



Rural Payments
Agency



Basic Payment Scheme: rules for 2019



Get everything you need to know about the Basic Payment Scheme 2019:
www.gov.uk/rpa/bps2019

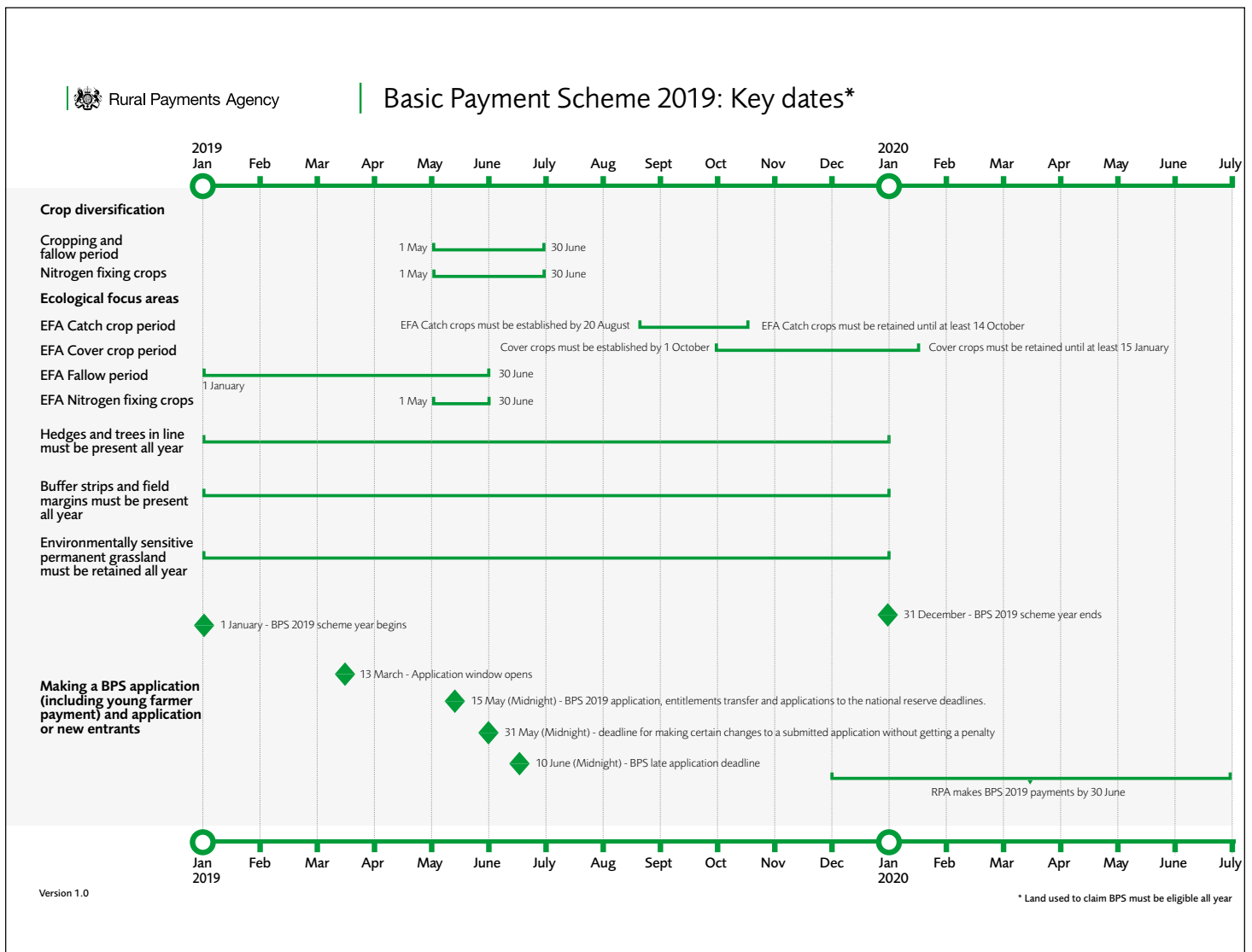
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Updates for 2019

This guidance has been prepared and is being issued while the UK remains a member of the European Union. Leaving the EU with a deal remains the Government's top priority. The proposed Withdrawal Agreement outlines the terms of an implementation period. No major changes are proposed to the BPS rules for the 2019 scheme year during this implementation period.

However, as a responsible government, we are continuing to proportionately prepare for all scenarios, including the outcome that we leave the EU without any deal. In the event of a no deal EU Exit, the legislation governing BPS will be rolled over and amended by regulations to ensure that they work appropriately post-exit and further guidance will be issued if necessary. This may include removing the option of making payments in Euro and/or amending the ceiling for BPS into sterling.



Key dates for BPS 2019

Date	Information
1 January	<ul style="list-style-type: none"> • Official start of the BPS 2019 scheme year
1 January to 31 December	<ul style="list-style-type: none"> • Land used to claim BPS must be eligible all year • Ecological focus area (EFA) period for hedges and trees in a line (which must be present all year unless newly planted) and buffer strips and field margins (which must be present all year) • Environmentally sensitive permanent grassland must be retained all year • Cross compliance rules must be followed all year
1 January to 30 June	<ul style="list-style-type: none"> • EFA period for EFA fallow land
13 March	<ul style="list-style-type: none"> • Application window opens
1 May to 30 June	<ul style="list-style-type: none"> • Crop diversification period and EFA period for nitrogen-fixing crops
15 May (midnight)	<ul style="list-style-type: none"> • Land used to claim BPS in 2019 has to be 'at your disposal' (only the person who has the land at their disposal on this date can use it to be paid for BPS in 2019) • BPS 2019 application deadline to avoid late application penalties • Deadline for BPS 2019 entitlement transfers (only the person who holds an entitlement on this date can use it to be paid for BPS in 2019) • Deadline for RPA to receive applications for new entitlements from young or new farmers • Deadline for RPA to receive applications for young farmer payment • Deadline for RPA to receive supporting evidence to prove young farmer or new farmer status, to avoid late application penalties
31 May (midnight)	<ul style="list-style-type: none"> • Deadline to make certain changes to an application received by 15 May without a penalty (see page 5).
10 June (midnight)	<ul style="list-style-type: none"> • 'Late application' deadline. Deadline for late applications, or late amendments, with penalties. Any applications or supporting evidence received after this date will not be accepted.
20 August	<ul style="list-style-type: none"> • EFA catch crops must be established by this date
1 October	<ul style="list-style-type: none"> • EFA cover crops must be established by this date
14 October	<ul style="list-style-type: none"> • EFA catch crops must be retained until at least this date
1 December	<ul style="list-style-type: none"> • BPS 2019 payment window opens
31 December	<ul style="list-style-type: none"> • Official end of the BPS 2019 scheme year
15 January 2020	<ul style="list-style-type: none"> • EFA cover crops must be retained until at least this date
30 June 2020	<ul style="list-style-type: none"> • BPS 2019 payment window ends

Making an application

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

How to apply

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

In 2019, farmers can again apply online – using the Rural Payments service - or on paper using a BP5 application form.

RPA will update the BPS 2019 GOV.UK page with all the latest guidance and information about the scheme.

To apply online, go to www.gov.uk/rural-payments, click 'start now'. There is a 'Help' link on many of the screens that will take you through each process step-by-step. You can print or download a copy of all the onscreen help at www.gov.uk/rpa/bps2019. For more information about applying online, read 'How to claim BPS online in 2019', available on GOV.UK.

Applying on paper

Farmers who submitted a BP5 application form for BPS in 2018 will receive a BPS 2019 application pack, including a BP5 application form. However it is quicker and easier to apply online. Give us a call on 03000 200 301 to set up your application form.

What farmers need to declare on their application

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

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

If applicable, they may also need to:

- declare what EFAs they have
- declare any non-agricultural land on their holding that is part of a Rural Development Programme for England (RDPE) scheme
- confirm if they are exempt from the greening rules (for example, provide organic certification)
- declare if they want to apply for the young farmer payment
- fill in a separate application to apply for new entitlements (young and new farmers only)
- provide evidence to prove they meet the definition of a farmer, young or new farmer status
- fill in separate applications for land they have in other parts of the UK

Farmers (or agents) using the online system should be aware that the system will accept zero values, for example in Part C, Land Use Codes (C7) and Area to Activate (C8). If not checked, this can reduce the value of the claim or cause it to be rejected.

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

Common Errors

Some of the most common errors on applications include (this list is not exhaustive):

- Part C: missing information, for example, missing or zero values in the Land Use Code (C7) and Area to Activate (C8) boxes
- Part C Online: zero values found
- EFA declarations : Failure to declare EFA and missing/contradictory information in Part C and Part D, usually in the form of Land Use Code in Part C
- incomplete Continuation booklets: Failure to complete all columns on the BP5 application form and Continuation booklets, for example C7 and C8
- missing pages of the BP5 application form and Continuation booklets
- failure to check that the online claim has been submitted

What farmers need to do:

- carefully check the form before it is submitted, particularly for any erroneous zero values
- make sure that any entries relating to EFA are correct in both Part C and Part D
- indicate how many paper Continuation booklets they are sending in with the application Section L of the BP5 application form
- check that all parts of the paper Continuation booklet are included in the envelope they are sending
- make sure that they do not remove any blank pages from the BP5 application form as this may cause issues in processing the claim

Sending supporting evidence with an application

Farmers who need to send supporting evidence with their application must do this early enough for RPA to receive it (and their application) by the BPS application deadline of midnight on 15 May 2019.

