



# 2007 Set-aside Handbook and Guidance for Northern Ireland



Department of  
**Agriculture and  
Rural Development**  
[www.dardni.gov.uk](http://www.dardni.gov.uk)



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# **2007 Set-aside**

## **Handbook and Guidance for Northern Ireland**

Please note:

This Handbook may no longer be produced annually. You should keep this Handbook in a safe place until you are advised otherwise. We will keep you informed of any amendments.

## Key Dates

### 2007

1 January	Start of the Single Farm Payment (SFP) Scheme year. From this date you must comply with all Cross-Compliance conditions.
15 January	Start of the Set-aside period. You must not harvest any crops remaining in the ground or graze the land.
1 March – 15 July	Avoid operations on Set-aside land in this period as you could harm nesting birds and other wildlife. If action is essential, take steps to minimise the disturbance to wildlife.
15 April	Earliest date on which you can use non-selective herbicides on Set-aside land.
30 April	Final date at which the 10 month period for having land at your disposal can begin if you are claiming payment under the SFP Scheme in 2007.
1 May	Earliest date on which you may begin to cultivate organic fields in Set-aside for weed control.
<b>15 May</b>	<b>Closing date for applications to the SFP Scheme.</b>
15 May	Final date for signing and lodging with SFP Branch, Orchard House your non-food contract for industrial crops grown on Set-aside land.
From 15 July	Sowing for harvest in 2008 permitted on Set-aside land.
15 July–15 or 31 August	Compulsory cut (until 15 August) or destruction (until 31 August) of green cover on Set-aside land.
31 August	End of the Set-aside period.
1 October	Earliest date on which the 10 month periods for having land at your disposal can begin for the 2008 Scheme year.
31 December	End of the SFP Scheme year.

### 2008

1 January	Start of the SFP Scheme year.
15 January	Start of new Set-aside period.



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## Section 1 Introduction

This Handbook explains the rules concerning Set-aside under the Single Farm Payment (SFP) Scheme - how much and what type of land you should set aside and how you should manage it to qualify for payment.

**This Handbook replaces the 2006 Set-aside Handbook and Guidance for Northern Ireland. It is available electronically at [www.dardni.gov.uk](http://www.dardni.gov.uk).**

### 1.1 Background

The SFP Scheme replaced most existing crop and livestock schemes from 1 January 2005. Entitlement to aid no longer depends on you growing crops or keeping livestock. To qualify for payment of Set-aside Entitlements under the SFP Scheme, you must:

- hold and activate payment Entitlements;
- claim Set-aside Entitlements before other Entitlements;
- set aside the correct amount of land, unless you are exempt (see 2.8);
- manage the land in accordance with the Set-aside management rules; and
- meet all Cross-Compliance requirements on all the agricultural land on your holding, including Set-aside.

For each hectare of eligible land you declared for the establishment of Entitlements on your 2005 Single Application, you will have received an Entitlement to claim payment under the SFP Scheme.

If you declared Set-aside eligible land in 2005, a proportion of the payment Entitlements you are allocated may be designated Set-aside Entitlements. For every Set-aside Entitlement you hold, you must correctly set aside an equivalent area of Set-aside eligible land (for exemptions see 2.8).

You can only use (activate) Set-aside Entitlements to claim payment on Set-aside eligible land you manage as Set-aside in accordance with the rules referred to in this Handbook.

### 1.2 Key points to note

- Every producer who has a Set-aside requirement has been allocated Set-aside Entitlements.
- For each Set-aside Entitlement you hold, you must set aside 1ha of Set-aside eligible land.

- Set-aside eligible land is land which is eligible for SFP and was **not** in permanent pasture, permanent crops, used for peat extraction, forest or non-agricultural use on 15 May 2003. A number of limited exemptions apply (see paragraph 2.4).
- Individual organic fields managed as Set-aside can be cultivated from the beginning of May for weed control (see paragraph 5.7).
- Land growing certain permanent crops is eligible for Set-aside (see paragraph 2.5.1).
- Grazing is permitted on land set aside **after** the end of the Set-aside period (31 August) where you have replaced your green cover before 15 July. For further information please refer to paragraph 6.4.

### 1.3 Key changes for 2007

Please note the following key changes since the issue of the 2006 Set-aside Handbook and Guidance:

- Payment for sugar beet, Jerusalem artichokes and chicory roots grown on Set-aside land for non-food uses. In the 2005 Scheme year, if you grew sugar beet, Jerusalem artichokes or chicory roots on Set-aside land you were not entitled to receive the Set-aside payment for that land. The rules changed from 2006 so that you can receive payment in the circumstances described in paragraph 7.3.2.
- Paragraph 5.8 Fertilisers, manures and wastes has been revised to take account of new legislation.

### 1.4 Amendments and clarifications

In addition to the key changes mentioned above, amendments and clarifications have been made to the following paragraphs:

- 2.2 - Land voluntarily taken out of production;
- 2.6 - Land in agri-environment schemes (plus new Annex 4);
- 2.8.1 - Special rules for organic holdings;
- 3.1 - Compulsory Set-aside;
- 4.5 - Switching eligibility for Set-aside;
- 5.2.2 - Wild bird cover;
- 7.1 - Growing crops for non-food uses on Set-aside land (Introduction);
- 7.2 - Set-aside management rules;
- 7.3.1 - Crops with no food or animal feed use;
- 7.5 - The contract;
- 7.7 - After delivery;
- 7.8 - Payment;
- 7.9 - Crops for on-farm energy use;

- Section 8 - Penalties relating to Set-aside land; and
- Annex 4 - CMS and ESAS agri-environment scheme options which meet Set-aside requirements.

You should also note that minor changes have been made to other parts of this Handbook.

### **1.5 Set-aside derogations for 2006 – A reminder**

As a result of the drought conditions in the United Kingdom, for the 2006 Scheme year two temporary derogations were brought in which allowed exemptions from the normal Set-aside rules on cutting and grazing Set-aside land.

These derogations only applied to that year. Therefore, the normal management and usage rules as detailed in this Handbook will apply for the 2007 Scheme year.

### **1.6 Important notes on the law**

The rules in this Handbook are based on Council Regulation (EC) No. 1782/2003 as amended, Commission Regulations (EC) Nos. 795/2004, 796/2004 and 1973/2004 (all as amended) as well as relevant domestic legislation, in particular The Common Agricultural Policy Single Payment and Support Schemes (Set-aside) Regulations (Northern Ireland) 2005 as amended.

This Handbook does not take the place of law. You are referred to the EC and domestic regulations for the precise legal provisions. In addition, this Handbook does not provide a definitive interpretation of the law. This can only be given by the courts.

## Section 2 Set-aside under the Single Farm Payment (SFP) Scheme

### 2.1 Set-aside

To set aside means to:

- withdraw land eligible for Set-aside from agricultural production for the duration of the Set-aside period 15 January to 31 August of the Scheme year; and
- manage the land in accordance with the Set-aside management rules described in Section 5 of this Handbook (unless you are exempt (see 5.10)) in addition to the requirements of Cross-Compliance.

You may, however, grow crops for non-food or feed uses for specific end products on Set-aside land as described in Section 7.

### 2.2 Land voluntarily taken out of production

You should withdraw from production at least the land area required to meet your Set-aside obligation. However, you can withdraw additional land area from production. This additional land withdrawn from production can be used to activate (claim) SFP Scheme standard Entitlements. All the agricultural land on your holding must meet the requirements set out in the Cross-Compliance Verifiable Standards 2005 and 2006 booklet, the Cross-Compliance Verifiable Standards 2005 and 2006 Supplement SMR 11 Food and Feed Law and the Cross-Compliance Verifiable Standards 2007 booklet.

### 2.3 Requirement to activate Set-aside Entitlements first

If you are required to have Set-aside, you must claim Set-aside Entitlements before any other Entitlements you hold. This means that you must fulfil your Set-aside obligation in its entirety each year or penalties may apply.

### 2.4 Set-aside eligible land

Set-aside eligible land is land, which is eligible for SFP in 2007 and was **not** in permanent pasture on 15 May 2003. Therefore, only land that was in arable use (see Annex 5) in at least one of the years 1998 – 2003 inclusive may be used to fulfil your Set-aside obligations. Land in grass being used for Set-aside (including long-term Set-aside) is classified as arable use.

Land, which was in grass in all of the years 1998 – 2003 inclusive is classified as permanent pasture on 15 May 2003 and **cannot** be used to claim Set-aside Entitlements irrespective of future use. Therefore, land that was classified as permanent pasture on 15 May 2003 but has since been brought into arable production **cannot** be used as Set-aside.

Some land not meeting these requirements may also be Set-aside eligible if it is:

- in an agri-environment scheme (see paragraph 2.6);
- in a woodland scheme (see paragraph 2.7); or
- growing permanent crops (see paragraph 2.5.1).

## **2.5 Land ineligible for Set-aside**

Land cannot be used to meet your Set-aside requirement if, on 15 May 2003, it was:

- in permanent crops or nurseries of permanent crops, including Christmas trees and hardy ornamental nursery stock (but see paragraph 2.5.1);
- used for peat extraction;
- permanent pasture (but see paragraph 2.5.2);
- forest; or
- in non-agricultural use.

