

CAP Reform Policy Clarification

Young Farmers' Scheme

The young farmer (or combination of young farmers) must exercise effective and long term control over the business in terms of decisions related to management, benefits and financial risks. 50:50 partnerships between a young farmer and a person(s) who is/are not a young farmer will only be acceptable if it is clear that the young farmer can make such decisions without veto from the other partner(s). Where 50:50 partnerships currently do not meet this requirement, it is possible for the partners to agree to modify the partnership to either include a provision whereby the young farmer can take decisions without veto or increase the share of the young farmer above 50%. The young farmer will be regarded as head of holding for the purposes of the Young Farmers' Scheme from the date at which the partnership complies with the requirements.

Where there are several young farmers and other persons involved in the business, then it must be clear that young farmers can control the business.

Example	Business Share
Farmer A	25%
Farmer B	30%
Farmer C	20%
Farmer D	25%

Farmers A and B are young farmers. Farmers C and D are not young farmers. This business could be eligible for the Young Farmers' Scheme if the partnership agreement contained a provision that Farmers A and B will vote together and hence they would control the business.

Where more than one young farmer is involved in a business, only the young farmer(s) controlling the business would need to have the educational qualification. In the example above, both Farmers A and B would need to have the education qualification as neither of them can control the business on their own. If two young farmers were involved in a 50:50 partnership, but neither on their own control the business, then both would require the qualification.

A young farmer who is a non-controlling member of an existing business and who takes over control of that business and is, therefore, head of holding of a business for the first time may be eligible for the Young Farmers' Scheme (provided all the other requirements of the scheme are met).

Further details of the evidence to be provided in relation to the head of holding requirement are being developed but will be based on the contents of the [DARD press article of 24 September 2014](#). All applicants to the Young Farmers' Scheme and the Regional Reserve, young farmer category will have to provide evidence to satisfy DARD that they are head of holding and prove when they became head of holding.

Clarification from the EU Commission is awaited on how the number of years a person has been head of holding is calculated and, hence, the number of years the business can receive the Young Farmer's payment.

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Regional Reserve – New Entrants

Applicants to the Regional Reserve under the new entrant category may have to provide similar types of evidence to that required in relation to ‘head of holding’ to verify the authenticity of the business.

To be eligible for an award from the Regional Reserve new entrants must have:

- commenced their agricultural activity in the 2013 calendar year, or any later year;
- submitted an application for the Basic Payment Scheme and the Regional Reserve not later than two years after the calendar year in which they commenced their agricultural activity;
- had no previous agricultural activity in their own name and at their own risk or did not have the control of a business exercising an agricultural activity in the five years preceding the start of their agricultural activity

Private Contract Clause

In order for a Private Contract Clause to be valid, both the transferor and transferee must meet the definition of a farmer in 2015.

Transferors cannot be regarded as a farmer if they disposed of their entire holding on or before 31 December 2014 and have no land at their disposal during any part of 2015. The Private Contract Clause will not be applicable in these cases.

Transferors will be regarded as a farmer in 2015 if in 2013 or 2014 they submitted a valid application for SFP (i.e. activated entitlements to a value of at least €100) or LFACA (met minimum claim size of 3ha) **and** they have land at their disposal during some part of 2014 and 2015.

Agro Forestry eligibility

The maximum density of 50 trees/ha applies to land with mature trees. Land under an Agro Forestry scheme will be eligible for such time as agricultural use is predominant and the trees do not have a significant impact on ability to undertake agricultural activity.

To be eligible for ecological focus area (EFA), land must be under an EU Agro Forestry scheme, meet the eligibility conditions outlined above, and be classified as arable land in the year of planting (entry into the scheme).

Fallow land conditions

To be used as EFA, fallow land must be out of production during the entire period 1 February – 31 July inclusive in the scheme year concerned.

For crop diversification the fallow period is 1 June – 31 July inclusive.

A green cover (grass) may be planted during the fallow period.

Production during the fallow period is prohibited. No crops (other than grass) may be planted during the fallow period. No fertilisers or animal manures may be applied during the fallow period. No grazing or harvesting is allowed during the fallow period.

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Clarification from the EU Commission is awaited on whether herbicides can be applied during the fallow period.

Grass grown during the fallow period may be harvested or grazed after the end of the fallow period but not during. Grass may be cut (topped) during the fallow period provided the cuttings are not removed from the fallow area.

During the fallow period, the land cannot be used to store bales of hay, silage, straw or farmyard manure (including poultry litter or farm equipment (e.g. machinery)).

During the fallow period, the land cannot be used for significant non-agricultural purposes.

The minimum width of a strip that can be used as fallow for EFA and/or crop diversification is 2m. Strips next to field boundaries narrower than 2m will be regarded as part of the crop that they border provided they do not contain ineligible vegetation.

The minimum area within a field parcel that can be used as fallow for EFA and/or crop diversification is 0.01ha (100m²).

