



Department of  
**Agriculture,  
Food and the Marine**

An Roinn  
**Talmhaíochta,  
Bia agus Mara**



# A Guide to Greening 2015

**PLEASE NOTE:**

**All farmers that declared 10 hectares or more of arable crops in 2014 or will have in 2015 have an obligation under Greening (Crop Diversification and/or Ecological Focus Areas) and must apply online in 2015.**

**READY RECKONER FOR CONVERSION OF AREA**

| Acres | Hectares | Acres | Hectares | Acres | Hectares | Acres | Hectares | Acres | Hectares |
|-------|----------|-------|----------|-------|----------|-------|----------|-------|----------|
| 1     | 0.4047   | 7     | 2.8329   | 40    | 16.188   | 100   | 40.47    | 700   | 283.29   |
| 2     | 0.8094   | 8     | 3.2376   | 50    | 20.235   | 200   | 80.94    | 800   | 323.76   |
| 3     | 1.2141   | 9     | 3.6423   | 60    | 24.282   | 300   | 121.41   | 900   | 364.23   |
| 4     | 1.6188   | 10    | 4.047    | 70    | 28.329   | 400   | 161.88   | 1,000 | 404.70   |
| 5     | 2.0235   | 20    | 8.094    | 80    | 32.376   | 500   | 202.35   |       |          |
| 6     | 2.4282   | 30    | 12.141   | 90    | 36.423   | 600   | 242.82   |       |          |

The thresholds and areas in this booklet are in hectares. Use the following table as a reference for converting from acres to hectares.

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## Introduction

The Single Payment Scheme (SPS) was replaced by the Basic Payment Scheme (BPS) and Greening with effect from 2015. This booklet is designed to assist farmers and advisors/consultants with the implementation of the individual measures that are collectively known as Greening.

A copy of this document can be downloaded from the Department's website – [www.agriculture.gov.ie](http://www.agriculture.gov.ie). Any clarifications or updates on Greening will be released via the Department's website. Updates will be made available in the form of a change document which will list the amendments to the original text and a consolidated text, which will be a full version of the booklet with changes integrated into the text.

All farmers eligible for payment under the BPS Scheme will be subject to greening. However, certain exemptions apply meaning, in very broad terms, that it is the arable sector that will have obligations under greening. Certain exemptions also apply to arable farmers but for those who do not qualify for these they will have to implement one or all of the three standard measures:

1. **Crop Diversification** - if a farmer has 10 or more hectares of arable land, he or she will be required to sow a number of different crops (2 or 3) unless they qualify for an exemption.
2. **Ecological Focus Area (EFA)** – if a farmer has more than 15 hectares of arable land, he or she will need to declare at least 5% of 'Ecological Focus Areas' on their arable land – unless they qualify for an exemption.
3. **Protection of Permanent Grassland** – this measure will be managed at national level and, therefore, no requirements will be placed on individual farmers. However, if the ratio of permanent grassland in Ireland – compared to the area of agricultural land – falls by more than 5%, farmers who have ploughed permanent grassland will have to re-instate it. It would also mean that there would be restrictions on any further ploughing of permanent grassland. If the percentage does fall, the Department will notify individual farmers as to the requirements. The ploughing and reseedling of permanent grassland is not affected by this requirement.

**3.1 Environmentally Sensitive Grassland** - under this measure permanent pasture designated as Environmentally Sensitive must not be ploughed or converted. In Ireland these are specific areas within Natura 2000 designated sites. At present, this Department is in the process of identifying the farmers with these areas and they will be written to in due course.

If you intend to submit an application under BPS in 2015 it is important that you ensure that you become fully aware of the greening rules now, in case you have to alter any practice on your holding in 2015. The rules are such that for certain farmers they may already be fully compliant with the greening rules due to the range of crops that are already grown on the holding.

## Online Application

If you are an applicant subject to Greening requirements it will be **mandatory** for you to make your **BPS application online** from 2015. A paper application will not be acceptable from 2015, therefore, if you have **not already registered as an online user** you should do so immediately by logging on to [www.agfood.ie](http://www.agfood.ie). Alternatively, you can authorise an agricultural consultant or Teagasc advisor to apply on your behalf. Please see list of approved agents on the Department's website. For relevant authorisation forms please see:

<http://www.agriculture.gov.ie/agfoodinformationpages/agfoodagentforms/>.

## Why do I need to apply using the online facility?

All applications from farmers for the Basic Payment Scheme and the Greening Payment must be made online as there will be no facility to accept paper applications from farmers, who are subject to the greening obligations. There are a number of reasons why it is necessary to exclusively use an online application.

The greening requirements are complex and it would be very difficult, using a paper application, to make provision for all of the possibilities and options under the greening requirements. The processing of such applications would be administratively burdensome and likely to lead to delays in payments of all farmers under both the BPS and the Greening Payment.

The use of the online facility means that it is possible for farmers to use the assistance and aids inbuilt in the facility. The use of that facility should make it easier for applicants to comply with the greening requirements provided that the declarations made in respect of the different crops and EFA areas are accurate.

## Are Greening Rules applicable to me?

If you have 10 hectares or more of eligible arable land you are required to meet the Crop Diversification requirements in 2015 unless you qualify for an exemption.

If you have more than 15 hectares of eligible arable land you are obliged to carry out both crop diversification and EFA requirements, again subject to the exemptions outlined in this document.

The table below illustrates how Greening obligations apply to individual farmers:

| <b>If the area of eligible arable land I will have in 2015 is:</b>  | <b>Do I need to follow the Crop Diversification rules?</b> | <b>Do I need to declare Ecological Focus Areas?</b> |
|---|--|---|
| <b>No arable land</b>   | No   | No  |
| <b>Less than 10 hectares of arable land</b>                         | No   | No  |
| <b>10 hectares or more and less than 15 hectares of arable land</b> | Yes, unless you qualify for an exemption                   | No  |
| <b>Greater than 15 hectares of arable land</b>                      | Yes, unless you qualify for an exemption                   | Yes, unless you qualify for an exemption            |

## Reference Area v Claimed Area

It is important to note that when determining whether or not you are subject to greening requirements, it is the **reference area**, as established from the Land Parcel Identification System (LPIS) maintained by the Department of Agriculture, Food and the Marine that is to be taken into consideration and not the area claimed (declared) by you in the 2015 BPS/Greening Payment application form. You are obliged to declare all your land and claiming a lower area does not reduce your greening obligations. See example below.

### Example: Reference v Claimed Area

For the parcel below the **Reference Area** is 6.52 ha. This is the maximum eligible area for payment based on the LPIS. The farmer has **Claimed** 6.47 ha.

For the purposes of greening it will be 6.52 ha used for all calculations.



## Greening Payment

Subject to scheme compliance farmers are eligible to receive at least two separate payments from 2015 onwards – payments under the Basic Payment Scheme and the Greening Payment. The Greening Payment will account for approximately 30% of the farmer's total payment. The payment will be a top-up of the Basic Payment Scheme (BPS) and will amount to approximately 44% of the total value of entitlements activated.

Activated entitlements are those for which you have declared an eligible hectare in your application in the 2016 scheme year as illustrated in the table below.

| Example | Number of BPS entitlements held | Number of eligible hectares declared | Number of BPS entitlements activated |
|---------|---------------------------------|--------------------------------------|--------------------------------------|
| 1       | 40                              | 40 ha                                | 40                                   |
| 2       | 40                              | 60 ha                                | 40                                   |
| 3       | 40                              | 30 ha                                | 30                                   |

Farmers are required to meet the greening obligations **on all of their eligible hectares** regardless of the number of activated entitlements. That means that in the case of example 2 in the table above, the farmer is required to meet the greening requirements on all the 60 declared hectares even though he or she activated 40 entitlements (40 hectares). The farmer will, of course, provided he meets the greening requirements, benefit from the full Greening Payment. In the case of example 3 in the table above, the Greening Payment will be established as a percentage of the total value of the 30 entitlements activated and paid rather than the 40 entitlements, which the farmer holds.

**Example:** Farmer A holds 25 entitlements under the BPS in 2016 at a value of €220 per entitlement.

He declares 30 hectares and is fully paid under the BPS Scheme. The gross amount paid is €5,500 (€220 x 25 entitlements). The provisional greening payment will be 44% of the BPS amount, which is €2,420. The total payment Farmer A will receive is €7,920 – (€5,500 + €2,420).

## Definitions

If you have to meet the greening obligations, it is necessary to know the total agricultural area of your holding which will be eligible for the Basic Payment Scheme in 2015. Greening requirements apply to all the agricultural land on a holding, even if some of that land is not used to claim payment under the Basic Payment Scheme.

The area of arable land, permanent grassland and permanent crops on your holding will be established by the online facility based on the declaration you make under the 2015 Basic Payment Scheme. It will be necessary to verify the status on any land rented/leased by you in 2015 to



establish **whether it is permanent grassland or temporary grassland**. This is important in order that the full arable area of the holding is taken into account in the assessments.

The following definitions will assist in better understanding the requirements of greening and the applicable exemptions.

**Arable Area** – Crop Diversification and EFA requirements will be based on the amount of arable land the applicant has. For the purpose of BPS arable land is defined as:

- land cultivated for crop production in the year of declaration – including land used for combinable crops, root crops, crops grown for animal feed such as forage maize and forage rape, field vegetables, cut flowers or bulbs and soft fruit (other than permanent crops). This includes where these crops are grown under greenhouses, or under cover, on soil or grass
- fallow land (**see page 29 for more information**)
- temporary grassland (**see page 6 for more information**)

**Permanent crops** – these are non-rotational crops other than permanent grassland that occupy the land for five years or more and yield repeated harvests. The most common examples of permanent crops are orchards, fruit crops such as blackcurrants, short rotational coppice, miscanthus, ornamentals and nurseries and multi-annual crops. Under the EU Regulations, forestry and Christmas trees are not classified as permanent crops. Permanent crops are not arable land but they are, with some exceptions, still eligible for payment under BPS.

**Agricultural Area** – this is the total area of the holding consisting of the following areas:

- permanent grassland,
- arable land including temporary grassland and fallow land
- land under permanent crops **excluding afforested land**.

**Catch Crops** – either grass under sown with main spring crops or sown as a seed mixture (see **page 30**) following harvesting of a main crop. (Catch crops are also referred to as winter cover, green cover or green manure).

**Claimed Area** – this refers to the area claimed (declared) by the applicant in the BPS/Greening Payment application form.

**Digitised Area** – this refers to the entire area of a parcel within the perimeter boundary measured on the Department’s computerised system (LPIS) before the deduction of internal ineligible areas such as roadways, rivers etc.

**Reference Area** - this refers to the area of a parcel that is **eligible for payment** from the Department of Agriculture, Food and the Marine’s Land Parcel Identification System (LPIS) database.

**Equivalence for Crop Diversification** – is an option for applicants to secure an exemption from the Crop Diversification requirements where they join the GLAS Scheme and sow a catch crop on all of their arable land under that Scheme.

**Fallow land** – this refers to land that was previously used for an arable crop or temporary grassland and is no longer used for crop production or grazing. Further details of the rules applicable to fallow land are set out at **page 29**.

