



**HELPSHEET / TERMS & CONDITIONS**  
**AREAS OF NATURAL CONSTRAINTS (ANC)**  
**SCHEME 2017**



## **IMPORTANT**

This document contains the Terms and Conditions for the 2017 Areas of Natural Constraints scheme and **should be read in full and in conjunction with the Terms & Conditions of the 2017 Basic Payment and other area-based Schemes.**

To qualify for the ANC scheme you must –

- Apply for the scheme by **ticking the appropriate Areas of Natural Constraints (ANC) box** on the 2017 Basic Payment scheme application form.
- Hold a valid herd number and farm eligible disadvantaged lands in your own right.
- Maintain a minimum stocking of 0.15 livestock units per forage hectare for 7 consecutive months.
- Maintain an annual average stocking density of 0.15 livestock units per forage hectare.
- Ovine herds must have submitted a Sheep/Goat Census return before the closing date.
- For animals with no national movement database i.e. deer or horses/donkeys, proof of ownership of such animals will be required each year.
- In the case of equines, the **Original Passport** must be submitted - certified copies will not be accepted

**Note:** Further important details in relation to the Terms and Conditions of the ANC scheme are set out in this document.

## **Terms & Conditions applicable to the 2017 Areas of Natural Constraints and the Areas of Specific Constraints (Islands) Scheme**

### **1. INTRODUCTION**

The Areas of Natural Constraints Scheme (ANC) deals with areas of land situated on the mainland which are designated as Disadvantaged. The Areas of Specific Constraints scheme (Island Farming Scheme) deals with areas of land situated on offshore islands. These designations are pending the delineation of the Areas of Natural Constraints in accordance with the provisions of Regulation (EU) No 1305/2013. The lands situated on offshore islands are designated as Areas of Specific Constraints in accordance with the provisions of Article 32 of Regulation 1305/2013.

### **2. HOW TO APPLY FOR ANC / ASC – Mainland and Islands**

Application for the Scheme is made by **ticking the relevant ANC applicant box** on the front page of the 2017 Basic Payment Scheme Application form.

Applications can be made Online or via the submission of a paper application.

Certain categories of farmers are obliged to submit their 2017 BPS/Greening Payment application online. The categories involved are as follows;

- a) Arable farmers, who had 10 hectares or more of arable land under the 2016 BPS Scheme, or who declare 10 hectares or more in 2017;
- b) Organic farmers, who participate in the Organic Farming Scheme;
- c) Farm Partnerships, who are registered in the Department of Agriculture, Food and the Marine's Register of Farm Partnerships;
- d) Recognised Share farming arrangements who want to apply under the share-farming arrangement.
- e) All GLAS approved applicants

### **3. SUBMISSION OF ONLINE/PAPER APPLICATIONS**

Application for the 2017 Areas of Natural Constraints can be made online using the 2017 Basic Payment and other Area-based schemes application form. It is necessary to tick the appropriate ANC applicant box on the form and applicants or his/her authorised agent must ensure that they have done so and completed all other relevant areas of the Basic Payment and other area-based schemes application form in order to lodge a valid claim.

The submission of a paper application is not necessary where an online application has been submitted. It is mandatory for a Registered Partnership to use the online system. The closing date for applications is 15 May 2017. Applications may be submitted up to midnight on that date.

If it is known that any area of the forage area situated in an Area of Natural Constraint will not be available to you for the full calendar year please indicate this by placing an X in the appropriate column on your application form.

#### **4. CONDITIONS OF APPLICATION**

By submitting an application for the Areas of Natural Constraints scheme applicants subscribe to the following scheme conditions –

- i. All applicants must co-operate fully with Department staff, or its' Agents, in relation to any inspection or any request for documentation.
- ii. All applicants must comply with Cross Compliance requirements, as set down in relevant EU legislation (Directives and Regulations), and the standards for Good Agricultural and Environmental Condition (GAEC), in the areas of environment, climate change and good agricultural condition of land; public, animal and plant health and animal welfare. *Articles 91 – 94 of Regulation (EU) No 1306/2013 refer.*
- iii. All applicants accept that all the information supplied on the application form and any supporting documentation may be used by the Department of Agriculture Food and the Marine or made available to any other Department or body or Local Authority for the purpose of audits, evaluation purposes, Cross Compliance controls, controls relating to the legislation underpinning Cross Compliance and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act.
- iv. It must be noted that an application will not be accepted or approval may be withdrawn if, in the opinion of the Minister or his officials, it is established that an applicant artificially created the conditions required to obtain grant aid with a view to obtaining an advantage contrary to the objectives of the Scheme.

#### **5. SCHEME REQUIREMENTS AND ELIGIBILITY**

To be eligible for payment under the 2017 Areas of Natural/Specific Constraints Scheme (ANC) an applicant must in their own right:

- i. Submit a valid 2017 Basic Payment Scheme and other Area-based Schemes application form by the deadline of 15 May 2017 and confirm their application for Areas of Natural Constraints Scheme by ticking the ANC applicant box.
- ii. Hold a valid Herd Number issued by the Department of Agriculture, Food and the Marine. Applicants are required to be a holder of a registered herd number or have applied to the Local District Veterinary Office for a herd number on or before 15 May 2017.
- iii. Occupy and farm in their own right and at their own risk a minimum of 3 hectares of ANC forage land (with the exception of Island land), situated in an area within the State designated as an Area of Natural Constraints by the Minister and classified as Less Severely Handicapped Lowland or as More Severely Handicapped Lowland or as Mountain Type Land or as Areas of Specific Constraints.
- iv. Undertake to farm, manage and pursue a farming activity on all land applied for in 2017, and adhere to the definition of an “active farmer”, as defined in article 9 of Regulation (EU) No 1307/2013.
- v. Undertake to farm, manage and pursue a farming activity on all land applied on in 2017, for the full calendar year. If an applicant is aware or becomes aware that any

of the forage area situated in an Area of Natural/Specific Constraints will not be available to them for the purposes of farming for the full calendar year in 2017, that person is required to notify the Department immediately, using either the online or paper application, documenting the parcel numbers of each parcel concerned and the relevant reason. Information in relation to the submission of amendments is outlined at (page 13 of the 2017 Basic Payment/Greening and other area-based schemes Helpsheet/Terms and Conditions.

- vi. Have a holding that meets the minimum stocking levels as outlined in Section 7 of this document.

## **6. PARTNERSHIPS**

Farm partnerships involve the coming together of two or more farmers (including those persons who have acquired the relevant agriculture qualification) to operate the farm business as a single entity. Among the benefits of creating a farm partnership are improved efficiency, a better work life balance and greater economies of scale at farm level. Within family farms the creation of a farm partnership often allows parents and children to begin the process of intergenerational transfer.

In order to encourage the development and maintenance of such partnerships the Department and the Revenue Commissioners operate a series of incentives. These include the granting of an enhanced 50% stock tax relief to members of registered farm partnerships; the recognition of such arrangements in the calculation of payments under the Pillar I and Pillar II Schemes; and the introduction of a Support for Collaborative Farming Grant Scheme for brand new farm partnerships. However in order to be eligible for these incentives, farm partnerships must be placed on the Department's Register of Farm Partnerships.

Under Irish National Regulations, applicants who are partners in a farm partnership can, subject to conditions outlined below, continue to benefit individually under the ANC Scheme based on the area of ANC land they contribute to the partnership.

Those wishing to have their farm partnership placed on the Register should submit their application to the Department's Farm Partnership Unit - see Department's website: <http://www.agriculture.gov.ie/farmingsectors/newfarmpartnershipregister>. Please note that all applications to place farm partnerships on the Department's Register must be received by the Farm Partnership Registration Unit by Friday 31 March 2017.

Once farm partnerships are placed on the Register, they will receive a Farm Partnership Registration Number (FPRN). This FPRN should be used when applying for all Department support schemes.

It is important to note that if any or all of the partners use an Agent to administer their applications, the Nominated Person (Precedent Partner) in the farm partnership should contact the Agent to organise the new login facilities.

Please note that a Registered Farm Partnership can only submit a 2017 Basic Payment Scheme and other area based scheme application through the Departments online facility

and should only use the Farm Partnership Registration Number when submitting the application. Individual members of the Partnership should not submit an application under their own herd number.

### **ANC and Partnerships**

Applicants registered under Farm Partnership Registration are required to submit one 2017 Basic Payment Scheme and other Area-based Schemes application form through the Departments online facility. In order to be considered under the ANC scheme at an individual level each partner should individually declare all land farmed by them within the partnership.

- i. All partners who declare designated ANC lands at individual level will be considered under the ANC scheme.
- ii. Individual maximum land thresholds will be applicable to each individual partner in respect of designated ANC lands declared.
- iii. Thereafter, scheme eligibility requirements in respect of the 7 month stock retention period and the annual average stocking density must be met at overall partnership level in respect of all forage hectares.

**NOTE:** Where the overall partnership holding fails to meet scheme eligibility requirements in respect of either the 7 month stock retention period or the annual average stocking density no payment will be due to the partnership or any of the partners.

- iv. Only one payment under ANC will issue to the Partnership. All Payments due to the individual partners will be combined into a single payment which will issue to the partnership.

## **7. STOCKING REQUIREMENTS**

**Only certain types of livestock are eligible for consideration under the ANC scheme. The following animals may be considered providing the relevant eligibility criteria are met - Cattle, Sheep, Goats, Horses, Donkeys and or Deer.**

### **i. Stock Retention Period**

The retention period for the 2017 scheme is 7 consecutive months within the scheme year where the stocking density on the holding has to be equal to or greater than 0.15 livestock units per forage hectare.

*Examples of seven consecutive month period are: 1 January to 31 July inclusive, 15 February to 15 September inclusive, 19 May to 19 December inclusive.*

### **ii. Minimum Stocking Density Requirements**

In addition to meeting the 7 month retention period, applicants must also maintain an annual average of 0.15 livestock units calculated over the 12 months of the scheme year.

Applicants must own, possess, hold and maintain the livestock required to maintain the minimum stocking level.