If RPA receive supporting evidence after 15 May 2019, the application it relates to will be treated as also being late and a penalty could be applied. The application will be rejected entirely if the supporting evidence is received after midnight on 10 June 2019.

RPA will need originals of any evidence, so farmers are advised to keep copies. All evidence should be sent to RPA by post. Before sending evidence, farmers should put their name and address on the front page, and their SBI on every page. RPA will post confirmation receipts for any evidence received and if they are returning evidence, they will do so by post (usually within 3 working days).

Farmers should keep any evidence after RPA has returned it, in case RPA needs to see it again in the future.

Deadline for applications

The deadline for applications (and any supporting evidence), is midnight on 15 May 2019. Applications received after midnight on 15 May 2019 but by midnight on 10 June 2019 will be considered as 'late applications' and will receive a penalty (apart from cases of force majeure). Applications received after the 10 June 2019 will be rejected (apart from cases accepted as force majeure).

Acknowledgement of BPS applications

RPA recommends that farmers use a postal method with tracking and proof of posting to submit their BP5 application.

RPA will acknowledge receipt of the application within 10 working days of receipt. If farmers do not receive an acknowledgement within 15 working days of posting their form, they should contact RPA's helpline on 03000 200 301. Please note that RPA does not send receipts for continuation booklets sent separately to the BPS application.

RPA is not responsible for applications that are delayed or lost in the postal system.

Reminders

RPA sends reminders of the application deadline to the customer addresses that are held on Rural Payments. This includes email addresses. Farmers should check that their address is up to date before they submit their application.

As farmers are normally expected to have planned to submit their application accurately and on time, they should not rely on a reminder to submit their application.

Changing a BPS application

Farmers must tell RPA as soon as possible if they want to change an application after it has been submitted. This applies to paper and online applications that need to be resubmitted. Amendments can only be made without penalty if the original application was submitted by midnight on 15 May.

Until midnight on 31 May 2019 farmers can, without a penalty:

- add a land parcel
- increase the eligible area of a land parcel
- increase the area they want to use to activate their entitlements

Farmers can make these changes after midnight on 31 May 2019 but RPA will apply a penalty. These changes can't be made after midnight on 10 June 2019.

Farmers can change the land use of a land parcel up to 31 May 2019 without penalty. They may also be able to make land use changes after 10 June 2019 without penalty under the 'notified error' provisions.

Farmers can't make these changes if:

- they have already been told about any non-compliance affecting the land parcel they want to amend
- an inspection has revealed a non-compliance affecting the land parcel they want to amend
- they have received advance warning of an inspection

‘Notified errors’

Farmers can notify RPA of errors in their application at any time unless they have:

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

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

Farmers need to be aware that any changes made to land uses and declared areas may affect their compliance with the greening measures and their greening payment may be reduced.

‘Obvious errors’

If a mistake or omission has been made on an application (which is obvious from a simple check of the application), RPA may be able to correct it at any time without applying a reduction or a penalty (this is sometimes called an ‘obvious error’). However, if a farmer makes the same mistake more than once, RPA may not accept it as an obvious error a second time.

This applies to paper and online applications. As farmers change the declared land areas on which they claim from year to year, if a zero value is found in any part of the application it will be accepted. RPA cannot make an assumption that all of the land declared on the application is being claimed upon. The zero value found may result in a reduced payment or the application being rejected.

Withdrawing all or part of an application

Farmers can withdraw an application without penalty at any time unless:

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

Farmers can withdraw part of an application without penalty (for example, a land parcel and/or entitlements) at any time unless:

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

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

Force majeure and exceptional circumstances

If force majeure or exceptional circumstances mean that a farmer cannot follow the scheme rules, RPA may not apply a penalty or reduction, and may also accept an application after the 10 June 2019 deadline.

Farmers must inform RPA of their circumstances **within 15 working days** from the date on which they are in a position to do so. They will also need to send evidence to demonstrate their claim. This is a legal requirement and we have no flexibility to change this rule.

Force Majeure is defined as

- abnormal and unforeseeable circumstances, outside the control of the operator concerned, the consequences of which, in spite of the exercise of all due care, could not have been avoided except at the cost of excessive sacrifice on your part

Some examples might be, but are not limited to:

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

Evidence

Farmers will have to prove that, despite taking every care that could have been expected of them, the exceptional circumstances prevented them from meeting their obligations.

Evidence should include details of the actions taken, with an explanation of the events and the dates they occurred.

Cases are assessed on an individual basis on the evidence supplied.

Farmers can post their force majeure request and evidence to Rural Payments Agency, PO Box 352, Worksop, S80 9FG. RPA recommends that farmers use a postal method with tracking and proof of posting.

Alternatively, farmers can submit their force majeure request online to ruralpayments@defra.gov.uk.

RPA is not responsible for force majeure requests that are delayed or lost in the postal system.

Who can claim BPS

To claim BPS (and receive entitlements), applicants must be a 'farmer'.

The BPS definition of 'a farmer'

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

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

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

What is a 'holding'?

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

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

Land

Every year, farmers claiming BPS must declare all of the agricultural land on their holding, as well as any non-agricultural land they use for a Rural Development Programme for England (RDPE) scheme or the National Forest Changing Landscape Scheme, Woodland Carbon Fund or HS2 Woodland Fund

Agricultural land - what farmers must declare

Agricultural land is:

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

All other land is 'non-agricultural'.

What land to declare on an application

Farmers must have at least 5 hectares of eligible land to claim for BPS and each land parcel a farmer uses in their claim must have a total eligible area of 0.1 hectares or more. Farmers can only use land that is 'at their disposal' on 15 May 2019 to claim for BPS.

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

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

- Countryside Stewardship (including Higher Tier, Mid-Tier, Woodland Creation Grant)
- Entry Level Stewardship
- Organic Entry Level Stewardship
- Uplands Entry Level Stewardship
- Higher Level Stewardship
- Energy Crops Scheme
- Habitat Scheme
- English Woodland Grant Scheme
- Farm Woodland Premium Scheme
- Farm Woodland Scheme
- National Forest Changing Landscape Scheme
- Woodland Carbon Fund
- HS2 Woodland Fund

Land 'at your disposal'

Farmers can only claim for payment in 2019 on land that is 'at their disposal' on 15 May 2019.

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

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

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

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

How to decide who has land at their disposal

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

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

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

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

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

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

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

A land parcel can be at the disposal of a BPS applicant on 15 May 2019, even if another applicant is using the same land parcel to claim for Countryside Stewardship, Environmental Stewardship or the English Woodland Grant Scheme. This is sometimes called 'dual use.'

Dual use is not allowed for Countryside Stewardship (CS) Mid-Tier agreements with a start date of 1 January 2016. For Higher Tier agreements starting 1 January 2016 and for both Mid-Tier and Higher Tier agreements starting on 1 January 2017 onwards dual use is allowed; rules applying to dual use are summarised in the CS manuals.

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

- the rights and responsibilities they and the other applicant in the dual use situation each have for the land
- that they have the land at their disposal on 15 May 2019

This could be a tenancy agreement, a letter, or both. It must be signed and dated by both applicants before 15 May 2019. RPA inspectors may ask to see this.

Share farming agreements

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

All of the land in the agreement must be included on that one farmer's application. They must have the land at their disposal on 15 May 2019 and hold the entitlements at midnight on 15 May 2019.

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

What land is eligible for BPS

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

- permanent grassland
- arable land
- permanent crops

Land is also eligible if it was used to claim for the Single Payment Scheme (SPS) in 2008, and has become non-agricultural under certain options in RDPE agreements or certain nationally funded woodland creation schemes including the National Forest Changing Landscape Scheme, Woodland Carbon Fund and HS2 Woodland Fund and is still covered by that agreement.

All of the agricultural land farmers use to claim for BPS must be used primarily for an agricultural activity for the whole calendar year. The land must be at the farmer's disposal on 15 May 2019.

Permanent grassland

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

Permanent grassland includes:

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

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

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

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

Grasses and herbaceous forage

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

- lucerne
- sainfoin
- forage vetches
- clovers

It doesn't include:

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

Arable land

'Arable land' is:

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

Fallow land

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

Fallow land is particularly important for farmers who need to follow the greening rules. To count as an EFA, fallow land must be kept fallow from 1 January 2019 to 30 June 2019 inclusive. To count as a 'crop' for Crop Diversification, fallow land must be kept fallow from 1 May 2019 to 30 June 2019 inclusive.

Farmers should declare which crop is there for the majority of the cropping period. If they have bare soil on 15 May and intend to grow a crop before 30 June, they should declare this crop instead of declaring the land as fallow.

