline habitat on arable land
HP8	Creation of inter-tidal and saline habitat on grassland
HP9	Creation of inter-tidal and saline habitat by non-intervention
HP11	Salt marsh livestock exclusion supplement
HQ3	Maintenance of reedbeds
HQ4	Restoration of reedbeds

Option code	Option name
HQ5	Creation of reedbeds
HQ6	Maintenance of fen
HQ7	Restoration of fen
HQ8	Creation of fen
HQ9	Maintenance of lowland raised bog
HQ10	Restoration of lowland raised bog
UC22	Woodland livestock exclusion
UHC22	Woodland livestock exclusion
UOHC22	Woodland livestock exclusion

Farm Woodland Premium Scheme and Farm Woodland Scheme

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

Option code	Option name
A	Arable land (outside the Severely Disadvantaged Area)
AL	Arable land in the lowlands
IA	Improved arable
IG	Improved grassland
IL	Other improved land in the lowlands
OC	Other improved land
U	Unimproved land
UU	Unimproved land/Upland

English Woodland Grant Scheme

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

Option code	Option name
WCG	Woodland creation grant
WCGS	Woodland creation grant special broadleaf
WRG	Woodland regeneration grant

Non-agricultural activities allowed on eligible land

To be eligible for BPS, land has to be used primarily for an agricultural activity. If agricultural and non-agricultural activities are taking place on the same land, the land won't be eligible if the

intensity, nature, duration, and timing of the non-agricultural activity significantly interferes with agricultural activity.

The following non-agricultural activities are allowed – the land is still eligible because the land is still being used primarily for an agricultural activity:

- walking
- bird watching
- military training
- nature/farm visits by schools or other educational institutions
- horse or bicycle riding along bridleways, or on tracks, margins or other permitted routes
- fishing
- shooting game
- deer stalking
- drag hunting
- paragliding and hang-gliding
- hedge-laying competitions, local ploughing competitions or other demonstrations of farming that don't break the cross compliance rules (though if these events include trade stands, they are covered by the list of activities with a 28-day limit)

Activities allowed for 28 days

These non-agricultural activities are allowed – but not for more than a total of 28 days in the calendar year (whether consecutive or not):

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

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

If these activities go over the 28-day limit due to circumstances beyond the farmer's control, this might be considered force majeure.

The 28-day limit is not the same as operating any one of the 5 non-agricultural business activities under the active farmer rule.

Examples of other activities not usually allowed

Land used for the following activities will usually mean that it is being used primarily for a non-agricultural activity:

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

This land cannot be used to claim BPS unless the farmer can prove that the non-agricultural activity doesn't significantly interfere with the agricultural activity on the land.

Eligible and ineligible 'features'

Some features on agricultural land are not eligible for BPS.

All ineligible features that are 0.01 hectares or bigger will be mapped by RPA and farmers must deduct them from their eligible areas.

Some ineligible features may be small and scattered across a land parcel. If together they add up to 0.01 hectares or more, they will be mapped by RPA and farmers must deduct them from their eligible areas.

Farmers must notify RPA if any ineligible features are not correctly mapped.

Example

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

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

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

List of features

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

Feature	BPS eligibility
Animal shelters	Eligible if a temporary or mobile structure on a natural surface (such as bare soil). Not eligible if they are on a hard standing.
Bracken	Eligible (as 'permanent grassland') only if it's managed so that: <ul style="list-style-type: none"> • grasses and other herbaceous forage remain predominant, and • it's suitable for grazing
Buildings (residential, commercial or agricultural)	Not eligible.
Earth banks	Eligible if protected under cross compliance.
Farmyards	Not eligible.
Fenced off pylons	Not eligible.
Gallops (non-grass)	Not eligible.
Glasshouses and polytunnels	Not eligible if on a hard standing or if used to grow ineligible crops.
Grass strips, buffer strips or margins located in parcels of arable and/or permanent crops	Eligible as long as they meet the cross compliance rules
Hard standing	Not eligible.
Heap – compost, muck	Eligible if: <ul style="list-style-type: none"> • it's stored in the field on which it is to be used • the amount stored is appropriate for that field (larger amounts are ineligible) • it will be used as part of the normal cultivation cycle Not eligible if it's in the same place for more than 3 years.

Heap – straw, hay, silage	<p>Eligible if:</p> <ul style="list-style-type: none"> • it is stored in the field from which it was harvested, or on which it is to be used • the amount stored is proportionate to what could/can actually be used on the field the heap is located in (larger amounts are ineligible) <p>Not eligible if it's in the same place for more than 3 years.</p>
Heather	Eligible (as 'permanent grassland') if it's managed so that it's in a state suitable for grazing.
Hedges	Eligible if protected under cross compliance.
Machinery (on grass or bare soil)	Not eligible if it has been stored in the same place for a year or longer.
Peat production	Land used for producing peat is not eligible.
Pond	Not eligible.
Railway	Not eligible.
Recreational parks	Not eligible, unless used primarily for an agricultural activity.
Residential gardens	Not eligible.
Salt marshes and reed beds	<p>Eligible (as 'permanent grassland') only if it's managed so that:</p> <ul style="list-style-type: none"> • grasses and other herbaceous forage remain predominant, and • it's suitable for grazing.
Scree / rock outcrops / boulders	Not eligible.
Scrub – including gorse bushes and briar	<p>Eligible (as 'permanent grassland') only if it's managed so that:</p> <ul style="list-style-type: none"> • grasses and other herbaceous forage remain predominant, and • it's suitable for grazing. <p>'Dense scrub' is not eligible.</p>
Solar panels	<p>Land parcels which contain solar panels are ineligible.</p> <p>If the panels are concentrated in one end of a field, the rest of the land can be eligible if the 2 areas are registered as individual land parcels and separated by a permanent boundary.</p>
Stone banks	Eligible if protected under cross compliance.
Stone walls	Eligible if protected under cross compliance.

'Table top' strawberries	As long as the land is eligible (for example not concrete or hard standing), the cropped area, including normal headlands, is eligible and should be counted as strawberries for crop diversification.
Tracks, paths and roads	<p>Eligible when used as part of the agricultural activity carried out on the land parcel (examples include grass tracks, paths and bridleways). Tracks and paths created by animal access or the need to access the agricultural area are eligible.</p> <p>Ineligible if the track, path or road has a manmade surface, is part of a transport network entering and exiting a parcel (even if used by tractors only) or when it is not part of the agricultural activity carried out on the parcel.</p>
Trees	<p>Trees are eligible if they:</p> <ul style="list-style-type: none"> • are scattered within an agricultural parcel (each tree is surrounded by agricultural land), and • allow agricultural activity to be carried out in the same way as in parcels without trees in them. <p>Areas of woodland preventing agricultural activity are not eligible.</p>
Turf production	Eligible unless it's used for fuel production.
Walkway - grass strip between fenced paddock	<p>Eligible if:</p> <ul style="list-style-type: none"> • it is 0.1 hectares or more in size • it is grazeable and predominantly used for agriculture
Watercourses – ditch / drain / dyke / river / stream	<p>Eligible if it forms part of a field boundary and if it is up to 4 metres wide for the majority of its length.</p> <p>If it is not part of a field boundary, it is eligible if the overall area of ineligible features in the field does not exceed 0.01 hectares.</p>

For more information about which features need to appear on your maps, read the RLE1 guidance and the guidance about how to apply on GOV.UK.

Entitlements

How to use and transfer BPS entitlements in 2016.

What are entitlements?

Entitlements are what farmers use to get paid for BPS. To use entitlements to get paid, a farmer must have at least 5 entitlements and at least 5 hectares of eligible land to use with them on their BPS application.

For each land parcel a farmer wants to claim BPS for, the minimum number of entitlements they can use for the land parcel is 0.10.

Those qualifying as 'new' or 'young' farmers can apply for new entitlements. Farmers can choose to give up their entitlements by filling in an RLE1 form.

Payment 'regions'

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

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

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

Entitlement values

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

The value of entitlements will be worked out once RPA knows the total number of hectares of eligible land claimed for in each region in 2016 (this usually happens in November and the values are likely to be similar to those in 2015). Entitlement values do not include the greening part of a farmer's payment, or the Young Farmer Payment, which are worked out separately.

How to use entitlements

Only the person who holds an entitlement at midnight on 16 May 2016 can use it to be paid for BPS. They must have a hectare of eligible land at their disposal to go with it and this land must be in the same payment region as the entitlement.

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

Using entitlements in 2016

Farmers don’t have to use all of their entitlements in any given year. However, if they don’t use all of their entitlements (in a single application) at least once in every two years, they will lose some in the second year.

If a number of entitlements go unused for two consecutive years, that number of unused entitlements will be lost. This means farmers won’t be able to keep hold of entitlements by ‘rotating’ (swapping) the ones they use from year to year.

If a farmer leases in some entitlements from someone else and also holds some of their own entitlements, lost entitlements will be taken away proportionately (see example 2 below). This means that some (or all) of the leased entitlements won’t be returned to the original owner. RPA will apply the rules on entitlements separately within each payment region.

Example 1:

A farmer holds 50 entitlements on 16 May 2016, all in the same region.

On 15 June 2015, they had 51 entitlements, and 50 hectares of eligible land. Because expiry of entitlements in 2015 was based on declared eligible land, the farmer lost 1 entitlement and kept 50 entitlements.

The farmer chose to use (activate) only 48 of the entitlements in 2015.

In 2016, the farmer only has 48 hectares of eligible land, having transferred 2 hectares of land. They claim BPS on this land, using 48 of their 50 entitlements.

Because BPS entitlements do not rotate, this means that there is a number of entitlements (2) that will not have been used in 2015 or 2016, and this number will be lost.

Example 2:

On 15 June 2015, a farmer had 51 entitlements supported by 50 hectares of declared eligible land. Because of the excess entitlement rule in 2015, 1 entitlement has expired. Of the 50 entitlements remaining, the farmer used (activated) 48 hectares to claim for BPS. This means that 2 entitlements remain unused in 2015. In October 2015 the farmer transferred out 22 hectares of land and 20 entitlements

16 May 2016 the farmer holds 30 entitlements and only has 28 hectares of eligible land. This means that 2 entitlements remain unused in 2016.

Because BPS entitlements do not rotate, there is a number of entitlements (2) that will not have been used in 2015 or 2016, and this number will be lost.

Example 3:

A farmer holds 50 entitlements on 16 May 2016, all in the same region. Of these, 30 are the farmer's own entitlements, and 20 are leased in from another farmer.

On 15 June 2015 the farmer had 51 entitlements supported by 50 hectares of declared eligible land but chose to use (activate) only 45 of the entitlements. Because expiry of entitlements in 2015 was based on eligible land, the farmer will have lost 1 entitlement and kept 50 entitlements.

Of the 50 remaining in 2015, 45 had been used in 2015 and 5 had not been used in 2015. In October 2015 the farmer sells 5 hectares of eligible land.

In 2016 the farmer claims BPS on the remaining 45 hectares of eligible land. So they have 45 entitlements that have been used and 5 that have not been used in 2016.