There will be a continued recognition of applicants, who will not meet the minimum stocking requirement due to recognised constraints imposed on the holding. Where it is established that an applicant does not own the animals used to calculate the minimum stocking density the applicant will be deemed ineligible for payment under the Scheme except in the case of Contract Rearing see below.

iii. **Contract Rearing**

Where stock, subject to a Contract Rearing arrangement, are moved to a Contract Rearer's herd number using DAFM Animal Identification and Movement system, then account will be taken of such stock in the calculation of the stocking density of the holding of the Contract Rearer. This is subject to the Contract Rearer providing a copy of the signed Contract Rearing agreement to the Department of Agriculture, Food and the Marine, ANC Section, Government Buildings, Old Abbeyleix Road, Portlaoise, Co Laois.

iv. **Sheep/Goat Census**

Under EU Regulation 21/2004, all flock owners' sheep keepers are obliged to count the Sheep/Goats present in their flock on their holding, record this number in the flock register and are legally obliged to return this number to this Department via the annual Sheep/Goat Census return.. Where flock owners do not have Sheep/Goats at the time of the Census, there is still an onus to complete and return the Census. Flock books will not be accepted without a valid sheep census except in exceptional circumstances. The closing date for the December 2016 Sheep/Goat Census is 3 February 2017, ***however, Sheep Census received up to 15 May 2017 will be considered for ANC purposes.***

v. **Equines (HORSE/DONKEY)**

The following regulations control the ownership of equines (both horses and donkeys) and are required to be adhered to:

- EU Regulation 504/2008 Identification of Equidea
- EU Regulation 262/2015 Identification of Equidea
- S.I. 357 of 2011, European Communities (Equine) Regulations 2011
- S.I. No. 8 of 2012, Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012
- S.I. 189 of 2014 Equidea (Transfer of Ownership) Regulations 2014

NOTE: Applicants seeking to fulfil Stocking density using either Horses or Donkeys **must submit ORIGINAL passports** to ANC section in Portlaoise, certified copies are no longer acceptable. Passports can only be submitted after the minimum seven month retention period and annual total has been met, ie after the 31 July 2017.

All equines are required to be purchased with a valid passport and updated to the applicants name thereafter in accordance with the governing regulation.

### **Inclusion of breeding horse enterprises**

While horses are not eligible for the stocking density calculation, equine breeding enterprises continue to be eligible on the basis of the contribution they make to the local economy. Equine Breeding Enterprises are defined as follows: an applicant must, in the first instance, be an equine breeder and have bred a foal, from a mare registered as on the applicant's holding in 2016, in either 2015 or 2016, which was registered in a Stud Book approved by the Department of Agriculture, Food and the Marine, with pedigree recorded (sire and dam). Furthermore, the premises of all who meet this criteria must be registered with the Department of Agriculture, Food and the Marine, in accordance with S.I. No. 8 of 2012, Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012.

Where these criteria are met, the following equines will then be eligible for inclusion in the stocking density calculation for the 2017 Scheme subject to adherence to S.I. 357 of 2011, European Communities (Equine) Regulations 2011 and S.I. 189 of 2014 Equidea (Transfer of Ownership) Regulations 2014 –

- All equines aged one year to five years, (aged using 1 January), registered in a Stud Book approved by the Department of Agriculture, Food and the Marine, with pedigree recorded (sire and dam) and registered in the name of the applicant in accordance with EU Regulation 504/2008 and maintained on his/her holding;
- Breeding mares, registered as having been on the applicant's holding in 2016, which have bred a foal in either 2015 or 2016. Both the mare and the foal MUST be registered in a Stud Book approved by the Department of Agriculture, Food and the Marine.

**NB: Where horses from Equine Breeding Enterprises are used in calculating compliance with the minimum stocking density requirement, the applicants consent to the Department of Agriculture, Food and the Marine directly verifying the appropriate information in the relevant databases necessary to confirm that the number of eligible animals are in the ownership of the applicant.**

### **Donkeys**

Donkeys are eligible for inclusion in the stocking density calculation. They must be owned by the applicant and registered in the name of the applicant in accordance with the governing EU Regulations and maintained on his/her holding. Furthermore, the premises of all who meet this criteria must be registered with the Department of Agriculture, Food and the Marine, in accordance with S.I. No. 8 of 2012, Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012.

NOTE: Applicants seeking to fulfil Stocking density using either Horses or Donkeys must submit ORIGINAL passports to ANC section in Portlaoise, certified copies are no longer acceptable.



## 8. LIVESTOCK UNIT VALUES

The following livestock unit values are used for calculating compliance with the minimum stocking level of 0.15 livestock units per forage hectare for the entire area declared under the 2017 Areas of Natural Constraints Scheme. You must own, possess, hold and maintain for at least seven consecutive months of the year the livestock required to maintain the minimum stocking level. The only exempted cases from compliance with the minimum stocking level of 0.15 livestock units per forage hectare are applicants where a lower stocking level has been fixed based on the productivity of the land. In such cases the requirement to maintain animals for at least seven consecutive months of the year will apply to the number of animals per forage hectare which is the equivalent in livestock unit values to that lower stocking level.

In the case of commonage, the stocking density used in the calculation of the minimum stocking density for the holding will be calculated using the most recent relevant stocking information available to the Department in respect of the commonage.

The basis of these figures is the original Commonage Framework Plans (CFP). These figures were created with reference to the habitat types that are contained within the commonage. The minimum commonage stocking density may be subject to change. It is open to a GLAS planner, for example, to propose a different figure in the GLAS Commonage Plan provided it is supported by a scientific assessment.

Type of animal	Livestock Unit value	Proof required
Female or male cattle over 2 years old	1.0 livestock unit each	Up to date Herd Register. CMMS compliance movements.
Female or male cattle 2 years old or under	0.6 livestock unit each	Up to date Herd Register. CMMS compliance movements.
Female or male sheep	0.15 livestock unit each	Up to date Flock Register as per EU Regulation 21/2004. Sheep Census returned by deadline.
Female or male horses	1.0 livestock unit each	Equine Passport in your name and in accordance with governing EU Regulation
Female or male donkeys	1.0 livestock unit each	Equine Passport in your name and in accordance with governing EU Regulation
Female or male goats	0.15 livestock unit each	Up to date Flock Register as per EU Regulation 21/2004. Goat Census returned by deadline.
Female or male deer	0.3 livestock unit each	Inspection.