Land which is classified as permanent grassland in 2015 cannot be used for fallow for EFA and/or crop diversification unless it has been ploughed in 2015 and prior to 15 May 2015.

Field Margins and Buffer Strips in Agri-Environment Schemes in 2015 cannot be used as EFA. Strips of land along rivers or field boundaries not recorded as Field Margins and Buffer Strips in Agri-Environment Schemes in 2015 can be used as EFA and/or crop diversification as fallow provided they comply with the fallow conditions.

Areas being placed in fallow for EFA and/or crop diversification must be clearly demarcated within a field. In some cases a permanent fence may be necessary, e.g. to prevent grazing if the remainder of the field is grazed.

Wild Bird Cover

Areas sown with wild bird cover seed mix can be counted as fallow for EFA and crop diversification provided there is no harvesting or grazing of the crops by livestock concerned during the fallow period.

If the wild bird cover area has been established under an Agri-Environment Scheme and is used for EFA, a reduction, which could be substantial, will be applied to the agri-environment payment to avoid double funding, i.e. paying twice for the same action.

If there is harvesting or grazing by livestock of the wild bird cover seed mix, it will be regarded as a seed mixture crop for the purposes of crop diversification.

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Crop diversification exemption

The exemption of individual farmers from crop diversification where more than 50% of the areas of arable land declared were not declared by the farmer in his/her aid application of the previous year and all arable land is being cultivated with a different crop compared to that of the previous year will apply under the following condition.

The crop code declared on the application form in 2015 compared to that in 2014 must conclusively show that all arable land (i.e. the entire field for all fields classified and declared as arable) in 2015 is being cultivated with a different crop compared with the previous year.

For example, if a field is declared as potatoes in 2015 and was declared under the crop code AR1 in 2014, this would be regarded as evidence that a different crop was being cultivated in 2015 in that field. However, if the field was declared as spring barley in 2015 and declared as AR1 in 2014, this would not be regarded as evidence that a different crop was being cultivated in 2015 as the AR1 code included spring barley.

NB. This exemption is mainly of interest to specialist potato growers

Crop diversification – classification of crops

The classification of crops as winter or spring crops for the purposes of crop diversification will be determined according to the classification of the variety planted and not the date of planting. For example, a winter wheat variety planted in the early spring will be regarded as winter wheat.

Landscape features protected under Cross Compliance and which can be used for EFA

Hedges

The hedge must consist of woody material (e.g. hawthorn, blackthorn or whins) and/or briars, bramble and have hedge like shape and characteristics. Scrub encroachment and weeds such as nettles and thistles do not constitute a hedge.

Individual gaps of no more than 5m at canopy level between hedgerow materials are considered as part of the hedge and do not need to be deducted from the measured hedge length. Individual gaps exceeding 5m must be deducted and cannot be counted as part of the hedge for EFA.

The minimum length for a hedge to be accepted as EFA is 5m.

Maximum base width for a hedge is 2m from the centre. Boundary features (or part of the boundary feature) wider than this will be regarded as ineligible vegetation and cannot be used for EFA.

Newly planted hedgerows are protected under Cross Compliance and can be used for EFA provided they have been planted prior to the deadline for the submission of the scheme application (15 May in the scheme year concerned).

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Ditches (Sheughs)

Must have a width of no more than 2m at the base. Rivers or streams or other watercourses maintained by the Rivers Agency cannot be used as EFA.

Watercourses which have been marked as ineligible on farm maps are not regarded as sheughs and cannot be used for EFA.

Dry Stone Walls

Dry stone walls must comply with the following dimensions and conditions:

Maximum height	2.30m
Minimum height	0.50m
Maximum width	4.00m
Minimum width	0.25m

Walls must be built without the use of cement/mortar with the exception of the capping layer.

Individual gaps of 3m or less within the dry stone wall will be regarded as part of the stone wall.

The minimum length for a dry stone wall to be accepted as EFA is 3m.

Archaeological Features

A historic or archaeological site is one identified by the Department of the Environment in the Northern Ireland Sites and Monuments Record.

To be counted as EFA, the archaeological feature must be on or adjacent to arable land. That means that it will need to be included within an arable field parcel on the LPIS farm map.

Earthbank

An earthbank is a man-made linear feature of limited occurrence, usually made up of a core of stones covered with sods. River banks, earth silo banks or mounds of earth resulting from excavations are not classified as earthbanks.

Examples of the use of Boundary Features between fields as EFA

Roadside hedge bordering an arable field

The entire hedge may be used as EFA provided the farmer is responsible for maintenance of both sides of the hedge.

2 Arable fields divided by a hedge and declared by one farmer

The entire hedge may be used as EFA.

2 Arable fields divided by a sheugh and declared by one farmer

The entire sheugh may be used as EFA.

2 Arable fields divided by a hedge and a sheugh declared by one farmer

The entire hedge and sheugh may be used as EFA.