Because BPS entitlements do not rotate, this means that there is a number of entitlements (5) that will not have been used in 2015 or 2016, and this number will be lost. As the farmer holds leased-in and owned entitlements, RPA will remove the lost entitlements proportionately. 3 of the farmer's own entitlements and 2 of the leased in entitlements will be lost. This means that the leased-in entitlements that have been lost will not be returned to the original owner/lessor.

Transferring entitlements

There are different ways entitlements can be transferred:

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

Entitlements can be transferred online using the Rural Payments service or by using an RLE1 form. Transfers through inheritance or sublease, can only be done using an RLE1 form.

RPA will notify farmers once the transfer is complete.

Although the person transferring the entitlement(s) does not have to be an active farmer, the farmer receiving the entitlements must be an active farmer before the transfer can take place.

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

RPA will deal with transfers of land and transfers of entitlements separately.

When to transfer entitlements

Only the person who holds the entitlements at midnight on 16 May 2016 can use them to get paid in that scheme year. This means all entitlement transfers for the BPS 2016 scheme year also need to be made by midnight on 16 May 2016.

Entitlements can be transferred online at any time. Farmers using an RLE1 form must make sure RPA receive the form by midnight on 16 May 2016 at the latest – otherwise the transfer will not be effective until the 2017 scheme year. Farmers no longer need to send their RLE 1 form 6 weeks in advance of the effective transfer date.

Invalid transfers

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

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

Greening

Every year, farmers claiming BPS need to follow the greening rules, or risk losing some of their payment. Farmers should do their greening calculations each year.

Who has to follow the 3 greening rules?

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

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

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

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

Read the 'Land' section to see which land is eligible for BPS.

Who has to meet the rules?

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

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

Land under tenancy agreements

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

Read more about these tenancies at www.gov.uk/guidance/agricultural-tenancies

What calculations to do for crop diversification and EFA

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

To work out the total area of permanent grassland or permanent crops, include any eligible features as part of the total parcel size when working out greening.

For example, if a farmer has a field with 5 hectares of permanent crops and 0.2 hectares of eligible grass track running through it, the track should be included in the total area of the parcel (5.2 hectares) and be treated as a permanent crop for the purpose of the greening calculations.

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

How greening affects agri-environment agreements

Farmers with an Entry Level Stewardship (ELS), Organic ELS or Uplands ELS agreement which started on or after 1 January 2012, could have their agri-environment payment for some of their options reduced due to greening. Natural England wrote to affected farmers about this in 2014.

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

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

Environmental Stewardship agreement holders can use some of their options as part of their ecological focus areas. That includes those with an ELS, Organic ELS or Uplands ELS agreement that started on, or after 1 January 2012.

Farmers using Environmental Stewardship options as part of their EFAs must:

- use the relevant code for what is on the ground – e.g. fallow land
- follow the rules for both EFAs and their Environmental Stewardship agreement

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

Greening: crop diversification on arable land

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

Which crops count for crop diversification?

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

How many different crops to grow for crop diversification

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

Farmers who have more than 30.00 hectares of arable land must grow at least 3 different crops on it. The area taken up by the main crop must not cover more than 75% of the arable land and the two main crops together must not cover more than 95% (the remaining crops must cover at least 5% of the eligible arable land).

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

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

Farmers with 10 or more hectares of arable land don't need to follow the crop diversification rule if any of the exemptions below apply to them.

Crop diversification exemption 1

The crop diversification rule doesn't apply if more than 75% of the eligible agricultural land on the holding is:

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

and the rest of the arable area is 30 hectares or less.

Crop diversification exemption 2

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

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

Crop diversification exemption 3

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

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

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

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

Farmers who don't meet the exemptions

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

Even if a farmer doesn't meet any of the exemptions above, if they have temporary grassland or fallow land on more than 75% of their arable land, and the rest of their arable land is more than 30 hectares, they can:

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

Example

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

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

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

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

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

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

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

Greening: ecological focus areas (EFA) on arable land

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

What counts as an ecological focus area (EFA)?

The following features and areas can count as EFAs:

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

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

How many EFAs to declare

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

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

If a farmer declares an EFA feature on their application which they can't then carry out during the year, they will be able to nominate an alternative feature/area. However the alternative feature/area must be on (or next to, if it's a hedge or buffer strip) land which they've already declared on their application and must be present (or already declared for land area features such as cover crops) at the time of inspection

Different types of EFAs are worth different amounts towards the total.

Following one EFA land use with another

An area of land can only count as one type of EFA per scheme year. For example, if a farmer declares an area of fallow land as an EFA on their 2016 application and plans to grow a catch crop

on the same land later in 2016, they can't declare the catch crop as an EFA on their 2016 application (because they've already declared that area as EFA fallow land).

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

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

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

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

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

EFA exemption 1

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

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

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

EFA exemption 2

Farmers don't have to declare EFAs if more than 75% of their arable land is any of the following:

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

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

Read the list of crops on page 69 to check what counts as a leguminous crop.

EFA buffer strips

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

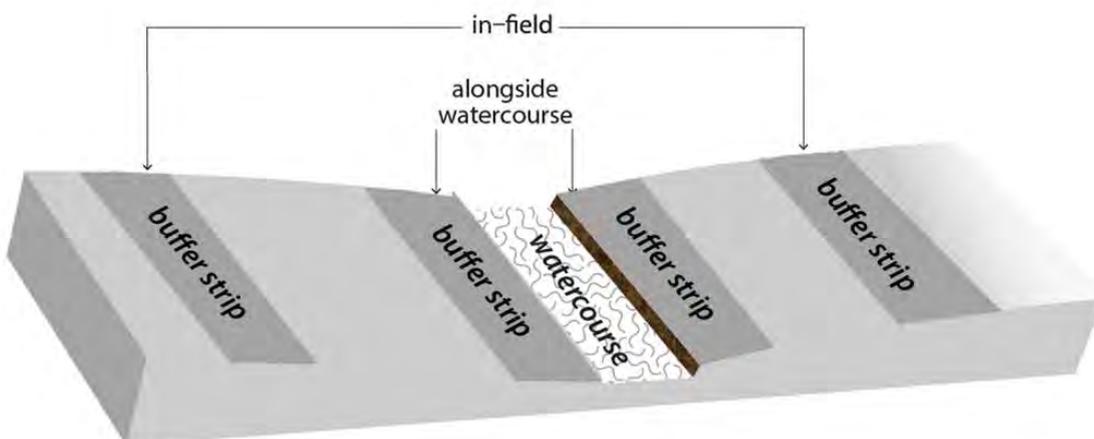
- at least 1 metre wide (edge to edge)
- next to arable land (or within 5 metres of it) and on the arable side of the watercourse
- next to a watercourse or parallel with (and on a slope leading to) a watercourse.

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

A 'watercourse' is any surface waters – including coastal water, estuaries, lakes, ponds, rivers, streams, canals, field ditches. Temporarily dry watercourses still count as a watercourse.



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



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

How to measure a buffer strip

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

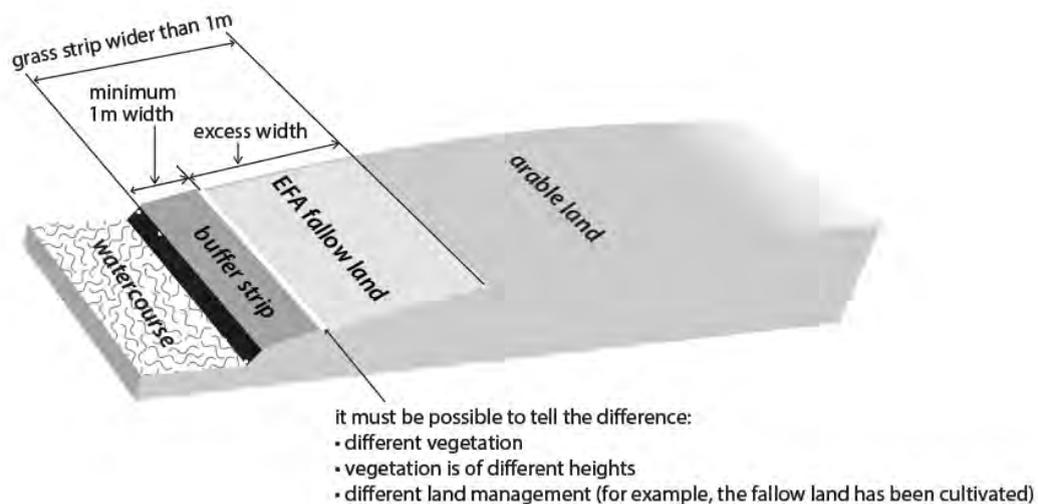
Temporary grass strips: EFA buffer strip and EFA fallow land

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

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

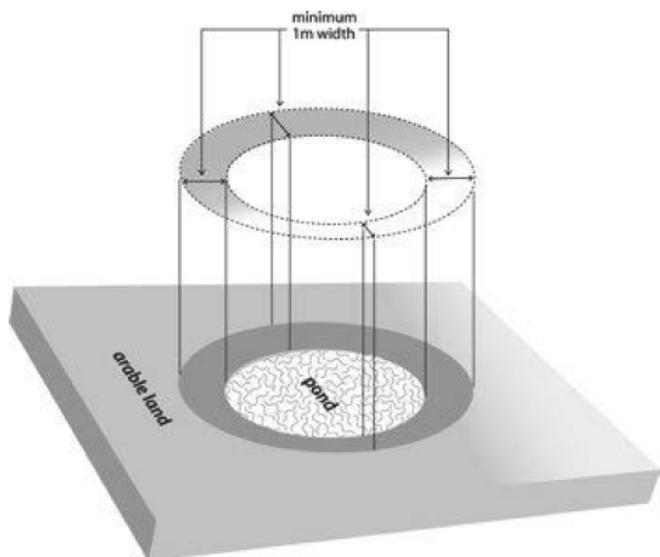
However, it must be possible to tell the difference between the EFA buffer strip and the EFA fallow land during the EFA fallow period (1 January to 30 June). The difference must be visible at an inspection and at least one of the following must apply:

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



Buffer strips alongside a watercourse

Buffer strips around ponds can count as an EFA:



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

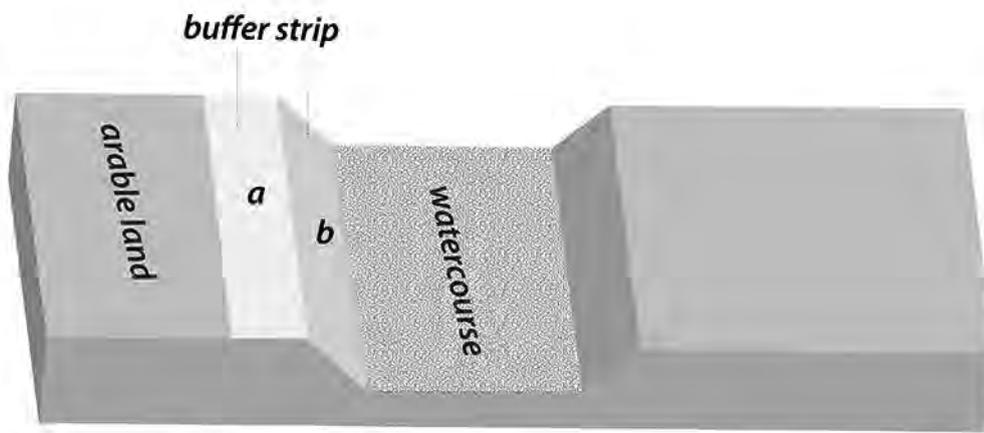


A hedge next to a watercourse can't count as an EFA buffer strip, even if it is carrying out the function of a buffer strip. That means that in the picture above, the hedge can't count as an EFA buffer strip (though it could count as an EFA hedge because it is next to arable land).