Temporary grassland

Temporary grassland is:

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

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

If applicants have grassland that has been in temporary grass on 15 May 2019 for 5 consecutive years (so has been coded as TG1 or TG01 in the years 2014 to 2018), this should be classed as permanent grassland from 2019.

2014 Year 1	2015 Year 2	2016 Year 3	2017 Year 4	2018 Year 5	2019 Year 6
Temporary grassland	Temporary grassland	Temporary grassland	Temporary grassland	Temporary grassland	Permanent grassland

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

- is declared for EFA, and
- remains fallow

Land in agri-environment schemes

Arable land that is taken out of production to be used for one of the agri-environment options listed below may be still treated as 'arable' land for BPS even though it may have been temporary grassland for 5 consecutive years. It may remain 'arable' land while it is being used for the agri-environment option and will not become permanent grassland.

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

Example

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

Once the land comes out of the option, it will still be classed as temporary grassland

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

2010 (Year 1)	2011 (Year 2)	2012 (Year 2)	2013	2014	2015	2016	2017	2018 (Year 4)
Temporary grassland	Temporary grassland	Temporary grassland	Agri-enviro scheme	Agri-enviro scheme	Agri-enviro scheme	Agri-enviro scheme	Agri-enviro scheme	Temporary grassland

Environmental Stewardship

Option	Description
EC24, HC24, OC24 or OHC24	Hedgerow tree buffer strips on cultivated/rotational land
EE1, HE1, OE1 or OHE1	2 metre buffer strips on cultivated/rotational land
EE2, HE2, OE2 or OHE2	4 metre buffer strips on cultivated/rotational land
EE3, HE3, OE3 or OHE3	6 metre buffer strips on cultivated/rotational land
EE8, HE8, OE8 or OHE8	Buffering in-field ponds on arable/rotational land
EE9, HE9, OE9 or OHE9	6 metre buffer strips on cultivated/rotational land next to watercourse
EF1, HF1, OF1 or OHF1	Management of field corners
EF4, HF4, OF4 or OHF4	Nectar flower mixture
EF5 or HF5	Pollen and nectar flower mixture on set-aside land. The land must have been set-aside at the time the applicant entered into the agreement.
EF7, HF7, OF7 or OHF7	Beetle banks
EG3, HG3, OG3 or OHG3	Nectar flower mixtures in grassland areas
EJ5, HJ5, OJ5 or OHJ5	In-field grass areas to prevent erosion and run-off
EJ9, HJ9, OJ9 or OHJ9	12 metre buffer strips for watercourses on cultivated/rotational land.
HE10	Floristically enhanced grass margin
EC1, HC1, OC1 and OHC1	Protection of infield trees on arable/rotational land
HC5	Ancient trees in arable fields

Countryside Stewardship

Option	Description
AB1	Nectar flower mix
AB3	Beetle banks
AB5	Nesting plots for lapwing and stone curlew
AB8	Flower-rich margins and plots
AB9	Winter Bird Food
AB16	Autumn sown bumblebird mix
BE1	Protection of in-field trees on arable land

Option	Description
OP2	Wild bird seed mixture
SW1	4-6m buffer strip on cultivated land
SW3	In-field grass strips
SW4	12-24m watercourse buffer strip on cultivated land
WD3	Woodland edges on arable land
WT2	Buffering in-field ponds and ditches on arable land

Habitat Scheme

Option
Tier 1B

Permanent crops

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

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

Read the list of crops on page 70 to find out what counts as a permanent crop for BPS. Permanent crops cannot be used to meet the greening rules – they should not be included when calculating the area of arable land on a holding.

Nurseries

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

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

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

Short rotation coppice

These are areas planted with the following species:

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

The maximum harvest cycle (the period between harvests) is 20 years. The initial tree planting must have taken place during or after 2000.

Factors which can affect whether land is eligible or not

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

Farmers must also follow the cross compliance rules throughout the calendar year.

Utility and transport works

If a farmer has utility or transport works taking place on their land, it can sometimes mean that the land is not eligible for BPS that year, as well as breaching certain cross compliance rules. If this happens, affected farmers may want to seek compensation for lost payments and/or entitlements from the organisation carrying out the work.

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

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

If the farmer could have anticipated that the work was going to take place on their land during 2019 when they applied for BPS, this will not be treated as force majeure.

Flooded land

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

Deliberate and planned flooding of agricultural land to create new watercourses and permanent wetlands, is not considered to be a temporary flooding event as the land is not being maintained in a state suitable for grazing or cultivation.

Activities that take place with the Environment Agency to manage floodwater positively and proactively will be considered on a case by case basis, although any agricultural land that floods temporarily would remain eligible.

Transferring land to someone else during the year

Land can be transferred at any time. The Rural Payments service is available to do this from early 2019 until midnight on 15 May 2019.

However, in cases where the farmer transferring the land (the transferor) has included it on their BPS 2019 application, it is still their responsibility to make sure the land:

- stays eligible for BPS for the rest of the year (or is withdrawn from their BPS claim)
- continues to meet the greening rules in the way it was declared on their 2019 application
- meets the cross compliance rules for the whole year (unless the person they have transferred it to is also claiming BPS – in which case they take over this responsibility).

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

Claiming BPS on land in agri-environment and woodland schemes

Agri-environment relates to the Rural Development Programme for England (RDPE) schemes:

- Countryside Stewardship
- Environmental Stewardship and
- Habitat scheme

Woodland relates to the RDPE schemes:

- Countryside Stewardship (woodland support)
- English Woodland Grant Scheme
- Farm Woodland Premium Scheme
- Farm Woodland Scheme or a nationally funded woodland scheme to include National Forests Changing Landscapes, Woodland Carbon Fund and HS2 Woodland Fund.

Land included in an agri-environment scheme remains eligible for BPS if it continues to be:

- ‘agricultural’ land (permanent grassland, arable land or permanent crops); and
- used primarily for an ‘agricultural activity’ throughout the calendar year; and
- remains at the claimant’s disposal

Agri-environment field margins, buffer strips, field corners, beetle banks, and other areas not permanently divided from the rest of the land parcel can continue to be declared under the main BPS land use code for the land parcel. Please see the [‘How to claim BPS online in 2019’](#) guidance for more information

Non-agricultural land in agri-environment or woodland schemes

If the agri-environment or woodland scheme management requirements result in the land being taken out of agricultural use, it will normally become ineligible for BPS from the beginning of the agreement, even if required non-agricultural management activity has not yet started. The land should be declared on the BPS 2019 application under an appropriate non-agricultural land use code.

Exceptionally, land that has been taken out of agricultural use under an agri-environment or woodland scheme will remain eligible for BPS if:

1. it was used with entitlements to claim the Single Payment Scheme (SPS) in 2008; and
2. it is managed under one of the agri-environment and woodland options in the table below, or is declared under a nationally funded woodland creation scheme including the National Forest Changing Landscape scheme, the Woodland Carbon Fund and the HS2 Woodland Fund.

It only remains eligible for BPS while it remains in the agri-environment or woodland scheme option. This land should be declared on the BPS 2019 application under the land use code 'RD01'.

We have listed options most likely to result in a non-agricultural land use. Some agreements will not require land managed under these options to be taken out of agricultural use and may still be considered agricultural – see previous section on agricultural land and above.

For details of how to claim BPS on these land areas, refer to '[How to Claim BPS Guidance](#)', [Guidance on woodland grant schemes](#) and [Forestry Commission Office Notice ON 42](#) and [Agri-environment and BPS guidance](#) on GOV.UK.

Countryside Stewardship option

Option code	Option name
CT2	Creation of coastal sand dunes and vegetated shingle on arable land and improved grassland
CT4	Creation of inter-tidal and saline habitat on arable land
CT5	Creation of inter-tidal and saline habitat by non-intervention
CT7	Creation of inter-tidal and saline habitat on intensive grassland
WCG	Woodland Creation Grant
WD7	Management of successional areas and scrub
WD8	Creation of successional areas and scrub
WT6	Management of reedbed
WT7	Creation of reedbed
WT8	Management of fen
WT9	Creation of fen
WT10	Management of lowland raised bog
WD1	Woodland Creation and Maintenance

Higher Level Stewardship (including agreements underpinned by Entry Level Stewardship or Organic Entry Level Stewardship) and Upland Entry Level Stewardship

Option code	Option name
HC7	Maintenance of woodland
HC8	Restoration of woodland
HC9	Creation of woodland in Severely Disadvantaged Areas
HC10	Creation of woodland outside Severely Disadvantaged Areas
HC15	Maintenance of successional areas and scrub
HC16	Restoration of successional areas and scrub
HC17	Creation of successional areas and scrub
HP7	Creation of inter-tidal and saline habitat on arable land
HP8	Creation of inter-tidal and saline habitat on grassland
HP9	Creation of inter-tidal and saline habitat by non-intervention
HQ3	Maintenance of reedbeds
HQ4	Restoration of reedbeds
HQ5	Creation of reedbeds
HQ6	Maintenance of fen
HQ7	Restoration of fen
HQ8	Creation of fen
HQ9	Maintenance of lowland raised bog
HQ10	Restoration of lowland raised bog
UC22	Uplands woodland livestock exclusion

Farm Woodland Premium Scheme and Farm Woodland Scheme

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

English Woodland Grant Scheme

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

Non-agricultural activities allowed on eligible land

To be eligible for BPS, land has to be used primarily for an agricultural activity. If agricultural and non-agricultural activities are taking place on the same land, the land will not be eligible if the intensity, nature, duration, and timing of the non-agricultural activity significantly interferes with agricultural activity.