**Full descriptions of arable land, Set-aside eligible land, permanent pasture and permanent crops under the SFP Scheme appear in the Glossary at Annex 5.**

**If you have any queries regarding whether a particular field is Set-aside eligible, you should contact the Single Farm Payment (SFP) Branch in Orchard House for clarification (see Annex 6 for contact details).**

**You can check the status of your fields online at <http://eservices.ruralni.gov.uk/setaside/setasidelist.asp>.**

### **2.5.1 Permanent crops**

Permanent crops are defined in the Glossary at Annex 5. Land growing permanent crops cannot be used as Set-aside unless it was planted for non-food crop purposes and was in Set-aside on 15 May 2003 under the Arable Area Payments Scheme.

### **2.5.2 Permanent pasture**

Permanent pasture is land used to grow grasses or other herbaceous forage (see Annex 5), either naturally (self-seeded) or through cultivation (sown), and that is not included in the crop rotation of the holding for five years or longer.

### **2.5.3 Non-agricultural use**

Land used for a non-agricultural activity, for example, as a golf course, for motor sports or as a campsite, is ineligible for SFP and cannot be used to meet your Set-aside obligation.

## 2.6 Land in agri-environment schemes

The following schemes are referred to as agri-environment schemes:

- Countryside Management Scheme (CMS);
- Environmentally Sensitive Areas Scheme (ESAS); and
- Organic Farming Scheme.

### 2.6.1 Countryside Management and Environmentally Sensitive Areas Schemes

Please refer to the table in Annex 4 which lists the **CMS** and **ESAS agri-environment scheme options which also meet Set-aside requirements**. All land under the scheme options listed in Annex 4 may be used to meet your Set-aside requirement.

Of the options listed in Annex 4 only three are eligible for both the agri-environment and Set-aside payment. These are:

- Improved land (in pre-2005 CMS and ESAS agreements);
- Scrub; and
- Archaeological features.

**If you use any of the remaining agri-environment scheme options (listed in Annex 4) to meet your Set-aside requirement you will not receive any agri-environment payment on this land. Therefore, you may only receive the Set-aside payment which is €78.33/ha before deductions.**

### 2.6.2 Organic Farming Scheme

For advice on the Organic Farming Scheme and Set-aside eligibility please contact Adrian Saunders at the College of Agriculture, Food and Rural Enterprise (see Annex 6 for contact details).

## 2.7 Land in woodland schemes

The following schemes are referred to as woodland schemes:

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

Land categorised as woodland is not normally eligible for payment under the SFP Scheme. However, you may use such land to meet your Set-aside requirement (claim Set-aside Entitlements) providing:

- the land was entered into one of the schemes listed, and had been in agricultural use immediately prior to being entered into the scheme;
- the application to join the woodland scheme was made after 28 June 1995; and
- the land is not put to any lucrative use (other than that allowed under SFP Scheme rules).

**It is important to be aware that you might be financially disadvantaged by using land in a woodland scheme to meet Set-aside requirements, as this may result in your woodland scheme payment being reduced or stopped. For further information contact: Private Woodlands and Plant Health Branch, Forest Service, DARD (see Annex 6 for contact details).**

## **2.8 Exemptions from the requirement to set land aside**

If you have been allocated Set-aside Entitlements, you are only exempt from the requirement to set land aside if you are an organic farmer and you are managing your entire unit as an organic unit.

### **2.8.1 Special rules for organic holdings**

The land that you use to activate Set-aside Entitlements does not have to be managed as Set-aside if the following requirements are met:

1. your **entire** holding (that is, all production units you manage in the United Kingdom) is managed for the totality of its production organically in line with Regulation (EEC) No. 2092/91; and
2. all the productive land on your holding is registered by 15 January of the Scheme year with a recognised organic inspection body.

This exemption from the requirement to set aside land only applies to the area of land corresponding to the number of Set-aside Entitlements you are initially allocated. It does not apply to any additional Set-aside Entitlements you obtain by transfer or lease unless:

- they are transferred with land; and
- you continue to meet all the requirements above.

If you transfer in Set-aside Entitlements without land then you will have to set aside an equivalent number of hectares even though your entire holding is being managed organically.

For information on organic farming contact Adrian Saunders, Greenmount Campus, College of Agriculture, Food and Rural Enterprise (see Annex 6 for contact details).



## Section 3 How much land to set aside in 2007

### 3.1 Compulsory Set-aside

For each Set-aside Entitlement you hold on 15 May 2007, you must set aside from production 1ha of Set-aside eligible land. For example, if you have been allocated 5.4 Set-aside Entitlements, you are required to set aside 5.4ha of Set-aside eligible land.

You must set aside sufficient land for the number of Set-aside Entitlements you have. If you do not set aside sufficient land we may apply a penalty to your claim for Single Farm Payment.

You must activate (claim for payment) Set-aside Entitlements before all other entitlements you have.

Only land which is Set-aside eligible (see Glossary at Annex 5) may be used to meet the compulsory Set-aside requirement (that is, claim Set-aside Entitlements).

If you are not sure how many Set-aside Entitlements you have, or you have not yet been notified of the number of Entitlements you have been allocated, you should contact the SFP Branch, Orchard House immediately. See Annex 6 for contact details.

If you have transferred Set-aside Entitlements in 2006 or are transferring Set-aside Entitlements for the 2007 Scheme year, the Set-aside obligation transfers with the Entitlement. The new holder of the Set-aside Entitlement will be required to set aside 1ha of Set-aside eligible land for each Set-aside Entitlement they hold on 15 May 2007.

Details on voluntary Set-aside are shown at paragraph 2.2.

### 3.2 Insufficient Set-aside eligible land on your holding to claim all your Set-aside Entitlements

In the unlikely event you do not have enough Set-aside eligible land (as described in paragraph 2.4) on your holding to activate all your Set-aside Entitlements, you must activate as many Set-aside Entitlements as your Set-aside eligible land will support before you activate any other Entitlements you hold. You will not be paid on any unclaimed Set-aside Entitlements and penalties may not be applied. You may be asked to confirm why you have insufficient Set-aside eligible land to activate all your Set-aside Entitlements. If Set-aside Entitlements are not activated within a period of three years we will take them from you and put them in the National Reserve.

### Example 1

You are allocated 50 Entitlements (2.76 Set-aside and 47.24 standard Entitlements).

In 2005 the land you were farming and declared for establishment of Entitlements was as follows:

Set-aside eligible land (38ha of this land was taken in conacre and was all Set-aside eligible)	40ha
Non Set-aside eligible land	10ha
<b>Total</b>	<b>50ha</b>

This land you took in conacre is no longer available to you for 2007. You obtained 40ha of land from another source. However, this is not Set-aside eligible land.

For 2007 the land you are farming is as follows:

Set-aside eligible land	2ha
Non Set-aside eligible land (40ha of this land is taken in conacre)	50ha
<b>Total area available for 2007</b>	<b>52ha</b>

In order to fulfil your 2007 Set-aside requirement you must set aside the 2ha of Set-aside eligible land and activate 2 of the 2.76 Set-aside Entitlements. In this case we will pay on the 2 Set-aside Entitlements and 47.24 standard Entitlements without penalty. We will not pay on the additional 0.76 Set-aside Entitlements. However, if you do not use these 0.76 Set-aside Entitlements for three consecutive years we will take them from you and put them in the National Reserve.

### Example 2

You are allocated 50 Entitlements (2.76 Set-aside and 47.24 standard Entitlements).

In 2005 the land you were farming and declared for establishment of Entitlements was as follows:

Set-aside eligible land (38ha of this land was taken in conacre and was all Set-aside eligible)	40ha
Non Set-aside eligible land	10ha
<b>Total</b>	<b>50ha</b>

This land you took in conacre is no longer available to you for 2007. You obtained 40ha of land from another source and 5ha is Set-aside eligible land.

For 2007 the land you are farming is as follows:

Set-aside eligible land (5ha taken in conacre)	7ha
Non Set-aside eligible land (35ha taken in conacre)	45ha
<b>Total area available for 2007</b>	<b>52ha</b>

For 2007 Scheme year you do not Set-aside any land and activate all your Entitlements. You had sufficient Set-aside eligible land available in 2007 (7ha in total) in order to meet your Set-aside requirement in full and failed to do this. As you have failed to meet your Set-aside requirement of 2.76ha we will apply a penalty to your 2007 payment (see Section 8 – Penalties relating to Set-aside land).

### **3.3 Failure to meet your Set-aside obligation**

If inspections or administrative controls find that you did not set aside a number of hectares (ha) equivalent to the number of Set-aside Entitlements you have been allocated, your SFP will be reduced by application of penalties and in some cases you may not receive any payment under the SFP Scheme at all. You will be informed by Orchard House of any penalties to be applied once all validation checks have been completed.

There are also penalty implications if you do not adhere to the Set-aside management rules and the requirements of Cross-Compliance. See Section 8 for further information on penalties.

### **3.4 Transfer of Set-aside Entitlements**

Set-aside Entitlements may be transferred to another producer who is willing to purchase/lease them when Entitlements are definitively established. If Set-aside Entitlements are transferred, the Set-aside obligation is also transferred. Therefore, the person receiving the Set-aside Entitlements will have an obligation to set aside one hectare for each Set-aside Entitlement transferred.

In order to be effective for 2007 Scheme year you must hold the Set-aside Entitlement on 15 May 2007. If you are considering transferring or trading your Entitlements it is important that you read the guidance booklet on the “Trading of Entitlements” for full details and rules on transfer of Entitlements and restrictions on transfer. You can get a copy from your local DARD Office or on request to the SFP Trading Section, Orchard House (see Annex 6 for contact details).