Watercourse banks

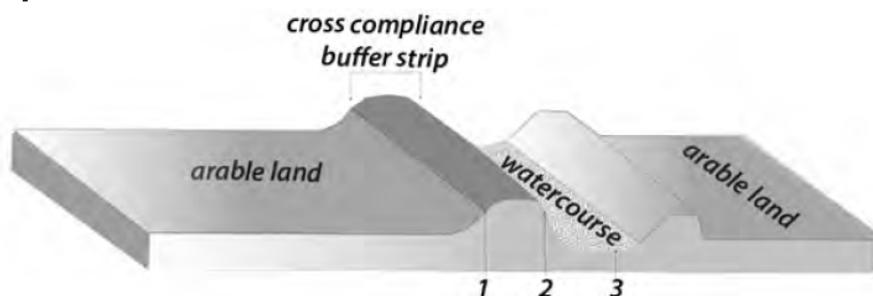
If the bank of a watercourse is suitable for grazing or cultivation (shown as 'a' on the diagram below), it can be considered to be part of the arable area of the parcel and will be eligible for BPS and can count as an EFA.

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



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

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



EFA buffer strips up to 5m from arable land

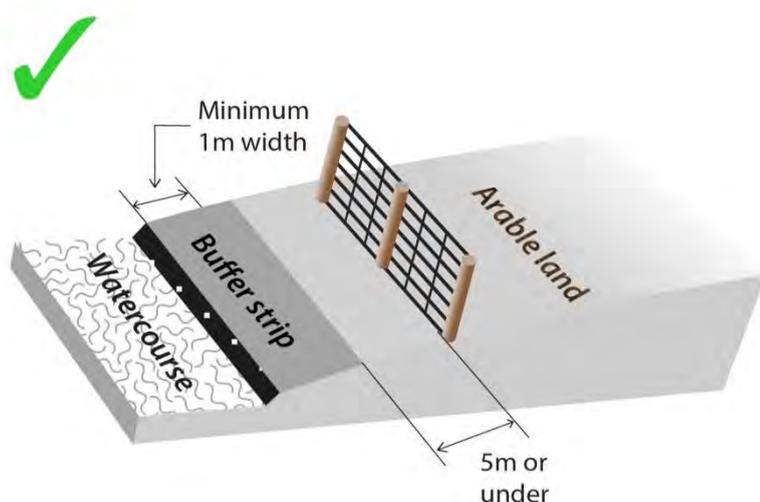
A buffer strip can count as an EFA even if it is separated from arable land by:

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

However, the distance between the buffer strip and the arable land must not be more than 5 metres and in all cases the buffer strip must be on the arable land side of the watercourse it protects.

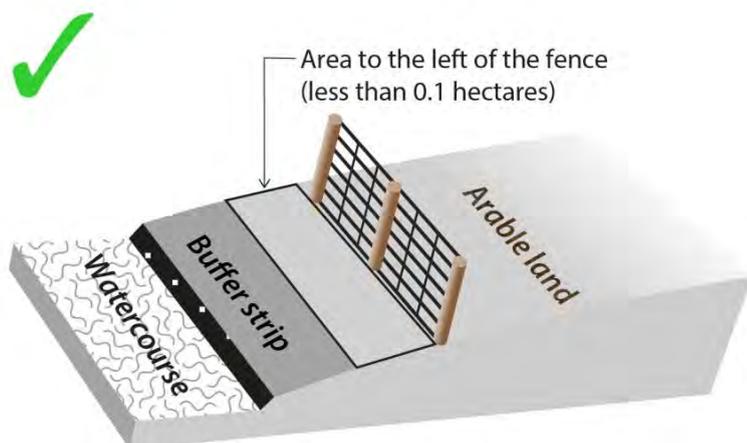
Example 1

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



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

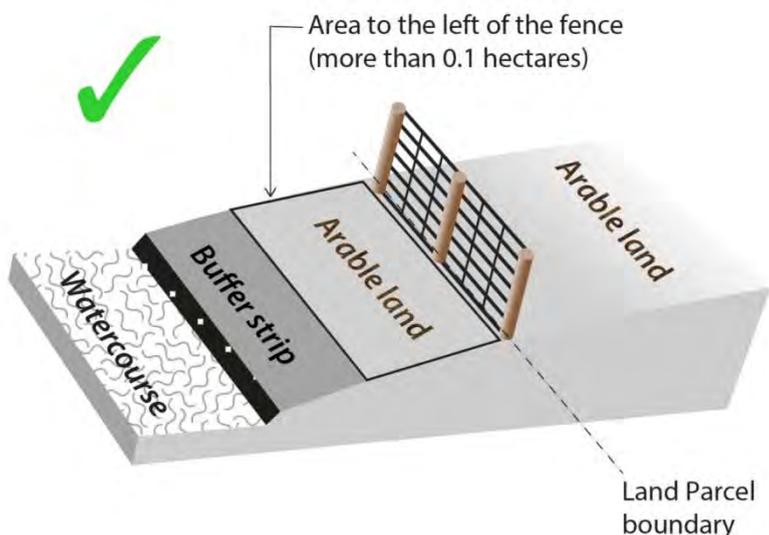
- the area to the left of the fence is arable, or
- the area to the left of the fence is not arable, and the distance between the buffer strip and arable land is less than 5 metres.



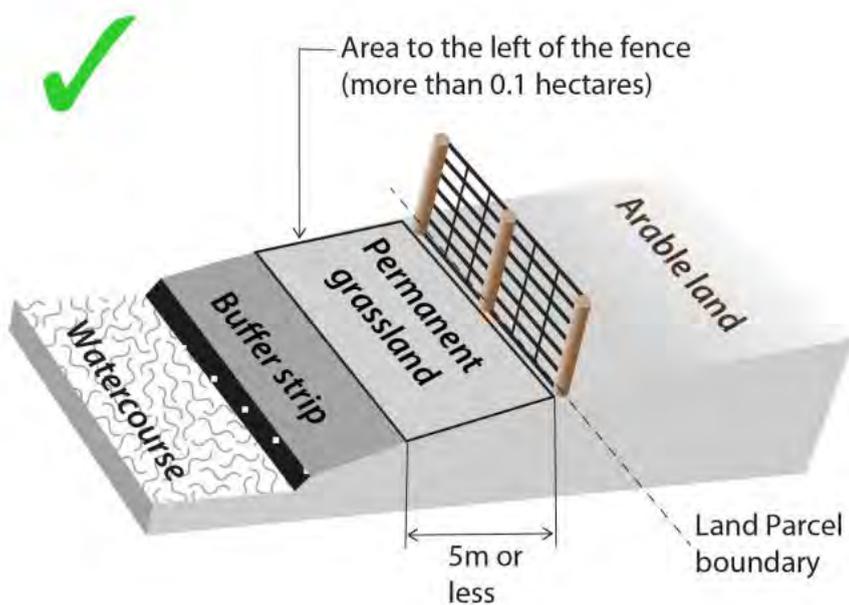
Example 2

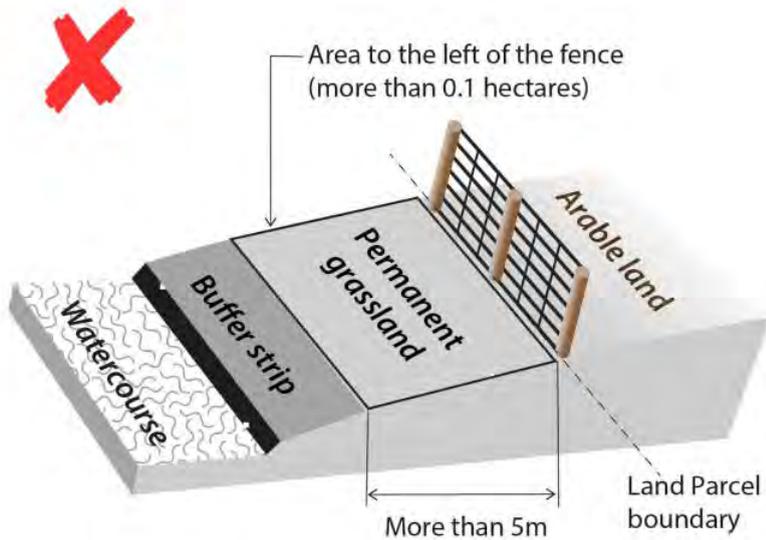
In this diagram, the area to the left of the fence is more than 0.1 hectares. This means it must be declared as a separate land parcel.

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

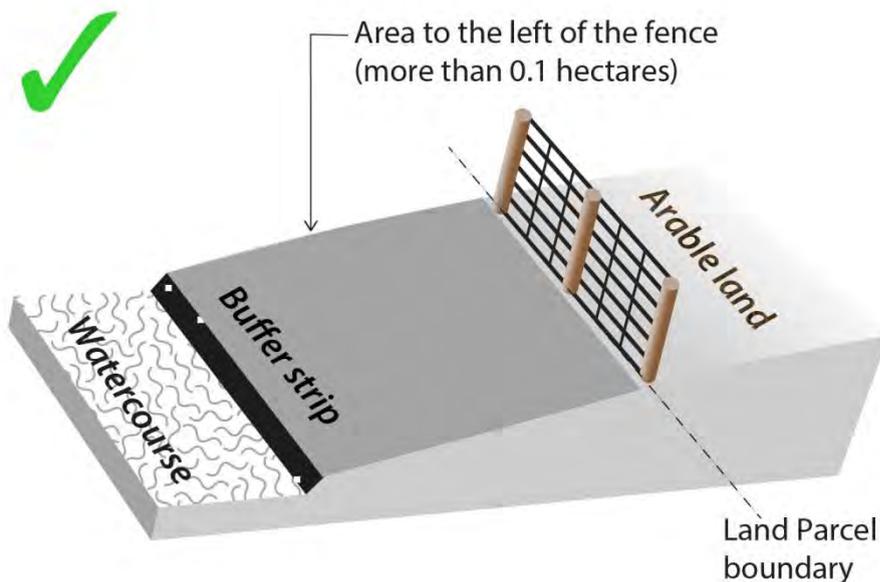


If the new land parcel is permanent grassland, the buffer strip can only count as an EFA if the distance between the buffer strip and the arable land is no more than 5 metres.