**Temporary grassland (including herbaceous forage)** - this is land that has been in grass or other herbaceous forage for less than 5 years. For example, a land parcel would be temporary grassland in 2015 if it satisfied any of the following conditions over the past 5 years, except where it has been more than 5 years since the arable crop (Scenario 5).

| Scenario | 2009          | 2010          | 2011          | 2012          | 2013          | 2014         | 2015                     |
|----------|---------------|---------------|---------------|---------------|---------------|--------------|--------------------------|
| 1        | Barley-Spring | Barley-Spring | Barley-Spring | Barley-Spring | Barley-Spring | Grass Year 1 | Grass Year 2             |
| 2        | Barley-Spring | Barley-Spring | Barley-Spring | Barley-Spring | Grass Year 1  | Grass Year 2 | Grass Year 3             |
| 3        | Barley-Spring | Barley-Spring | Barley-Spring | Grass Year 1  | Grass Year 2  | Grass Year 3 | Grass Year 4             |
| 4        | Barley-Spring | Barley-Spring | Grass Year 1  | Grass Year 2  | Grass Year 3  | Grass Year 4 | Grass Year 5             |
| 5        | Barley-Spring | Grass Year 1  | Grass Year 2  | Grass Year 3  | Grass Year 4  | Grass Year 5 | <b>Permanent Pasture</b> |

It should be noted that the amount of temporary grassland each farmer has will count towards the amount of arable land they will have in 2015. **Land after 5 years in temporary grassland will automatically become permanent pasture in year 6 and hence will no longer count as an arable crop.**

**Tillage Area** – this is the area under arable crops (excluding temporary grassland/land lying fallow)

**Total Eligible Area of the Holding**– this is the total agricultural area (i.e. permanent grassland, arable land and permanent crops) of the holding **plus** BPS eligible forestry where it is declared for payment purposes.

## Crop Diversification

This measure is designed to encourage a diversity of crops on holdings which have arable land.

For farmers with more than 10 hectares of arable land the requirements are detailed below. When calculating whether you have 10 hectares or over of arable land in 2015, bear in mind that the arable land **includes temporary grassland and fallow land**. It is also important to note that this area is based on the total of the reference areas of each parcel declared by you. **This area may, therefore, be greater than the total area claimed by you.**

**Between 10 hectares and 30 hectares arable land** – required to sow at least two crops with the main crop not more than 75% of the arable land. There is no requirement on the remaining 25% in terms of the number of crops that can be sown.

**Example 1:** A farmer has 25 hectares of arable land, of which 16 hectares will be sown with spring oats and 9 hectares with spring barley. He will sow his 2 crops and his main crop is 64%. He will meet his requirements under Crop Diversification.

| Arable Area      | 25 ha |     |
|------------------|-------|-----|
| Oats - Spring    | 16 ha | 64% |
| Barley - Spring  | 9 ha  | 36% |
| <b>Compliant</b> |       |     |

**Example 2:** A farmer has 25 hectares of arable land, of which 20 hectares will be planted with spring oats and 5 hectares are spring barley. If he sows these two crops he will breach the Crop Diversification ratio because his main crop is 80%. He will not meet his requirements under Crop Diversification as his main crop exceeds 75%. If he wants to benefit from his full Greening Payment he will need to reduce the area he intends sowing with spring oats.

| Arable Area          | 25 ha |     |
|----------------------|-------|-----|
| Oats - Spring        | 20 ha | 80% |
| Barley - Spring      | 5 ha  | 20% |
| <b>Non Compliant</b> |       |     |

**Greater than 30 hectares arable land** – required to sow at least three crops, the main crop cannot be more than 75% and the two main crops not more than 95%. There is no requirement on the remaining 5% in terms of the number of crops that can be sown.

**Example 1:** A farmer has 100 hectares; of which 70 hectares are spring barley, 20 hectares are spring oats and the remaining 10 hectares are made up of 6 hectares temporary grass and 4 hectares of beans. This applicant has more than his minimum requirement of three crops and his ratios are within the guidelines – 70%, 20%, 6% and 4%. He, therefore, meets his requirements under crop diversification, the largest crop is less than 75% and the two largest are less than 95%.

| Arable Area      | 100 ha |     |
|------------------|--------|-----|
| Barley - Spring  | 70 ha  | 70% |
| Oats - Spring    | 20 ha  | 20% |
| Temporary Grass  | 6 ha   | 6 % |
| Beans            | 4 ha   | 4 % |
| <b>Compliant</b> |        |     |

**Example 2:** A farmer has 100 hectares of which 80 hectares are spring barley, 10 hectares are spring oats and 10 hectares are winter barley. This applicant meets his 3 crop requirement but he breaches the ratio in that his main crop is greater than 75% -80%, 10% and 10%. He does not meet his requirements under Crop Diversification.

| Arable Area          | 100 ha |      |
|----------------------|--------|------|
| Barley - Spring      | 80 ha  | 80%  |
| Oats - Spring        | 10 ha  | 10%  |
| Barley - Winter      | 10 ha  | 10 % |
| <b>Non Compliant</b> |        |      |

## Exemptions

All farmers will be subject to the Greening requirements. However, a number of exemptions apply as outlined in the following paragraphs. Most farmers will qualify for an exemption on the basis of having more than 75% grassland on their holding but for those who do not, it is important to consider the options available to you now.

Farmers may qualify for an exemption from the Crop Diversification requirements under the following categories:

- Less than 10 hectares of arable land
- Organic Farmers – only organic lands are exempt
- 75% of agricultural area is permanent or temporary grass and land lying fallow subject to a maximum of 30 hectares of tillage land
- 75% of the arable land is temporary grassland and lands lying fallow subject to a maximum of 30 hectares of tillage land
- 50% of arable land was declared by another applicant in the previous year AND all of arable land is cultivated by a different crop from that sown in the previous year to the year of exemption.

### Exemption 1 - Less than 10 hectares of Arable Land

A farmer holding less than 10 hectares of arable land (reference area) is exempt from the Crop Diversification measure.

**Example 1:** Farmer A claimed 12 hectares of Spring Barley in 2014, in 2015 the claim was changed as below. The applicant still has 12 hectares of arable land as Grass 1 is an arable crop. Applicant requires two crops and fails on the 75% ratio.

| Total Arable Area of Holding | 12 ha   |     |
|------------------------------|---------|-----|
| Barley - Spring              | 9.50 ha | 79% |
| Grass 1                      | 2.50 ha | 21% |
| <b>Not Exempt</b>            |         |     |

### Exemption 2 - Organic Farmers

Any certified organic land, including land 'in conversion', will automatically qualify for the greening payment without having to meet the greening requirements, as long as it has been certified by an accredited body. Organic land or land in conversion is, therefore, exempt from the Crop Diversification requirement. Any other land held by you that is not organic will have to meet the greening requirements. In other words, it will be treated as a separate unit for the purposes of Crop Diversification. Depending of the area of non-organic arable land that is declared, you may be

required to grow two or three crops on the non-organic land. If you are an organic farmer and have other arable land, which is not part of your organic holding you may wish not to avail of the “organic exemption”. If you do **not wish** to avail of this exemption you can do so by not ticking the appropriate box in the online application screen. All of your land (both organic and non-organic) will **then** be treated as one for the purposes of assessing your compliance with the greening requirements. The following example might assist in understanding this matter.

**Example:** Farmer C is a registered organic farmer with 30 hectares registered as organic and a further 15 hectares of non-organic arable land. All of the land is arable and Farmer C intends to sow 15 hectares of spring organic oats, 15 hectares of winter organic barley and 15 hectares of spring barley in 2015. If the organic exemption is availed of in this case, Farmer C will **not** be compliant with Crop Diversification.

As already stated, the non-organic unit will be assessed separately. This unit has 15 hectares of non-organic spring barley land and, therefore, is required to have two crops. As there is only one arable crop, the holding will be deemed to be non-compliant with Crop Diversification. If Farmer C confirms in the application that he/she does not want to avail of the organic exemption, the assessment will be carried out on the entire holding with full compliance with the three crop rule and the main and two main crops thresholds.

| <b>Organic Exemption Taken</b> |              |                         |              |
|--------------------------------|--------------|-------------------------|--------------|
| <b>Organic Area</b>            | <b>30 ha</b> | <b>Non Organic Area</b> | <b>15 ha</b> |
| Oats - Spring                  | 15 ha        | Barley - Spring         | 15 ha        |
| Barley - Winter                | 15 ha        |                         |              |
| <b>Non Compliant</b>           |              |                         |              |

| <b>Organic Exemption Not Taken</b> |              |         |
|------------------------------------|--------------|---------|
| <b>Arable Area</b>                 | <b>45 ha</b> |         |
| Oats - Spring                      | 15 ha        | 33.33 % |
| Barley - Winter                    | 15 ha        | 33.33 % |
| Barley - Spring                    | 15 ha        | 33.33 % |
| <b>Compliant</b>                   |              |         |

### Exemption 3 - 75% Grassland and less than 30 hectares of Tillage

Where more than 75% of your eligible agricultural land is in permanent grassland or temporary grassland (or herbaceous forage), and your remaining tillage land is less than 30 hectares you will qualify for an exemption from greening.

**Temporary Grassland** – is counted in calculating the 75% grassland area, it is not counted in the tillage area to determine if a farmer has greater than 30 hectares of tillage. However, if a farmer does not qualify for the grassland/less than 30 hectare exemption, the temporary grassland is then reckonable but can also be counted as one of the crops for the purpose of meeting the crop diversification requirement.

**Grassland Obligation** - If the tillage area is greater than 30 hectares irrespective of whether you have more than 75% grassland you have an obligation under greening.

**Example 1:** A farmer has 100 hectares of agricultural land of which 76 hectares are in grassland (permanent and temporary). His remaining tillage area is 24 hectares. As the total area of grassland is 76% and his tillage area (crops less temporary grassland) is less than 30 hectares, this farmer will qualify for an exemption from the crop diversification measure.

| Total Agricultural Area of Holding | 100 ha |     |
|------------------------------------|--------|-----|
| Grassland                          | 76 ha  | 76% |
| Tillage                            | 24 ha  | 24% |
| <b>Exemption</b>                   |        |     |

**Example 2:** A farmer has 150 hectares of agricultural land of which 115 hectares are in grassland (permanent and temporary). His remaining tillage area is 35 hectares. This is all sown to maize. While the total grassland area exceeds 75% of the holding the exemption does not apply in this case as the remaining tillage area **is greater than 30 hectares**. Therefore, this farmer must have three crops and have 5% EFA area. Temporary grassland counts as a crop for the purpose of crop diversification.

| Total Agricultural Area of Holding       | 150 ha |        |
|--|--------|--------|
| Grassland                                | 115 ha | 76.67% |
| Tillage                                  | 35 ha  | 23.33% |
| <b>Not Exempt - Grassland Obligation</b> |        |        |

**Example 3:** A farmer has 140 hectares of agricultural land of which 107 hectares are in grassland (50 ha permanent and 57 temporary). His remaining tillage area is 33 hectares. This is made up of 28 ha Fodder Beet and 5 ha of Maize. While the total grassland area exceeds 75% of the holding the exemption does not apply in this case as the remaining tillage area is greater than 30 hectares. Therefore, this farmer must have three crops and have 5% EFA area. The three crops include the 57 hectares of temporary grassland, which is arable land. This farmer's arable land is 90 hectares of which 57 ha are temporary grassland, which is his main crop at 63%. The second crop must be less than 28.5 ha, which in this case it is, therefore the 95% two-crop rule is also respected.

|  |                     |
|--|---------------------|
| <b>Total Agricultural Area of Holding</b>                | <b>140 ha</b>       |
| Temporary Grassland                                      | 57 ha               |
| Permanent Grassland                                      | 50 ha               |
| Fodder Beet  | 28 ha               |
| Maize  | 5 ha                |
| <b>Grassland (Temporary + Permanent)</b>                 | <b>107 ha (76%)</b> |
| <b>Tillage (Fodder Beet + Maize)</b>                     | <b>33 ha</b>        |
| <b>Arable(Fodder Beet + Maize + Temporary Grassland)</b> | <b>90 ha</b>        |
| - Temporary Grassland                                    | 57 ha ( 63%)        |
| - Fodder Beet  | 28 ha (31%)         |
| - Maize  | 5 ha (6%)           |
| <b>Compliant</b>   |                     |

#### **Exemption 4 - 75% of Arable land is Temporary Grassland/lands lying fallow and less than 30 hectares of Tillage**

Where more than 75% of your arable land is temporary grass or land lying fallow, or a combination of both of these, you will qualify for an exemption provided your remaining tillage area is less than 30 hectares.