We must make sure that if you trade Entitlements, you meet the requirements of the EU Regulations. However, any decision to trade Entitlements is purely down to you. It is therefore important that you read the guidance booklet, referred to above, to make sure that you understand the rules completely before you transfer Entitlements to another person.

In the event that it is not possible to transfer Entitlements in relation to the 2007 Scheme year, then only the farmer who holds the Entitlement on 15 May 2007 will be able to claim payment on them in 2007.

If you receive Set-aside Entitlements by means of transfer you must ensure that you can meet the additional Set-aside requirement in full or else penalties may apply. In order to do so, you must have sufficient land set aside from production and managed in accordance with the Set-aside management rules which begin on 15 January 2007.

### **Example**

- You were allocated 6.2 Set-aside Entitlements
- You obtain another 2.4 Set-aside Entitlements by means of transfer on 2 April 2007
- Your Set-aside requirement is 8.6ha (6.2 + 2.4)

The 8.6ha used to meet your Set-aside requirement must be Set-aside eligible land, set aside from production and managed in accordance with the Set-aside management rules, which begin on 15 January 2007. In addition, the land used to meet your Set-aside requirement must also meet the requirements of the 10 month rule (for information on the 10 month rule you should refer to the latest version of the IACS/Single Application Applicant's Guide).

## Section 4 Selecting land to set aside

### 4.1 Introduction

The land you set aside must be Set-aside eligible land as determined in paragraph 2.4.

By selecting appropriate land to set aside, you will be able to use it to meet agronomic objectives, benefit wildlife and protect archaeological features.

Factors to consider include:

- whether to keep your Set-aside allocation on the same land or rotate it;
- where you position Set-aside land;
- the cover you choose; and
- how you will manage Set-aside land.

### 4.2 Plot sizes and Set-aside strips

You can set land aside either in a single plot or in a number of smaller plots or strips. Set-aside land can only count as a single plot if it is all within one field and you can walk from any point in the Set-aside area to every other point without leaving Set-aside land.

A single area of Set-aside land must normally be no smaller than 0.1 hectare and be at least 10 metres wide. However, Set-aside land directly alongside watercourses, hedgerows, woods and Areas of Special Scientific Interest (ASSIs) may be put into strips between 6 metres and 10 metres wide and be no smaller than 0.05 hectare. You can have a Set-aside strip that mixes 6 metre and 10 metre minimum widths in the same field, as long as the sections that are between 6 metres and 10 metres wide are alongside a watercourse, hedgerow, wood or ASSI.

The Set-aside strips alongside a boundary will normally be measured from the centre of that boundary.

Watercourses include all surface waters such as estuaries, lakes, ponds, rivers, streams, canals and field ditches. A ditch must carry water at some time during the year. It does not have to have a continuous flow of water.

Public rights of way which cross a Set-aside area can be counted towards your Set-aside obligation, but you should only use such land as Set-aside if it meets the definition of land eligible for Set-aside (see Glossary at Annex 5) and you are able to comply with the Set-aside management conditions on it.

### 4.3 Field margins and headlands

#### Environmental advice to consider

Setting aside field margins and headlands offers considerable agronomic and environmental advantages. It minimises the disturbance to existing farming patterns and can be used to square up irregular fields. It can also extend and link existing habitats, such as overgrown hedgerows and small woodlands, or provide new ones. Rough uncultivated strips may provide habitat for the Irish Hare, Yellowhammer, Barn Owl, Tree Sparrow and Ground Beetles. Setting aside field margins also allows easier access to maintain features such as hedgerows and ditches.

### 4.4 Rotating Set-aside land

You can choose whether or not to rotate Set-aside land. You can treat different fields or parcels of land within fields differently. Rotation can only occur on Set-aside eligible land.

#### Environmental advice to consider

Leaving Set-aside in one place can benefit existing wildlife habitats and lead to the creation of new ones. It also means you can avoid agricultural operations on the land at times when wildlife may be disturbed and helps reduce levels of nitrate leaching.

Moving Set-aside can also offer benefits, particularly if it follows cereals and the stubble is allowed to regenerate over the winter to provide feeding grounds for birds. With appropriate management, annual arable plants can be encouraged. Rotation can also be an effective break to reduce the populations of the more difficult weeds and to combat diseases.

### 4.5 Switching eligibility for Set-aside

If, for reasons beyond your control, land you would otherwise have been able to use as Set-aside on your holding is no longer available (for example, as a result of compulsory purchase or statutory intervention), you may apply to have the eligibility for Set-aside switched to other land on your holding that is otherwise ineligible.

The land you wish to make eligible for Set-aside must have been managed according to the Set-aside management rules from 15 January.

If you choose to claim against an area and your application to switch eligibility is later unsuccessful then no payment will be made for that area and penalties may be applied.

Applications must be made in writing to SFP Branch, Orchard House (see Annex 6) who will decide whether there are valid reasons to allow the switch.

## Section 5 Managing Set-aside land

### 5.1 Introduction

If you are claiming payment under the SFP Scheme, all the agricultural land on your holding, including Set-aside, must be managed in accordance with the requirements of Cross-Compliance. In addition, the Set-aside land on your holding must be managed in accordance with the Set-aside Management Requirements which are laid out in this Section.

The Cross-Compliance Verifiable Standards are set out in the Cross-Compliance Verifiable Standards 2005 and 2006 booklet, the Cross-Compliance Verifiable Standards 2005 and 2006 Supplement SMR 11 Food and Feed Law and the Cross-Compliance Verifiable Standards 2007 booklet.

Failure to meet the requirements of Cross-Compliance and/or the management requirements applying specifically to Set-aside land may result in a penalty being applied to your Single Farm Payment (see Section 8).

If your 10 month period for having land at your disposal begins after the start of the Set-aside period, the land you set aside must nevertheless be managed according to these requirements from 15 January 2007. For more information about the 10 month period you should refer to the latest version of the IACS/Single Application Applicant's Guide.

### 5.2 Establishing and maintaining a green cover

For land to qualify as Set-aside, you must normally establish and maintain a green cover on that Set-aside land by the start of the Set-aside period by:

- sowing grass, grass mixtures, or another acceptable cover;
- sowing wild bird cover; or
- allowing natural regeneration.

There are certain circumstances in which you may be exempt from establishing and maintaining a green cover (see paragraph 5.3).

If the land is already in Set-aside and there is an acceptable green cover, or there is temporary grass on land eligible for Set-aside, you may leave these covers in place. However, if you are setting aside 6 metre to 10 metre strips, you must establish a green cover on those strips by sowing (and not natural regeneration) if there is insufficient green cover there already.



You must maintain green cover from 15 January until 31 August and it must be cut between 15 July and 15 August or be destroyed between 15 July and 31 August. The green cover may not be used for seed production, nor may it be used for any agricultural purposes before 31 August. The crops grown on the land cannot be marketed if harvested before 15 January 2008.

### **5.2.1 Sown green cover**

A sown green cover should normally be established either by undersowing the previous crop or by sowing in autumn after the harvest of the previous crop and may be:

- grass;
- a mixture of grass seed and seed of native broadleaved plants not commonly used for agricultural production (this mixture must not contain more than 50% by weight of legume seed);
- mustard (other than mustard grown for seed or grain); or
- Phacelia.

#### **Environmental advice to consider**

Fields to be set aside for more than one season and which have a long history of intensive management (that is, high nutrient and pesticide input) are probably best sown to grass. This can help to control weeds and, over a period of years, can be cheaper to maintain than a naturally regenerated cover.

### **5.2.2 Wild bird cover**

Wild bird cover must be an unharvestable mixture of at least two crop groups, for example cereals and brassicas. Legumes may only be included as a third component of the mixture. The following rules also apply:

- You must sow and maintain crops so that no one group predominates. If one part of the mixture becomes predominant, you must inform SFP Branch, Orchard House (see Annex 6) and reinstate the mixture either by replacing the lost components or the whole mixture as soon as possible. Normally, we would expect all components of the mixture to be re-established using a seed drill.
- The crop mixture you choose must not be one that is normally grown for agricultural or horticultural production.
- The mixture you choose must be one where it would not be practicable to harvest the components separately. For example, a mixture of cereals and grass would not be acceptable.
- The seed must be sown as a mixture – for example, you cannot sow alternate rows of each seed.



You are responsible for making sure the new cover is acceptable. If an inspection discovers that the cover is a harvestable mixture, the area of Set-aside will be considered to be in agricultural production and you will not be able to use this land as Set-aside.

If you destroy natural regeneration to establish your wild bird cover, you should follow the rules in 5.6 for replacing a green cover. You are not required to cut the cover provided you follow the rules in 5.5.1. You may apply up to 30kg of nitrogen per hectare to aid the establishment of your wild bird cover. You must comply with the Nitrates Action Programme Regulations (Northern Ireland) 2006 and the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2006. A Summary Leaflet on Nitrates and Phosphorus Regulations was issued to all farmers in December 2006.

#### **Environmental advice to consider**

Wild bird cover is generally best established in the spring following the development of natural regeneration over winter. It is generally best left in place for at least two years, although you may destroy it after one year if you need to.

If you decide to leave the cover in place for more than one year, you should leave it to reseed itself in the autumn. You should not cut it, although you may disc or lightly cultivate the soil to aid establishment. In this case, you must take particular care to ensure that the cover remains an unharvestable mix, as it may not be until into the second year that it becomes apparent that one component of the mix has deteriorated.