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

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

Activities allowed for 28 days

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

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

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

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

Examples of other activities not usually allowed

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

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

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

Agricultural and non-agricultural areas and features

Some areas and features on agricultural land are non-agricultural and are not eligible for BPS.

All permanent non-agricultural areas and features that are 0.01 hectares or bigger will be mapped by RPA. Farmers must declare and deduct all non-agricultural areas and features from their eligible areas.

Some non-agricultural areas and features may be small and scattered across a land parcel. If together they add up to 0.01 hectares or more, they will be mapped by RPA as 'notional' or 'scattered' areas. Farmers must declare and deduct them from their eligible areas.

Farmers must notify RPA if any non-agricultural areas and features are not correctly mapped.

Non-agricultural areas and features that are temporary, will not be mapped, but farmers must still declare them separately on the BPS application and deduct them from their eligible areas.

Example

For example, a farmer has the following non-agricultural areas and features in a field:

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

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

Grass strips (such as tracks, strips, margins and headlands) do not need to be identified separately from the main land use of the parcel (the cropped area), unless farmers want to count the area:

- separately for crop diversification
- as a permanent grassland buffer strip or fallow land for EFA
- towards their permanent grassland total for a greening exemption; or
- towards their temporary grassland and/or fallow land total for a greening exemption

List of features

RPA regularly receives aerial photography, satellite imagery and Ordnance Survey map updates. RPA proactively uses this information to keep the land parcel information held for farmers up to date, and to check any claims they make. Farmers need to sign in to the Rural Payments service to look at and check their digital maps online.

Farmers should check and correct their application forms to reflect the position on the ground as at 15 May 2019. Any queries on the eligibility of land on their holding should be raised with RPA.

The list of land codes can be found at www.gov.uk/guidance/bps-2019. The table below shows some commonly used features and their eligibility for BPS.

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

Feature	BPS eligibility
Heap – compost, muck	Eligible if: <ul style="list-style-type: none"> • it is stored in the field on which it is to be used • the amount stored is appropriate for that field (larger amounts are ineligible) • it will be used as part of the normal cultivation cycle Not eligible if it is in the same place for more than 3 years.
Heap – straw, hay, silage	Eligible if: <ul style="list-style-type: none"> • it is stored in the field from which it was harvested, or on which it is to be used • the amount stored is proportionate to what could/can actually be used on the field the heap is located in (larger amounts are ineligible) Not eligible if it is in the same place for more than 3 years.
Heather	Eligible (as ‘permanent grassland’) if it’s managed so that it is in a state suitable for grazing.
Hedges	Eligible if protected under cross compliance.
Machinery (on grass or bare soil)	Not eligible if it has been stored in the same place for a year or longer.
Peat production	Land used for producing peat is not eligible.
Pond	Not eligible.
Railway	Not eligible.
Recreational parks	Not eligible, unless used primarily for an agricultural activity.
Residential gardens	Not eligible.
Salt marshes and reed beds	Eligible (as ‘permanent grassland’) only if it is managed so that: <ul style="list-style-type: none"> • grasses and other herbaceous forage remain predominant, and • it is suitable for grazing.
Scree / rock outcrops/boulders	Not eligible.
Scrub – including gorse bushes and briar	Eligible (as ‘permanent grassland’) only if it is managed so that: <ul style="list-style-type: none"> • grasses and other herbaceous forage remain predominant, and • it is suitable for grazing. ‘Dense scrub’ is not eligible.

Feature	BPS eligibility
Solar panels	<p>Land parcels which contain solar panels are ineligible.</p> <p>If the panels are concentrated in one end of a field, the rest of the land can be eligible if the 2 areas are registered as individual land parcels and separated by a permanent boundary.</p>
Stone banks	Eligible if protected under cross compliance.
Stone walls	Eligible if protected under cross compliance.
'Table top' strawberries	As long as the land is eligible (for example not concrete or hard standing), the cropped area, including normal headlands, is eligible and should be counted as strawberries for crop diversification.
Tracks, paths and roads	<p>Grass tracks are always eligible if they are used as part of the agricultural activity carried out in the land parcel.</p> <p>Natural surfaced tracks for example bare soil, are eligible when used as part of the agricultural activity carried out on the land parcel and are not part of a transport network.</p> <p>Tracks and paths are ineligible if the track, path or road has an artificial sealed surface (for example, tarmac, concrete, stone)</p> <p>A track forms part of a transport network when it is:</p> <ul style="list-style-type: none"> • providing direct access from public roads to houses, farmyards or buildings • directly linking houses, yards and buildings in different parts of the holding

Feature	BPS eligibility
Trees	<p>Trees are eligible if they are:</p> <ul style="list-style-type: none"> a. individual trees scattered within an agricultural parcel; b. lines of trees (of a maximum of two trees wide) on an agricultural parcel; c. groups of trees on an agricultural parcel that are not adjacent to a boundary; and <ul style="list-style-type: none"> i. the area underneath the canopy is used for agricultural activity (this condition is met where it is suitable for cultivation or grazing of livestock); ii. more than 50% of the area underneath the tree canopy is covered by grasses, other herbaceous forage or arable land. <p>or</p> <ul style="list-style-type: none"> d. groups of trees on an agricultural parcel that are adjacent to a boundary and; <ul style="list-style-type: none"> i. the area underneath the canopy is used for agricultural activity (this condition is met where it is suitable for cultivation or grazing of livestock); ii. if unsuitable for cultivation, the entire area under the canopy is accessible to farm animals for grazing; and iii. more than 50% of the area underneath the tree canopy is covered by grasses, other herbaceous forage or arable land. <p>All other groups of trees are ineligible woodland. Areas of land set-aside for woodland creation under Agri-environment or national woodland scheme, including National Forest Changing Landscape Scheme, Woodland Carbon Fund may still attract BPS payments if specific conditions are met.</p>
Turf production	Eligible unless it is used for fuel production.
Walkway - grass strip between fenced paddock	<p>Eligible if:</p> <ul style="list-style-type: none"> • it is 0.1 hectares or more in size • it is grazeable and predominantly used for agriculture
Watercourses – ditch / drain / dyke / river / stream	<p>Eligible if it forms part of a field boundary and if it is up to 4 metres wide for the majority of its length.</p> <p>If it is not part of a field boundary, it is eligible if the overall area of ineligible features in the field does not exceed 0.01 hectares</p>

Common land and shared grazing

Farmers can claim BPS for their use of a common or area of shared grazing, based on the rights that they hold.

What farmers need to be able to claim

To claim BPS for their grazing rights on a common or area of shared grazing, farmers must:

- have the correct rights; and
- be using the common land

The common or area of shared grazing used to support their claim must be:

- eligible land; and
- at their disposal on 15 May 2019 - they must be able to exercise their rights by turning out animals on the common on this date

Farmers must also meet the cross compliance rules. If a cross compliance rule is broken on the common, farmers may have their BPS payments reduced for their whole holding.

What 'using' a common or area of shared grazing means

A farmer is 'using' a common if they:

- exercise their grazing rights by turning out stock on it, including grazing for conservation purposes; or
- participate in a relevant Environmental Stewardship or Countryside Stewardship agreement on it; or
- contribute to managing the common

Contributing to managing the common', with appropriate consents and rights, includes keeping some of it in a state suitable for grazing or cultivation by:

- clearing scrub that can't be grazed; or
- some other beneficial activity, for example treating bracken, maintaining internal walls, hedges or fences, or managed swaling (burning).

How the eligible area of a common or area of shared grazing is allocated

RPA will allocate the entire eligible area of the common amongst those farmers who are using the common and have declared their rights on it. RPA has inspected all common land in England during 2017 and 2018 and commoners will have been contacted if the eligible area of the common(s) they are claiming on has changed as a result of this.

RPA can only allocate the eligible area of a common after all BPS applications have been submitted, because they need to know:

- the total number of rights of common being used and declared on the common in that year; and
- how many rights each individual farmer declares (as a percentage of the total used rights).

RPA uses that percentage to calculate each farmer's 'notional area' – the amount of eligible land in hectares that the farmer can claim for the common. So, if a common had an eligible area of 200 ha with farmer A declaring 200 Livestock Units (LU)s of rights on it, Farmer B 120 LU and Farmer C 80 LU, the resulting area allocation would be:

Farmer	Rights declared (LU)	% of total declared rights on common	Area allocated (Ha)
Farmer A	200	50%	100
Farmer B	120	30%	60
Farmer C	80	20%	40

The 'notional area' will be considered as part of the eligible area of the holding, including for the greening calculations. In most cases, common land will be regarded as permanent grassland.