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2 Arable fields divided by a hedge and declared by different farmers

Half of the hedge may be used by each farmer as EFA – default position.

Alternatively, the entire hedge may be used as EFA by one of the farmers if that farmer can show (by evidence) that he/she is responsible for maintenance of the entire hedge.

2 Arable fields divided by a sheugh and declared by different farmers

Half of the sheugh may be used by each farmer as EFA – default position.

Alternatively, the entire sheugh may be used as EFA by one of the farmers if that farmer can show (by evidence) that he/she is responsible for maintenance of the entire sheugh.

Arable field and permanent grassland field divided by a hedge and declared by one farmer.

The entire hedge may be used as EFA.

Arable field and permanent grassland field divided by a sheugh and declared by one farmer.

The entire sheugh may be used as EFA.

Arable field and permanent grassland field divided by a hedge and sheugh (the latter located in the permanent grassland field) and declared by one farmer.

Entire hedge and sheugh can be used as EFA.

Arable field and permanent grassland field divided by sheugh (located in the arable field) and hedge and declared by one farmer.

Entire hedge and sheugh can be used as EFA.

Arable field and permanent grassland field divided by a hedge and declared by different farmers.

Half of the hedge may be used by the farmer declaring the arable field as EFA – default position.

Alternatively, the entire hedge may be used as EFA by the farmer declaring the arable field if that farmer can show (by evidence) that he/she is responsible for maintenance of the entire hedge.

Farmer declaring the permanent grassland field cannot use any of the hedge for EFA.

Arable field and permanent grassland field divided by a sheugh and declared by different farmers.

Half of the sheugh may be used by the farmer declaring the arable field as EFA – default position

Alternatively, the entire sheugh may be used as EFA by the farmer declaring the arable field if that farmer can show (by evidence) that he/she is responsible for maintenance of the entire sheugh.

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Farmer declaring the permanent grassland field cannot use any of the sheugh for EFA.

Arable field and permanent grassland field divided by a hedge and sheugh (the latter located in the permanent grassland field) and declared by different farmers.

Farmer declaring the arable field can use half of the hedge for EFA – default position.

Alternatively, the entire hedge may be used as EFA by the farmer declaring the arable field if that farmer can show (by evidence) that he/she is responsible for maintenance of the entire hedge.

Sheugh cannot be used for EFA.

Farmer declaring the permanent grassland field cannot use any of either the hedge or sheugh for EFA.

Arable field and permanent grassland field divided by sheugh (located in the arable field) and hedge and declared by different farmers.

Farmer declaring the arable field can use entire sheugh and half of the hedge for EFA – default position.

Alternatively, the entire hedge (as well as the sheugh) may be used as EFA by the farmer declaring the arable field if that farmer can show (by evidence) that he/she is responsible for maintenance of the entire hedge.

Farmer declaring the permanent grassland field cannot use any of either the hedge or sheugh for EFA.

All cases

Similar rules as above apply if a stone wall or earth bank is present.

Hedges on earth banks – either only the hedge or only the earth bank can be counted for EFA and not both.

An ineligible feature located between the arable field and the first landscape feature will mean that the first landscape feature (and any additional landscape feature which borders it) cannot be used for EFA along the length of the ineligible feature.

An ineligible feature located between the first and second landscape features (e.g. between a hedge and a sheugh) will mean that the second landscape feature cannot be used for EFA along the length of the ineligible feature.

In no event can the total area declared for EFA (by separate farmers if applicable) exceed the area (or converted area) of the landscape feature.

The erection of a fence for the sole purpose of protecting a landscape feature (protection fence) does not impact on the ability to use that feature for EFA.

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Overlapping EFA features

The overlap of EFA features cannot be double counted.

This will occur if a field in fallow and/or a nitrogen fixing crop is used for EFA and has boundary features, such as hedges, also used for EFA (as half of the hedge is embedded in the field). In that case, the converted area of half of the hedge must be deducted from EFA area of the fallow and/or nitrogen fixing crops.

Example

A 10ha field with 600m of hedge around the boundary is declared as EFA as fallow and the hedgerow is also declared for EFA purposes.

The hedge is converted to an area for EFA purposes by multiplying the length by 5 (the conversion factor).

Area of hedge = $600 \times 5 = 3,000\text{m}^2$ (0.30ha)

Half of hedge is in the fallow field = $0.30\text{ha} \div 2 = 0.15\text{ha}$

EFA of fallow is therefore **9.85ha** ($10\text{ha} - 0.15\text{ha}$)

EFA of hedge (in the fallow field) is $0.15\text{ha} \times 2$ (the weighting factor) = **0.30ha**.

The combined EFA of the fallow and hedge (10.15ha) exceeds the area of the field (10ha) due to the weighting factor applied to the hedge.

For crop diversification purposes this field counts as 10ha of fallow. The area eligible for the Basic Payment Scheme is also 10ha.

Policy and Economics Division

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