### **5.2.3 Natural regeneration after crops**

Natural regeneration is permitted after any crop including herbage seed. However, if you allow regeneration after herbage seed you must not take a further seed crop off the grass.

#### **Environmental advice to consider**

Natural regeneration can lead to a variety of plants and can provide feeding grounds for birds. In particular, natural regeneration after cereals provides winterfeeding grounds for seed-eating birds and the plant cover also encourages insects for them to feed on.

Natural regeneration will be most successful on light and shallow soils and on land that is next to existing non-arable areas or that has recently been converted from non-arable use. You may want to give special consideration to natural regeneration on rotational Set-aside land in areas where birds associated with arable land are in decline, such as the Yellowhammer.

Natural regeneration will be most successful after any combinable crop. Natural regeneration after legumes (which fix nitrogen) is not advisable as it could increase nitrate leaching. Natural regeneration after rapeseed is not advisable because it is difficult to eliminate volunteers.

After harvest, you should leave the land to develop a cover from the seed bank and volunteers. The establishment of cover can be encouraged by using a chaff spreader when combining. You should not plough or deep cultivate land (except to remove compacted areas such as tramlines) or treat it with non-selective herbicides, as this may prevent natural regeneration. In the first year it may be helpful to disc or shallow cultivate to a depth of no more than six to seven centimetres to encourage germination. You should carry out any such discing or cultivation before any significant growth of vegetation has taken place.

### **5.3 Circumstances under which you do not need a cover**

If there were crops still in the ground on 1 October 2006, you do not need to establish a green cover following their harvest, but should allow natural regeneration to develop to provide cover.

If a winter sown crop was sown before 1 October 2006 and fails, such that it is incapable of yielding a harvest, the land may be set aside provided it is land eligible for Set-aside and the failed crop is left in the ground until the start of the Set-aside period. You may plant a green cover but this does not need to be done by 15 January.

If a cover fails to establish through no fault of your own (for example, the land is flooded), you are not required to take any further action to establish a cover that year, provided you took reasonable steps to try and establish the cover in the first place. In such cases, you should keep any evidence (such as seed invoices) to prove that you have taken these steps. However, if the Set-aside land is to be left in the same place, you will be required to have an acceptable cover for the following year.

Exceptionally, if it is not practicable to establish a green cover by 15 January for climatic reasons, you should write to SFP Branch, Orchard House (see Annex 6) with an explanation at the time the problem occurs. If SFP Branch is satisfied you could not reasonably have been expected to establish a cover, it will issue a written exemption. You must however establish a green cover as soon as possible.

### **5.4 Maintaining and managing the green cover**

#### **Advisory guidance to protect wildlife**

Agricultural operations can harm wildlife sheltering in green cover, nesting birds (particularly between March and mid-July), over-wintering

insects (up to mid-May) and wild flowers that have not yet set seed. It should also be noted that under the Wildlife (Northern Ireland) Order 1985 the intentional or reckless disturbance of nesting wild birds is illegal. There is no easy way to balance environmental and agronomic considerations in such cases. However, you can:

- avoid or delay as late as possible (until after mid-July) operations such as use of non-selective herbicides or cutting;
- use appropriate selective herbicides rather than cutting to control weeds;
- treat only the area where the problem weed is present and avoid spraying near sensitive areas such as watercourses, hedgerow bottoms and woodland;
- if using a non-selective herbicide, leave the residue of the cover in place for as long as possible to provide cover from predators for young birds in the nest; and
- if you have to mow, start regular mowing early in the year (before mid-March) to discourage birds from nesting, set the cutter at the maximum safe height and mow from the centre of the field outwards, or from one end of the field to the other to leave an escape route for wildlife.

#### **5.4.1 Weed and volunteer control**

You may use herbicides or cutting to control aggressive weeds, crop volunteers or vigorous growth. A sown cover can also help to reduce weed numbers.

You may use non-residual herbicides, that is, herbicides which are primarily absorbed through the leaf and stem, on Set-aside land before 15 April provided that:

- no action is undertaken that would be likely to destroy the green cover (except if replacing the cover) (see paragraph 5.6); or
- you are creating/maintaining a bare strip next to a crop which does not form part of the Set-aside; or
- you are creating/maintaining a bare strip next to a vehicular access. The strip may be up to 5 metres wide, in any place where vehicle access to that land from a road or track adjacent to that land may be possible.

Non-selective herbicides must not generally be sprayed on the land before 15 April. However, before that date you may use:

- spot applications;
- wick applicators; or
- selective herbicides that leave the bulk of the green cover intact.

You may at any time on or after 15 July apply herbicides to Set-aside land where they are applied in preparation for sowing, as described in paragraph 6.2.

If you have specific plant health or other problems and wish to use herbicides to destroy the green cover before 15 April, and are not intending to replace the cover immediately, you should write to SFP Branch, Orchard House (see Annex 6) requesting an exemption. You must explain what you want to do and why you need to do it. You should not take any action to destroy the cover until you have received a written authorisation.

If the cover is destroyed by herbicides and you wish to keep the land in Set-aside for a further year, you must establish a new cover by the start of the next Set-aside period in accordance with the rules in this Section.

If you intend to graze the green cover after the end of the Set-aside period, you can only use herbicides approved for use on grazed land. All grazing re-entry periods must be observed.

Subject to the next paragraph you should not apply any pesticides (for example fungicides or insecticides) to Set-aside land. However, if you have plant health problems that cannot be tackled by other means you may apply to SFP Branch, Orchard House in writing for a specific exemption to apply pesticides. You should not apply such pesticides until you have received a written exemption.

You may apply pesticide products after 15 July on Set-aside land, where they are applied in preparation for sowing, as described in paragraph 6.2.

## **5.5 Cutting and destroying the green cover**

You must cut the green cover on Set-aside land between 15 July and 15 August inclusive or destroy it between 15 July and 31 August inclusive. In general terms, 'destroyed' means to spray off, to plough or cultivate by other means.

You must leave cuttings on the ground to rot and not remove, burn or use them. If leaving the cuttings on the ground would cause environmental problems, you may ask SFP Branch, Orchard House (see Annex 6) for a specific exemption to remove them. You will need to explain in writing why you need to remove the cuttings and what you propose to do with them.

### **5.5.1 Exemption from the cutting/destruction requirement**

You need not follow the cutting/destruction regime if:

- you are creating or maintaining Set-aside strips between 6 metres and 10 metres wide and do not graze the land or harvest any hay or silage from it after the end of the Set-aside period. In this case, the cover must still be cut at least once a year to prevent reversion to scrub, but the cut may take place at any time of the year;

- you have sown a wild bird cover, wish to leave it as Set-aside for the following Scheme year and do not intend to graze the cover after the end of the Set-aside period. However, if you wish to graze the cover after the end of the Set-aside period (see paragraph 6.4), then you must comply with the cutting requirement. Similarly, if you do not intend to leave the land in Set-aside for the following Scheme year, then you must cut the cover in accordance with the rules in paragraph 5.5; or
- you have a specific exemption from the management rules (see paragraph 5.10).

In addition, up to 25% of each Set-aside area may be left uncut for up to three years to encourage a range of habitats. No specific exemption is required. However, if there is likely to be a problem of scrub encroachment, you should consider cutting the area more frequently than every three years.

You may also leave up to two metres next to a hedgerow or wood permanently uncut. No specific exemption is required.

You should note that, if the green cover is left uncut, the land may not be grazed or cut for hay or silage between 1 September and 14 January 2008.

#### **Environmental advice to consider**

You should avoid cutting between 1 March and 15 July when you may disturb or destroy nesting birds and prevent flowers from seeding.

### **5.6 Replacing a green cover**

If you wish to replace an existing cover (for example for weed, pest or disease control) you may do so at any time, provided that the replacement cover is sown as soon as possible after destruction of the first cover.

### **5.7 Cultivation**

You may cultivate Set-aside land to control weeds from 1 July (or 1 May on organic fields in Set-aside – **whether established or in the process of conversion**) without having to replace the green cover afterwards. However, cultivation for other purposes must not take place before 15 July.

## 5.8 Fertilisers, manures and wastes

During the Set-aside period you must not apply any fertiliser to Set-aside land except:

- if your Set-aside land is in an area known to be used as a feeding ground for overwintering migratory geese and is managed as such, and you wish to apply fertiliser to create a lush grass sward for them. In these circumstances you must apply in writing to SFP Branch, Orchard House (see Annex 6) for authorisation and you must wait for written permission from SFP Branch before applying fertiliser to Set-aside land; or
- where you intend to establish wild bird cover.

The application of fertilisers (including chemical fertilisers, livestock manures and organic wastes) to any land in Northern Ireland, including Set-aside land, must comply with the Nitrates Action Programme Regulations (Northern Ireland) 2006 and the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2006.

These Regulations will apply to all farms across Northern Ireland from 1 January 2007. The Nitrates Action Programme Regulations also contain measures in relation to the storage of livestock manures. The measures contained in the Regulations have been outlined in the Nitrates and Phosphorus Regulations Summary Leaflet which was issued to all farmers in December 2006.

Organic waste may be stored on Set-aside land prior to spreading on the field in question. Set-aside land must not be used to store larger quantities of waste than are to be applied to the field on which they are being stored. You must comply with the Waste Management Licensing Regulations (Northern Ireland) 2003 as amended.