## **9. AREA ELIGIBILITY – AREA OF NATURAL CONSTRAINTS (ANC) INCLUDING ISLANDS**

Areas of Natural Constraints Scheme: the forage area of an applicant's holding is each hectare of land or part thereof situated in an Area of Natural Constraints previously referred to as Disadvantaged Area designated as Less Severely Handicapped Lowland or as More Severely Handicapped Lowland or as Mountain Type Lands within the State. Eligible area can include crops as listed on Annex 1. In addition to satisfying these requirements, land entitled to benefit from payment under the scheme must have an agricultural activity carried out on it.

*For land to be eligible for ANC (including Islands) a number of further conditions have to be complied with, namely:*

- i. The land must be used and farmed by the applicant. The land must be suitable for and compatible with the farming enterprise.
- ii. Parcels, including commonage parcels must be maintained in such a condition as to ensure the land is suitable for grazing or cultivation. Parcels, where it has been identified the condition of the land is such that would not to be suitable for grazing or cultivation, will not be eligible to receive grant aid under the ANC Scheme.
- iii. In order to be eligible for payment, the land in question must be available to the applicant for the entire calendar year. Land farmed by the applicant on the basis of 11-month conacre agreements are also deemed eligible for payment under the ANC Scheme. If an applicant rents out some of the land declared on the 2017 application form or leases out or sells some of that land, or if an applicant is aware, or becomes aware, that any of the forage area situated in an Area of Natural Constraints will not be available to him or her for the purposes of farming for the full calendar year, the applicant is required to notify the Department immediately, using either the online or paper application, documenting the parcel numbers of each parcel concerned and the relevant reason. Information in relation to the submission of amendments is outlined in the Helpsheet/Terms and Conditions of the 2017 Basic Payment/Greening and other area-based schemes.
- iv. There must be independent access for animals and/or machinery. Independent access means access by public or private roadway or by a defined right of way. Access over adjoining landowners land is not acceptable.
- v. There must be appropriate fencing for the farming enterprise. Appropriate fencing means stock-proof fencing that will control the applicant's animals and also neighbouring farmer's animals. In mountain/hill areas this generally means sheep fencing.
- vi. There must be defined external boundaries, except in the case of commonage.
- vii. If at inspection an applicant claims to be farming land with animals, then the type of animal must be appropriate to the land and there must be handling facilities available to meet the animal welfare requirements.
- viii. At inspection all of the above requirements must be evident on the day of the inspection.
- ix. The following types of lands are ineligible -
  - Areas under roads, paths, buildings, farmyards, woods, scrub, rivers, streams, ponds, lakes, sand, areas of bare rock etc.

- Boglands unfit for grazing; sand/gravel pits, areas used for quarrying; areas fenced off from grazing use, inaccessible areas and areas not available for the rearing of animals under a recognised environmental plan.
- Areas used for permanent crops or horticultural crops.
- Areas under cereal crops harvested for grain.
- Areas used as sports fields, golf courses, pitch and putt courses.
- Any parcels/plots claimed that are not farmed by the applicant are not eligible for payment under the Areas of Natural Constraints Scheme.
- Any land, irrespective of eligibility status on which no farming activity is carried out is not eligible for payment.

### **Additional Area requirements under Areas of Specific Constraints (Islands)**

In order to be eligible for payment under the Areas of Specific Constraints (Islands) sub measure, land must adhere to the following additional requirements;

- The land must be situated on an off-shore island with no permanent access to the mainland.
- The land must be eligible for payment and have all of the ineligible features excluded.
- The land must have a farming activity carried out on it.
- The applicant must have confirmed in Form ANC/IS/1 that the he or she is carrying out a farming activity on the declared parcel.

### **10. AID LEVELS UNDER AREAS OF NATURAL CONSTRAINTS**

The Areas of Natural Constraints Scheme provides for payment as follows:

<b>Area Designation</b>	<b>Payment Rates</b>	<b>Payable Area</b>
Mountain Type Land	€109.71	First 10 hectares or part thereof*
	€95.99	Remaining hectares up to maximum of 34 hectares**
More Severely Handicapped Lowland	€95.99	30 hectares or part thereof subject to an overall maximum of 30 hectares
Less Severely Handicapped Lowland	€82.27	30 hectares or part thereof subject to an overall maximum of 30 hectares

\* The top-up of €13.72 on the first 10 hectares of Mountain Type Land will only be paid to beneficiaries who maintain a sheep, cattle or goat enterprise or a combination of these enterprises.

\*\* Applicants maintaining a combination of Mountain Type Land, More Severely Handicapped Lowland and/or Less Severely Handicapped Lowland, will be paid up to a maximum of 30 hectares except where the area of Mountain Type Land declared is

between 30 and 34 hectares. In these cases, the payment will be based on the number of hectares of Mountain Type Land declared.

Payment will be made in the order of Mountain Type Lands firstly, More Severely Handicapped Lowland secondly with Less Severely Handicapped Lowland thirdly, so as to maximise the amount which can be paid to an applicant. The entire holding will be treated as one holding for the purposes of payment under the 2017 Areas of Natural Constraints Scheme.