### Exemption 5 - 50% of Arable land declared by another applicant in previous year

This exemption relates to Crop Diversification only and is applicable to farmers who have new land and different crops in 2015. There are two parts to this exemption and both must be met for it to apply:

- **more than 50%** of the eligible arable area you declare on your BPS 2015 application must be different to the land you declared on your 2014 SPS application; and
- **all the eligible arable area** you declare on your BPS 2015 application must be used to grow a different crop from the 2014 scheme year (as declared in the 2014 SPS application form).

The following are examples of cases that meet and do not meet the requirements.

Famer A declared the following crops in 2014 and 2015.

| 2014_Farmer A |           |               | 2015_Farmer A |           |                    |
|---------------|-----------|---------------|---------------|-----------|--------------------|
| Parcel No     | Area (ha) | Crops         | Parcel No     | Area (ha) | Crops              |
| 001           | 10        | Wheat-Winter  | 001           | 10        | Main Crop Potatoes |
| 002           | 10        | Wheat-Winter  | 006           | 10        | Main Crop Potatoes |
| 003           | 10        | Barley-Spring | 007           | 10        | Oats - Spring      |
| 004           | 10        | Barley-Spring | 008           | 10        | Oats - Spring      |

Farmer A qualifies for the 50% rule for the following reasons:

- More than 50% of the arable land declared is different. Only Parcel "001" (25%) was declared in both years.
- All crops are different in 2015

Farmer B sows the following crops in 2014 and 2015.

| 2014_Farmer B |           |                    | 2015_Farmer B |           |                    |
|---------------|-----------|--------------------|---------------|-----------|--------------------|
| Parcel No     | Area (ha) | Crops              | Parcel No     | Area (ha) | Crops              |
| 001           | 10        | Main Crop Potatoes | 005           | 10        | Wheat-winter       |
| 002           | 10        | Main Crop Potatoes | 002           | 10        | Main Crop Potatoes |
| 003           | 10        | Barley -Spring     | 007           | 10        | Oats - Spring      |
| 004           | 10        | Barley- Spring     | 008           | 10        | Oats - Spring      |

**Farmer B does not qualify for the 50% rule**, as Parcel number 002 has the same crop – Main Crop Potatoes – in both 2014 and 2015. You should note that if Farmer B had declared either Early or Seed Potatoes in Parcel 002 in 2015 he would **still not** qualify under this exemption as Main Crop, Seed and Early Potatoes are all regarded as the **same crop** for the purposes of Crop Diversification.

**If you are declaring new land, you will need to obtain this information from the previous farmer, if you do not already have it. If you qualify for this exemption, you will still be required to meet the EFA requirements as this exemption relates to Crop Diversification only.**

### Exemption 6 - Equivalence

Under the provisions of Regulation 1307/2013, Member States can decide that farmers can use equivalence measures under an Agri-Environment Scheme to satisfy the requirements of Crop Diversification.

Ireland will provide for equivalence under GLAS whereby farmers who participate in GLAS and plant catch crops under that Scheme will meet the crop diversification requirement and still grow only one or two arable crops.

**Note:** Grass under-sown with a spring tillage crop does not qualify for equivalence but will qualify as an EFA area if it is declared as such. If a farmer applies for equivalence and declares that all of the arable land be sown with catch crop, these catch crops **cannot** also be declared as EFA areas.

If a farmer is using equivalence he or she will have to adhere to the requirements for planting crops on all of the catch crops sown and not just on the area of catch crops that will benefit from the agri-environment aid under the GLAS Scheme. These requirements include the following;

- Catch crops must be sown by 15 September;
- Use a mixture of crop seeds from the list of crops fixed under the Rural Development Programme;

- Light cultivation techniques must be use for sowing – ploughing is not permitted;
- Catch crops must remain in place until 1<sup>st</sup> December;
- Grazing of catch crops is not permitted before 1<sup>st</sup> December;
- Catch crops sown for the purpose of Equivalence **do not** qualify for EFA.

In summary, a GLAS participant, who applies to use equivalence in any year to meet the Crop Diversification requirements under greening must observe the requirements outlined above in respect of the catch crops sown on all of the arable land (except temporary grassland).

The catch crops which must consist of at least two crops taken from those crops listed in the following table.

| <b>Catch Crop Species</b>      |                     |
|--------------------------------|---------------------|
| Buckwheat                      | Oats (& Black Oats) |
| Beans                          | Peas                |
| Crimson Clover/ Berseem Clover | Phacelia            |
| Forage rape                    | Rye                 |
| Leafy Turnip                   | Tillage Radish      |
| Mustard                        | Vetch               |

**As in the case of Exemption 5 above, if you qualify for this exemption, you will still be required to meet the EFA requirements as this exemption relates to Crop Diversification only.**

## **Crops**

### **What counts as a ‘crop’ for the crop diversification rule?**

For the purposes of crop diversification, a crop is defined in the EU Regulations as any of the following:-

- 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 (e.g. oil seed rape), Solanaceae (e.g. potatoes) and Cucurbitaceae (e.g. pumpkins);

- land lying fallow;
- temporary grass - grass or other herbaceous forage (e.g. clovers and lucerne) on arable land.

### Different Crop Types

Under the EU Regulations, winter and spring crops and vegetables are classified as two separate crops for the purposes of Crop Diversification. Such crops are, for example, winter barley and spring barley. A winter crop is a crop that is planted between 1<sup>st</sup> June and 31<sup>st</sup> December.

Temporary grassland and land laying fallow are also classed as separate crops for the purpose of this measure. Mixed cropping is counted as one crop.

Each hectare can only be counted once in a scheme year. For example, if you have two crops on one hectare in a scheme year this can only count as one crop i.e. the crop declared for that parcel in your application form.

It is anticipated that most crops grown in Ireland will meet the definition of a crop outlined in the EU Regulations. The exceptions to this are permanent grassland and permanent crops which do not count as crops for the purposes of Crop Diversification.

### Mixed crops

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

If two different seed mixtures are grown, these can count as separate crops. For example Arable Silage is considered as a single crop. Wild Bird Cover similarly is an individual crop. A farmer having Arable Silage and Wild Bird Cover would be deemed to have two separate crops.

### Cropping Period

The Department of Agriculture, Food and the Marine has decided that the period during which the crops will generally remain on the ground is **16<sup>th</sup> May to 15<sup>th</sup> July**. This is the period when the majority of eligibility checks will be carried out to verify the accuracy the declaration of the crops declared for the purposes of the BPS/Greening Payment. If the crop is harvested prior to the inspection, the presence of stubble or other supporting evidence will be acceptable for verification purposes.

### Area to Be Taken Into Account

For the purposes of calculating the area under each crop it should be noted that the area will include the landscape features present i.e. hedges and drains in the parcel. If a LPIS parcel contains a single crop then the reference area of that parcel will be used for calculating the share of the crop for Crop Diversification requirements. .

## Crop List

The following table has details of all crops and their eligibility for BPS and ANC. It also indicates how the crop is considered under the headings “Grassland”, “Tillage” and “Arable” for Greening. The column “Grouping Greening” identifies crops that are grouped together for the purposes of Greening. For your information, the Disadvantaged Areas Scheme is replaced by the Areas of Natural Constraints (ANC) Scheme in 2015.

**Eligible BPS:** A 'Y' in this column indicates that the "crop" can be used to draw down payment under the BPS/Greening scheme in 2015.

**Eligible ANC:** A 'Y' in this column indicates that the "crop" can be used to draw down payment under the ANC scheme in 2015.

**Eligible EFA Area:** A 'Y' in this column indicates that the "crop" can contribute towards an applicant's obligations under Ecological Focus Areas.

**Grassland:** A 'Y' in this column indicates that the "crop" is considered part of a holding's grassland area.

**Tillage:** A 'Y' in this column indicates that the "crop" is considered a tillage crop and can count towards an applicant's crops under Crop Diversification. It includes all Tillage crops that are commonly sown in Ireland.

**Arable:** A 'Y' in this column indicates that the "crop" is considered an arable crop and can count towards an applicant's crops under Crop Diversification. It includes all Tillage crops that are commonly sown in Ireland plus grass based crops that count under Greening such as Fallow and Temporary Grassland (Grass Year 1, 2...etc.)

**Grouping Greening:** See the “Advice” following this table

| Crop                | Eligible BPS | Eligible ANC | Eligible EFA Area | Grassland | Tillage | Arable | Grouping Greening |
|---------------------|--------------|--------------|-------------------|-----------|---------|--------|-------------------|
| 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            |                   |           |         |        |                   |

| Crop              | Eligible BPS | Eligible ANC | Eligible EFA Area | Grassland | Tillage | Arable | Grouping Greening |
|-------------------|--------------|--------------|-------------------|-----------|---------|--------|-------------------|
| 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      |                   |

| Crop                  | Eligible BPS | Eligible ANC | Eligible EFA Area | Grassland | Tillage | Arable | Grouping Greening |
|-----------------------|--------------|--------------|-------------------|-----------|---------|--------|-------------------|
| Cauliflowers - Spring | Y            | N            |                   |           | Y       | Y      | Brassica oleracea |
| Cauliflowers - Winter | Y            | N            |                   |           | Y       | Y      | Brassica oleracea |
| 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      |                   |
| Fallow                | Y            | N            |                   | Y         |         | Y      | Fallow            |
| Fallow - Greening     | Y            | N            | Y                 | Y         |         | Y      | Fallow            |
| Fennel                | Y            | N            |                   |           | Y       | Y      |                   |

| Crop              | Eligible BPS | Eligible ANC | Eligible EFA Area | Grassland | Tillage | Arable | Grouping Greening |
|-------------------|--------------|--------------|-------------------|-----------|---------|--------|-------------------|
| 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            |                   |           |         |        |                   |
| 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      |                   |
| 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 |
| Leeks - Spring    | Y            | N            |                   |           | Y       | Y      | Allium            |



| Crop                  | Eligible BPS | Eligible ANC | Eligible EFA Area | Grassland | Tillage | Arable | Grouping Greening |
|-----------------------|--------------|--------------|-------------------|-----------|---------|--------|-------------------|
| 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          |

| Crop                          | Eligible BPS | Eligible ANC | Eligible EFA Area | Grassland | Tillage | Arable | Grouping Greening |
|-------------------------------|--------------|--------------|-------------------|-----------|---------|--------|-------------------|
|                               |              |              |                   |           |         |        | napus             |
| Oilseed Rape - Winter         | Y            | N            |                   |           | Y       | Y      | Brassica napus    |
| Onions                        | Y            | N            |                   |           | Y       | Y      | Allium            |
| Orchard                       | Y            | N            |                   |           |         |        |                   |
| Other cut flower / bulb crops | Y            | N            |                   |           | Y       | Y      |                   |
| 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                    | Y            | N            |                   |           |         |        |                   |

| Crop                       | Eligible BPS | Eligible ANC | Eligible EFA Area | Grassland | Tillage | Arable | Grouping Greening |
|----------------------------|--------------|--------------|-------------------|-----------|---------|--------|-------------------|
| Woodland                   |              |              |                   |           |         |        |                   |
| 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                 |           |         |        |                   |
| 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      |                   |
| Swede                      | Y            | Y            |                   |           | Y       | Y      | Brassica napus    |

| Crop                      | Eligible BPS | Eligible ANC | Eligible EFA Area | Grassland | Tillage | Arable | Grouping Greening |
|---------------------------|--------------|--------------|-------------------|-----------|---------|--------|-------------------|
| Sweetcorn                 | Y            | N            |                   |           | Y       | Y      | Zea               |
| Switchgrass               | Y            | N            |                   |           |         |        |                   |
| Thyme                     | 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            | N            | Y                 |           | Y       | Y      | Fallow            |
| Willow                    | Y            | Y            | Y                 |           |         |        |                   |

#### **Advice**

*While the vast majority of crops are classified as separate crops for the purposes of Crop Diversification caution is required in relation to a small number of crops which will be treated as one for the purposes of this requirement as they fall within a single genus or single species. The following table sets out some of the crops involved which may be relevant to arable and vegetable farmers in Ireland.*

| Crop Name | Genus/Species     | Crop Types   |
|-----------|-------------------|--|
| Beet      | Beta              | Fodder beet, sugar beet and mangolds                                 |
| Cabbage   | Brassica oleracea | Cabbage, broccoli, kale and Brussels sprouts.                        |
| Potato    | Solanum tuberosum | Seed potato, main-crop potato and early potato.                      |
| Onions    | Allium            | Chives, garlic, leeks, onions, scallions, shallots and spring onions |
| Rapeseed  | Brassica napus    | Oilseed rape and Swedes.   |

### Ecological Focus Area

If you have more than 15ha of eligible arable land, 5% of this area must now be in Ecological Focus Areas (EFA). Land lying fallow, nitrogen-fixing crops, catch crops, eligible forestry, short rotation coppice, field copse, hedgerows, drains and buffer strips all count as EFAs.