You must not use Set-aside land as a storage, disposal or dumping ground for any other form of waste.

You must keep slurry and manure away from field margins and hedgerow bottoms. You should refer to the Nitrates and Phosphorus Regulations Summary Leaflet for storage and spreading requirements for slurry and manure.

In all cases there must be an existing green cover on the land and you must not apply organic material at levels that would destroy the green cover.

You may only apply lime or gypsum to Set-aside land where that land is to be cropped in the following year.

### **Advisory guidance on organic waste**

The application of slurry and manure can disturb wildlife. Avoid applications when there are likely to be nesting birds (for example, from March to mid-July).

### **Advisory guidance on agricultural drainage**

Agricultural drainage works may be carried out at any time provided that, if necessary, the green cover is replaced as soon as the work is completed. Drainage works can be damaging to archaeological features on protected sites (such as scheduled monuments), and in such cases drainage operations require consent from DOE, Environment and Heritage Service: Built Heritage (Telephone: 028 9023 5000; E-mail: bh@doeni.gov.uk).

## **5.9 Vehicular access**

You may leave a bare ploughed strip up to five metres wide next to likely points of access in Set-aside fields where vehicular access is possible. This may be useful where unauthorised vehicular access is a problem.

## **5.10 Exemptions from the Set-aside management rules**

You must follow the management rules in this Section unless:

- you are growing non-food crops on the land under the rules in Section 7;
- after 15 July you have started preparations to sow, or have sown, a crop for harvest the following year;
- you have obtained a specific written exemption from SFP Branch, Orchard House in which case you must follow the terms of that exemption as well as all Cross-Compliance rules; or
- you have land in an agri-environment scheme or the woodland schemes which counts towards your Set-aside requirement, and the Set-aside management rules are incompatible with the management plan agreed under those schemes.

You may apply to SFP Branch, Orchard House (see Annex 6) for exemptions from any of the Set-aside management rules for environmental or archaeological reasons, for example to:

- benefit or avoid damaging or disturbing wildlife;
- manage the land to encourage ground nesting birds;
- provide alternative feeding areas for geese;
- provide otter havens close to river banks;
- allow scrub or woodland to regenerate (providing that you do not intend to use the cover for hay, silage or grazing at the end of the Set-aside period); or
- conduct an archaeological excavation.



You may also apply for an exemption for:

- reasons of human, plant, or animal health and safety;
- research into different ways of managing Set-aside and/or the effects of Set-aside; or
- training agricultural students in agricultural techniques (for example, ploughing) providing that the training does not include sowing of any crop.

### **Advisory guidance for tenants**

Tenants are advised to consult their landlords before seeking an exemption for any management practice that might affect the nature or value of their land (such as allowing scrub or woodland to regenerate) to ensure they would not be in breach of an actual or implied term in their tenancy agreement.

#### **5.10.1 Alternative management plan**

You may, if you wish, choose to follow a specific management plan that departs from the standard management rules for Set-aside. You should apply to SFP Branch, Orchard House (see Annex 6) for written authorisation before you do so.

We would normally expect your application to be supported by an appropriate environmental organisation or a research body. We would expect applications for exemptions on archaeological grounds to be supported by DOE, Environment and Heritage Service: Built Heritage. You should include any supporting documentation (for example, copies of letters from public utilities) with your letter applying for authorisation.



## Section 6 Use of Set-aside land

### 6.1 Prohibited uses

During the Set-aside period (15 January to 31 August inclusive) you must not use the land for any form of agricultural production, including horticulture and grazing (including pet animals), apart from the exceptions described in paragraph 6.2.

During the Set-aside period you must not put Set-aside land to any non-agricultural use that brings a return in cash or kind to you or anyone else, apart from the exceptions described in paragraph 6.3.

Set-aside land must not be used for any activity that is incompatible with the management rules described in Section 5. For example, you must not use the land for anything that would seriously damage the green cover where one is required and any minor damage must be repaired promptly.

### 6.2 Permitted uses of land during the Set-aside period

Although Set-aside land cannot in principle be used for agricultural purposes, the following agricultural uses are permitted during the Set-aside period:

- production of non-food crops under the rules described in Section 7;
- on or after 15 July, preparation for sowing any crops. You can also sow seed on or after 15 July (including grass and forage) to produce a crop for harvesting after 1 January in the following year. In no circumstances can any crop sown on Set-aside land between 15 July and 31 August be harvested or used before 1 January in the following year. Grass sown between these dates cannot be used for grazing, silage or any other forage use before 1 January in the following year;
- after 15 July, preparation for pigs – your own or those of another farmer for which you are not receiving a return. This includes the placing of shelters and water troughs as well as arrangements for the provision of water. The pigs must not be moved onto the land until 1 September. If appropriate, a copy of any rental agreement must be submitted to SFP Branch, Orchard House (see Annex 6) so that it can establish that you will not receive any return in cash or kind; and
- temporary storage of produce from your holding, for example, bales of straw or timber awaiting collection, provided this does not significantly damage the green cover.

You may encourage wild game and may shoot over Set-aside land. However, you must not use Set-aside land to rear birds for a commercial shoot or to establish new commercial shooting facilities.

Sowing any agricultural crop (other than an acceptable green cover) counts as agricultural production, even if the crop is not taken through to harvest. This includes land sown with a crop that is subsequently destroyed.

### **6.3 Non-agricultural uses of Set-aside land**

Different rules apply to the use of Set-aside land for non-agricultural activities than apply to other SFP Scheme eligible land. Some forms of non-agricultural use may be allowed on Set-aside land, provided they are small scale, do not give rise to profit and do not damage the green cover. These include:

- activities which could be carried out equally well if there were a standing crop on the land; and
- local small scale charitable fund-raising events.

If you want to allow use of your Set-aside land for any non-agricultural purposes, including charitable fund-raising events, you must apply in writing to SFP Branch, Orchard House (see Annex 6) at the early planning stage, giving full details. You should await a decision before allowing any activities to take place on your Set-aside land. You should allow time for changes in arrangements should it not be possible to allow the event to take place.

You may conduct certain non-lucrative operations on the land, such as repair or erection of fencing before the end of the Set-aside period.

### **6.4 Uses of land after the end of the Set-aside period**

Between 1 September 2007 and 14 January 2008, you may harvest hay or silage for your own use, provided you have cut the cover as required between 15 July and 15 August.

After 31 August, you may graze the cover with your own or someone else's animals. However, you cannot put animals on to a grass ley which was established after 15 July in the Set-aside year until 1 January the following year.

You must cut the cover before grazing if you wish to use the land as Set-aside the following year. Ensure that any damage to the cover caused by the animals does not prevent you having an acceptable green cover at the start of the next Set-aside period. Exemptions from the obligatory cutting requirement are explained in paragraph 5.5.1.

You must remove the animals from your land before 15 January 2008 if you wish to return it to Set-aside that year. If it is not to remain in Set-aside, you may continue to graze it as you wish.

## Section 7 Growing crops for non-food uses on Set-aside land

### 7.1 Introduction

There are two different categories of crops covered by this Section:

- crops which are not used at all for food or animal feed; and
- crops which may have a food or animal feed use, but are being grown for specific end products.

You must ensure you are fully aware of the rules for growing non-food crops because failure to comply will incur penalties. The guidance below is based on the rules for growing non-food crops in Commission Regulation (EC) No. 1973/2004.

You must not grow any crops to produce seed for sowing.

Energy crops grown on Set-aside land are not eligible for aid under the Energy Crops Scheme. They are only eligible for the Set-aside payment.

Approved varieties of hemp may be grown on Set-aside land if you hold a licence issued by the Department of Health, Social Services and Public Safety providing it is for producing one of the end products listed in Annex 2. Special rules apply to growing hemp; these can be found in Annex 3.

### 7.2 Set-aside management rules

The Set-aside management rules described in Section 5 do not apply to land growing non-food crops. However, you must:

- observe the other rules in this Handbook;
- observe Cross-Compliance rules including, in particular, the rule relating to protection of hedgerows and watercourses (see Cross-Compliance Verifiable Standards 2005 and 2006 booklet); and
- not apply fertilisers or wastes in quantities in excess of the need of the crop or in contravention of the Nitrates Action Programme Regulations (Northern Ireland) 2006 and the Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2006. You should also comply with the Waste Management Licensing Regulations (Northern Ireland) 2003 as amended.

If you are sowing a spring crop, you should retain a green cover over winter where possible, for example, by allowing natural regeneration of the previous crop.

## **7.3 Growing non-food crops**

### **7.3.1 Crops with no food or animal feed use**

The limited range of crops that are not used for human food or animal feed and which may be grown on all or part of your Set-aside land are listed in Annex 1.

Contracts and securities are not required to grow these crops on Set-aside land. However, you must undertake only to sell or use the crop for one of the acceptable non-food purposes set out in Annex 2.

Although, there is no need to have a contract before planting a crop listed in Annex 1 and no delivery notification form is required you are required to lodge a Grower Declaration Form (SET/DEC 1) along with your Single Application Form (SAF). Copies of Form SET/DEC 1 can be obtained from SFP Branch, Orchard House (see Annex 6) or can be downloaded from the DARD website [www.dardni.gov.uk](http://www.dardni.gov.uk).

There will be no SFP Scheme penalties if you cannot find a market for the crop.

### **7.3.2 Growing crops with food or animal feed uses for specific end products**

Any crops with food or animal feed uses can be grown on Set-aside land provided they are used to make any of the end products listed in the table in Annex 2.