What rights farmers must declare

If farmers are using a common for grazing, they must declare all of their rights in their application, even if they choose not to claim payment for them.

If a farmer is using a common by participating in a relevant Environmental Stewardship or Countryside Stewardship agreement on it, or otherwise contributing to its appropriate management, they can choose whether to declare their rights on the common. If they do so, they must declare all their rights.

If a farmer is not using the common then they must not declare their rights.

What rights to claim on

Farmers may have a right to graze land in common with other farmers. This land may be registered as common land, or it may be other shared grazing, such as stinted or regulated pastures.

'Shared grazing' does not mean land owned or occupied by 2 or more farmers as 'tenants in common'.

Farmers can claim BPS on a common if their right is:

- a right to graze which is registered under the Commons Registration Act 1965 or Part 1 of the Commons Act 2006 (ask the relevant local authority to see the registers).
- a right to graze shared grazing (these rights are often set out in an 'inclosure award').
- a right to any surplus grazing on common land because they are the owner of the common, or the owner has granted that right to them.
- a long-standing tenant's right to graze common land (sometimes known as a 'quasi right'), where there is no notional surplus, but the commoners' association and owner for that common land has previously recognised the existence of their right.

Farmers can't claim against a right of common which is not a right to graze animals (for example, a right to collect firewood or dig for peat).

Evidence applicants must keep for common land

Applicants must have evidence of their right of grazing on common land or shared grazing, and of their use of it. RPA may ask to see this evidence.

When claiming against a right of common, applicants may need to identify the right in the register of common land held by the local relevant authority.

Most rights of common are registered as being attached to land. If the applicant is not the owner or occupier of that land, they may have to prove that they're entitled to the right (for example, because they are lessees of a right).

RPA can't recognise a lease of a right of common attached to land where for the duration of the lease the right is held by one person, but the land is held by someone else, unless:

- the lease lasts for 2 years or less, or
- the lease was made before 28 June 2005.

How to describe rights

Farmers who have a right of grazing for more than one type of animal on a common or shared grazing, for example for 10 cattle and 30 ponies, should claim for each type of animal separately.

RPA converts rights into Livestock Unit (LU) equivalents so they can be valued on a uniform basis. The LU equivalents of different types of rights are shown in the table below. Where a farmer used common land rights for their BPS 2018 claim, this information will normally be shown on their BPS 2019 application. If the farmer needs to amend this information for their BPS 2019 application, they should enter the number of rights now being claimed on and RPA will do the LU conversion for them. For instance, if a farmer declared 200 sheep rights for BPS 2018, their BPS 2019 application will be pre-printed with this information. To declare 250 sheep rights for BPS 2019, the farmer should amend the application to show 250 sheep rights and RPA will convert these into LU equivalents ($250 \times 0.15 \text{ LU} = 37.5 \text{ LU}$).

If a farmer has the right of grazing for alternative types of animal, for example for 10 cattle or 30 ponies, they should claim for the animals that give them the highest number of LUs.

If their rights are in the form of gates, gaits or stints, they must explain their equivalent value for numbers of animals as defined in the common land register or other binding document (such as the inclosure award).

For example, where one stint equals the right to graze 1 cow or 5 sheep, they would enter one cow, as that would give the higher LU value.

Livestock type	LU	Livestock type	LU
Cattle	1.00	Horses	1.00
Donkeys	0.60	Heifers/Stirks	0.60
Ponies	0.60	Pigs	0.30
Goats	0.15	Sheep	0.15
Geese	0.04	Poultry (over 6 months)	0.02

The rules on claiming surplus grazing

Owners of common land or shared grazing can claim 'owner's surplus' on some commons if:

- RPA calculates that there is a surplus
- the owner meets the definition of a 'farmer' as described on page 8 and
- the owner is using the common.

How RPA calculates if there is a surplus on a common

RPA use the following figures to work out the number of grazing animals that a common or area of shared grazing can accommodate to decide whether there is a surplus:

- 0.25 livestock units per hectare of eligible area (LU/ha) for Severely Disadvantaged Area (SDA) moorland
- 0.75 LU/ha for SDA non-moorland and non-SDA grassland.

RPA will work out the LU equivalent of all the rights registered on a common or area of shared grazing and, if this is less than the total number of LU that can be accommodated, the owner can claim the difference as a surplus. RPA will perform this calculation every year to take account of any change in the total registered rights or the eligible area of commons or areas of shared grazing.

Some common land has registered rights for so many animals that RPA will calculate that there is no surplus grazing available to the owner. If there is a surplus, RPA will convert it into a 'notional' land area for the owner to claim BPS. Farmers can claim an owner's surplus if the owner has granted that right to them, for instance as tenants. They can't claim an owner's surplus on any common land or shared grazing if the owner has no right to graze the land (for example, if the owner has granted away all the grazing rights, or if an inclosure award made no provision for grazing by the owner).

Shared or split rights

Some rights can be used on more than one common. Where this is the case, RPA will allocate the rights between the commons in proportion to their relative eligible areas. For example, if a farmer has:

100 LU of rights that can be used on Common A (150 ha) and Common B (50 ha) = 200ha

- $(150/200 \times 100 \text{ LU}) = 75 \text{ LU}$ would be allocated to Common A
- $(50/200 \times 100 \text{ LU}) = 25 \text{ LU}$ to Common B.

How to claim on common land in the New Forest

Farmers should use their application to declare the common rights they have in the New Forest and under the 'Number of rights of this type', record how many marking fees they paid on the New Forest in 2018. RPA will convert these into LU equivalents for them. As marking fee receipts don't distinguish between horses and ponies, horses are valued at 0.6 LU for the New Forest.

Evidence needed

To show RPA the marking fees they paid in 2018, farmers need to send copies of the marking fee receipts, together with their application form, to RPA. RPA must receive these by midnight on 15 May 2019 (the BPS application deadline).

The receipts need to show that the marking fees were paid for animals grazed in the New Forest in 2018 and be signed by an Agister on behalf of the Verderers. Farmers may have paid some fees in 2017 in advance for animals to be turned out in 2018. RPA cannot accept these – farmers can only use receipts from 2018 for grazing in 2018.

Each marking fee receipt can be used to support only one application. The receipts may be checked against records held by the Verderers.

Entitlements

How to use and transfer BPS entitlements in 2019.

What are entitlements?

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

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

Those qualifying as 'young' or 'new' farmers can apply for an allocation of new entitlements by filling in a 'Basic Payment Scheme (2019) Young and new farmer form' and sending to RPA (see page 91). Farmers can choose to give up their entitlements by filling in an RLE1 form.

Payment 'regions'

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

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

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

Entitlement values

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

The value of entitlements will be worked out once RPA knows the total number of hectares of eligible land claimed for in each region in 2019 (this usually happens in November). Entitlement values do not include the greening part of a farmer's payment, or the Young Farmer Payment, which are worked out separately. Farmers can find out their entitlements information by looking online as RPA no longer issue entitlements statements.

How to use entitlements

Only the person who holds an entitlement at midnight on 15 May 2019 can use it to be paid for BPS. They must have a hectare of eligible land at their disposal to go with it and this land must be in the same payment region as the entitlement.

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

Using entitlements in 2019

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

If a number of entitlements held by a farmer go unused for two consecutive years, that number of unused entitlements will be lost (except in cases of force majeure or exceptional circumstances). This means farmers will not be able to keep hold of entitlements by 'rotating' (swapping) the ones they use from year to year.

Where entitlements have been transferred between farmers, it is the usage history of the farmer holding them that determines whether entitlements will be lost, not whether the entitlements themselves had been used in the previous year (for example, by another farmer who then transfers them).

If a farmer leases in some entitlements from someone else and also holds some of their own entitlements, lost entitlements will be taken away proportionately (see example 3 below). This means that some (or all) of the leased entitlements will not be returned to the original owner. RPA will apply the rules on entitlements separately within each payment region.

Example 1

A farmer holds 50 entitlements on 15 May 2019, all in the same region.

The farmer used (activated) 48 of these entitlements in 2018 on his 48 hectares of land. This means that 2 entitlements were unused in 2018.

In 2019, the farmer still has 48 hectares of eligible land. They claim BPS on this land, using 48 of their 50 entitlements. This means that 2 entitlements remain unused in 2019.

Under the BPS rules there are a number of entitlements (2) that have not been used in both 2018 and 2019, and this number will be lost.

Example 2

A farmer held 50 entitlements on 15 May 2018, all in the same region.

The farmer used (activated) 48 of these entitlements in 2018 on his 48 hectares of land. This means that 2 entitlements were unused in 2018. In October 2018 the farmer transferred out 20 hectares of land and 20 entitlements.

On 15 May 2019 the farmer holds 30 entitlements and has 28 hectares of eligible land. This means that 2 entitlements remain unused in 2019.

Under the BPS rules there are a number of entitlements (2) that have not been used in both 2018 and 2019, and this number will be lost.