EFAs must be located on the arable land of the holding with the exception of landscape features, field copses and buffer strips which may be adjacent (touching) to the arable land. Eligible forestry and Short Rotation Coppice must be located on your holding. Ireland will apply a conversion matrix which allocates a fixed area to specific features and a weighting matrix which takes account of the environmental value of such features. The table below outlines the areas considered as EFAs and the conversion and weighting factors applicable to each:

| EFA Conversion and Weighting Factors |                   |   |   |
|--------------------------------------|-------------------|---|---|
| Features                             | Conversion Factor | Weighting Factor<br>(if both factors are applied) | Ecological Focus Area                   |
| Hedges / Trees in a Line             | 5                 | 2   | 1 linear m = 10 m <sup>2</sup>          |
| Drains                               | 3                 | 2   | 1 linear m = 6 m <sup>2</sup>           |
| Buffer Strips                        | 6                 | 1.5   | 1 linear m = 9 m <sup>2</sup>           |
| Land Lying Fallow                    | Not applicable    | 1   | 1ha                                     |
| Catch crops                          | Not applicable    | 0.3   | 0.3ha                                   |
| Nitrogen fixing crops                | Not applicable    | 0.7   | 0.7ha                                   |
| Short rotation coppice               | Not applicable    | 0.3   | 0.3ha                                   |
| Group of Trees/Field copses          | Not applicable    | 1.5   | 1.0 m <sup>2</sup> = 1.5 m <sup>2</sup> |
| BPS Eligible Forestry                | Not applicable    | 1   | 1 ha                                    |

For example, for every eligible metre of hedgerow an applicant will get either 5 or 10m<sup>2</sup> depending on whether the farmer owns one or both sides of the hedge. Where two EFA areas are beside each other, e.g. hedgerow and drain, and they are adjacent to or on arable land, the applicant may get the benefit of both, i.e. 10m<sup>2</sup> for the hedgerow and 6m<sup>2</sup> for the drain = total of 16m<sup>2</sup> per linear metre of hedgerow and drain.

## Exemptions

There are also exemptions under the Ecological Focus Areas measures;

- Farmers whose arable area is less than or equal to 15 hectares are exempt from this measure.

The requirements for each of the following three exemption categories are similar to those outlined for Crop Diversification.

- Organic Farmers – organic lands only
- 75% of agricultural area is permanent or temporary grass (max 30 ha of tillage land)
- 75% of the arable land is temporary grassland and lands lying fallow (max 30 ha of tillage land)

### Exemption 1 - Less than or equal to 15 hectares of Arable Land

A farmer whose holding is less than or equal to 15 hectares of arable land (reference area) is exempt from the EFA measure. It is important to note that the arable area is based on the total reference area of each of your arable parcels rather than the claimed area, which may be lower.

### Exemption 2 - Organic Farmers

Any certified organic land, including land 'in conversion', will automatically qualify for the greening payment without having to meet the greening requirements, as long as it has been certified by an accredited body. Organic land or land in conversion is, therefore, exempt from the EFA requirement. Any other arable land held by the applicant that is not organic or in conversion will have to meet the greening requirements.

### Exemption 3 - 75% Grassland and less than 30 hectares of Tillage

Where more than 75% of your eligible agricultural land is in permanent grassland or temporary grassland (or herbaceous forage), and your remaining tillage land is less than 30 hectares you will qualify for an exemption.

**Temporary Grassland** – is counted in calculating the 75% grassland area, it is not counted in the tillage area to determine if a farmer has greater than 30 hectares of tillage. However, if a farmer does not qualify for the grassland/less than 30 hectares exemption, the temporary grassland is then reckonable and the area involved is included in the area used to calculate the 5% EFA area.

**Exemption 4 - 75% of arable land is Temporary Grassland/lands lying fallow and less than 30 hectares of Tillage**

Where more than 75% of your arable land is temporary grass or land lying fallow, or a combination of both of these, you will qualify for an exemption provided your remaining tillage area is less than 30 hectares.

**5% Calculation**

Areas used to establish the 5% include temporary grassland but exclude permanent grassland. Areas of Afforestation (BPS eligible) and of Short Rotation Coppice are also included in calculating the 5% EFA **if you declare them as EFA areas in your application**. If you do not include them as EFA areas they will **not** be included in the EFA calculation.

Also included in the 5% calculation are the converted areas under buffer strips and landscape features, which are **situated on permanent grassland adjacent to arable land and are declared as EFAs**. The converted area for landscape features is calculated by using the conversion factor as is illustrated in the following table.

| Features      | Conversion Factor | Ecological Focus Area         |
|---------------|-------------------|-------------------------------|
| Hedges        | 5                 | 1 linear m = 5 m <sup>2</sup> |
| Drains        | 3                 | 1 linear m = 3 m <sup>2</sup> |
| Buffer Strips | 6                 | 1 linear m = 6 m <sup>2</sup> |

**Example:** Farmer A has 32.5 hectares of arable land, 3 hectares of Short Rotation Coppice and 1 hectare of BPS eligible forestry. If Farmer A declares the 3 hectares of Short Rotation Coppice and 1 hectare of BPS eligible forestry as EFA areas, the total area for the calculation of the 5% EFA area is 36.5 hectares with a resultant EFA obligation area of 1.83 hectares

|                         |         |
|-------------------------|---------|
| Arable Area             | 32.5 ha |
| Short Rotation Coppice* | 3 ha    |
| BPS Eligible Forestry*  | 1 ha    |
| EFA Arable Area         | 36.5 ha |
| 5% Obligation           | 1.83 ha |

\* The Short Rotation Coppice would contribute 0.9 ha (3 x 0.3) and the BPS Eligible Forestry 1 ha (1 x 1) towards the farmers obligation to have 5% EFA. Therefore, before any landscape features on the arable land are considered, this farmer has more than 5% EFA (1.9ha).

#### **Advice**

***It should be noted that the on-line system will automatically calculate the EFA areas for these features when you declare Short Rotation Coppice and/or BPS eligible forestry and/or landscape features situated on permanent grassland as EFA areas.***

### **EFA Requirements**

In order to comply with the greening requirements, you must declare EFA area and features in your BPS/Greening Payment application. Provision is made on the online facility to make the EFA declaration at the level of each parcel. In the case of landscape features (hedgerows, drains and Buffer Strips), you must confirm that you want to declare the features in the parcel as EFA area. While the Department has mapped all of the features these will not always be accurate. The landscape features were mapped in an automated fashion using mapping datasets from other State Agencies.

**If you are declaring the landscape features as EFA area please ensure that they are accurate. In some cases, hedges mapped by the Department may have been removed or a drain filled in many**



years ago. Please use the online application to make the necessary deletions and additions to the maps of land parcels.

### **EFA Qualifying Features**

The following features can qualify towards meeting the farms obligation to have 5% Ecological Focus Areas.

#### **Land Lying Fallow**

The land must be arable fallow lands. That means the lands must have been used for arable crop production during one or more of the previous 5 years.

In order to meet the EFA the following requirements must be met;

- Lands have to remain fallow for the minimum period of 1<sup>st</sup> January to 31<sup>st</sup> July.
- No crops (other than grass) may be sown during the fallow period.
- A crop cannot be harvested or the land cannot be grazed during this period.
- The land must be maintained in good condition.
- The minimum area is 0.1 hectare while the minimum width is 6 meters. That means that a strip of land with a width of 6 meters must be approximately 167 meters in length to meet the 0.1 hectare minimum requirement.
- An area under Wild Bird Cover/Linnet can be declared as fallow land.
- “Fallow – Greening” should be selected on the 2015 BPS application.

**For the purposes of EFA areas, each hectare of fallow land is equivalent to 1.0 hectare of EFA.**

#### **Advice**

*If you declare temporary grassland in its fifth year as “Fallow – Greening”, it will not convert to permanent grassland if you continue to declare it as fallow in each subsequent year. Fallow land is also a separate crop for the purposes of Crop Diversification.*

*It is not possible to declare hedges, drains, buffer strips or copses situated on land parcels declared as fallow for EFA purposes as these landscape features are part of the fallow parcel and cannot be counted twice for EFA purposes.*

## Nitrogen Fixing Crops

If you wish to plant and declare nitrogen fixing crops as EFA area, the crops you can sow include peas, beans, lupins, clover and alfalfa/lucerne. You cannot grow a mixture of protein crops and grass or other arable crops. The protein crop must be in the ground during the growing season and must not be harvested before 15<sup>th</sup> July. Protein crops are separate crops for the purposes of Crop Diversification. If you, for example, grow peas and beans as separate crops they will be regarded as two separate crops.

Areas under peas, beans and lupins are also eligible for payment under the Protein Aid Scheme, but **clover or alfalfa/lucerne do not qualify.**

As in the case of land declared as fallow, it is not possible to declare hedges, drains, buffer strips or copses situated on land parcels declared as fallow for EFA purposes as these landscape features cannot be counted twice. In addition, while you may sow catch crops after harvesting protein crops, it cannot be declared as an EFA area as the same parcel cannot be declared twice in the one year as an EFA area.

**Each hectare of protein crops is equivalent to 0.7 hectares of Ecological Focus Area.**

## Catch Crops

Catch crops can be either (i) under sown grass with main crop or (ii) a mixture of seeds from the following listing.

| Catch Crop Species             |                     |
|--------------------------------|---------------------|
| Buckwheat                      | Oats (& Black Oats) |
| Beans                          | Peas                |
| Crimson Clover/ Berseem Clover | Phacelia            |
| Forage rape                    | Rye                 |
| Leafy Turnip                   | Tillage Radish      |
| Mustard                        | Vetch               |

- Catch crops must be sown by 15<sup>th</sup> September;
- Light cultivation techniques must be used for sowing – ploughing is not permitted;
- Catch crops must remain in place until 1<sup>st</sup> December.

The same parcel cannot be used for **two EFA measures** in the same scheme year – e.g. protein crops followed by winter cover. In the case of areas under catch crops, it is also not possible to declare hedges, drains, buffer strips or copses situated on land parcels declared as fallow for EFA purposes as these landscape features cannot be counted twice for EFA purposes.