#### **11. AID LEVELS UNDER AREAS OF SPECIFIC CONSTRAINTS/ISLAND FARMING**

A separate payment in respect of those farming off-shore islands applies. These islands are designated as Areas of Specific Constraints. An Island for the purpose of the scheme is defined as an area of land situated off-shore, which is not connected to the mainland by a permanent access route. The holdings of Specific Constraints must meet the eligibility conditions as detailed above for ANC.

Rates payable are in respect of each forage hectare of Specific Constraints are as follows:

<b>Area Designation</b>	<b>Payment Rates</b>	<b>Payable Area</b>
Areas of Specific Constraints (Island)	€250.00	Up to and including the first 20 hectares of Areas of Specific Constraints or part thereof
	€170.00	Greater than 20 hectares or less than or equal to 34 hectares of Areas of Specific Constraints
	€ 70.00	Greater than 34 hectares or less than or equal to 40 hectares of Areas of Specific Constraints

Payment under the Areas of Specific Constraints category of ANC is subject to an overall maximum ceiling of 40 hectares.

#### **12. INSPECTIONS**

In submitting a 2017 BPS and Other Areas Based Schemes application form, applicants agree to permit officials or agents of the Department to carry out on-farm inspections, with or without prior notice and where notified at any reasonable time(s) and without prejudice to public liability. When notified of an on-farm inspection, the applicant should arrange to be present for the inspection or have a representative nominated in his/ her place to assist the inspecting officer. If applicants are farming land other than that indicated on the 2017 application form they must bring it to the attention of the inspecting officer on the day of the inspection.

Every on-the-spot (ground) inspection will be the subject of a report and the applicant or his/her representative will be given an opportunity to sign the report indicating his/her presence at the inspection, if they are so present at the inspection, and to add his/her observations if he/she so wishes. Signing this document does not imply that the applicant or

his/her representative accepts the inspection findings. Applicants are reminded that no payment shall be made in favour of those for whom it is established that they artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of that support scheme. An applicant has a number of appeal options available should he/she wish to avail of them.

To facilitate checks and on-farm inspections, applicants shall fully co-operate with Department staff, and reply fully to all queries providing any documentary evidence that may be requested in relation to their application. Failure to do so may lead to loss of all aid. If an on-farm inspection cannot be carried out through the fault or action of the applicant or his/her representative, the application shall be rejected. This will result in no payment, unless the Department determines an instance of force majeure.

Additional information in relation to inspections is available in relevant sections of the Helpsheet/Terms and Conditions of the 2017 Basic Payment/Greening and other area-based schemes.

### **13. CROSS COMPLIANCE**

Penalties for breaches of the Cross Compliance requirements and the standards for Good Agricultural and Environmental Condition of land will apply to payments under the Areas of Natural Constraints Scheme in the same way as for BPS.

Additional information in relation to Cross Compliance is available in relevant sections of the Helpsheet/Terms and Conditions of the 2017 Basic Payment/Greening and other area-based schemes.

### **14. REDUCTIONS AND PENALTIES UNDER THE ANC SCHEME**

Failure to adhere to scheme rules may result in a reduction in or loss of payment in addition to the application of a penalty. The revised penalty arrangements as per Article 19(a) of Regulation No. 640/2014, which took effect from scheme year 2016 and applies to the EU Basic Payment Scheme (BPS), the Young Farmers Scheme, the Areas of Natural Constraints Scheme and the Areas of Specific Constraints (Islands) Scheme will continue to apply. Article 54 of Commission Regulation 1306/2013 states *“for any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within 18 months after the approval”*. Article 58 of the same regulation also states that Member States shall *“recover undue payments plus interest”*. Furthermore Article 7 of Commission Implementation Regulation 809/2014 states that *“if undue payment is made, the beneficiary shall repay the amount in question plus, where applicable, interest.”*

The following reductions and/or penalties will apply in cases where the area determined (found) is less than the area declared.

For ANC purposes a crop group is an area that benefits from the same rate of aid under the Areas of Natural Constraints Scheme. That means that the area declared as (i) Mountain Type Lands (ii) More Severely Handicapped and (iii) Less Severely Handicapped, that are eligible for payment, are separate crop groups and will be dealt with separately for the

purposes of applying over-declaration penalties. If the difference between the numbers of eligible hectares determined (found) and the number of hectares declared is less than 3% of the area found, payment will be based on the area. However, if the difference is greater than 2 hectares the penalties as outlined below will be applied irrespective of whether the difference is less than 3% or not.

*The listed reductions and penalties will not apply provided that the aid payable on the determined area is not less than the aid payable on the claimed area.*

**Areas of Natural Constraints - Implications where differences are found between declared and determined area.**

<b>Difference between the number of eligible hectares determined (found) and the number of hectares declared</b>	<b>Level of Reduction/Exclusion</b>
If the difference is less than 3% of the area determined. However, if the difference is greater than 2 hectares the deductions and exclusions set out below will apply.	Payment is based on the number of eligible hectares determined (found).
If the difference is greater than 3% of the area determined <b>or</b> if the difference is greater than 2 hectares irrespective of whether the difference is less than 3% or not.	Payment is based on the number of eligible hectares determined (found) reduced by 1.5 times the difference (in hectares) between the area declared and area determined.  The penalty will not exceed 100% of the amount based on the area declared. Where any amount of the penalty is not recouped in the current scheme year, it will be recouped from payments issuing over the following 3 years.