Example 3

A farmer holds 50 entitlements on 15 May 2019, all in the same region. Of these, 30 are the farmer's own entitlements, and 20 are leased in from another farmer.

The farmer used (activated) 45 of these entitlements in 2018 on his 45 hectares of land. This means that 5 entitlements were unused in 2018.

In 2019 the farmer again claims BPS on the 45 hectares of eligible land. So they have 45 entitlements that have been used and 5 that have not been used in 2019.

Under the BPS rules there are a number of entitlements (5) that have not been used in both 2018 and 2019, and this number will be lost.

As the farmer holds leased-in and owned entitlements, RPA will remove the lost entitlements proportionately. 3 of the farmer's own entitlements and 2 of the leased in entitlements will be lost. This means that the leased-in entitlements that have been lost will not be returned to the original owner/lessor.

Example 4

Farmer A held 50 entitlements on 15 May 2018, all in the same region, and used (activated) 30 of these entitlements on their 2018 claim against 30ha of eligible land. This means that 20 entitlements were unused in 2018. Farmer A then transferred out 20 entitlements to Farmer B.

Farmer C held 20 entitlements on 15 May 2018, all in the same region, and used (activated) all 20 of their entitlements on their 2018 claim against 20ha of eligible land.

After this, Farmer C transfers all 20 of their entitlements to Farmer A, meaning Farmer A again holds 50 entitlements on 15 May 2019.

Farmer A again uses (activates) 30 entitlements on their 2019 claim against 30 ha of eligible land. This means that Farmer A has had 20 unused entitlements in 2 consecutive years, 2018 and 2019, and this number will therefore be lost. It does not matter that 20 entitlements had been activated by Farmer C in the previous year before being transferred – it is the usage history of Farmer A which determines how many entitlements will be lost.

Transferring entitlements

There are different ways entitlements can be transferred:

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

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

RPA will notify farmers once the transfer is complete. Both paper and electronic transfers will be confirmed by an online notification in the Rural Payments service.

Leased entitlements automatically return to the lessor at the end of the lease. RPA no longer contacts both parties after the lease end date has passed, to tell them that the entitlements have transferred back. If the lessor wants to end the lease early or extend the term, they must tell RPA by letter or email before the change takes effect. Only the lessor can extend the lease, although both lessor and lessee may give notice by letter or email to end the lease early.

When to transfer entitlements

Only the person who holds the entitlements at midnight on 15 May 2019 can use them to get paid in that scheme year. This means all entitlement transfers for the BPS 2019 scheme year also need to be made by midnight on 15 May 2019.

Entitlements can be transferred online. Farmers using an RLE1 form must make sure RPA receive the form by midnight on 15 May 2019 at the latest – otherwise the transfer will not be effective until the 2020 scheme year. Farmers no longer need to send their RLE 1 form 6 weeks in advance of the effective transfer date.

Invalid transfers

If a farmer receives entitlements that they should not have had, the transfer is invalid and they will lose those entitlements. In these cases, the transferred entitlements (whether they were leased or sold) will not be returned to the transferor.

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

Greening

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

Who has to follow the 3 greening rules?

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

Farmers with more than 15 hectares of arable land must follow the crop diversification and the Ecological Focus Areas EFA greening rules.

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

Farmers with permanent grassland must follow the permanent grassland greening rule. Read the 'Land' section to see which land is eligible for BPS.

Who has to meet the rules?

The person responsible for making sure the greening rules are met is the farmer who has the land at their disposal on 15 May 2019.

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

Land under tenancy agreements

Where land is let out under a tenancy agreement (Agricultural Holdings Act or Farm Business Tenancy):

- the tenant will need to include that land when working out their greening requirement
- the landlord would not include that land as part of their greening requirement

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

Farmers with organic land

Organic land (including land 'in conversion') meets the crop diversification and EFA greening rules automatically – as long as it has been certified by an accredited organic control body. The land must be organic for the whole of the calendar year and the certification must be valid at the date of the BPS application.

Farmers who want their organic land to meet the rules automatically will need to send a copy of their 'organic documentary evidence' to RPA when they make an application (RPA may ask to see other documentation too).

If only some of a farmer's land is organic, they should only count their non-organic land when they work out their arable area as part of their greening calculations. The crops and EFAs they use to meet the rules must be on their non-organic land.

However, farmers can opt out of this automatic qualification and instead choose to count their organic land when they do their greening calculations. If they do, they must count all of it. They will then be able to count the crops and EFAs on all their eligible land, including organic land. Farmers who do this don't need to send RPA a copy of their organic certification.

What is 'organic documentary evidence'?

'Organic documentary evidence' means the farmer's organic certificate and parcel schedules. These should cover the whole calendar year. If it doesn't, RPA will ask to see further organic certificates and parcel schedules.

How to calculate the total area of arable land

To make sure they meet the crop diversification and EFA greening rules, farmers need to calculate the total area of arable land they have at their disposal.

Use the following calculation to work out the arable area of an arable land parcel:

Total field size
(including eligible features) - Area of ineligible features
(both permanent and temporary) = Arable area of the land parcel

Repeat this for every arable land parcel on the holding and add all the areas together. This will give the total arable area of the whole holding.

What calculations to do for crop diversification and EFA

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

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

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

Farmers should make sure they know if any temporary grassland they have will become permanent grassland on their 2019 application to assist in working out their permanent grassland area.

How greening affects agri-environment agreements

Farmers with an Entry Level Stewardship (ELS), Organic ELS or Uplands ELS agreement which started on or after 1 January 2012 who receive payments for greening on the same land as the agri-environment agreement may have their agri-environment payment for some of their options reduced due to the risk of double funding with EFAs. Natural England wrote to affected farmers about this in 2014.

Farmers with a ELS, Organic ELS or Uplands ELS agreement which started before 1 January 2012 are not affected, unless they underpin a Higher Level Stewardship (HLS) agreement that is extended in 2019 – see more information below on 2019 HLS extensions.

Greening doesn't usually affect payments for options under HLS and payments for ELS or Organic ELS agreements that underpin HLS, where they also run for 10 years. The Higher Level Stewardship agreement start date is not relevant. However, where an HLS agreement due to expire in 2019 is entered under invitation into a one year extension, it will no longer be permissible to overlap certain options with EFAs where there is risk of double funding. Where the affected options have previously overlapped EFAs declared for BPS, you should consider declaring different EFAs in 2019. Co-location in the same parcel, where there is no overlap is allowed.

For 2019 HLS extensions only, where an EFA declared for BPS in 2019 overlaps with land under an affected option, the option area will be reduced on the Environmental Stewardship claim and may lead to a reduced Environmental Stewardship payment. Further information on 2019 HLS extensions and the affected options that cannot overlap EFAs in 2019 can be found on GOV.UK.

Environmental Stewardship agreement holders can use land in some of their management options as part of their EFAs (or the BPS applicant's EFAs if this is another party) provided there is no risk of double funding as described above and they meet the qualifying requirements for both schemes. This applies even when the ES agreement is in another name, for example, the landlord holds the ES agreement and the tenant claims the BPS. This includes those with an ELS, Organic ELS or Uplands ELS agreement that started on, or after 1 January 2012 and 2019 HLS extensions.

Under the Countryside Stewardship (CS) scheme, it is no longer possible to use land under the 19 'double funding' options to meet EFAs. However, co-location in the same parcel, where the options do not overlap is allowed. From 2019 onwards, where there is an EFA overlap with land under these options, the CS payment in this location will be reduced to zero. This applies to new CS agreements starting 1 January 2019 and CS agreements which started in previous years. A list of affected options can be found at paragraph 3.3.1 of the Mid-Tier and Higher Tier 2019 Countryside Stewardship manuals on GOV.UK.

Restrictions on the application of plant protection products (PPPs) could affect a farmer's ability to overlap EFAs with any Environmental Stewardship and Countryside Stewardship agreement options where the restrictions would conflict with the option management – see page 44.

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

- use the relevant code for what is on the ground – for example fallow land
- follow the rules for both EFAs and their Environmental Stewardship or Countryside Stewardship agreement

Greening: crop diversification on arable land

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

Which crops count for crop diversification?

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

How many different crops to grow for crop diversification

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

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

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

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

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

Crop diversification exemption 1

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

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

Crop diversification exemption 2

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

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

Crop diversification exemption 3

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

- all of the arable land parcels on a farmer's holding are planted with different crops compared to the 2018 calendar year
- more than 50% of the arable land on the holding in 2019 wasn't declared on their BPS 2018 application

To check this, RPA will look at the land use the farmer declared on their BPS 2018 application. If the farmer declares a land parcel on their BPS 2019 application that wasn't declared by anyone the year before, RPA might ask them to send pesticide application records and fertiliser application records to provide evidence of different crops being grown in 2018. Seed labels and invoices (or other evidence of cropping) may also need to be provided.