**Each hectare of catch crops/winter cover is equivalent to 0.3 hectare of EFA.**

### **BPS Eligible Forestry**

BPS Eligible forestry is also reckonable as Ecological Focus Areas, but for forestry to be eligible it must satisfy the eligibility requirements under the Basic Payment Scheme. Following changes to the EU Regulations, land which was afforested since the beginning of 2009 is eligible to draw down BPS payment in 2015 and also to be declared as an EFA area, provided that the afforested land meets the following requirements:

- The land afforested was declared on a 2008 SPS application form;
- The applicant, who declared that land on a 2008 SPS application form, was paid under the 2008 SPS;
- The land to be afforested was eligible to draw down an SPS payment in 2008;
- Applicants, who afforest part of their holding from 2009 onwards and wish to benefit from the Basic Payment, must retain at least 10% of the eligible hectares declared in 2008 (by the applicant or their predecessor) in an agricultural activity subject to a minimum of 3 hectares.
- If the applicant is a new entrant to farming, the minimum area to be retained in an agricultural activity will be fixed by the Department on a case by case basis.
- Applicants, who wish to benefit from the Basic Payment Scheme on afforested land, must be the person or persons in joint management of receipt of afforestation premium. This applies to members of the same family.
- The afforested land meets all the requirements of the Afforestation Grant and Premium Scheme, FEPS or the Native Woodland Establishment Scheme;

**Each hectare of eligible forestry is equal to 1.0 hectare of Ecological Focus Area.**

## Short Rotation Coppice

Short Rotation Coppice can include the following species:

| Species                         |   |
|---------------------------------|---|
| Alder - <i>Alnus</i> spp.       | Poplar – <i>Populus</i> spp.            |
| Ash - <i>Fraxinus excelsior</i> | Silver Birch - <i>Betula pendula</i>    |
| Hazel - <i>Corylus avellana</i> | Sweet Chestnut – <i>Castanea sativa</i> |
| Lime - <i>Tilia cordata</i>     | Sycamore - <i>Acer pseudoplatanus</i>   |
| Oak - Pendunculate and Sessile  | Willow – <i>Salix</i> spp.              |

The maximum harvest cycle is 30 years. The use of mineral fertilisers is not permitted on Short Rotation Coppice plantations. In addition, the use of plant protection products is also prohibited after two years following the initial planting date of the plants.

Short Rotation Coppice is eligible for payment under the Basic Payment Scheme.

Other matters:

- Short Rotation Coppice is classified as a permanent crop under the EU Regulations. Therefore, while the area is not classified as arable land, the area under Short Rotation Coppice is taken into account, as already stated, when calculating the 5% EFA requirement if the Short Rotation Coppice is declared as an EFA area.
- The hedges, drains and buffer strips on a parcel with Short Rotation Coppice declared as an EFA area cannot be counted separately for EFA purposes.

**Each hectare of Short Rotation Coppice is equivalent to 0.3 hectares of EFA.**

## Field Copse

Field copses are an area of trees and/or scrub that, to be eligible as an Ecological Focus Area, must be in or adjacent to an arable parcel and cannot be greater than 0.30 hectares. **A Field Copse greater than 0.30 hectares does not qualify as an EFA area.**

To qualify as a Field Copse an area must meet the following requirements:

- Must be adjacent to (touching) or within the arable land declared by the claimant.
- Must contain trees and/or scrub.

- The area must have a separate parcel number on the Land Parcel Identification System and must be declared as “Copse”. A Copse is not eligible for payment under BPS and/or ANC.
- It cannot be removed by the claimant in the year in which they are being claimed for EFA purposes.
- A copse greater than 0.3 hectares (digitised area) does not qualify as EFA.

**A field copse of 0.30 hectares is equivalent to 0.45 hectares of EFA.**

### **Hedgerows / Trees in a line**

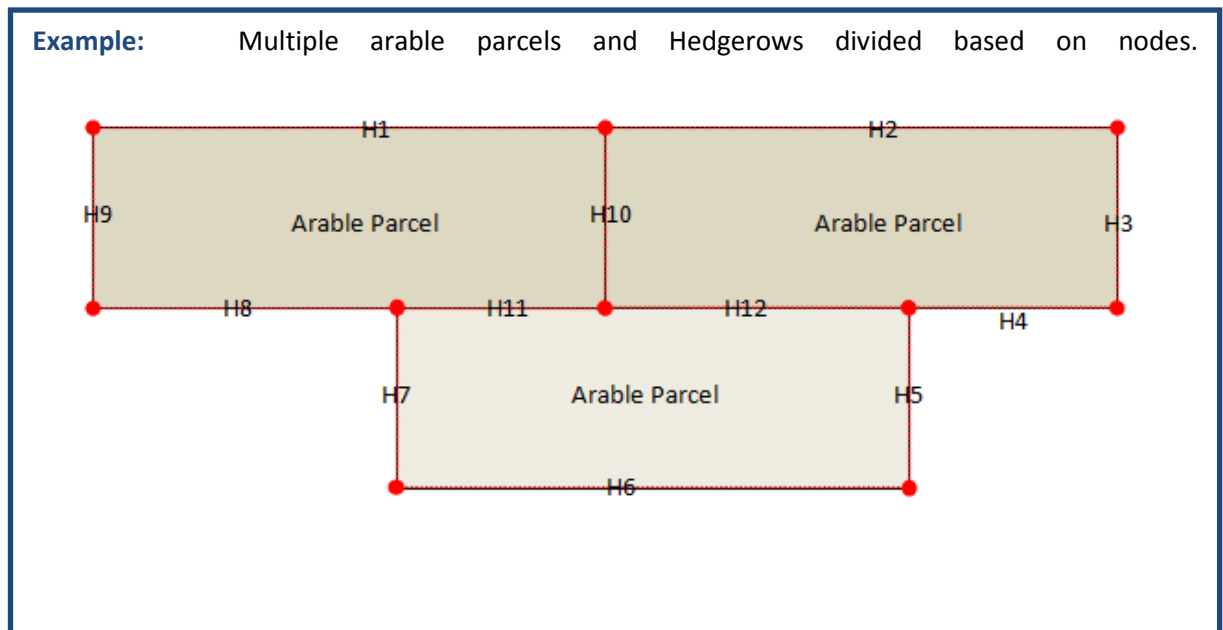
Hedgerows (hedge) and Trees in a line have been designated in Ireland as Landscape Features under Cross Compliance. The result of this designation is that these features cannot be removed from a holding without pre-planting the same length of hedge/trees as planned to remove. Due to this designation they are eligible to draw down payments under BPS, Greening etc. They now also qualify as EFA under greening.

The Department have mapped the hedgerows / trees in a line that exist on arable parcels and have made them available to you or your advisor via our online system.

### **What qualifies as a hedge?**

- Most, but not all hedges, that are present on arable land qualify.
- A bare bank with only grass present does not qualify.
- While in many parts of the country hedges were sown on banks, for a hedge to qualify under Cross Compliance and hence greening it does not have to be sown on a bank.
- Hedgerow species present must be traditional to the area. This generally means that a combination of briars and the typical native hedgerow species are required for a hedge to qualify.
- Briars that form the majority species in a hedge are acceptable as long as they are not simply growing around a wire fence.
- Hedges located in gardens that are adjacent to arable parcels generally do not qualify. An exception may be where the hedge itself forms the boundary between the arable parcel and garden and is being managed and controlled by the farmer. In such cases these hedges may qualify at 5m<sup>2</sup> per linear metre.
- Hedges that are not part of the agricultural land farmed by the applicant are not eligible. For example, hedgerows sown on the motorway side of post and rail boundary fences are not eligible for EFA purposes.


- Hedges are measured from one node to another. A node is a point at which a hedge meets another feature i.e. hedge or field boundary. See Examples below which depicts three arable parcels surrounded by hedges on all sides. Each hedge has been assigned an identifier e.g. H1, H2 etc.



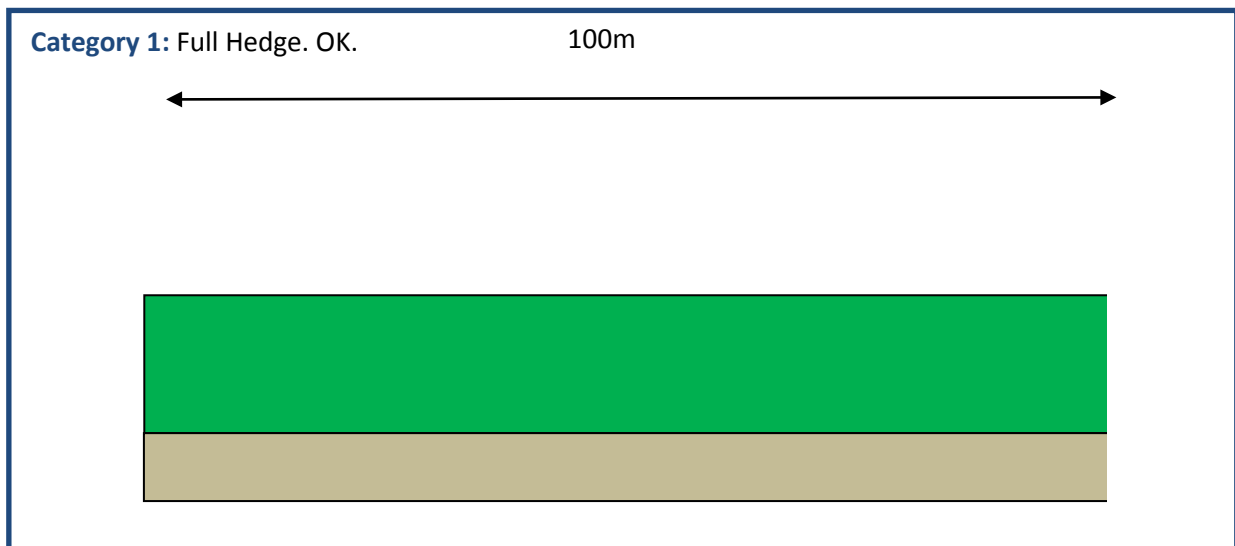
- There is no minimum width or height, but hedge management practices must be such that the hedgerow material is not killed off by repeated and excessive hedge trimming or pesticide use.
- Typically hedgerows can be broken down into 5 main categories. These categories are based on the amount of hedgerow material present and how dispersed this material is throughout the hedgerow.
  1. A full hedge can be considered eligible for EFA purposes across its full length.
  2. Where there is more than 20% hedgerow material dispersed throughout the hedge it can be considered eligible for EFA purposes across its full length.
  3. Where there is less than 20% material dispersed throughout the hedge it **cannot** be considered eligible for EFA purposes across its full length and is, therefore, not a hedge.
  4. Where there is more than 20% material not dispersed, but located for example at one end of hedge, **only the length of material qualifies** for EFA purposes.
  5. Where there is less than 20% material not dispersed, but located at one end of hedge this feature cannot be considered eligible for EFA purposes

The table below summarises the various types of hedges that can exist for EFA purposes. On the following pages there are graphical representations of each of the 5 categories set out below.