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

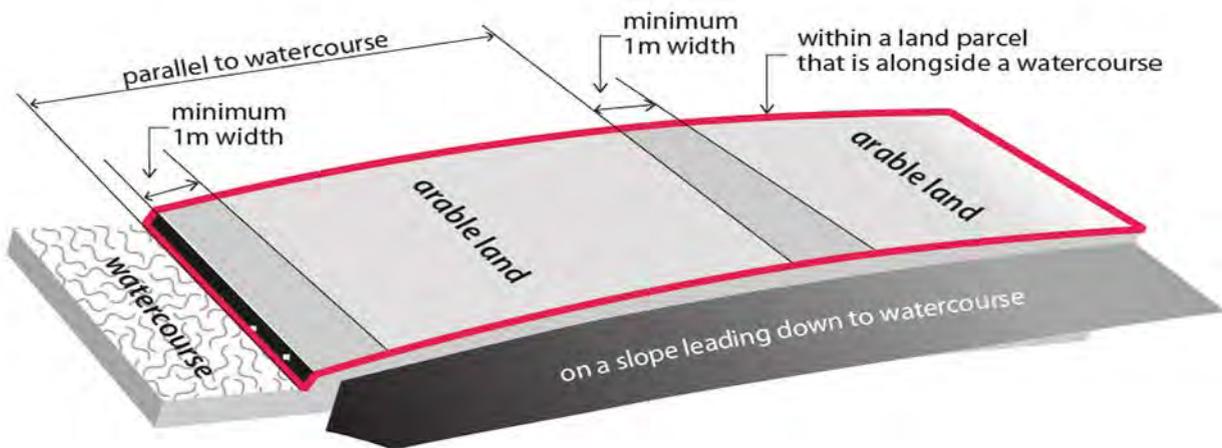


'In-field' EFA buffer strips

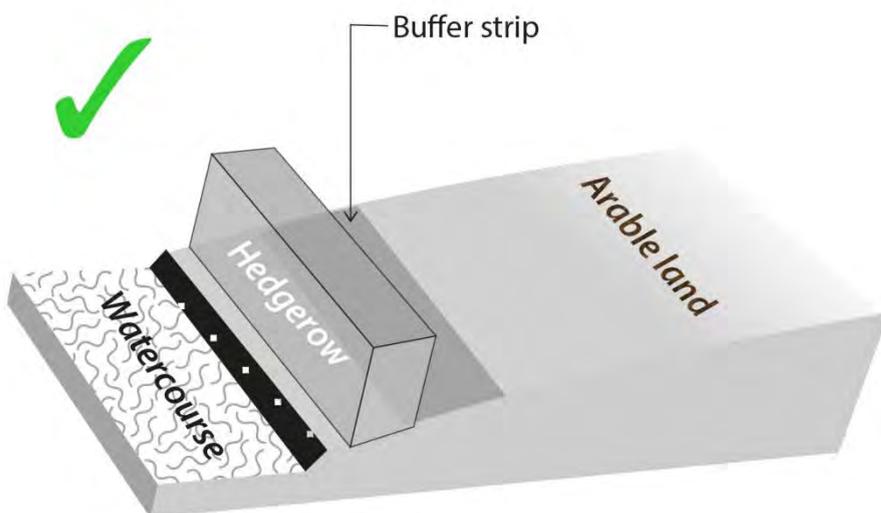
To count as an EFA, an 'in-field' buffer strip must be all of the following:

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

Buffer strips in a field



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



EFA catch crops and cover crops

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

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

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

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

Cereal:

- Rye
- Barley
- Oats

Non-cereal:

- Vetch
- Phacelia
- Mustard
- Lucerne
- Oilseed radish

Grass can be counted as either an EFA catch crop or an EFA cover crop, as long as it was undersown in the previous crop and is visible and dense enough to cover the ground by the start of the catch crop or cover crop period.

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

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

When to grow catch and cover crops

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

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

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

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

EFA fallow land

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

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

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

- the time period which the fallow must be maintained for, and
- what can be claimed for EFA if used for storage

The minimum area of EFA fallow land is 0.01 hectares, with a minimum width of 2 metres. The area(s) occupied by the following don't count as EFA fallow land, and should not be used in any EFA calculations:

- bales of hay
- silage
- straw
- muck
- farm machinery

Farmers can count temporary grass as EFA fallow land.

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

There is no restriction on how many years land is classed as fallow under the EFA rules. It can still count as arable land even if it has been EFA fallow with a grass cover for 5 years or more.

Managing fallow land during the EFA fallow period

During the EFA fallow period (1 January 2016 to 30 June 2016), farmers can do the following on their fallow land:

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

They must not:

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

If you declared a cover crop in 2015, read 'Following one EFA crop with another'.

Managing fallow land outside the EFA fallow period

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

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

Planting wild bird seed mixes, pollen sources and nectar sources

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

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

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

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

EFA nitrogen-fixing crops

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

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

To be eligible as EFA, nitrogen-fixing crops must be in the ground during the crop diversification period, from 1 May 2016 to 30 June 2016.

EFA hedges

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

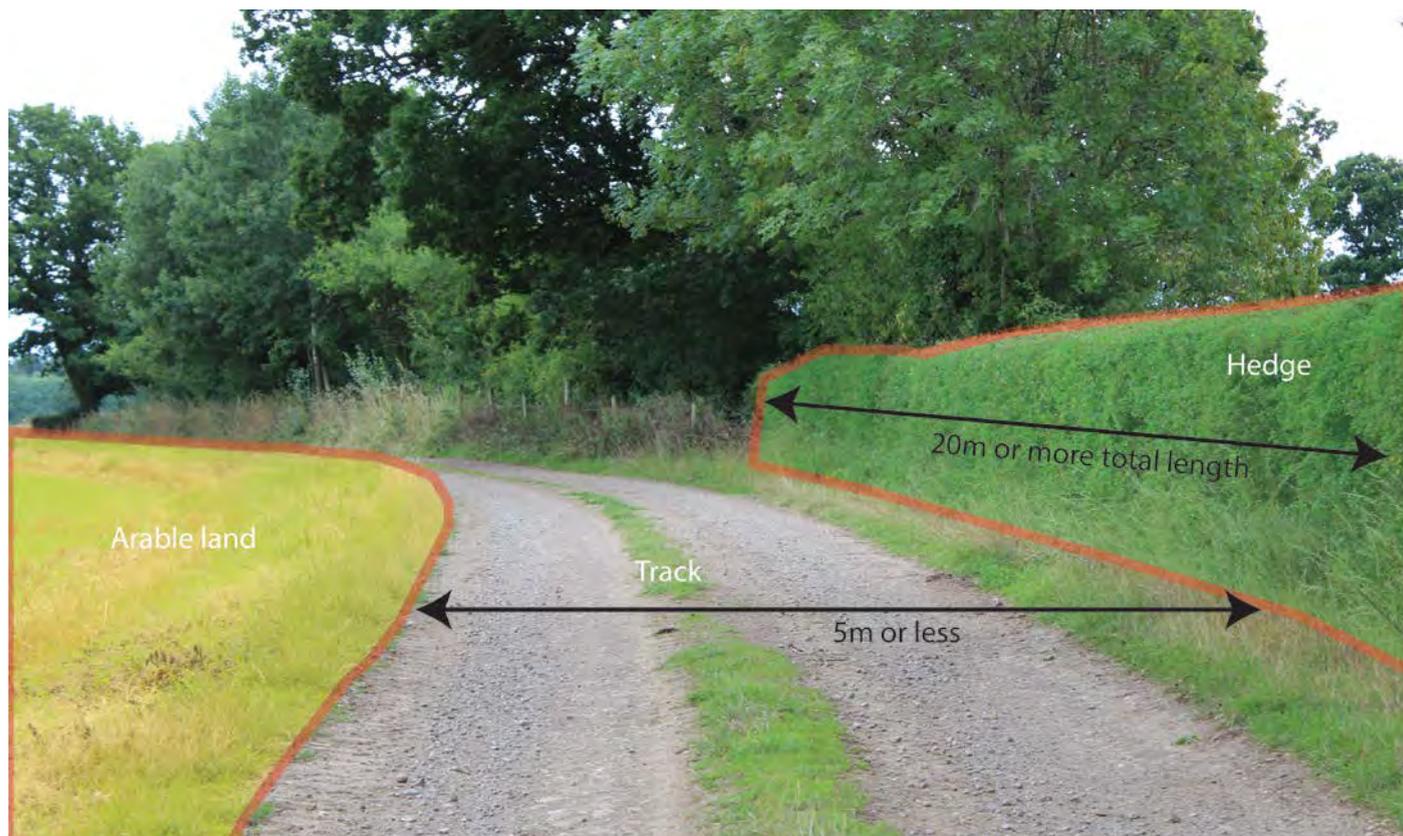
- a continuous length of at least 20 metres, or is part of any such length, or
- a continuous length of less than 20 metres where it meets (at an intersection or junction) another hedgerow at each end

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

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

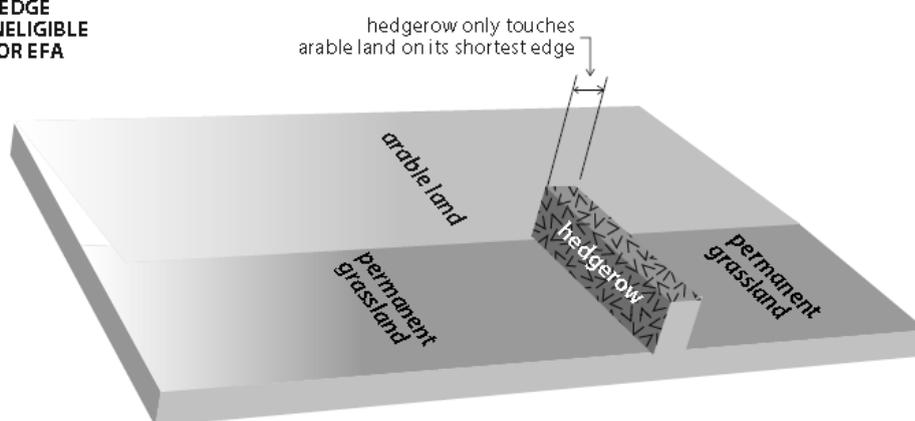
Hedges don't have to contain trees, but any trees that are in it do form part of the hedge. Hedges can still count as an EFA if they are on a bank. For example a Cornish Hedge or Devon Bank.

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



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

X HEDGE INELIGIBLE FOR EFA



Read 'What calculations to do for EFAs' to find out whether both sides of the hedge can count as an EFA.

Looking after EFA hedges

Farmers must manage their hedges according to the cross compliance guidance (for example, follow the cutting restrictions). There are no additional management rules for hedges under the greening rules.

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

EFA hedges next to fallow land, nitrogen-fixing crops or catch/cover crops

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

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

The hedge and the fallow land, nitrogen-fixing crops or catch/cover crops can be included as part of their EFA. However, the area of the fallow land, nitrogen-fixing crops or catch/cover crops must be reduced to take account of the area taken up by the hedge.