You may grow sugar beet, Jerusalem artichokes and chicory roots on Set-aside land and receive payment under the SFP Scheme provided that:

- the sugar beet does not serve for the production of sugar, as defined by Commission Regulation (EC) No. 314/2002 either as an intermediate product, co-product or by-product; and
- the chicory roots and Jerusalem artichokes do not undergo the process of hydrolysis as referred to in Commission Regulation (EC) No. 314/2002, either in their natural state or as an intermediate product such as inulin, or as a co-product such as oligofructose, or as any by-products.

Further advice is available from SFP Branch, Orchard House (see Annex 6).

Perennial or biennial crops may be grown as a non-food crop on your Set-aside land, provided they have an end use listed in the table in Annex 2. You must leave the crop in the ground and claim it as a non-food crop on Set-aside land each year for the duration of the contract.

If this continuity is broken, for example, if you lift the crop from the ground, or if you fail to include the area on your SFP Scheme application for each year, this would constitute a break in the contract. You would then have to re-sow the non-food crop and take out a new contract, which must be concluded and lodged by the closing date for applications in the year the crop is sown.

The duration details on the contract must clearly state the number of years that the crop is to remain under contract as a non-food crop on Set-aside land. Contracts for multiannual harvesting can be activated each year provided that the contract specified on lodgement that this would be the case.

#### **7.4 Permitted end uses**

The crops grown must be processed within the EU into a non-food product listed in Annex 2. The value of the non-food end product(s) must be greater than the total value of all the by-products destined for food or feed and produced from the same processing operation. For example, the meal produced by processing your non-food oilseed rape crop can, subject to this restriction, be used for a food or animal feed purpose. In addition, the rape straw can be used for animal bedding. The Rural Payments Agency (RPA) is responsible for assessing the relative values, and you must contact the RPA if you have any doubt about the relative values of the different by-products resulting from your crop. See Annex 6 for contact details for the Non-Food Set-aside Section of the RPA.

#### **7.5 The contract**

If you wish to use your Set-aside land to grow crops with food or animal feed uses for any of the end products listed in Annex 2, you must have a valid signed contract with a collector or first processor. A collector is someone who buys the harvested crop from farmers to sell it on to a suitable first processor. The rules that apply to the collector/first processor are not described in detail here. For further information contact the RPA.

It is your responsibility to provide a valid contract containing the following:

- the name and address of all the contracting parties;
- the duration of the contract;
- the species of each crop, the raw material, and the area sown;
- the conditions applicable to delivery;
- for oilseeds, the intended forecast yield of the crop grown;
- the intended primary end use of the raw material, each end use being in conformity with the requirements of Commission Regulation (EC) No. 1973/2004;
- an undertaking by the farmer to deliver all the harvested crop to the collector/first processor;
- an undertaking by the collector/first processor to take delivery of all of it and ensure an equivalent amount of material is used within the EC to make one or more of the end products listed in Annex 2; and

- the forecast quantity of by-products not destined for human or animal consumption. This only applies to contracts relating to rapeseed, sunflower seeds or soya beans falling under CN codes 1205 10 90, 1205 90 00, 1206 00 91, 1206 00 99 or 1201 00 90. The quantities shall be calculated on the basis of the following ratio.

<b>Table of Forecast Quantities</b>		
Crop	Crop Amount	By-Product Amount
Rapeseed	100kg	56kg
Colza seed	100kg	56kg
Sunflower seed	100kg	56kg
Soya beans	100kg	78kg

You must ensure that the valid contract signed by all parties is submitted with your application by 15 May 2007. Penalties may have to be applied for contracts that are submitted late. Collectors/first processors must submit a copy of the contract to the RPA by the same date. The collector/first processor must also deposit with the RPA by 15 May 2007 a security equal to 250 euros per hectare for the area covered by the contract.

Contracts for non-food crops being grown on Set-aside land should reflect the number of Set-aside Entitlements you intend to activate on such land. The contract should not be for an area greater than the number of Set-aside Entitlements you hold nor greater than the area of land you are declaring as non-food Set-aside. If the non-food Set-aside contracts do not already show the correct area, they should be amended.

Information on the penalties associated with failure to meet your contracted tonnage is available in the latest version of the IACS/Single Application Applicant's Guide.

### **7.5.1 Amendment of the contract**

The contract may be amended or terminated (with the agreement of the contracting parties) at any time up to and including the final date for the amendment of the SFP Scheme application, 31 May 2007. Collectors and first processors must deposit a copy of the amended or terminated contract with the RPA by that date to enable all necessary checks to be carried out. The security lodged with the RPA will be adjusted in line with any amendments.

However, if the contract is to be amended or terminated after you have submitted your SFP Scheme application or by the final date for amending the SFP Scheme application (31 May 2007), you must inform SFP Branch, Orchard House (see Annex 6). The collector/first processor must also inform the RPA, to enable all necessary checks to be carried out.



### **7.5.2 Reductions of area under contract**

If the area under contract is reduced and the contract is amended after you have lodged your SFP Scheme application but before the last date for amendments, you must inform SFP Branch, Orchard House (see Annex 6) before 31 May 2007.

### **7.5.3 Inability to meet representative yield**

If you fail to deliver at least the representative yield then you must contact SFP Branch, Orchard House (see Annex 6). In duly justified cases, a shortfall of up to 10% may be permitted. If you fail to deliver the amount of raw material required under this Scheme, then penalties may be applied.

If, in exceptional circumstances, it becomes clear before harvest that you are unable to meet the representative yield for any crop, you must inform SFP Branch, Orchard House with evidence of the exceptional circumstances. SFP Branch may then authorise amendment or termination of your contract. If SFP Branch agrees a reduction in the raw material to be produced, you and the collector/first processor named on the contract will need to submit an amendment form to the RPA.

In the event that the proposed amendment to the contract would lead to a reduction in the area of land covered by the contract, the land must still count as Set-aside and the crop must not be sold, given away or used in any way. You must explain to SFP Branch, Orchard House how you will dispose of the crop. You should also comply with any special requirements set by SFP Branch. For example, it may be necessary for the disposal of the crop to be supervised.

## **7.6 Harvest**

You must deliver the entire harvested crop to the collector/first processor. Delivery may take place on-farm if the collector/first processor takes full legal responsibility for the crop at that stage. However, the crop must be kept separate from any other harvested material at all times until an accurate weight is established. SFP Branch, Orchard House will require an accurate assessment of the weight delivered. This may initially be done by volumetric assessment until an accurate weight is established on a weighbridge.

## **7.7 After delivery**

After delivery you must send a delivery declaration form NFC/ENC 9 (NI) to SFP Branch, Orchard House (see Annex 6), declaring the total quantity harvested by species, the person or persons to whom it has been delivered and the quantity delivered. A separate delivery declaration form is required for each contract. Form NFC/ENC 9 (NI) is available on request from SFP Branch, Orchard House.

## **7.8 Payment**

Payment will be made once SFP Branch, Orchard House (see Annex 6) has received form NFC/ENC 9 (NI) and the collector/first processor has confirmed to the RPA receipt of the entire crop. Late notification will lead to delayed payment. It is therefore important, that collectors/first processors send in their delivery declaration form(s) as soon as possible. You must inform your collector/first processor when the final load of any contract has been delivered.

### **7.8.1 Reductions under the contract**

As a result of the EU's international obligations, there is an overall ceiling on the tonnage of oilseeds (rapeseed, sunflower seed and soya beans) grown on Set-aside land. If that ceiling is exceeded a percentage reduction will be applied to each contract. You will be notified if this becomes necessary.

## **7.9 Crops for on-farm energy use**

You may use the following crops for on-farm energy:

- all cereals;
- soya beans;
- low erucic acid rape or colza seeds;
- other rape or colza seeds; and
- sunflower seeds.

These crops grown on your Set-aside land may be used:

- as fuel for heating your agricultural holding;
- to produce power on your holding; or
- to produce biofuels on your holding.

Crops grown on your Set-aside land may be processed into any biogas under CN code 2711 29 00.

Should you decide to grow any of the crops identified above on Set-aside ground for on-farm energy purposes you do not need a contract however, you must complete a Grower Declaration Form (SET/DEC 1). You are required to lodge Form SET/DEC 1 along with your Single Application Form (SAF). Copies of Form SET/DEC 1 can be obtained from SFP Branch, Orchard House (see Annex 6) or can be downloaded from the DARD website [www.dardni.gov.uk](http://www.dardni.gov.uk).

These activities are allowed by Article 146 of Commission Regulation (EC) No. 1973/2004. Crops must be weighed at a public weighbridge. However, cereals and oilseeds may be measured by volumetric assessment, and must also be denatured by application of a brightly coloured dye.

If you wish to take advantage of these arrangements please apply to SFP Branch, Orchard House in writing with full details of your proposal, including relevant technical information concerning the proposed on-farm processing of the crop. It may be necessary for SFP Branch to arrange inspection of your processing facilities before making a decision on your application.