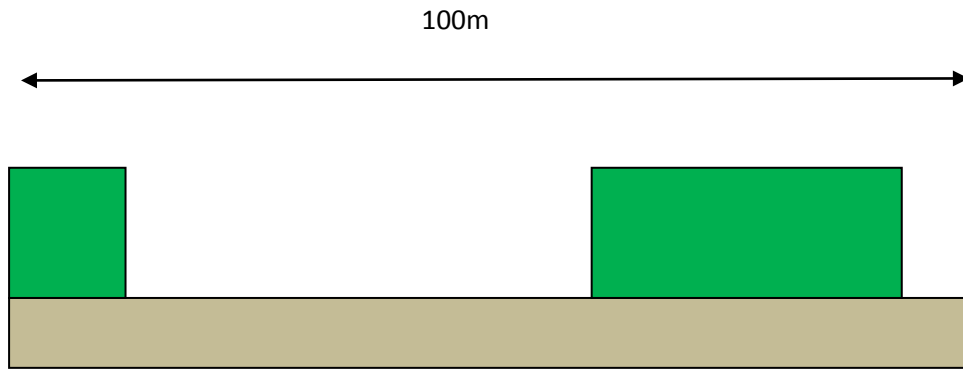
| Category | Length (m) | Hedgerow Material | Type  | Status                       | Length for EFA purposes |
|----------|------------|-------------------|---|------------------------------|-------------------------|
| 1        | 100        | 100               | Full hedge                                    | OK                           | 100                     |
| 2        | 100        | 30                | Dispersed greater than 20%                    | OK                           | 100                     |
| 3        | 100        | 10                | Dispersed less than 20%                       | Not Hedge                    | 0                       |
| 4        | 100        | 30                | Not Dispersed i.e. localised greater than 20% | Only hedge section qualifies | 30                      |
| 5        | 100        | 10                | Not Dispersed i.e. localised less than 20%    | Not Hedge                    | 0                       |

Hedge Material: 

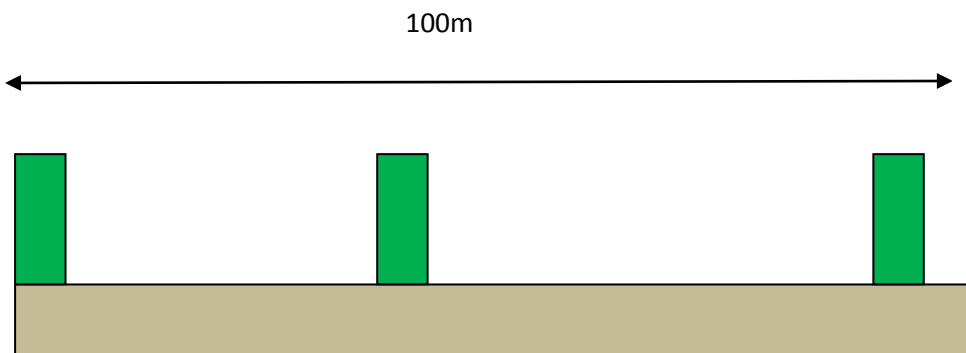
Bank: 



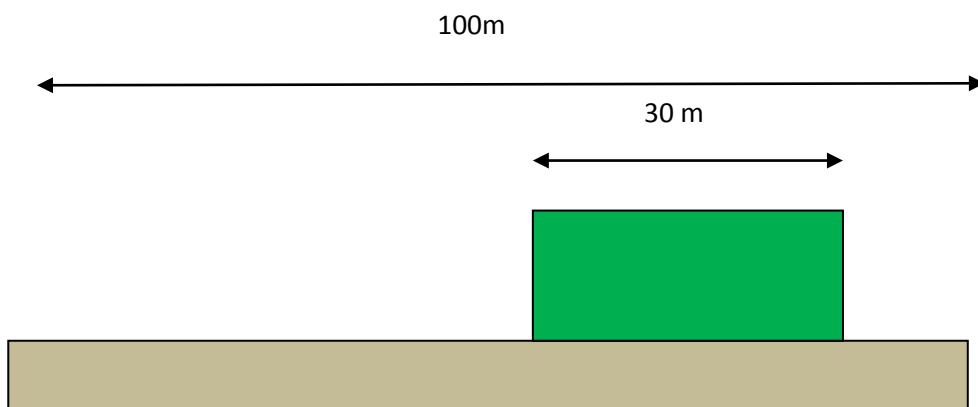
**Category 2:** Dispersed greater than 20%. OK.



**Category 3:** Dispersed less than 20%. Not OK.

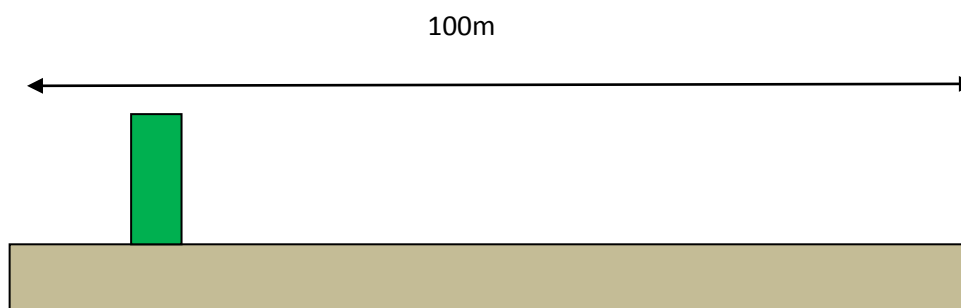


**Category 4:** Not dispersed greater than 20%. OK for 30m.





**Category 5:** Not Dispersed less than 20%. Not OK



The converted and weighting factor for each hedge under EFA is applied as follows.

| Hedge Location  | Converted and Weighting factor                   |
|---|--|
| Hedge situated in the middle of an arable parcel  | 1 linear m = 10 m <sup>2</sup>                   |
| Hedge situated between two parcels declared – one arable and one permanent grassland - by applicant | 1 linear m = 10 m <sup>2</sup>                   |
| Hedge situated between two arable parcels - declared by <b>two</b> separate applicants              | 1 linear m = 5 m <sup>2</sup> for each applicant |
| Hedge situated between arable parcel and roadway  | 1 linear m = 10 m <sup>2</sup>                   |
| Hedge situated between arable parcels and farmyard  | 1 linear m = 10 m <sup>2</sup>                   |

As already stated hedgerows situated on parcels where the area is declared for EFA purposes – i.e. Nitrogen Fixing Crops, Catch Crops, Short Rotation Coppice and BPS eligible forestry cannot be used as EFA landscape features in the same scheme year.

#### **Advice**

*The removal of hedgerows or indeed field boundaries in general may also be subject to the Environmental Impact Assessment (Agriculture) Regulations 2011. If you are considering removing any features on your holding you should familiarise yourself with these Regulations. Details can be found on the Department's website at the following location:*

<http://www.agriculture.gov.ie/ruralenvironment/environmentalimpactassessment/>

*Furthermore if you are considering removing trees you should make yourself aware of the requirement to give notice of such actions. Details can be found on the Department's website at the following location:*

<http://www.agriculture.gov.ie/forests-service/tree-felling/tree-felling/>

#### **Buffer Strips**

For Buffer strips to be reckonable they must be situated on arable lands along rivers/streams. These are identified and measured on the Department's online system and are based on Ordnance Survey Ireland (OSi) data. **Care is required when reviewing these on the mapping system as they may not have been successfully identified in all cases.** Under Cross Compliance requirements, applicants are obliged to leave a minimum of 2 meters of uncultivated ground between their crop and the watercourse. The buffer strips are measured from the top of the bank next to watercourses.

There must be no production on Buffer Strips but the area can be grazed or topped and crops cannot be harvested.

If you are unsure whether you have a river/stream on your holding you can access and view OSi data at the following public website.

<http://maps.osi.ie/publicviewer/#V1,588882,739883,0,1>

This site will display all rivers/streams as a blue line on the "Wind Report" map.

**1 linear meter of buffer strip equates to 9<sup>2</sup> meters for EFA requirements.**

#### **Advice**

*There is an obligation under the Nitrates Directive to maintain these very same buffer strips. The maintenance of these is necessary to comply with Cross Compliance inspections.*

## Drains

Drains have also been designated as Landscape Features under Cross Compliance and hence these can be considered as eligible EFA features. Under Cross Compliance, they cannot be removed unless a drain of equal length is created on the holding prior to the infilling of the original land drain. They have also been identified and measured on the Department's online system using datasets from the Environmental Protection Area (EPA) and OSi.

While land drains on arable land are eligible as EFA's, they also form part of the reference area of the parcel and, therefore, can be used to draw down payment under BPS, Greening etc. However, rivers/streams are ineligible for payment under the BPS and Greening.

Having checked this and confirmed that the water carrying body on your holding is not a river/stream it can be considered a land drain and hence eligible for EFA purposes.

There is no obligation to have a buffer strip beside land drains for greening purposes.

**Under the conversion/weighting factor 1 linear meter of a drain is equal to 6<sup>2</sup> meters.**

## Adjacency

### Where can EFAs be located?

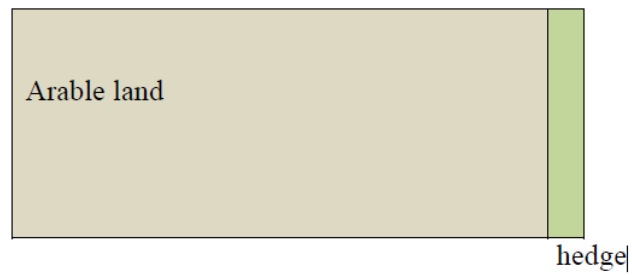
- Short Rotation Coppice and BPS Eligible afforested land can both be located on any agricultural land on the holding, i.e. they do not have to be located on arable land.
- Fallow land, catch crops and nitrogen-fixing crops must be located on arable land.
- However, hedges, drains, buffer strips and field copses may be located either on, or adjacent to, arable land.

EFAs are considered to be adjacent to arable land when they are physically touching an agricultural parcel of arable land on the longest edge of the concerned EFA. The following examples identify whether a hedge is considered to be adjacent to arable land or not.

Linear landscape features or buffer strips are considered to be "adjacent to arable land" when they are physically touching an agricultural parcel of arable land on the longest edge of the concerned EFAs (see Example 1 below), regardless if it is on the short or long side of the field. **It is not possible to consider adjacent**, a hedge touching the field just with its short side (see Example 3 below).

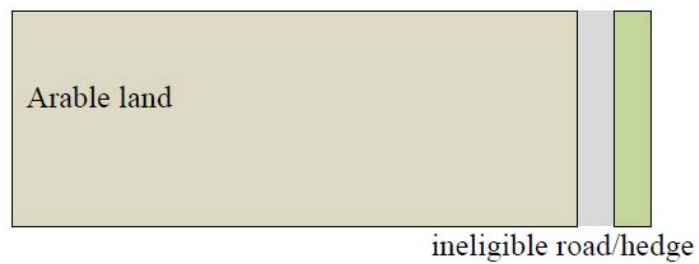
Non-linear features like field copses are considered to be adjacent to arable land if they physically touch arable land. Note that, fences located on eligible arable land or on the potential EFA feature do not prevent a feature from being adjacent. Illustrative examples are given hereinafter.

**Example 1: Adjacent**



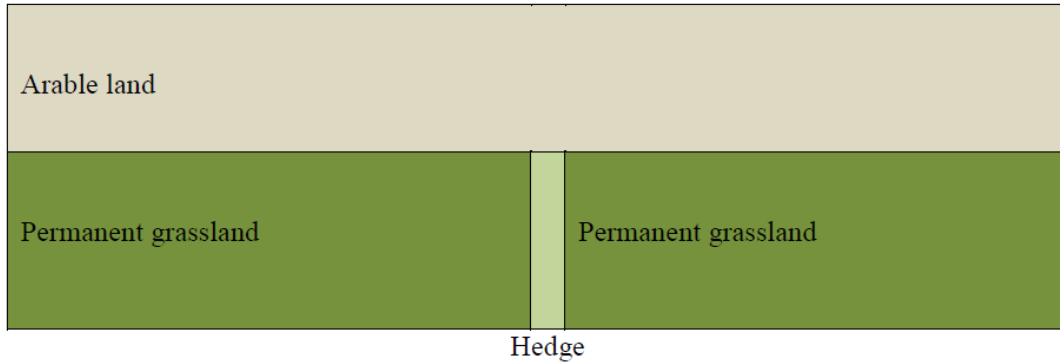
The hedge is adjacent to arable land and thus considered as a potential EFA.