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

The diagrams below show some examples of overlapping EFA features.



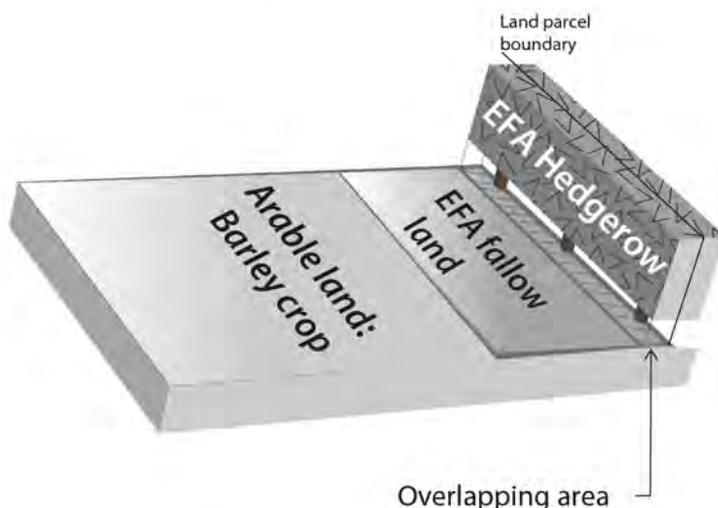
Hedgerow and EFA 'crop' overlap

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



Hedgerow and EFA fallow land overlap

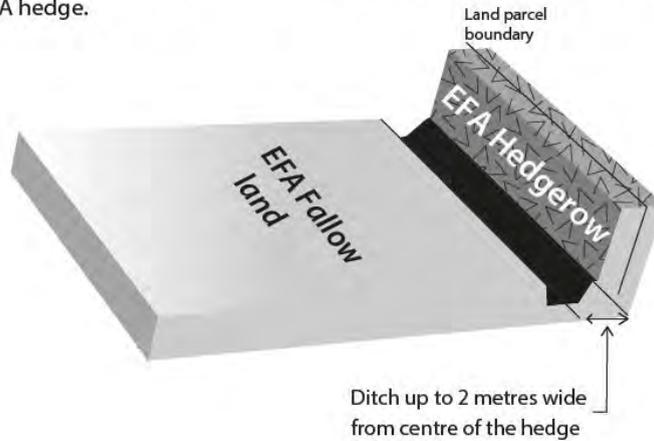
Area of EFA fallow land needs to be reduced by 2.5 square-metres for each metre of length of the hedge.



X EFA hedge and EFA fallow land overlap

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

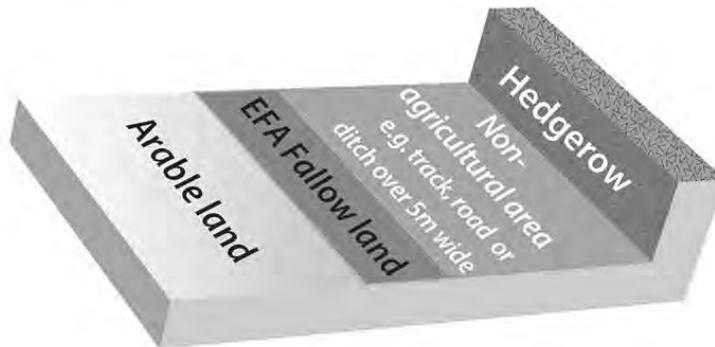
Ditch counts as eligible arable land as it is up to 2m wide. The area up to the centre of the hedge also counts as eligible arable land. Both areas count as fallow land for EFA - so a reduction is needed to the EFA fallow land to allow for the EFA hedge.



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

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

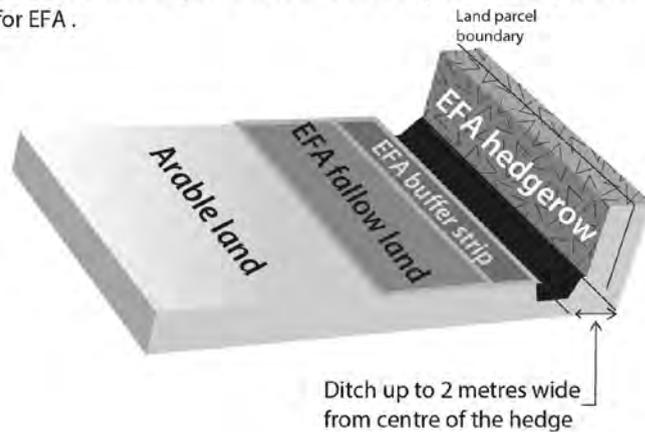
Hedge is ineligible for EFA because of the non-agricultural area between it and the fallow land.



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

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

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



Example

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

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

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

For this farmer, this means:

- work out the area to be allowed for the EFA hedge: $600\text{m} \times 2.5\text{m} = 1,500$ square-metres.
- take this area from the area of fallow land (100,000 square-metres): $100,000 - 1,500 = 98,500$ square-metres

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

The EFA value for the 600m of hedge within this land parcel (each metre is worth 5 square-metres for EFA):

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

The total EFA area for this field is: $98,500 + 3,000 = 101,500$ square-metres.

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

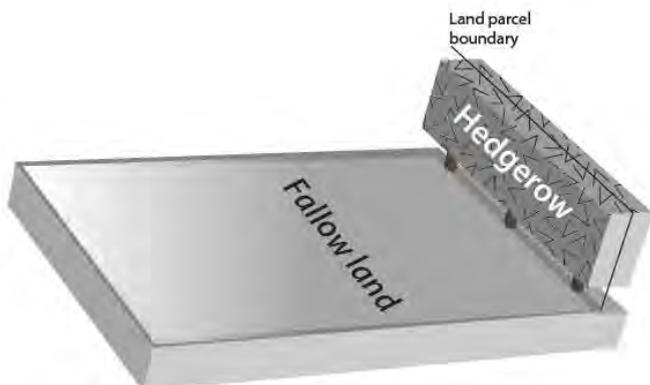
The farmer does not need to reduce the area of fallow land if he uses it to meet the crop diversification rules. For crop diversification the fallow area would be 10 hectares.

EFA hedges and crop diversification

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

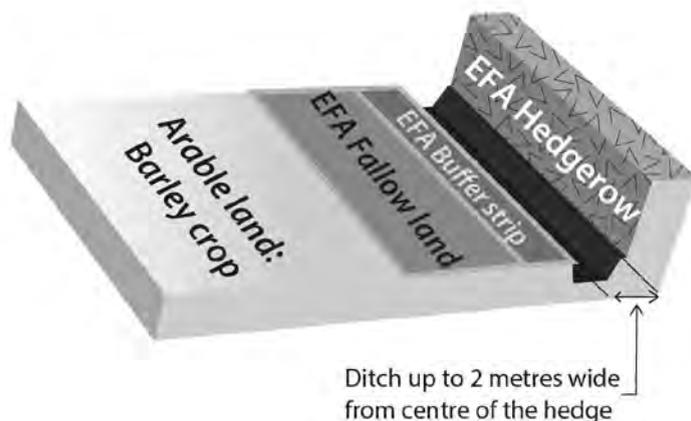
- ✓ All the fallow land, including the area up to the centre of the hedge, can be used towards crop diversification.

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



- ✓ No overlap for Crop Diversification

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



What calculations to do for EFAs

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

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

To help work out how to meet the rules, RPA will publish a 'Greening workbook for the 2016 Basic Payment Scheme in England' on GOV.UK.

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

EFA equivalent area bigger than the land parcel

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

Example

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

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

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

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

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

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

Therefore:

- 5.00 hectares fallow for crop diversification
- 5.00 hectares – 0.30 hectares + 1.20 hectares = EFA area of 5.90ha

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

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

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

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

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

Arable land on or within 5 metres of one side and non-agricultural land (for example, a road or woodland) on the other	<p>If a farmer is responsible for both sides of the hedge, they can count the whole hedge as an EFA feature.</p> <p>If they're responsible for the arable side only, they can count only that half of the hedge as an EFA feature.</p>
Arable land on or within 5 metres of one side and land under someone else's control on the other (for example, land that belongs to a neighbour)	<p>If a farmer is responsible for the arable side only, they can only count that half of the hedge as an EFA feature.</p>

Making sure there is at least the equivalent of 5%

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

Adding all of the areas together provides the total EFA.

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

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

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

Example

A farmer has 120 hectares of arable land they plan to claim on in 2016 with:

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

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

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

- Hedges: when including both sides, 1 metre of length is worth 10 square-metres, so he multiplies the number of metres of hedge by 10:

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

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

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

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

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

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

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

His total area in square-metres is:

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

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

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

Greening: permanent grassland

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

RPA will monitor the percentage of permanent grassland across England. If the percentage of permanent grassland – relative to the area of agricultural land – falls by more than 5%, RPA will write to tell farmers whether they need to do anything. It would also mean that there would be restrictions on any further ploughing of permanent grassland.

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

Farmers can check if they have any of this land at:

<http://natura2000.eea.europa.eu/>

<http://magic.defra.gov.uk/>

Ploughing permanent grassland

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

To get a screening decision, make an 'initial Environmental Impact Assessment (EIA) screening application' to Natural England.

Eligible crops

What counts as a 'crop' for crop diversification?

The following count as a 'crop' for crop diversification:

- a culture of any of the different genera defined in the botanical classification of crops
- a culture of any of the species in the case of Brassicaceae, Solanaceae and Cucurbitaceae
- fallow land
- temporary grassland

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

Use the list of eligible crops to check which crops can be used to meet the scheme rules for crop diversification.

When does the crop have to be in the ground?

For the crop diversification rule, the crop needs to be in the ground from 1 May 2016 to 30 June 2016.

Fallow land must be kept fallow for the same period. (If the fallow land is also being used to count as an EFA, it needs to be kept as fallow from 1 January 2016 to 30 June 2016.)

Crop diversification inspections

When RPA carry out inspections, they will want to see that the crops were in the ground (or fallow land kept fallow) during the above period.

If a farmer has harvested crops before 30 June 2016, RPA will accept that the crop was present if stubble or other crop residue is still visible in the land parcel.

Some farmers may grow late-sown crops within the cropping period, or crops with a very short cropping period, and these may not be visible (or present) at the exact time of an RPA inspection. If possible, farmers should keep records and evidence to show which crops were sown in the land parcel (and the areas they covered) during the crop diversification period. For example, seed certificates or photography that can be shared with RPA as requested.

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

Spring and winter crops

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

To see if a crop is a winter or spring variety, first check the:

- UK National List – details are published every month in the Plant Varieties and Seeds Gazette
- Processors and Growers Research Organisation's (PGRO) Recommended List

If the varieties are not on either of these lists, check the EC Common Catalogue.

In this catalogue, winter varieties are called 'forma hibernalis'. Spring varieties are called 'forma aestiva'. If the variety is not listed as either spring or winter, classify the crop as a spring variety.

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

Winter and spring varieties of brassicas

RPA will count winter and spring varieties of brassicas as separate crops. Farmers can count a maximum of 1 winter brassica and 1 spring brassica when following the crop diversification rule.