**Yellow Card**

In addition to the revised penalty regime above the concept of a Yellow Card system also applies where the over-claim area determined is more than 3% and not more than 10%. A farmer can only avail of a Yellow Card once in respect of each individual scheme. Further details on how the Yellow Card provision is implemented are below. Where a farmer had a Yellow Card applied in 2016 under ANC, they cannot avail of a further Yellow Card under ANC in 2017, in the event of a further over-declaration being determined.

- Where an farmer receives a penalty for an over-declaration for the first-time and the over-declaration does not exceed 10% of the area determined, the penalty is reduced by 50%

- Where a farmer benefits from the reduced 50% penalty calculation above in a given year, and again incurs an over-declaration resulting in a penalty in the following year, the full penalty will be calculated for that year and the amount of the reduced penalty from the previous year will be due to be repaid also.

**Example of application of Yellow Card**

<b>Scheme Year 2016</b>	<b>Claimed by Farmer</b>	<b>Determined by Dept.</b>
<i>Eligible Area</i>	<i>30ha in Mtn Crop Group</i>	<i>28ha in Mt Crop Group</i>
<i>Difference</i>		<i>2 hectares</i>
<i>Penalty</i>		<i>7.14%</i>
<i>Rate of Penalty prior to application of Yellow Card</i>		<i>1.5</i>
<i>Yellow Card eligibility</i>		<i>Y</i>
<i>Rate of over-claim penalty post application of Yellow Card</i>		<i>0.75</i>
<i>Size of over-claim penalty</i>		<i>€ equivalent of 1.5ha</i>

<b>Scheme Year 2017</b>	<b>Claimed by Farmer</b>	<b>Determined by Dept.</b>
<i>Eligible Area</i>	<i>30ha in Mtn Crop Group</i>	<i>28ha in Mt Crop Group</i>
<i>Difference</i>		<i>2 hectares</i>
<i>Penalty</i>		<i>7.14%</i>
<i>Rate of Penalty prior to application of Yellow Card</i>		<i>1.5</i>
<i>Yellow Card eligibility</i>		<i>N</i>
<i>Rate of over-claim penalty</i>		<i>1.5 for over-claim in 2017 Plus 0.75 for over-claim in 2016</i>
<i>Size of over-claim penalty</i>		<i>€ equivalent of 3ha for 2017 Plus € equivalent of 1.5ha for 2016</i>

- \* For ANC as there is a higher rate of aid on the first 10 hectares of Mountain Type Lands for applicants who maintain Cattle, Sheep and/or Goats, in the case of an over-declaration, the level of aid payable will be based on the average rate of aid for such land. The average will be based on the aid payable on the number of hectares declared by the applicant for the crop group concerned.

For Areas of Specific Constraints (Islands) as there are three separate payment rates in respect of areas of Specific Constraints, (Island land), in the case of an over-declaration, the level of aid payable will be based on the average rate of aid for such land. The average will be based on the aid payable on the number of hectares declared by the applicant in respect of areas of Specific Constraints i.e. Island Land.

## **15. LATE APPLICATIONS**

The 2017 Basic Payment Scheme application is the application form for the 2017 Areas of Natural and Specific Constraints Scheme. Under EU Regulations, there is a 25-calendar day period after the 15 May closing date for the acceptance of late applications and any necessary supporting documentation. However, deductions to payments will apply to the applications, which are received during this period. Except in cases of force majeure, applications will not be accepted without penalty after this 25 calendar day period has ended. The rate of deduction is 1% per working day in respect of payments under Areas of Natural and Specific Constraints Scheme for each working day that the application is late up to and including 9 June 2017. No Areas of Natural or Specific Constraints payment can be paid in respect of any application received after 9 June 2017.



## ANNEX I

Eligible ANC: A 'Y' in this column indicates that the "crop" can be used to draw down payment under the ANC scheme in 2016.

<b>Crop</b>	<b>Eligible BPS</b>	<b>Eligible ANC</b>	<b>Eligible EFA Area</b>	<b>Grassl and</b>	<b>Till age</b>	<b>Ara ble</b>	<b>Grouping Greening</b>
100% Destocked Area	Y	Y		Y			
Alfalfa	Y	Y	Y	Y			
Apples	Y	N					
Arable Habitat	Y	N			Y	Y	
Arable Silage	Y	Y		Y		Y	
Artichoke	Y	N					
Asparagus	Y	N					
Aubergines	Y	N			Y	Y	
Baby Leaf Spinach	Y	N			Y	Y	Spinacia
Barley - Spring	Y	N			Y	Y	
Barley - Winter	Y	N			Y	Y	
Basil	Y	N			Y	Y	
Beans - Spring	Y	N	Y		Y	Y	
Beans - Winter	Y	N	Y		Y	Y	
Beetroot	Y	N			Y	Y	Beta
Blackberries	Y	N					
Blackcurrants	Y	N					
Blueberries	Y	N					
Broccoli - Spring	Y	N			Y	Y	Brassica oleracea
Broccoli - Winter	Y	N			Y	Y	Brassica oleracea
Brussel sprouts	Y	N			Y	Y	Brassica oleracea
Cabbage - Spring	Y	N			Y	Y	Brassica oleracea
Cabbage - Winter	Y	N			Y	Y	Brassica oleracea
Calabrese	Y	N			Y	Y	Brassica oleracea
Camelina	Y	N			Y	Y	
Carrots - Spring	Y	N			Y	Y	
Carrots - Winter	Y	N			Y	Y	
Cauliflowers - Spring	Y	N			Y	Y	Brassica oleracea
Cauliflowers - Winter	Y	N			Y	Y	Brassica oleracea