**Example 2: Not Adjacent**



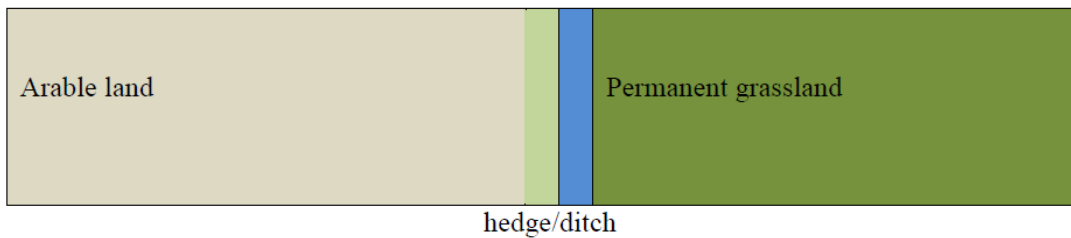
This hedge is, due to the ineligible road (hardcore), not adjacent to arable land. Therefore this hedge is not considered as a potential EFA. Tracks in a field are not deemed a roadway.

**Example 3: Not Adjacent**



This hedge physically touches arable land on the north with its shorter edge. It is thus not considered as a potential EFA.

**Example 4: Adjacent**



In this example, a landscape feature (the ditch) is adjacent to another landscape feature (hedge) which is adjacent to arable land and is therefore considered as an EFA.

## Permanent Grassland

The permanent grassland requirement under greening is managed at National level and there are currently no restrictions on individual applicants regarding the ploughing and reseeded of permanent grassland.

However, if the percentage of permanent grassland in Ireland – compared to the area of agricultural land – falls by more than 5%, farmers who have ploughed permanent grassland may have to re-instate it. It would also mean that there would be restrictions on any further ploughing of permanent grassland. If the percentage does fall, the Department will notify farmers as to the requirements.

## Online

As an arable applicant with greater than 10 hectares you are now obliged to apply online for the Basic Payment / Greening using the Departments online facility. At present, pre the opening of the 2015 on-line application system, you can log into the on-line system and review the following:



- Crop Diversification
- Ecological Focus Areas (Linear Features)

**With the opening of the 2015 on-line application screens a full and detailed manual will be provided to assist with all elements of the application process, including the greening screens.**

## Crop Diversification

The following are screen shots taken from the **2014 SPS** system.

### About your land areas

| Overview  |           |                         |
|---|-----------|-------------------------|
|   | Area [ha] | Area [% of Total Claim] |
| Total Agricultural Area   | 204.65    | 100%                    |
| Of which  |           |                         |
| Tillage  | 196.30    | 95.92%                  |
| Grassland   | 8.35      | 4.08%                   |
| Other    | 0.00      | 0.00%                   |

The Greening Calculator sets out the overall areas of the holding in terms of Tillage, Grassland and Other

Based on the information you provided above:

| Result   |
|--|
| <div style="border: 2px solid orange; padding: 10px; display: inline-block;"> <h2 style="margin: 0;">3 Crop: ✓</h2> <p style="margin: 5px 0;">You are under the <b>THREE CROP CATEGORY</b> and currently meet a</p> </div> |

It then identifies the group that you are in e.g. '3 crop' and whether you are compliant. This farmer is fully compliant with both the number of crops and percentages based on 2014 data.

Does my cropping meet the requirements?

|                |  |   |
|----------------|--|---|
| Requirement 1: | You must grow at least three different crops               | ✓ |
| Requirement 2: | Main crop no greater than 75% of relevant arable area      | ✓ |
| Requirement 3: | Two main crops no greater than 95% of relevant arable area | ✓ |

If I don't meet the requirements what do I need to change?


|   |           |  |
|---|-----------|--|
| Number of different crops:                    | 3         | You already have at least three different crops        |
| Largest crop area (not grass or forage):      | 122.88 ha | Your main crop must not exceed 147.23 ha               |
| Largest two crop areas (not grass or forage): | 184.75 ha | Your two main crops together must not exceed 188.49 ha |

## Ecological Focus Areas

The EFA screens allow you to see the area of EFA that you currently have on your holding, based on the mapping work completed by DAFM to date.




















### About your land areas

You can view and edit the land areas for your farm below.

| Overview  |           |
|---|-----------|
| Hedges EFA  | 9.41 ha   |
| Drains EFA  | 0.00 ha   |
| Buffer Strips EFA   | 0.97 ha   |
| Eligible Usage EFA  | 0.00 ha   |
| Total EFA   | 10.38 ha  |
| Total Arable Area  | 196.30 ha |
| % EFA   | 5.29%     |

The EFA areas are broken down into hedges, drains, buffer strips and the then Eligible Usage (Fallow, Beans, peas...etc).

The **2014** arable parcels are then listed.

| Parcels       |                  |                  |                                |        |               |                          |   |     |
|---------------|------------------|------------------|--------------------------------|--------|---------------|--------------------------|---|-----|
| Parcel Number | Townland         | Parcel Area [ha] | Linear Landscape Features [ha] |        |               |                          |   | Map |
|               |                  |                  | Hedges                         | Drains | Buffer Strips | Amended                  |   |     |
| D31006008     | BALLYMACPIERCE   | 7.18             | 0                              | 0      | 0             | <input type="checkbox"/> |  |     |
| D31006019     | BALLYMACPIERCE   | 7.15             | 0.8793                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D31006024     | BALLYMACPIERCE   | 6.04             | 0.4805                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D31006047     | BALLYMACPIERCE   | 9.56             | 1.4199                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D31006048     | BALLYMACPIERCE   | 3.92             | 0.4545                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D31006051     | BALLYMACPIERCE   | 2.41             | 0.4619                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D31012002     | KNOCKBALLYMARTIN | 1.34             | 0.4885                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D31012060     | KNOCKBALLYMARTIN | 3                | 0.4929                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D31012078     | KNOCKBALLYMARTIN | 0                | 0                              | 0      | 0             | <input type="checkbox"/> |  |     |
| D31012115     | KNOCKBALLYMARTIN | 1.27             | 0                              | 0      | 0             | <input type="checkbox"/> |  |     |
| D33803101     | BALLYBEG MIDDLE  | 27.39            | 0                              | 0      | 0             | <input type="checkbox"/> |  |     |
| D33907018     | CLOGHEEN         | 1.59             | 0.3579                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D33907019     | CLOGHEEN         | 2.57             | 0.3102                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D34004087     | BALLYELLIS       | 21.82            | 1.8556                         | 0      | 0             | <input type="checkbox"/> |  |     |
| D34507163     | KILCANWAY        | 4.84             | 0                              | 0      | 0             | <input type="checkbox"/> |  |     |
| D34637076     | SPAGLEN          | 4.99             | 0                              | 0      | 0             | <input type="checkbox"/> |  |     |
| D34637077     | SPAGLEN          | 4.87             | 0                              | 0      | 0             | <input type="checkbox"/> |  |     |
| D34637078     | SPAGLEN          | 3.04             | 0                              | 0      | 0             | <input type="checkbox"/> |  |     |
| D34703126     | BALLYGRIFFIN     | 5.88             | 0                              | 0      | 0             | <input type="checkbox"/> |  |     |

The "Map" button on the right allows access to the mapping system where the "Linear Landscape Features" can be viewed.



Via the mapping system hedges and drains can be modified, added and deleted as deemed necessary. Changing of the “Neighbouring Parcel” will allow the multiplier to be corrected.

**Parcel EFA Details**  
Parcel No: 6024  
Crop Type: Winter Barley  
Hedge EFA: 0.4736  
Drain EFA: 0.0000  
Buffer Strip EFA: 0.0000  
Total Linear Landscape EFA: 0.4736  
Return to SPS

| Feature | Neighbouring Parcel | Length [m] | Eligible Hedge [%] | Effective Length [m] | EFA Factor | EFA Area [ha] | Select         |
|---------|---------------------|------------|--------------------|----------------------|------------|---------------|----------------|
| H11     | 6039                | 64.75      | 100                | 64.75                | 5          | 0.0324        | Select Feature |
| H30     | 6048                | 251.96     | 100                | 251.96               | 5          | 0.1260        | Select Feature |
| H117    | 6019                | 158.70     | 100                | 158.70               | 5          | 0.0794        | Select Feature |
| H566    | 6045                | 24.56      | 100                | 24.56                | 5          | 0.0123        | Select Feature |

Powered by spatial | Nominal Scale: 1:5992661.00 | Center: 145732630.50 / 105276281.00 | Cartesian, (0) | Version 6.3.1.12

### Advice

*The primary concern for the applicant is to ensure that they have 5% EFA. However it is recommended that where any doubt exists as to the validity of a feature e.g. hedge, that the applicant should make sure that they have in excess of 5% to allow for any possible issue that may arise.*

### New land in 2015

The Department of Agriculture, Food and the Marine has mapped the Ecological Focus Areas on all the land parcels claimed as tillage or temporary grassland claimed in 2014. In addition to this the 2014 land use is held on the data base and will be displayed when a previously claimed arable parcel is entered by a different applicant in 2015.

If you are claiming new land in 2015, which was not previously claimed as arable or if you don't have access to the existing parcel numbers you should declare this land as a plot. When doing this you will be prompted to enter the county, the townland and your claimed area. You will then also be required to either electronically draw the parcel on the online system or upload a map.

As this is new land for 2015 your provisional greening requirements will be based on the declared areas entered by you, but in some cases may change following the Departments verification of the relevant reference areas.

EFAs can only be drawn on digitised parcels. If new arable land is added and the applicant wishes to claim Linear Landscape Features, these plots should be drawn or sent to the department in sufficient time to allow the department to digitise the parcels and allow the applicant to submit an amendment online and draw these Linear Landscape Features through the online portal.

## Inspections

Applications for payment under the Greening Payment will be subject to administrative checks, controls by remote sensing using satellite imagery or aerial photography, and on-farm inspections to verify eligibility for payment. It is a requirement to carry out eligibility checks on 10% of applicants to verify that the actual area and landscape features declared as EFAs are correct. 5% of applicants who are required to observe the other greening practices will also be inspected. In addition, it is necessary to carry out eligibility inspections on 3% of all other beneficiaries of the Greening Payment, who are exempted from the greening practices.

The Department of Agriculture, Food and the Marine has fixed the period between 16 May and 15 July as the control period for the verification of the different crops declared for the purposes of Crop Diversification. The vast majority of the controls will be undertaken during this period. In some cases, the crops will have been harvested and in these cases, the verification checks will be based on the stubble in the field. Checks will also be undertaken during the period between 15 September and 1 December on the catch crops, which will be sown by farmers and declared in their application form.

## Non-Compliance – Deductions and Exclusions

There are provisions for the making of deductions/exclusions in the Greening Payment where an applicant is found to be non-compliant with some or all of the greening requirements. Up until 2017, there is provision for deductions **only** in the Greening Payment. The deductions will be applied to the Greening Payment on arable land and, if appropriate, on areas designated as environmentally sensitive grassland. The deductions will not, therefore, be applied to the Greening Payment for permanent grassland.