There is a list of winter varieties of brassicas on GOV.UK.

How to count mixed crops

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

1. Undersowing a main crop

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

2. Sowing a seed mixture

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

If 2 different seed mixtures are grown, these can count as separate crops if:

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

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

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

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

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

In-field game or wild bird cover, and failed crops

Applicants can include in-field areas of game cover/wild bird cover in the main land use code of a parcel if the areas aren't big enough to make a difference to:

- the crop diversification thresholds (applicants cannot include these areas in their main land use if it will mean they then don't have to meet the 2 or 3 crop rule), or
- whether an applicant meets the required percentages for 2 or 3 crops

This rule still applies if there are crops which have partially failed.

This rule also applies to nitrogen-fixing crops and catch crops used for EFA. If the game cover/wild bird cover in-field and partially failed crops don't affect the EFA thresholds or an applicant's ability to have an EFA that is equivalent to at least 5% of their total arable land, there is no need to code them separately.

List of eligible crops

The following pages contain a list of crops which are eligible for the Basic Payment Scheme and for the greening rules.

The list shows:

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

Each crop diversification 'crop' counts as 1 crop under the rules. For example if a farmer grew Bread wheat, Biscuit wheat and Barley they would be growing 2 crops for crop diversification (as the 2 types of wheat count as 1 'crop' because they are the same genus). All the crops in this list are eligible for BPS.

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

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Basil	Ocimum	all Basils	Yes				
Beans - field	Vicia	Broad beans, Field beans, Tic beans, Vetch	Yes Vetch – Yes (when grown on its own and not in grass)	Vetch – Yes	Vetch – Yes	Yes Vetch – Yes (when grown on its own or when included in a leguminous mix)	
Beans – green	Phaseolus	French beans, Green beans, Haricot	Yes			Yes	
Beet	Beta	Beetroot, Chard, Field beet, Fodder beet, Mangolds, Redbeet, Sugar beet	Yes				

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Bilberry							Yes
Bird's foot trefoil	Lotus	Bird's foot trefoil	Yes – if its grown on its own (not when grown in grass)			Yes (when grown on its own or when included in a leguminous mix)	
Blackberry							Yes
Borage	Borago	Borage	Yes				
Buckwheat	Fagopyrum	Buckwheat	Yes				
Butternut squash	Species - Cucurbita moschata (Cucurbitaceae genus)	Butternut squash, Cheese pumpkin	Yes				
Cabbage	Species - Brassica oleracea (Brassicaceae genus)	Broccoli, Brussels sprouts, Cabbages, Calabrese, Cauliflower, Chinese kale, Kale, Kohlrabi, Red cabbage, Savoy cabbage, White cabbage	Yes				

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Camelina	Camelina	Camelina, gold-of-pleasure, false flax	Yes				
Canary seed	Phalaris	Canary seed	Yes				
Carrot	Daucus	Carrot	Yes				
Celery	Apium	Celeriac, Celery	Yes				
Cherry							Yes
Chestnuts							Yes
Chickpea	Cicer	Chickpea	Yes			Yes	
Chicory	Chichorium	Chicory, Endive, Italian chicory, Radiccio	Yes				
Chilli	Species - Capsicum baccatum (Solanaceae genus)	Bishop's crown chilli, Lemon drop chilli, Peppadew chilli	Yes				

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

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Corn Marigold	Chrysanthemum		Yes				
Cowpea	Vigna	Black eye peas, Cowpeas	Yes			Yes	
Corn poppy	Papaver		Yes				
Crambe	Species - Crambe maritima (Brassicaceae genus)	Crambe, Seakale	Yes				
Cranberries							Yes
Cress	Species – Lepidium sativu (Brassicaceae genus)	Garden Cress	Yes				
Cucumber	Species - Cucumis sativus (Cucurbitaceae genus)	Cucumber	Yes				

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Currants		Red, white, black					Yes
Daffodil	Narcissus	All daffodils	Yes				
Dill	Anethum	Dill	Yes				
Echium	Boraginaceae		Yes				
English Chamomile							Yes
Evening primrose	Oenothera	Evening primrose	Yes				
Fallow land			Yes				
Fennel	Foeniculum	Fennel	Yes				
Fenugreek	Trigonella	Fenugreek	Yes			Yes	
Field for-get-me-not	Myosotis		Yes				
Figs							Yes
Fox glove	Digitals		Yes				

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

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

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Lucerne	Medicago	Lucerne (Alfalfa), Black medic	Yes – if they are grown on their own (not with grass). Classed as temporary grass if grown in a	Yes	Yes	Yes – when grown on its own or when included in a leguminous mix	
Lupins	Lupinus	Lupins	Yes			Yes	
Macadamia Nuts							Yes
Maize	Zea	Corn, Maize, Sweetcorn	Yes				
Mangosteens							Yes
Melissa							Yes
Melon	Species - Cucumis melo (Cucurbitaceae genus)	Melons	Yes				
Millet	Echinochloa	Millet	Yes				
Mint							Yes
Miscanthus							Yes
Mulberries							Yes

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Mustard	Species - Sinapsis alba (Brassicaceae genus)	White or Yellow mustard.	Yes	Yes	Yes		
Mustard - brown	Species - Brassica juncea (Brassicaceae genus)	Brown mustard	Yes	Yes	Yes		
Nigella	Nigella		Yes				
Oats	Avena	Feed oats, Naked oats, Porridge oats	Yes	Yes	Yes		
Oca	Oxalis	Oca, New Zealand Yam	Yes				
Oilseed radish (aka Diakon)	Species - Raphanus sativus (Brassicaceae genus)		Yes	Yes	Yes		

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Onions	Ilum	Chives, Garlic, Onions, Leeks, Scallions, Shallot, Spring onions	Yes				
Oregano	Origanum	Oregano	Yes				
Parsley	Petroselinum	All Parsleys	Yes				
Parsnips	Pastinaca	Parsnips	Yes				
Peaches							Yes
Pears							Yes
Peas	Pisum	Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea,	Yes			Yes	
Pecans							Yes
Pepper	Species - Capsicum annuum (Solanaceae	Bell pepper, Chilli pepper	Yes				

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

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Quinces							Yes
Quinoa	Chenopodium	Quinoa	Yes				
Radish	Species - Raphanus sativus (Brassicaceae genus)	Radish	Yes				
Rapeseed	Species - Brassica napus	Industrial rape, Oilseed	Yes				
Raspberries							Yes
Reed Canary Grass							Yes
Rhubarb							Yes

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

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Siam pumpkin	Species - Cucurbita ficifolia (Cucurbitaceae genus)	Siam pumpkin, Seven year melon	Yes				
Sorghum	Sorghum		Yes				
Soya	Glycine	Soya bean, Soybean	Yes			Yes	
Sticky Nightshade (Solanum sisymbriifolium)	Solanum		Yes				
Spinach	Spinacia	Spinach	Yes				

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Squash	Species - Cucurbita pepo (Cucurbitaceae genus)	Pumpkins, Squashes, Marrows, Zucchini, Courgettes	Yes				
Strawberry	Fragaria	Strawberry	Yes				
Sunflower	Helianthus	Sunflower	Yes				
Sweet Clover	Melilotus	sweet clovers	Yes – if its grown on its own (not when grown in grass)			Yes – when grown on its own or when included in a leguminous mix	
Sweet potato	Ipomoea	Sweet potato	Yes				

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Sweet William	Dianthus		Yes				
Tea							Yes
Teasel	Dipsacus		Yes				
Temporary grass			Yes	Yes – if undersown in the previous crop and it is sufficiently established			
Thyme	Thymus	All thymes	Yes				

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Tobacco	Species - Nicotiana tabacum (Solanaceae genus)	Tobacco	Yes				
Tomato	Species - Solanum lycopersicum (Solanaceae genus)	Tomato	Yes				
Triticale	Triticosecale	Triticale	Yes				
Tulip	Tulipa	Alltulips	Yes				
Turnip	Species-Brassica rapa (Brassicaceae genus)	Bokchoi, Chinese cabbage(Pak choi), Turnip,	Yes				
Walnuts							Yes

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Watercress	Species - Nasturtium officinale (Brassicaceae genus)	Watercress	Yes				
Water melon	Species - Citrullus lanatus (Cucurbitaceae genus)	Water melon	Yes				
Wheat	Triticum	Biscuit wheat, Common or Bread wheat, Durum wheat, Einkorn, Feed wheat,	Yes				
Wallflower	Erysimum		Yes				
Yam	Dioscorea	Yam	Yes				
Yarrow							Yes

Legumes mixed with other crops

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

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

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

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

Hemp

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

There is a list of eligible varieties of hemp on the Common Catalogue of Varieties of Agricultural Plant Species.

When applying for BPS, hemp growers must declare land parcels they're growing hemp on. In order for the RPA to confirm the varieties of hemp grown, farmers must write their Single Business Identifier (SBI) on the official seed labels and send them to RPA. RPA must receive them by midnight on 16 May 2016 (or by 30 June 2016 if they haven't sown hemp by 16 May 2016). RPA will return these labels.

Under European Commission rules the UK must sample and test at least 20% of all the hemp grown. This includes 20% of the total area of hemp and all varieties of hemp grown. This is done to make sure that the tetrahydrocannabinol content is below the level set by European Commission legislation. Inspectors from the Food and Environment Research Agency (FERA) carry out these tests on behalf of RPA.

Hemp growers will receive a letter by 8 July 2016 telling them if RPA have selected them for testing or not. Those that have been selected must not harvest their hemp until RPA have completed the inspection.

‘New’ farmers and ‘young’ farmers

New farmers and young farmers can apply for new entitlements.

Applying for entitlements

‘New’ and ‘young’ farmers can apply for new entitlements. To apply, farmers must fill in a separate application form and return it to RPA with their BPS 2016 application form by midnight on 16 May 2016.

They must:

- be an active farmer with at least 5 hectares of eligible land
- say whether they are applying as a young farmer or a new farmer
- provide evidence to prove their ‘new’ or ‘young’ farmer status

Successful applicants will not be able to apply for entitlements again in future years (unsuccessful applicants can apply again).

These new entitlements are funded from the ‘national reserve’.

About the entitlements for new or young farmers

Farmers can receive a maximum of 1 entitlement for each hectare of eligible land they declare. They will receive fewer if they already have some entitlements.

These entitlements work the same way as all other entitlements – read the entitlements section for more information about how to use them.

Farmers may not be allocated these entitlements if they sold any entitlements in the last year, because this might be considered ‘artificial’ (read page 109).

When to apply for entitlements

Farmers must apply for entitlements, and RPA must have received all the necessary evidence, by midnight on 16 May 2016.

RPA can receive late applications until midnight on 10 June 2016, but penalties may apply.

RPA will tell farmers if they are eligible to receive entitlements and (later in 2016) how many entitlements they will receive.

Proving 'new' or 'young' farmer status - evidence

New or young farmers need to send RPA a certificate (which will be published on GOV.UK) to confirm their status. RPA must receive this by midnight on 16 May 2016.