<b>Crop</b>	<b>Eligible BPS</b>	<b>Eligible ANC</b>	<b>Eligible EFA Area</b>	<b>Grassl and</b>	<b>Till age</b>	<b>Ara ble</b>	<b>Grouping Greening</b>
Celeriac	Y	N			Y	Y	Apium
Celery - Spring	Y	N			Y	Y	Apium
Celery - Winter	Y	N			Y	Y	Apium
Cherries	Y	N					
Chives	Y	N			Y	Y	Allium
Clover	Y	Y	Y	Y			
Copse	N	N	Y				
Coriander	Y	N			Y	Y	
Courgettes	Y	N			Y	Y	Cucurbita pepo
Cranberries	Y	N					
Cucumbers	Y	N			Y	Y	
Daffodils	Y	N			Y	Y	
Damsons	Y	N					
Designated Habitat	Y	N					
Dill	Y	N			Y	Y	
Early Potatoes	Y	N			Y	Y	Solanum
Endives	Y	N			Y	Y	
Environmental Mgt of Fallow Land	Y	N				Y	Fallow
Fallow	Y	N		Y		Y	Fallow
Fallow - Greening	Y	N	Y	Y		Y	Fallow
Fennel	Y	N			Y	Y	
Flax	Y	N			Y	Y	Linum
Fodder Beet	Y	Y			Y	Y	Beta
Foliage	Y	N					
Forage Rape	Y	Y			Y	Y	
Forestry Eligible	Y	N	Y				
Forestry Setaside	Y	N					
Garlic	Y	N			Y	Y	Allium
Glasshouse	Y	N					
Gooseberries	Y	N					
Grapes	Y	N					
Grass Seed	Y	N		Y		Y	
Grass Silage	Y	Y		Y			
Grass Year 1	Y	Y		Y		Y	
Grass Year 2	Y	Y		Y		Y	
Grass Year 3	Y	Y		Y		Y	
Grass Year 4	Y	Y		Y		Y	
Grass Year 5	Y	Y		Y		Y	
Grassmeal	Y	N		Y		Y	

<b>Crop</b>	<b>Eligible BPS</b>	<b>Eligible ANC</b>	<b>Eligible EFA Area</b>	<b>Grassl and</b>	<b>Till age</b>	<b>Ara ble</b>	<b>Grouping Greening</b>
Hemp	Y	N			Y	Y	
Hops	Y	N					
Horseradish	Y	N			Y	Y	
Kale	Y	Y			Y	Y	Brassica oleracea
Kohl-rabi	Y	N			Y	Y	Brassica oleracea
Low Input Permanent Pasture	Y	Y					
Leeks - Spring	Y	N			Y	Y	Allium
Leeks - Winter	Y	N			Y	Y	Allium
Lettuce	Y	N			Y	Y	
Lilies	Y	N			Y	Y	
Linnet Habitat	Y	N	Y		Y	Y	Fallow
Linseed	Y	N			Y	Y	Linum
Loganberries	Y	N					
Lucerne	Y	Y	Y	Y			
Lupins	Y	N	Y		Y	Y	
Maincrop Potatoes	Y	N			Y	Y	Solanum
Maize	Y	Y			Y	Y	Zea
Mange Tout Peas	Y	N			Y	Y	Pisum
Mangolds	Y	Y			Y	Y	Beta
Marrows	Y	N			Y	Y	Cucurbita pepo
Millet	Y	N			Y	Y	
Mint	Y	N					
Miscanthus Sinensis	Y	Y					
Mixed Cropping	Y	N			Y	Y	
Mixed Grazing	Y	Y		Y			
Mushrooms	Y	N			Y	Y	
Mustard	Y	N			Y	Y	
Nursery	Y	N					
Oats - Oats	Y	N			Y	Y	
Oats - Winter	Y	N			Y	Y	
Oilseed Rape - Spring	Y	N			Y	Y	Brassica napus
Oilseed Rape - Winter	Y	N			Y	Y	Brassica napus
Onions	Y	N			Y	Y	Allium
Orchard	Y	N					
Other cut flower / bulb	Y	N			Y	Y	

<b>Crop</b>	<b>Eligible BPS</b>	<b>Eligible ANC</b>	<b>Eligible EFA Area</b>	<b>Grassl and</b>	<b>Till age</b>	<b>Ara ble</b>	<b>Grouping Greening</b>
crops							
Pak Choi	Y	N			Y	Y	Brassica rapa
Parsley	Y	N			Y	Y	
Parsnips	Y	N			Y	Y	
Pears	Y	N					
Peas	Y	N	Y		Y	Y	Pisum
Peppers	Y	N			Y	Y	
Permanent Pasture	Y	Y		Y			
Perpetual Spinach	Y	N			Y	Y	Spinacia
Plums	Y	N					
Pumpkins	Y	N			Y	Y	Cucurbita pepo
Radish	Y	N			Y	Y	
Raspberries	Y	N					
Red Clover	Y	Y	Y	Y			
Redcurrants	Y	N					
Reed Canary Grass	Y	Y					
REPS 4 New Habitat	Y	N					
REPS 4 New Woodland	Y	N					
REPS 4 Orchard	Y	N					
REPS 4 Planted Buffer Zone	Y	N					
Rhubarb	Y	N					
Riparian Zone	Y	N					
Rocket	Y	N			Y	Y	
Rosemary	Y	N					
Rough Grazing	Y	Y		Y			
Rye	Y	N			Y	Y	
Sage	Y	N			Y	Y	
Salsify	Y	N			Y	Y	
Scallions	Y	N			Y	Y	Allium
Seed Potatoes	Y	N			Y	Y	Solanum
Shallot	Y	N			Y	Y	Allium
Short Rotation Coppice	Y	Y	Y				
Soya Bean	Y	N			Y	Y	
Species Rich Grassland	Y	Y		Y			
Squash	Y	N			Y	Y	Cucurbita pepo
Strawberries	Y	N			Y	Y	
Sugar Beet	Y	Y			Y	Y	Beta
Sunflower	Y	N			Y	Y	