## Section 8 Penalties relating to Set-aside land

You may be penalised if, either by negligence or deliberate intent:

- **you do not set enough land aside to meet your Set-aside obligation.** If you do not set aside enough land to activate all of your Set-aside Entitlements, but have other land which is “Set-aside eligible land” and you are using this land to support your standard Entitlements, we will use this other land against your Set-aside Entitlements up to the amount needed to support those Set-aside Entitlements in full. The land which is offset in this way is then considered as not determined for the purpose of activating standard Entitlements, so no payment will be made on the corresponding standard Entitlements. In addition, if this offset land now used to support Set-aside is not actually being managed as Set-aside, you will also lose payment on your Set-aside Entitlement (see penalty example below); or
- **you do not meet the Set-aside management rules on your Set-aside land.** If you do not meet the Set-aside management rules directly attributable to you or someone under your control, we may reduce your payments or you may be excluded from the SFP Scheme. The Department will notify you of any penalty to be applied if you breach the Set-aside management rules; or
- **you do not meet the Cross-Compliance rules** as described in the Cross-Compliance Verifiable Standards 2005 and 2006 booklet, the Cross-Compliance Verifiable Standards 2005 and 2006 Supplement SMR 11 Food and Feed Law and the Cross-Compliance Verifiable 2007 booklet. We may reduce your payment if you, or someone acting on your behalf, fail to comply with any of the Statutory Management Requirements or the standards relating to Good Agricultural or Environmental Condition (GAEC). You will be responsible for your employees or persons who undertake tasks for you, as well as for agents and those who could be said to be acting on your behalf.

### Penalty example (if you do not set enough land aside)

A producer on 15 May 2007 holds 6.9 Set-aside Entitlements and 93.1 standard Entitlements. In 2007 the producer declares 93.1ha to activate Entitlements, none of which is Set-aside.

	Standard	Set-aside	Total
No. of payment Entitlements allocated	93.1	6.9	100
Area declared for activation (ha)	93.1	0	93.1
Adjusted area declared (ha)	93.1	6.9	100
Area determined as meeting the Scheme conditions (ha)	93.1	0	93.1
Difference between determined area and adjusted area declared (ha)	0	6.9	6.9

As no land has been set aside to meet the 6.9ha Set-aside obligation, no payments can be made against the 6.9 Set-aside Entitlements allocated. The difference between the area determined as meeting the Scheme conditions and total area declared is 6.9ha, which is between 3% and 20% of the total area determined (93.1ha). Therefore, the payment made will be on the determined area reduced by twice the difference between the adjusted area declared and the area determined (over declaration penalties as detailed in the latest version of IACS/Single Application Applicant's Guide would apply). In the above example, 79.30 standard Entitlements ( $93.1 - (6.9 \times 2)$ ) would be paid.

**Crops which may be grown on Set-aside land without a contract provided they are intended for the manufacture of the products listed in Annex 2**

### **Brief description of crops**

Short rotation forest trees with a harvest cycle of 20 years or less, for example, Willow.

Trees, shrubs and bushes producing plant material such as plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered, for example, poppy straw; and vegetable plaiting material, for example, reeds and osier.

Outdoor multiannual plants (for example, *Miscanthus sinensis* (Elephant Grass/Eulalia Grass)), in particular those producing plant material (other than lavender, lavandin and sage).

*Euphorbia lathyris* (Milk Weed/Caper Spurge), *Sylibum marianum* (Milk Thistle), *Polygonum tinctorium* (Knotweed) and *Isatis tinctoria* (Woad).

*Digitalis lanata* (Foxglove), *Secale cornutum* (Spurred Rye) and *Hypericum perforatum* (St John's Wort).

**None of the crops described above may be used to manufacture products for human or animal consumption.**

### **Permitted end products which may be produced from crops grown on Set-aside land, other than for human or animal consumption**

- All products falling within Chapters 25 to 99 of the Combined Nomenclature.
- All products falling within Chapter 15 of the Combined Nomenclature.
- Products intended for direct use in motor fuel or for processing for use in motor fuel.
- Packaging material on condition that proof has been obtained that the products have been used for non-food purposes Article 158(4) of Commission Regulation (EC) No. 1973/2004 applies.
- Mushroom spawn.
- Lac, natural gums, resins, gum-resins and balsams.
- Saps and extracts of opium.
- Saps and extracts of pyrethrum, or of the roots of plants containing rotenone.
- Other mucilages and thickeners.
- All non-food crops and products derived therefrom by an intermediate process and used as fuel for energy production.
- All crops listed in Annex 1 of this Handbook, and products derived therefrom and intended for energy purposes.
- *Miscanthus sinensis*, shredded, intended for use as horse litter, mulch, additives to improve compost and litter for the drying and cleaning of plants, as well as this raw material or its fibre used as materials for construction.
- All products referred to in Commission Regulation (EEC) No. 1722/93 (as last amended by Regulation (EC) No. 216/2004), on condition that they are not obtained from cereals or potatoes cultivated on Set-aside land and that they do not contain products derived from cereals or potatoes cultivated on Set-aside land.
- All products referred to in Council Regulation (EC) No. 318/2006 on condition that they are not obtained from sugar beet cultivated on Set-aside land and that they do not contain products derived from sugar beet cultivated on Set-aside land.

**None of the end products described above may be used for animal or human consumption.**

Advice on appropriate products is available from Farm Policy Branch, Dundonald House (see Annex 6 for contact details).

### Special rules for hemp grown on Set-aside land

Hemp may be grown on Set-aside land for one of the end products listed in Annex 2. Any parcels of land which are used to grow hemp for fibre or other purposes must be declared on your Field Data Sheets (SAF 2).

### Special arrangements for hemp

You will need to obtain a licence from the relevant authority for any fields in which hemp is to be grown. It is a criminal offence to cultivate hemp in the United Kingdom, for any purpose, without such a licence. In Northern Ireland, an application for a licence should be made to:

Department of Health, Social Services and Public Safety  
Health Protection Team  
Room C4.22, Castle Buildings  
Stormont Estate  
BELFAST  
BT4 3PP  
Telephone: 028 9052 2118

Applications should be made as early as possible once serious consideration is being given to growing hemp. In considering each application, the bona fides of the applicant and the purpose of growing hemp, together with the proposed locations of the growing sites including Ordnance Survey details, will be taken into account by the Head of Inspection and Investigation, Pharmacy Branch, Department of Health, Social Services and Public Safety (DHSSPS). **Licences are not issued automatically.** In particular, in selecting growing sites, you should identify land where there is poor public access and visibility of the crop, that is, away from residential areas and major roads. Where minor roads abut the growing site, vehicular access to the site should not be possible. The Inspector may also require crops to be screened and other security measures to be taken in some cases. Evidence that you have a contract to supply hemp produced to a DHSSPS/RPA approved processor may also be required.

### Eligible varieties

The list of varieties of hemp that may be grown under the SFP Scheme is currently under review by the European Commission. Details, when finalised, will be available on request from SFP Branch, Orchard House (see Annex 6).

## **Contracts and seed labels**

As with most other crops grown on Set-aside land, a copy of the contract concluded with a processor must be supplied to SFP Branch, Orchard House (see Annex 6) with your SFP application. Please note that if the processing is not carried out we may have to recover any aid paid to you, and impose penalties for non-compliance with the conditions for claiming the payment.

Hemp seed of an eligible variety must be sown. In the case of hemp grown for fibre, the seed must also be certified in accordance with Article 12 of Council Directive 2002/57/EC. The original official seed labels, confirming the variety, must be supplied to SFP Branch with your application. These will be receipted by the SFP Branch and returned to you. When sowing takes place after 15 May, these documents must be submitted no later than 30 June. It is recommended that you send your seed labels by Recorded Delivery post to SFP Branch, Orchard House.

## **Sampling and testing**

Under EC rules the United Kingdom must sample at least 20% of the area growing hemp to ensure that the tetrahydrocannabinol (THC) content of the crop does not exceed the level prescribed by the EC legislation (0.2%). Producers must therefore maintain, for each variety sown, three distinct parts of each field claimed, each part comprising at least 4000 plants, until at least 10 days after flowering in case sampling is necessary. Growers must not harvest these areas until sampling has been completed or a written notification stating that sampling is not necessary has been received from SFP Branch.

## Annex 4

<b>CMS and ESAS agri-environment scheme options which meet Set-aside requirements</b>
<b>* Improved land (in pre-2005 CMS and ESAS agreements)</b>
<b>Fen, swamp and reedbeds - Contact Countryside Management Branch for further advice (see Annex 6)</b>
<b>Woodland – mixed ash woodland, oak woodland and wet woodland</b>
<b>* Scrub</b>
<b>* Archaeological features</b>
<b>Ungrazed grass margins</b>
<b>Ungrazed grass margins planted with native trees</b>
<b>Winter feeding sites for swans and geese – improved grassland sites</b>
<b>Retention of winter stubble</b>
<b>Wild bird cover</b>
<b>Rough grass margins</b>
<b>Lapwing fallow plots</b>

### **Please Note:**

All of the above CMS and ESAS agri-environment scheme options can be used to meet your Set-aside requirement without breaking agri-environment scheme rules.

\* However, only the asterisked options (Improved land; Scrub; and Archaeological features) are eligible for both Set-aside and agri-environment payments.

For all other options if the land concerned is used to meet Set-aside requirements, the claimant is only entitled to the Set-aside payment (€78.33/ha before deductions) and no agri-environment payment will be made in relation to this land.