Farmers who don't meet the exemptions

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

Even if a farmer doesn't meet any of the exemptions above, if they have temporary grassland, fallow land or crops under water (such as watercress) for 6 months or more in a calendar year on more than 75% of their arable land and the rest of their arable land is more than 30 hectares, they can:

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

Fallow Land used for Crop Diversification

During the Crop Diversification fallow period (1 May 2019 to 30 June 2019), you can do the following on the fallow land:

- apply plant protection products including herbicides, fungicide, insecticides, etc.
- carry out drainage work
- sow wild bird seed mixes and/or nectar sources and/or pollen sources
- top green cover or previous crop residue
- use cultivation to control weeds (for example, blackgrass, ragwort, hemlock)

You must not do any of the following during the Crop Diversification fallow period:

- carry out any form of production including sowing, harvesting or grazing except where you are sowing grass specifically for a rural development agri-environment scheme or wild bird seed mixes, pollen sources or nectar sources – see above
- plough or cultivate the ground unless it is to control weeds (for example, blackgrass, ragwort, hemlock)
- apply fertiliser or farmyard manure except where you have sown wild bird seed mixes and/or nectar sources and/or pollen sources on land included in a Countryside Stewardship agreement and these activities are permitted under that agreement

If you are using your fallow land to meet your EFA requirements, there are more restrictive management rules which must be followed. These are shown on page 56.

Example

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

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

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

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

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

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

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

Greening: Ecological Focus Areas (EFAs) on arable land

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

What counts as an EFA?

The following features and areas can count as EFAs:

- buffer strips and field margins
- catch crops
- cover crops
- nitrogen-fixing crops
- fallow land
- hedges or trees in a line (please note that the definition of a hedge has not been changed for Countryside Stewardship (CS) agreements). If you have a CS agreement, you should make sure that you are meeting the CS rules.

Farmers don't have to claim payment on an area of land for it to count it as an EFA, but the EFA feature must be on arable land (or within 5 metres of it) and be eligible for the scheme. EFAs must be 'at the disposal' of the farmer.

How many EFAs to declare

Farmers who wish to apply for EFAs will need to declare them on their BPS application.

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

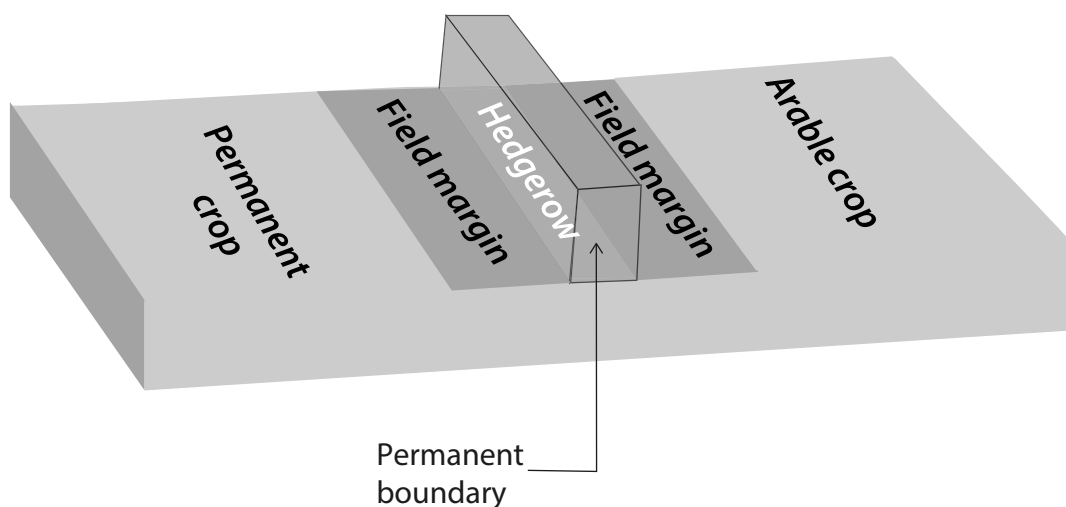
If a farmer declares an EFA feature on their application which they can't then carry out during the year, they will be able to nominate an alternative feature/area, up to the area of EFA declared on their application. However the alternative feature/area must be on (or adjacent to, if it is hedges or trees in a line or buffer strip and field margin) land which applicants have already declared on their application and must be present (or already declared for land area features such as cover crops) **at the time of inspection**. Different types of EFAs are worth different amounts towards the total.

Adjacency

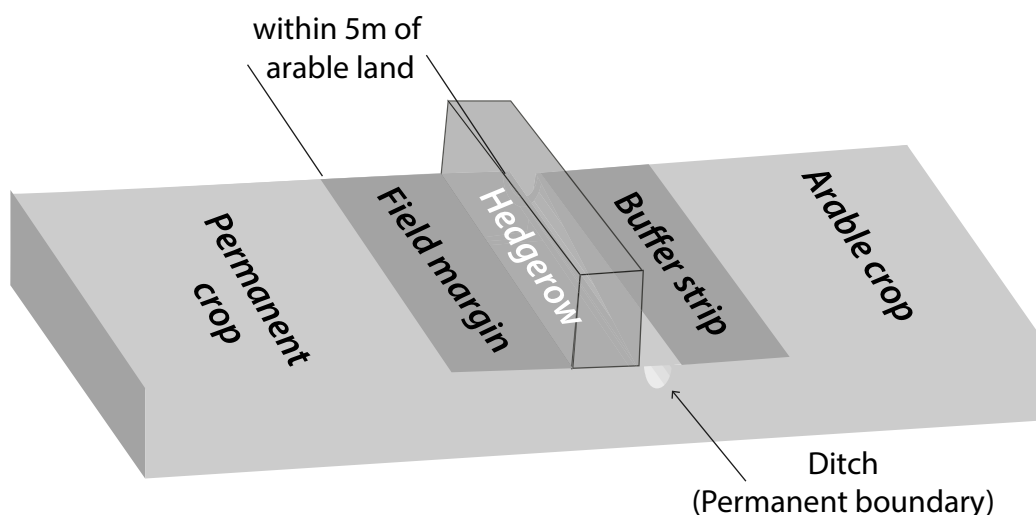
A farmer can use a hedge or trees in a line, buffer strip or field margin as their EFA where these are adjacent to arable land (not on the arable land). Furthermore, a second feature can also be claimed as EFA where it is adjacent to the EFA feature which is adjacent to the arable land.

This means a farmer may be able to claim for 2 separate EFAs which are not on arable land but which are adjacent to their arable land. However, if the first EFA is separated from the arable land by an ineligible feature, even if the ineligible feature is within 5 metres of the arable land, then only the first EFA can count.

A farmer can claim for up to 3 EFA features where they are adjacent to another as long as at least one EFA feature is on arable land.



In the example below only the buffer strip and hedgerow can be declared as EFA features, due to the presence of the ditch (this could also be a track)



Following one EFA land use with another

An area of land can only count as one type of EFA per scheme year. For example, if a farmer declares an area of fallow land as an EFA on their 2019 application and plans to grow a catch crop on the same land later in 2019, they can't declare the catch crop as an EFA on their 2019 application (because they have already declared that area as EFA fallow land).

However, if a farmer declares a cover crop as an EFA on their 2019 application, and then follows this with fallow land, they can declare it as EFA fallow land in their following scheme year's application (even though the management requirements overlap for 15 days because cover crops sown in 2019 must be retained until at least 15 January 2020 and the rules for fallow land must be followed from 1 January 2020).

They must not destroy the cover crop before the 15 January. Any activities that would destroy the cover crop such as the use of herbicides and cultivation to control weeds (for example, Blackgrass, Ragwort, Hemlock) may only take place after 15 January 2020. Similarly, carrying out drainage work, sowing of wild bird seed mixes and/or nectar sources, topping of green cover or previous crop residue may only take place after 15 January 2020.

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

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

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

EFA exemption 1

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

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

EFA exemption 2

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

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

Read the list of crops on page 70 to check what counts as a leguminous crop.

Restrictions on the use of Plant Protection Products (PPPs) on EFAs

Farmers who use nitrogen-fixing crops, fallow land, catch crops or cover crops to meet their EFA requirement need to be aware that they are not allowed to use any form of plant protection product (PPP's) on these crops/covers. There are no exemptions or derogations under any circumstances.

A PPP is a pesticide and includes seed treatments, herbicides, fungicides, insecticides, desiccants and plant growth regulators. A pesticide is a product that prevents, destroys or controls a harmful organism ('pest') or disease, or protects plants or plant products during production, storage and transport. Further information on the definition can be found at www.ec.europa.eu/food/plant/pesticides_en.

For each of these EFA options the ban on the use of these products applies in the following time periods:

- EFA Nitrogen-fixing Crops: the ban applies throughout the life cycle of the crop, from sowing to harvest, even if the sowing took place prior to 1 January 2019. If the EFA Nitrogen-fixing crop is a multi-annual crop, then the ban applies from 1 January 2019 to 31 December 2019 or until the final crop is taken before the plants are destroyed.
- EFA Land Lying Fallow: the ban covers the period 1 January 2019 to 30 June 2019 inclusive.
- EFA Catch Crops: the ban applies during the period 20 August 2019 to 14 October 2019. If the area is established by under-sowing grass or leguminous crops in the main crop, the ban applies from the moment of the harvesting of the main crop for at least 8 weeks or until the sowing of the next main crop, if earlier.
- EFA Cover Crops: the ban applies during the period 1 October 2019 to 15 January 2020.