The certificate must be completed by a solicitor or accountant (who is not an employee or a director of the farmer's business). The farmer needs to provide documents for the solicitor or accountant to check.

Farmers should post the signed form to RPA in time for it to be received by midnight on 16 May 2016.

New farmers

New farmers need to show that:

- they are at least 18 years old when they make their BPS 2016 application
- they are in 'control' of the farm business that is applying for BPS – this can be as a sole trader
- their business started an 'agricultural activity' in 2014 or later
- they didn't carry out (or weren't 'in control' of carrying out) an 'agricultural activity' in the 5 years before that

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

Example

A farm business started in 2014. To apply for new entitlements, the farmer in control of this business cannot have carried out - or been in control of carrying out - any agricultural activities from 01 January 2009 to 31 December 2013.

This farmer must apply for BPS entitlements in 2016. They won't be able to apply in 2017.

Young farmers

Young farmers need to show that they:

- are at least 18 years old but not more than 40 years old when they make (or made) their first successful BPS application
- are in control of the farm business that is applying for BPS
- set up or took control of their business for the first time on 01 January 2011 or later

What does 'in control' mean?

'In control' means a person has more than 50% of the shares and votes in the business – for partnerships, 'shares' can mean the profit share. More than one person can 'control' the business if one of the following applies:

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

If more than one farmer is in control of a business:

- everyone in control must meet the rules for 'new farmers'
- only 1 person in control must meet the rules for 'young farmers'

Farmers 'in control' of a business are the 'head of holding'.

Organisations which don't expose the people directing the business to financial benefit or harm resulting from the success or failure of the business can't apply for entitlements. Examples include charities, trusts or public bodies.

How the young farmer rule works for partnerships

Applicants who are in a partnership and want to apply as a young farmer must have both of the following:

- more than 50% of the ownership share or more than 50 % of the profit share, and
- more than 50% of the voting share

A farmer who doesn't meet these requirements on their own could still meet the young farmer rules if one of the following conditions apply:

- there is a formal agreement between them and one or more of their partners in the business to vote together, so together they have a majority of the business votes and shares, or
- they jointly own shares with one or more of the other partners in the business, giving them overall majority control

If there is more than one young farmer in a business and together they have a majority of the shares and votes, they don't need a formal written agreement to vote together.

Example

Farmer A has 30% shares and votes

Farmer B has 30% shares and votes and is not a young farmer

Farmer C has 40% shares and votes

If Farmer A is a young farmer and has a formal written agreement to vote together with Farmer B, they will together have a majority share (60%) and this business could apply for entitlements as a young farmer (if they meet the other rules) and the young farmer payment.

Only one of the farmers 'in control' needs to meet the young farmer rules.

The young farmer payment

Young farmers can also apply for a top-up payment.

Young farmers can apply for an extra payment on top of their BPS payment. This is worth up to 25% of the average value of the entitlements they use to claim BPS in 2016 – but only the first 90 entitlements count. The exact percentage will depend on how many farmers apply.

Who can apply for the young farmer payment

To apply in 2016, young farmers need to show that they:

- are at least 18 years old but not more than 40 years old when they make (or made) their first successful BPS application
- are in control of the farm business that is applying for BPS
- set up or took control of their business for the first time on 01 January 2011 or later

Young farmers can apply for the payment each year, for a maximum of 5 years after the year they started, or took control of, their business. They only have to meet the age criteria the first time they successfully apply, so they only need to send this evidence once.

They have to apply every year if they want to continue to receive the payment (assuming they are still eligible).

How to apply

Farmers can apply for the young farmer payment on their BPS application. To prove their status, they also need to fill in and send a 'New or young farmer' certificate (which they can download from GOV.UK) to RPA when they apply. RPA must receive this by the application deadline of midnight on 16 May 2016.

RPA will contact farmers later in 2016 to tell them if their application for the young farmer payment has been successful.

Inspections

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

How inspections work

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

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

If the inspection finds that the rules aren't being followed, there may be reductions and penalties applied to the BPS payment.

The RPA will also inspect to make sure cross compliance rules are being followed.

Payments, reductions and penalties

If farmers don't meet the scheme rules, RPA can reduce their payments and apply penalties.

Payments

A farmer's total payment for BPS can be made up of:

- their main BPS payment
- a greening payment
- a young farmer payment (for those who successfully apply)

Each part of a BPS payment is calculated separately - including having reductions and penalties applied. They are then added together to form the total BPS payment.

Soon after receiving their payment, farmers will receive a 'Remittance Advice' to confirm how much they've been paid. This will be followed by a Claim Statement which will explain how RPA calculated the value of the claim (including any reductions and penalties).

Bank account details

RPA will use the bank account details they already hold to pay farmers. Farmers need to tell RPA before 1 December 2016 if they want to be paid into a different account (they need to call RPA to tell them this). Farmers who want to be paid in euros must have a UK bank account that accepts euros.

Exchange rate 2016

The exchange rate used to make BPS 2016 payments will be the average of the European Central Bank rates set over the month of September 2016. This exchange rate will be published on GOV.UK when it is announced.

BPS entitlement values and 'payment rates'

BPS payments are based on the value of entitlements. The value of a BPS entitlement depends on the payment region it is in.

To calculate the value of an entitlement in each region, RPA will divide the total BPS budget available for that region by the number of entitlements that exist for that region.

Entitlement values will be calculated in autumn 2016, at the same time as the greening rate.

Average entitlement value

When working out the value of a BPS payment, RPA calculates a farmer's 'average entitlement value'. It uses this figure when calculating payments and applying reductions and penalties.

To work out a farmer's average entitlement value, RPA multiplies the number of entitlements the farmer has correctly used to claim payment for in a region, by the entitlement value for that region. If the farmer has entitlements in more than one region, RPA do this calculation for each region then add the totals together. It then divides this figure by the number of entitlements (across all regions) the farmer has correctly used to claim for payment.

Here's an example (using 2015 entitlement values):

A farmer has 50 non-SDA entitlements but has only claimed payment correctly for 45. They also have 20 SDA moorland entitlements which they have claimed payment for correctly.

non-SDA: $45 \times \text{€}171.83 = \text{€}7,732.35$

SDA moorland: $20 \times \text{€}45.07 = \text{€}901.40$

Total = $\text{€}8,633.75$

The farmer's average entitlement value is therefore:

$\text{€}8,633.75 / 65 = \text{€}132.827$

This is then rounded to 2 decimal places, which gives $\text{€}132.83$.

This is then rounded to 2 decimal places, which gives $\text{€}132.83$.

If the farmer has entitlements in only one region, their 'average entitlement value' will be the same as the entitlement value for that particular region.

Greening payment rate

The value of the greening payment depends on the payment region the land is in. The greening rates for each payment region will be calculated in autumn 2016, at the same time as the entitlement values.

When working out the value of a greening payment, RPA calculate a farmer's 'average greening payment rate'. It uses this figure when calculating payments and applying reductions and penalties.

How RPA calculates BPS payments

The main BPS payment, the greening payment and the young farmer payment (if applicable) are calculated separately (including any reductions and/or penalties applied) and then added together to form the total payment for BPS.

Main BPS payment

To work out the value of a farmer's main BPS payment, RPA multiplies the number of entitlements the farmer used correctly to claim for payment, by the farmer's average entitlement value.

Here's an example (using 2015 entitlement values):

As in the previous example, a farmer has 50 non-SDA entitlements but has only claimed payment correctly for 45. They also have 20 SDA moorland entitlements which they have claimed payment for correctly.

The farmer's average entitlement value is €132.83

To calculate the value of the main BPS payment, RPA then multiply the average entitlement value by the number of entitlements they have correctly used to claim payment:

$$€132.83 \times 65 = €8,633.95$$

So the main BPS payment is €8,633.95 (before penalties or reductions are applied).

Greening payment

To work out the value of a greening payment, RPA multiply the number of hectares of eligible area which the farmer has claimed correctly for payment, by their 'average greening payment rate'. Here's an example (using 2015 entitlement values):

A farmer has 50 non-SDA entitlements but has only claimed payment correctly for 45. They also have 20 SDA moorland entitlements which they have claimed payment for correctly.

RPA multiply the number of entitlements the farmer has used in each payment region, by the greening rate for that region:

$$\text{Non-SDA: } 45 \times €76.19 = €3,428.55$$

$$\text{SDA moorland: } 20 \times €19.99 = €399.80$$

This figure is then divided by the number of entitlements which the farmer used correctly. This will give the farmer's average greening rate (shown rounded to two decimal places):
 $€3,828.35 / 65 = €58.90$

To calculate the value of the greening payment, RPA then multiplies the average greening rate by the eligible area: $€58.90 \times 65 = €3,828.50$

This total figure is the value of the farmer's greening payment (before any reductions are applied).

Young farmer payment

To work out the value of the young farmer payment, RPA multiplies the farmer's average entitlement value by 0.25. This young farmer rate is then multiplied by the number of entitlements (up to a maximum of 90) that have been used correctly to claim for BPS.

Here's an example (using 2015 entitlement values):

A young farmer has 100 non-SDA entitlements but has only claimed payment correctly for 80. They also have 20 SDA entitlements which they have claimed payment for correctly.

First RPA work out the total value of the entitlements the farmers has correctly used:

Non-SDA: $80 \times €171.83 = €13,746.40$

SDA: $20 \times €170.60 = €3,412$

Total = $€17,158.40$

Then divide it by the number of entitlements used:

$€17,158.40 / 100 = €171.58$

This gives the farmer's 'average entitlement value'. RPA then calculate what 25% of this is (shown to two decimal places):

$€171.58 \times 0.25 = €42.90$ (this is the farmer's 'young farmer payment' rate)

The young farmer payment only applies to a maximum of 90 entitlements.

Therefore, although this farmer has correctly used 100 entitlements in total to claim for payment, the top-up will only apply to 90:

$€42.87 \times 90 = €3,860.64$

Therefore the value of the young farmer payment in this example is $€3,860.64$ (unless reductions or penalties are applied).

Reductions and penalties

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

If there's something wrong with a farmer's application or if they didn't meet all of the scheme rules, RPA may have to apply penalties. There are also some reductions which RPA have to apply according to EU rules (for example, the 'financial discipline mechanism' reduction).

A farmer's claim statement will show any reductions or penalties applied to any parts of their BPS payment. It will also show any cross compliance penalties.

Reductions and penalties are applied to each part of a BPS payment in the following order:

- penalties for claiming payment for more eligible land than the farmer has
- penalties for late applications (including any late supporting paperwork)
- penalties for not declaring all of the agricultural land parcels on the holding
- reductions to the size of the young farmer payment (but only if the number of applications exceeds the budget for 2016)
- financial discipline mechanism (FDM) reductions and reductions to payments which are more than €150,000 (this applies only to the main BPS part of the payment)
- penalties for not meeting the cross compliance rules

In cases of force majeure and exceptional circumstances, RPA may not reduce a claim or apply penalties.