The deductions for non-compliance with the greening requirements are as follows;

| Greening Measure   | Calculation of deduction – the level of the deduction in the Greening Payment   |
|--|---|
| <b>Crop Diversification</b> – where the area of the main crop declared (or area determined if the area is greater) is more than 75%      | The reduction is 50% of the total arable land determined, <b>multiplied by the ratio of difference</b> . The ratio of the difference is the area in hectares of the main crop that breaches the 75% threshold in the total area required for the other crops (i.e. 25%) |
| <b>Crop Diversification</b> – where the area of the two main crops declared (or area determined if the area is greater) is more than 95% | The reduction is 50% of the total arable land determined, <b>multiplied by the ratio of difference</b> . The ratio of the difference is the area of the two main crops in hectares that breaches  |

| Greening Measure   | Calculation of deduction – the level of the deduction in the Greening Payment   |
|--|---|
|  | the 75% threshold in the total area required for the other crops (i.e. 5%)  |
| <b>Crop Diversification</b> – where the area of the main crop declared (or area determined if the area is greater) is more than 75% and the area of the two main crops declared (or area determined if the area is greater) is more than 95% | The reduction is 50% of the total arable land determined, <b>multiplied by the ratio of difference</b> . The ratio of the difference is the total of the ratios calculated for the breaches of the 75% and 95% thresholds respectively. However, the value of this ratio shall not exceed 1.                  |
| <b>EFA area</b> – where the EFA areas declared (or determined if the area is lower) by the applicant for the two main crops is less than 5%.   | The reduction is 50% of the total arable land determined (plus any non-arable area declared as EFA) multiplied by the ratio of difference. The ratio of the difference is the area of the difference between the EFA area required and declared (or area determined if lower) in the total EFA area required. |
| <b>Designation of Sensitive Grassland</b><br><br>Where designated sensitive grassland was ploughed or converted  | The reduction is the area of sensitive grassland that was ploughed or converted.  |

In summary, if you have a Crop Diversification requirement of 3 crops and you declare only one crop in 2015, the reduction in your Greening Payment will be 50% of that payment on your arable land. If you do **not** declare any EFA areas in 2015, the reduction in your Greening Payment will be 50% of that payment on your arable land. You will continue to benefit from your Greening Payment on your permanent grassland.

The following are some examples of the application of the deduction.

**Example 1:** Farmer A declared 15.5 hectares of spring oats and 4.5 hectares of spring barley in 2015. His EFA was found to be compliant. He is not, however, compliant with the Crop Diversification requirements. His main crop is BPS application in 2015 is 77.5% of the total arable area. Therefore, he is 2.5% (or 0.5 hectares) in excess of 75% (or 15 hectares). The rate of reduction is established as follows.

Ratio of difference: The ratio of the difference is the area in hectares of the main crop that breaches the 75% threshold (i.e. 0.5 ha) in the total area required for the other crops (i.e. 25% or 5.0 ha)

$$0.5 \text{ ha} / 5.0 \text{ ha} = 0.1$$

$$\text{Withdrawal: Ratio of difference} \times \text{arable land} / 2 \text{ (50\%)} = 0.1 \times 20 / 2 = 1 \text{ ha.}$$

Greening declared area: 20 ha

Greening payable area: 19 ha

**Example 2:** Farmer B declared 38 hectares of arable land (14 ha of spring barley, 15 hectares of oilseed rape and 9 hectares of temporary grassland in 2015 and 1.7 ha of EFA. His Crop Diversification requirement was found to be compliant. He is not, however, compliant with the EFA requirements. His EFA requirement on 38 hectares of arable land is 1.9 ha but he has declared 1.7 hectares. Therefore, he is 0.2 ha under the EFA required area.

The rate of reduction is established as follows.

Ratio of difference:  $0.2 \text{ ha} / 1.9 \text{ ha} = 0.11$ .

Withdrawal: Ratio of difference X arable land / 2 (50%) =  $0.11 \times 38 / 2 = 2.09 \text{ ha}$ .

Greening declared area: 38.0 ha

Greening payable area: 35.91 ha.

The rate of deductions is increased where applicants are non-compliant with either the Crop Diversification or EFA requirements or both for **three consecutive years**, the rate of deductions would be as follows. These provisions cannot be applied until 2018 at the earliest.

| Greening Measure   | Calculation of deduction – the level of the deduction in the Greening Payment   |
|--|---|
| <b>Crop Diversification</b> – where the area of the main crop declared (or area determined if the area is greater) is more than 75%  | The total arable land determined multiplied by the ratio of difference. The ratio of the difference is the share of the main crop that breaches the 75% threshold in the total area required for the other crops (i.e. 25%)             |
| <b>Crop Diversification</b> – where the area of the two main crops declared (or area determined if the area is greater) is more than 95%   | The total arable land determined multiplied by the ratio of difference. The ratio of the difference is the share of the two main crops that breaches the 75% threshold in the total area required for the other crops (i.e. 5%)         |
| <b>Crop Diversification</b> – where the area of the main crop declared (or area determined if the area is greater) is more than 75% and the area of the two main crops declared (or area determined if the area is greater) is more than | The total arable land determined multiplied by the ratio of difference. The ratio of the difference is the total of the ratios calculated for the breaches of the 75% and 95% thresholds respectively. However, the value of this ratio |

| <b>Greening Measure</b>  | <b>Calculation of deduction – the level of the deduction in the Greening Payment</b>   |
|--|--|
| 95%  | shall not exceed 1.  |
| <b>EFA area</b> – where the EFA areas declared (or determined if the area is lower) by the applicant for the two main crops is less than 5%. | The total arable land determined (plus any non-arable area declared as EFA) multiplied by the ratio of difference. The ratio of the difference is the share of the difference between the EFA area required and declared (or area determined if lower) in the total EFA area required. |

In addition to deductions the EU Regulations provide for exclusions from the 2017 scheme year. The exclusions that will be applied are set out in the following table.

| <b>Difference between the number of eligible hectares and the hectares payable under the Greening Payment following any deduction for non-compliance of Crop Diversification and and/or EFA</b>  | <b>Level of Reduction/Exclusion</b>  |
|--|--|
| If the difference is greater than 3% of the area eligible for the Greening Payment determined but not more than 20% of the area payable <u>OR</u> if the area not payable is less than 3% of the area payable but greater than 2 hectares: | Greening Payment is based on the number of hectares payable reduced by twice the difference (in hectares) between the eligible area and payable area under the Greening Payment.   |
| If the difference is greater than 20% of the area determined (found):  | No payment is made under the Greening Payment for the scheme year in question.   |
| If the difference is greater than 50% of the area determined (found):  | No payment is made under the Greening Payment for the scheme year in question and an additional penalty based on the payment that would have been payable on the area corresponding to the difference between the number of eligible hectares and the number of hectares payable under the Greening Payment will be offset against any EU payment due to the applicant during the course of the three calendar years following the year in which the determination refers. |

The penalties calculated in accordance with the above table will not be applied in respect of the 2015 and 2016 scheme-years. In 2017, the maximum additional penalty that can be applied is confined to an amount of the penalty divided by 5 and applied to 20% of the Greening Payment that the applicant would have been entitled to in that year. From 2018 onwards, the maximum additional penalty that can be applied is confined to an amount of the penalty divided by 4 and applied to 25% of the Greening Payment that the applicant would have been entitled to in the year of application.

## Future Developments

Under Regulation (EU) No 1307/2013, the EU Commission is required, by March 2017, to submit a report to the Council of Ministers and the EU Parliament on its assessment of the implementation of Ecological Focus Areas. If it is deemed appropriate, the report can be accompanied by proposals to amend the current provisions. The Regulation currently specifies that the 5% rate of Ecological Focus Areas be increased to 7% **provided that this amendment is agreed by the Council of Ministers and the EU Parliament.**

## Protein Aid Scheme

Ireland has decided to use €3 million of the Basic Payment Ceiling to provide for a coupled payment for nitrogen fixing crops, which are also referred to as protein crops.

### Rate of Aid

The maximum rate of aid payable is €250 per hectare. However, if in a scheme year the amount of aid claimed by applicants exceeds the Ceiling of €3 million, the rate of aid payable will be reduced on a pro-rata basis to ensure respect for the Ceiling.

### Eligible crops

The protein crops eligible for payment under the Scheme are as follows;

|        |
|--------|
| Beans  |
| Peas   |
| Lupins |

It should be noted that nitrogen fixing crops, clover, alfalfa and lucerne are not eligible for aid under the Protein Aid Scheme. The Crops are regarded as separate crops for the purposes of Crop Diversification and can be sown as nitrogen fixing crops in an area declared as EFA, as are peas, beans and lupins.

## Partnerships

With the ending of the Milk Quota regime on 31 March 2015 the legal basis for Milk Production Partnerships also ceases to exist. The Department is currently establishing a new Register of Farm Partnerships which will allow all those in existing Milk Production Partnerships who wish to continue in farm partnerships to do so, provided they meet the requirements for entry onto the Register. The new Register will also accommodate non dairy farm partnerships.

All farmers currently involved in Milk Production Partnerships should have received a letter from this Department in January asking if they wish to continue farming in a partnership. If you have received such a letter and have not responded you should do so immediately.

**It will be assumed that, where a Partnership does not respond, the intention of the partners is to revert back to single applicants.**

Those wishing to establish a brand new farm partnership should have their application for entry on the Register submitted to the Department as soon as possible - see Department's website: <http://www.agriculture.gov.ie/farmingsectors/newfarmpartnershipregister/>

Partnerships which are registered on the new Register will receive a Farm Partnership Registration Number (FPRN). They should use this number when applying for the various Department support schemes aimed at encouraging the development of farm partnerships in Irish agriculture, such as the preferential stock relief for registered farm partnerships and the Support for Collaborative Farming grant Scheme which is available to brand new farm partnerships. Being on the Register will also allow the Department ensure that the members of such partnerships are fully catered for in the implementation of the new CAP Reform Schemes such as TAMS, GLAS, ANC, and BPS.

Please note that a Registered Farm Partnership can only submit a BPS application through the Department online facility and should only use the Farm Partnership Registration Number when submitting the application. This facility will not, however, be open to Partnerships until 31 March 2015. Individual members of the Partnership should not submit an application under their own herd number. If you use an Agent to administer your applications forms, you may need to contact him or her well before that date.

## Share Farming

A **share farming agreement may be submitted as one application** under the Basic Payment Scheme with the parties to the agreement **declaring all of the land farmed** by them on the application. Such applicants will be referred to as "share farming arrangement". The requirement means that all of the land farmed by each share farmer must be declared in the application of the share farming arrangement. The application must be submitted on-line and the share farming arrangements will be required to be recognised by the Department of Agriculture, Food and the Marine.

The Department will formally recognise a share farming arrangement on submission of a completed application form, the share farming agreement and whatever supporting documentation is deemed necessary. The agreement must at a minimum specify that all parties to the share farming arrangement are responsible (fully or partially) for both inputs and outputs of the enterprise.

For the purpose of Crop Diversification, the number and percentage of crops will be calculated using details of crops sown by all parties to the agreement. Similarly, the 5% EFA requirement will be calculated on the arable land of all of the parties to the agreement combined. In addition, any issues relating to the eligibility of the land declared by the share farming arrangement will be dealt with at the level of the arrangement. Non-compliance with the Cross-Compliance requirements can be assessed at the level of each individual member of the share farming arrangement provided the non-compliance can be established at that level.

Where a party to the agreement is selected for inspection, all parties to the agreement will be selected for inspection. Where a penalty under the Greening measures is applicable to one or more of the parties to the share farming agreement, this penalty will be applicable to all parties to the agreement.

**Details of the application process for the recognition of share farming arrangements will be announced by the Department of Agriculture, Food and the Marine in the coming weeks.**

## Help

### What do you need to do?

If you are subject to any requirements under greening and are not already registered for the Department's on-line facility you must now register as in future you will be required to complete all applications on-line. You can apply online at [www.agfood.ie](http://www.agfood.ie). If you experience any difficulty in registering, please contact our helpdesk at 1890 252 118 or 0761 064424. Alternatively, you can authorise an agricultural consultant or Teagasc advisor to apply on your behalf. For relevant authorisation forms please see <http://www.agriculture.gov.ie/agfoodinformationpages/agfoodagentforms/>.

Familiarise yourself with the obligations that will be placed on you in 2015 to see if there are changes that you need to make to your farming practices to ensure compliance.