### Glossary of important terms

#### Arable land

Arable land includes:

- land used for normal arable/combinable crops including energy and protein crops, flax and hemp;
- land used for potatoes and other root crops;
- land used for forage maize and forage rape;
- land under grass for less than five years;
- land under grass counted as Set-aside in the last five years;
- land used for fruit (including strawberries) but not top fruit;
- land used for vegetables;
- land under greenhouses or under fixed or mobile cover (unless the land has been made unsuitable for agriculture, for example by concreting) which is otherwise eligible;
- land used for multiannual crops (see below);
- nurseries growing multiannual crops;
- land used for cut flowers and bulbs;
- land used for turf (except for fuel for example, peat cutting);
- existing Set-aside; and
- fallow land maintained in good agricultural and environmental condition.

Land and nurseries growing the following multiannual crops are considered to be arable land:

- artichokes;
- asparagus;
- rhubarb;
- raspberries, blackberries, mulberries and loganberries;
- black, white and redcurrants and gooseberries;
- cranberries, bilberries and other fruits of the genus *Vaccinium*.

#### Herbaceous forage

Herbaceous forage is:

All herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the United Kingdom (whether or not used for grazing animals).

These include lucerne, sainfoin, forage vetches and clovers but **not** any of the following: kale, fodder rape or any other forage brassicas, fodder root crops, forage maize or any other cereals grown for silage or for any other form of forage.



## Herbage seed crop

Grass grown to produce a crop for the harvest of grass seed.

## Natural regeneration

Growth of a self-seeded cover from the previous crop or other vegetation.

## Permanent crops

Non-rotational crops other than permanent pasture that occupy the land for five years or longer and yield repeated harvests, including nurseries as defined in point G/05 of Annex 1 to Commission Decision 2000/115/EC, and short rotation coppice (CN code ex 0602 90 41), with the exception of multiannual crops and nurseries of multiannual crops. Nurseries, as defined in point G/05 of Annex 1 to Commission Decision 2000/115/EC, include nurseries of *Miscanthus* and short rotation coppice.

## Permanent pasture

Permanent pasture is land:

- used to grow grasses or other **herbaceous forage**, which may be naturally self-seeded or sown;
- not included in the crop rotation of the holding for five years or longer (for example, permanent pasture in 2007 is land which was in grass for the entire period 2002 – 2007. If the land was reseeded in this period its status as permanent pasture will not be affected provided it was reseeded immediately with grass); and
- not set aside during this five-year period whether under AAPS or the SFP Scheme.

Please note that land taken out of production under the '**Rough Grass Field Margin**' options of both the 'Countryside Management and Environmentally Sensitive Areas Schemes' **cannot** be considered as permanent pasture even if it meets the criteria above.

## Set-aside eligible land

Land is Set-aside eligible if it was not in permanent pasture on 15 May 2003. Therefore, only land that was in an arable crop in at least one of the years 1998 – 2003 inclusive is considered as Set-aside eligible land. Land which was in grass in all of the years 1998 – 2003 inclusive is classified as permanent pasture on 15 May 2003 and is **not** Set-aside eligible land irrespective of future use. Therefore, land that was classified as permanent pasture on 15 May 2003 but has since been brought into arable production will **not** be considered as Set-aside eligible. You can check the status of your fields at <http://eservices.ruralni.gov.uk/setaside/setasidelist.asp>.

### Further information and contact details

**Single Farm Payment (SFP) Branch (all Sections)**  
**Orchard House**  
**40 Foyle Street**  
**DERRY / LONDONDERRY**  
**BT48 6AT**

**Telephone SFP Helpline:** 028 7131 9900  
**Fax:** 028 7131 9800  
**Website:** [www.dardni.gov.uk/grantsandsubsidies](http://www.dardni.gov.uk/grantsandsubsidies)  
**E-mail:** [gspd.sfps@dardni.gov.uk](mailto:gspd.sfps@dardni.gov.uk)

You can find the relevant EC Regulations on the European Union website at [www.eur-lex.europa.eu/en/index.htm](http://www.eur-lex.europa.eu/en/index.htm)

You can get the relevant domestic law provisions from [www.opsi.gov.uk](http://www.opsi.gov.uk) or call The Stationery Office Tel: 028 9023 8451.

### Other Government contact points:

#### Local DARD Offices

##### **Co Antrim**

Kilpatrick House  
38-54 High Street  
BALLYMENA  
BT43 6DP  
Tel: 028 2566 2800

##### **Co Armagh**

Newry Road  
ARMAGH  
BT60 1EN  
Tel: 028 3751 5600

##### **Co Down**

Rathkeltair House  
Market Street  
DOWNPATRICK  
BT30 6AJ  
Tel: 028 4461 2211

##### **Co Fermanagh**

Inishkeen House  
Killyhevlin Industrial Estate  
ENNISKILLEN  
BT74 3EJ  
Tel: 028 6632 5004

##### **Co Derry/Londonderry**

Crown Buildings  
Artillery Road  
COLERAINE  
BT52 2AJ  
Tel: 028 7034 1111

##### **Co Tyrone**

Sperrin House  
Sedan Avenue  
OMAGH  
BT79 7AQ  
Tel: 028 8225 1020

**Other Government contact points and organisations able to offer environmental advice:**

**Non-Food Set-aside Section**

**Rural Payments Agency**

Alverton Court  
Crosby Road  
NORTHALLERTON  
North Yorkshire  
ENGLAND DL6 1AD

Tel: 01609 742810

E-mail: [enquiries.northallerton@rpa.gsi.gov.uk](mailto:enquiries.northallerton@rpa.gsi.gov.uk)

**Department of Agriculture and Rural Development**

**Farm Policy Branch**

Room 910  
Dundonald House  
Upper Newtownards Road  
BELFAST BT4 3SB

Tel: 028 9052 0813

Fax: 028 9052 4266

**Countryside Management Branch**

Lindesay Hall  
Loughry Campus, CAFRE  
Dungannon Road  
COOKSTOWN  
BT80 9AA

Tel: 028 8675 7507

Fax: 028 8675 7511

E-mail: [cmbequiries@dardni.gov.uk](mailto:cmbequiries@dardni.gov.uk)

**Forest Service**

Private Woodlands & Plant Health Branch  
Room 23, Dundonald House  
Upper Newtownards Road  
BELFAST BT4 3SB

Tel: 028 9052 4448

E-mail: [customer.forests-service@dardni.gov.uk](mailto:customer.forests-service@dardni.gov.uk)

**College of Agriculture, Food and Rural Enterprise**

Adrian Saunders  
Organic Development Adviser  
Greenmount Campus  
ANTRIM BT41 4PU

Tel: 028 9442 6765

E-mail: [adrian.saunders@dardni.gov.uk](mailto:adrian.saunders@dardni.gov.uk)

## Department of the Environment: Environment and Heritage Service

### **Natural Heritage**

(Current Address)  
Commonwealth House  
35 Castle Street  
BELFAST BT1 1GU

Tel: 028 9025 1477  
E-mail: [ehsinfo@doeni.gov.uk](mailto:ehsinfo@doeni.gov.uk)

### **Natural Heritage**

(Address from March 2007)  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Lower Ormeau Road  
BELFAST BT7 2JA

E-mail: [ehsinfo@doeni.gov.uk](mailto:ehsinfo@doeni.gov.uk)

### **Environmental Protection**

Calvert House  
23 Castle Place  
BELFAST BT1 1FY

Tel: 028 9025 4754  
E-mail: [ep@doeni.gov.uk](mailto:ep@doeni.gov.uk)

### **Built Heritage**

Waterman House  
5-33 Hill Street  
BELFAST BT1 2LA

Tel: 028 9023 5000  
E-mail: [bh@doeni.gov.uk](mailto:bh@doeni.gov.uk)

### **Royal Society for the Protection of Birds (RSPB)**

Belvoir Park Forest  
BELFAST  
BT8 7QT

Tel: 028 9049 1547  
E-mail: [rspb.nireland@rspb.org.uk](mailto:rspb.nireland@rspb.org.uk)

### **British Association for Shooting and Conservation**

33 Castle Street  
LISBURN  
BT27 4SP

Tel: 028 9260 5050

### **Ulster Wildlife Trust**

3 New Line  
Crossgar  
DOWNPATRICK  
Co Down  
BT30 9EP

Tel: 028 4483 0282  
E-mail: [info@ulsterwildlifetrust.org](mailto:info@ulsterwildlifetrust.org)

### **Conservation Volunteers (NI)**

Dendron Lodge  
Clandeboyne Estate  
BANGOR  
Co Down  
BT19 1RM

Tel: 028 9185 2817  
Fax: 028 9185 3752  
E-mail: [cvni@btcv.org.uk](mailto:cvni@btcv.org.uk)

### **Woodland Trust**

1 Dufferin Court  
Dufferin Avenue  
BANGOR  
Co Down  
BT20 3BX

Tel: 028 9127 5787  
Fax: 028 9127 5942  
E-mail: [wtni@woodland-trust.org.uk](mailto:wtni@woodland-trust.org.uk)

## **Other Sources of advice**

### **Ulster Farmers' Union**

475 Antrim Road

BELFAST

BT15 3DA

Tel: 028 9037 0222

Fax: 028 9037 1231

E-mail: [info@ufuhq.com](mailto:info@ufuhq.com)

### **Northern Ireland Agricultural Producers' Association**

15 Molesworth Street

COOKSTOWN

Co Tyrone

BT80 8NX

Tel: 028 8676 5700



Department of  
**Agriculture and  
Rural Development**

[www.dardni.gov.uk](http://www.dardni.gov.uk)

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AN ROINN

**Talmhaíochta agus  
Forbartha Tuaithe**

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MÄNNYSTRIE O

**Fairms an  
Kintra Fordèrin**

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