<b>Crop</b>	<b>Eligible BPS</b>	<b>Eligible ANC</b>	<b>Eligible EFA Area</b>	<b>Grassl and</b>	<b>Till age</b>	<b>Ara ble</b>	<b>Grouping Greening</b>
Swede	Y	Y			Y	Y	Brassica napus
Sweetcorn	Y	N			Y	Y	Zea
Switchgrass	Y	N					
Thyme	Y	N			Y	Y	
Tobacco	Y	N			Y	Y	
Tomatoes	Y	N			Y	Y	
Trad. Sustainable Grazing	Y	Y		Y			
Traditional Hay Meadow	Y	Y		Y			
Triticale	Y	Y			Y	Y	
Tulips	Y	N			Y	Y	
Turnips	Y	Y			Y	Y	Brassica rapa
Wheat - Spring	Y	N			Y	Y	
Wheat - Winter	Y	N			Y	Y	
Whitecurrants	Y	N					
Wild Bird Cover	Y	Y	Y		Y	Y	Fallow
Willow	Y	Y	Y				



## BURNING OF GROWING VEGETATION

Under Section 40 of the Wildlife Act, 1976, as amended by the Wildlife (Amendment) Act, 2000 growing vegetation cannot be burnt between 1 March and 31 August of any given year, on any land not yet cultivated.

You must be aware of further legal constraints when planning a controlled burning operation:

- Under Section 39 of the Wildlife Act, 1976 (as amended), it is prohibited to burn any vegetation within one mile of a wood, without prior notification to the Gardai and the owner of the wood.
- Under Section 74 of the Wildlife Act, 1976, (as amended), a person guilty of an offence shall be liable to a fine not exceeding £50,000 (€63,490) or a prison term not exceeding 2 years, or both a fine and a prison term.

### **DIAL BEFORE YOU BEGIN BURNING**

**REMEMBER – YOU MUST ALWAYS TELEPHONE THE REGIONAL FIRE CONTROL CENTRE BEFORE YOU BURN, STATING CLEARLY YOUR INTENTION TO CARRY OUT A CONTROLLED BURNING OPERATION, GIVING YOUR NAME, CONTACT TELEPHONE NUMBER, THE EXACT LOCATION AND EXPECTED DURATION OF THE PLANNED OPERATION FOR THE DAY IN QUESTION.**

The Regional Fire Control Centres can be contacted via the normal Emergency Services telephone numbers:

**999/112**

### **DIAL WHEN YOU ARE FINISHED BURNING**

**TELEPHONE AGAIN WHEN OPERATIONS ARE COMPLETED AND ALL FIRES ARE FULLY EXTINGUISHED.**

### **IF IN DOUBT, DO NOT BURN**

**The Department has produced a Prescribed Burning Code of Practice in order to provide guidance to landowners who use controlled burning as a land management tool and a shorter version issued to farmers in high fire risk areas throughout the country in 2013. Both publications are available on the Department's website at [www.agriculture.gov.ie/forests-service/landandforestfires](http://www.agriculture.gov.ie/forests-service/landandforestfires) or from the Forest Service, Johnstown Castle, Co. Wexford.**

There will be a greater focus on identifying those suspected of engaging in uncontrolled burning, through the use of farm inspections under Cross Compliance rules, which could result in penalties being imposed under the 2016 Scheme.

## **BEFORE BURNING YOUR LAND**



### **1. ARE YOU BREAKING THE LAW?**

THE BURNING OF GROWING VEGETATION ON UNCULTIVATED LAND BETWEEN 1 MARCH AND 31 AUGUST IS ILLEGAL!

### **2. CAN YOU CONTROL THE FIRE?**

HAVE YOU TAKEN ALL THE NECESSARY PRECAUTIONS TO ENSURE THE FIRE WILL NOT SPREAD OUT OF CONTROL?

### **3. ARE YOU WITHIN ONE MILE OF WOODS?**

YOU MUST NOTIFY YOUR LOCAL GARDA STATION AT LEAST 7 DAYS PRIOR TO BURNING.

### **4. ARE YOU PREPARED FOR THE CONSEQUENCES?**

UNCONTROLLED LAND BURNING PUTS LIVES AT RISK AND DAMAGES PROPERTY.

For more information log on to  
[www.agriculture.gov.ie/forests-service/land-and-forest-fires](http://www.agriculture.gov.ie/forests-service/land-and-forest-fires)

**REMAIN VIGILANT, AND IF IN DOUBT  
DO NOT BURN**