Financial discipline mechanism

Each year the European Commission uses some of the BPS budget to create a 'crisis reserve'. To do this - and to make sure that the overall European budget for BPS is not exceeded - a mechanism called 'financial discipline' is used. 'Financial discipline' means BPS payments across all Member States are reduced.

The rate of financial discipline is usually confirmed in November. It will be published on GOV.UK once it is known. It is not applied to the first €2,000 of a farmer's claim.

The reduction is applied on a pro-rata basis to the BPS payment, the greening payment and the young farmer payment (if applicable), though not to the first €2,000 of the overall claim value.

Here's an example:

A farmer has eligible land made up of 20 hectares in the non-SDA area, 16 hectares in the SDA area and 30 hectares in the SDA moorland area.

He has 20 non-SDA entitlements, 15 SDA entitlements and 32 SDA moorland entitlements and he has met all the greening rules.

His payments will be based on the lower of his entitlements or eligible land. He has no penalties and no Young Farmer payment.

His payments will be:

Type of payment	non-SDA	SDA	SDA Moorland
Main BPS payment	20 x 171.83 = €3,436.60	15 x 170.60 = €2,559.00	30 x 45.07 = €1,352.10
Greening payment	20 x 76.19 = €1,523.80	15 x 75.64 = €1,134.60	30 x 19.99 = €599.70

Which means his total payment is €10,605.80.

FDM only applies to payments above €2,000. For this farmer his amount above €2,000 is:

$$€10,605.80 - €2,000 = €8,605.80$$

That means the FDM reduction is €8,605.80 x 1.393041% = €119.88

This FDM reduction will appear on the farmer's claim statement as €88.05 taken from the main BPS payment and €31.83 from the greening payment.

Reductions if the BPS budget is exceeded in 2016

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

Payments over €150,000

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

Small payments

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

Overpayments

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

Greening reductions

If a farmer doesn't follow the greening rules in 2016, the amount of their greening payment will be reduced as follows:

Greening rule	Size of reduction (in hectares)
Crop diversification: 2 crops	2 x the amount (in hectares) the main crop exceeds 75% of the arable land
Crop diversification: 3 crops	2 x the amount (in hectares) the main crop exceeds 75% of the arable land Plus 10 x the amount (in hectares) the two main crops exceed 95% of the arable land
Ecological Focus Area (EFA)	10 x the equivalent amount (in hectares) of missing EFA

Here's an example of how crop diversification reductions are applied (using values from 2015):

A farmer has 100 hectares of arable land, which means he has to grow at least 3 different crops on it. His main crop covers 80 hectares and his 2 main crops cover 97 hectares.

This means he isn't meeting the greening rules because:

- his main crop exceeds 75% by 5 hectares
- his 2 main crops exceed 95% by 2 hectares

RPA would apply the following reductions:
2 x 5 = 10 hectares

$$10 \times 2 = 20 \text{ hectares}$$

So the farmer's total reduction is 30 hectares. This means the crop diversification part of his greening payment will be for 70 hectares of his arable land.

Here's an example of how EFA reductions are applied (using values from 2015):

A farmer has 100 hectares of arable land but only 4 hectares worth of EFA. This means the farmer is 1 hectare short of what he should have for EFA (because 5% of 100 hectares is 5).

RPA will apply the following reductions:

$$1 \text{ hectare} \times 10 = 10 \text{ hectares}$$

So the farmer's total reduction is 10 hectares. This means the EFA part of the farmer's greening payment will be for 90 hectares, not 100.

From 2017, farmers who don't meet the crop diversification or EFA rules for 3 separate years (unless they're exempt), won't receive any greening payment.

Reductions for not meeting the permanent grassland rule

If a farmer doesn't follow the permanent grassland rule, RPA will reduce the area the greening payment is based on, by the area (in hectares) of permanent grassland which is found not to meet the permanent grassland rule.

Here's an example:

A farmer has 100 hectares of arable land. They don't have any individual authorisation but plough up 10 hectares of permanent grassland. RPA will reduce their greening payment as follows:

$$100 \text{ hectares} - 10 \text{ hectares} = 90 \text{ hectares}$$

So the farmer's greening payment will be based on 90 hectares.

Greening reductions – a worked example (using 2015 values)

In the examples of greening reductions above, the farmer has 100 hectares in the non-SDA region. This means that before reductions are applied, his greening payment would be:

$$100 \times 76.19 = \text{€}7,619.00$$

However, as the examples above show, he has the following greening reductions:

- a 30 hectare reduction for not meeting the Crop Diversification rules. The value of this reduction is $30 \times 76.19 = \text{€}2,285.70$
- a 10 hectare reduction for not meeting the EFA rules and a reduction would also apply for this. The value of this reduction is $10 \times 76.19 = \text{€}761.90$
- a 10 hectare reduction for not meeting the Permanent grassland rules. The value of this reduction is $10 \times 76.19 = \text{€}761.90$

His total greening reduction is therefore:

$$\text{€}2,285.70 + \text{€}761.90 + \text{€}761.90 = \text{€}3,809.50.$$

So his greening payment after penalties would be:

$$\text{€}7,619.00 - \text{€}3,809.50 = \text{€}3,809.50$$

This will be shown on his claim statement as:

	Number (or %)	Greening rate (€)	Reductions/ Penalties (€)	Total (€)
non SDA	100.0000	76.19		7,619.00
Average greening rate		76.19		
Gross value	100.0000	76.19		7,619.00
Greening reductions and penalties				
Crop diversification non-compliance (in hectares)	30.0000 ha	76.19	2,285.70	
Ecological Focus Area (EFA) non-compliance (in hectares)	10.0000 ha	76.19	761.90	
Permanent Grassland non-compliance (in hectares)	10.0000 ha	76.19	761.90	3,809.50
Reductions (%)				
Financial Discipline Mechanism	1.393041%		48.01	3,761.49
Total greening value				3,761.49

When penalties are applied

Penalties are applied if:

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

Late applications

Midnight on 16 May 2016 is the deadline for BPS applications, including:

- applications for the young farmer payment
- applications for BPS entitlements (made by new and young farmers)
- any paperwork to support the above (such as an active farmer certification form)

Farmers can make a late application until midnight on 10 June 2016 but they'll get a penalty. For each working day the application is late, the size of the penalty will be 1%.

In addition, new and young farmers applying for entitlements will get a 3% penalty for each working day their application is late. This penalty will only apply to the 2016 payment related to their new entitlements.

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

Farmers can't make applications after midnight on 10 June 2016 (apart from in cases of force majeure).

Changing an application after it has been submitted

Applications can be changed until midnight on 31 May 2016 without getting a penalty.

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

Applications can't be changed after 10 June 2016, apart from:

- in cases of force majeure
- where an applicant withdraws all or part of an application

RPA may not apply penalties in cases of force majeure, exceptional circumstances, and 'obvious' and 'notified errors'.

Not declaring all the agricultural land parcels on a holding

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

Difference between land declared and what is actually held (as a % of land declared)	Size of penalty
up to 3% of the area determined	No penalty (but the claim will be reduced, see above)
more than 3% and up to 20%	1%
more than 20% and up to 50%	2%
more than 50%	3%

Over-claiming land

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

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

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

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

Example:

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

Because 70 hectares is more than 50% of 30 hectares, the farmer will lose their whole payment (as per the table above).

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

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

If there is any money still outstanding after 3 years, RPA will cancel the balance. This is sometimes known as a '3-year penalty'.

Young farmer payment

If a farmer applies for the young farmer payment but does not meet the rules for this, no young farmer payment will be made.

If a farmer uses false evidence in an attempt to qualify for the Young Farmer Payment, there will be a penalty of 20% of the payment they would otherwise have received, that will be off-set against payments RPA makes to them over the course of the next 3 calendar years.

Cross compliance

Cross compliance penalties are applied after BPS penalties - read the penalties section in the guide to cross compliance 2016.

Force majeure and exceptional circumstances

If force majeure or exceptional circumstances mean that a farmer can't follow the scheme rules, RPA may not apply a penalty or reduction, and may also accept an application after the 10 June 2016 deadline.

In these cases (which are looked at individually), the farmer must provide evidence to show that it was an unusual circumstance outside the farmer's control and that the consequences – in spite of all due care – couldn't be avoided. Some examples might be, but are not limited to:

- the death or long-term professional incapacity of a farmer
- a severe natural disaster which affects the agricultural land
- an accident which destroys livestock buildings
- an epizootic disease which affects livestock
- a plant disease which affects crops
- expropriation of all or a large part of a holding if the farmer couldn't have anticipated this on the day they made their application

Farmers (or the executor(s) of the estate) must email or write to RPA within 15 working days of being able to do so. They'll need to give evidence to show:

- what has happened
- how the event meant they couldn't meet the scheme rules

Artificiality

If RPA find that the conditions required for an applicant to obtain an advantage have been artificially created, contrary to the objectives of the regulations, the applicant will lose some or all of their payment.

Business structure

Farmers involved in more than one business

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

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

Applicants must tell RPA about any businesses they are involved in. RPA will then decide if each business can make separate applications for BPS, or if the business should be treated as a single business for BPS purposes.

If the structure of a business changes

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

- business status
- eligibility for BPS
- access to BPS entitlements that the business owned or leased before restructuring

Farmers in this situation should contact the RPA.

Mergers and scissions

If a business is restructured, then the RPA will assess whether a merger or a scission has taken place and as a result will determine whether the resulting business or businesses are considered separate for the purposes of applying for BPS.

A merger is when 2 or more farming businesses join to create a new farming business, controlled by at least one of the farmers who managed one of the original businesses.

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

More information

Contact RPA

All written queries, or evidence to support BPS applications, should be sent to:

Rural Payments
PO Box 352
Worksop
S80 9FG

Email: ruralpayments@defra.gsi.gov.uk

Call: 03000 200 301 open 8.30am to 5pm Monday to Friday (except Bank Holidays).

Website: www.gov.uk/rpa

Twitter: @Ruralpay

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

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

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

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

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

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

How to complain

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

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

BPS regulations

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

The main European regulations are:

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

The European Commission delegated and implementing regulations are:

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

Domestic regulations:

- The Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014 SI No 3259 (as amended)
- The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 SI No 3263

For more information, go to www.legislation.gov.uk.

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

Data Protection

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

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

The Farming Community Network

Farmers who need any help or support can call The Farming Community Network (FCN).

FCN provides free and confidential pastoral and practical support to farming families during times of stress and anxiety caused by problems related to the farming business or the farm household.

They run a helpline from 7am to 11pm every day of the year and are staffed by a team of volunteers who understand farming issues.

Call 03000 111 999 or email: chris@fcn.org.uk. Website: www.fcn.org.uk.

Legal notice

This guidance is our interpretation of the current regulations for the Common Agricultural Policy schemes from 2016. Only the courts can give a definitive interpretation of the law.

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



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This document is also available on our website at www.gov.uk/rpa/bps2016

Any enquiries regarding this document should be sent to us at:

Webmaster.rpa@rpa.gsi.gov.uk
www.gov.uk/cap-reform
www.gov.uk/rpa

Produced by the Rural Payments Agency