EFA buffer strips and field margins

A list of 'permanent parcel boundaries' can be found in the RLE1 guidance.

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

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

To count as an EFA, a field margin must be:

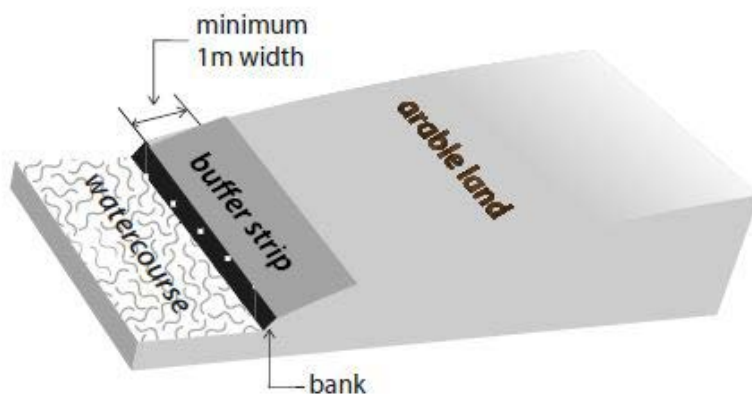
- an uncultivated margin around the perimeter of fields against the permanent parcel boundary or surrounding internal landscape features within the land parcel
- at least 1 metre wide (edge to edge)
- on or adjacent to arable land (or within 5 metres of it)

They must not be used for any crop production (although they can be grazed and/or cut as long as it is possible to tell the difference between the EFA buffer strip, EFA field margin and adjoining agricultural land).

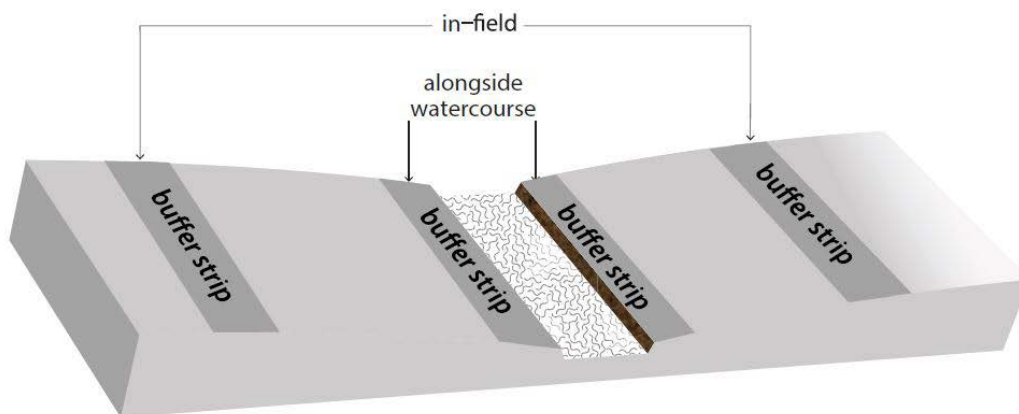
EFA buffer strips

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

Example 1



Example 2



Farmers can use the same buffer strips to meet the greening and the cross compliance rules. Wild bird seed mixes, pollen sources or nectar sources can be sown on EFA buffer strips but GAEC rules must be followed (for example, ploughing and spreading fertiliser is not allowed on buffer strips). Farmers can count a maximum of 2 EFA buffer strips on each side of a watercourse. One of these must be directly alongside the watercourse - the other can be in the field:

How to measure a buffer strip

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

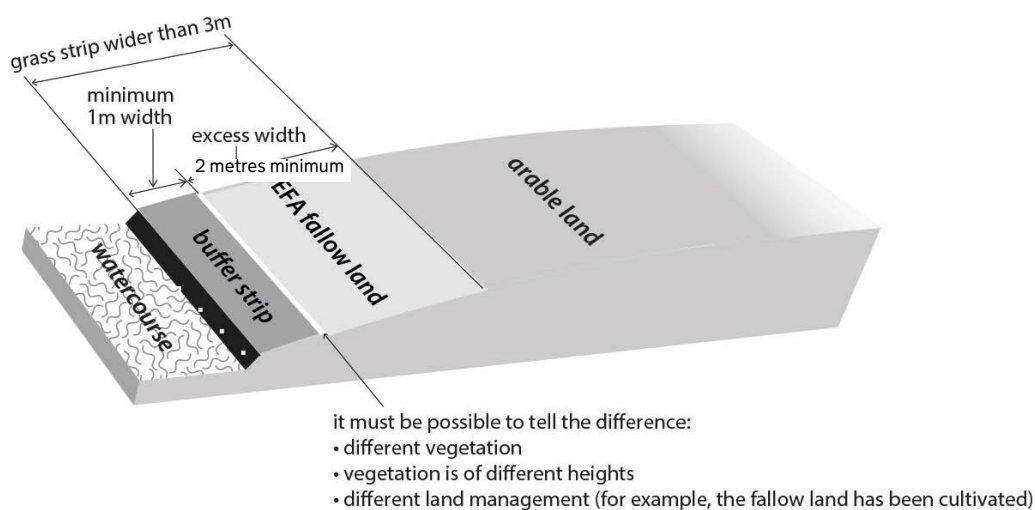
Temporary grass strips: EFA buffer strip (including uncultivated margins) and EFA fallow land

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

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

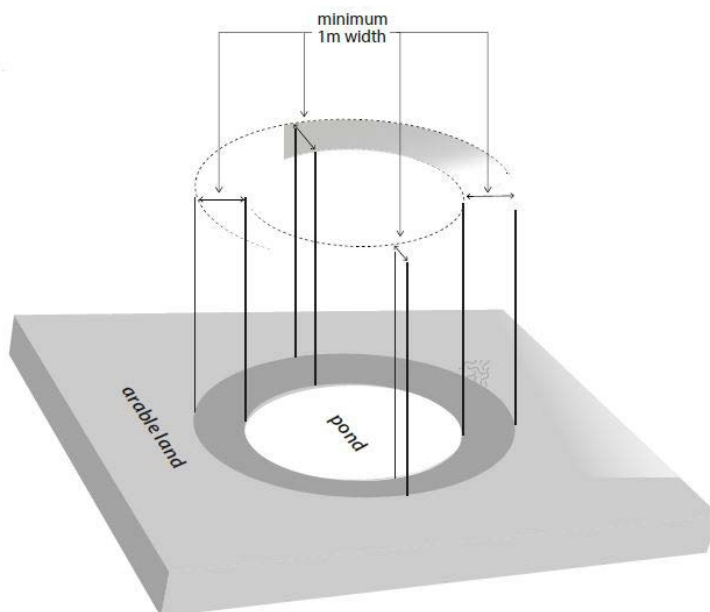
However, it must be possible to tell the difference between the EFA buffer strip and the EFA fallow land during the EFA fallow period (1 January to 30 June). The difference must be visible at an inspection and at least one of the following must apply:

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



Buffer strips alongside a watercourse

Buffer strips around ponds can count as an EFA:



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

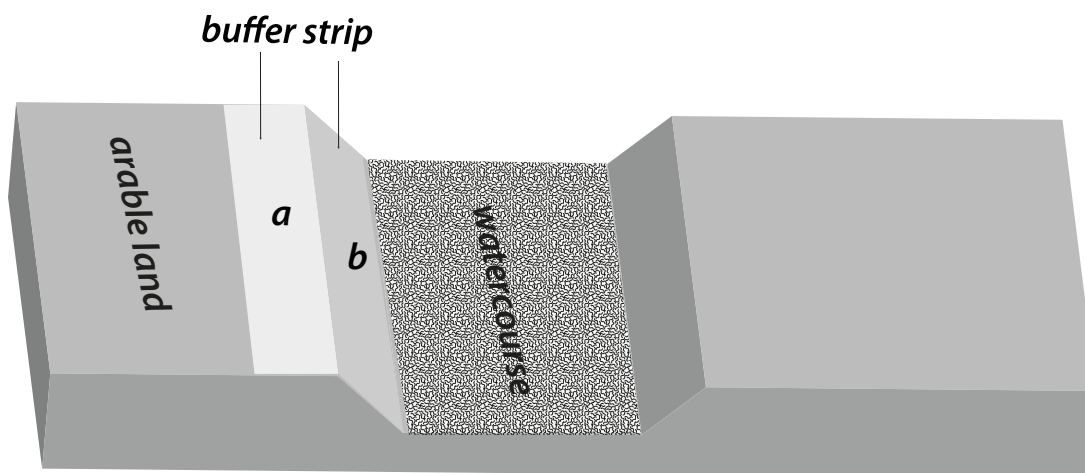


A hedge or trees in a line next to a watercourse cannot count as an EFA buffer strip, even if it is carrying out the function of a buffer strip. That means that in the picture above, the hedge or trees in a line cannot count as an EFA buffer strip (though it could count as EFA hedges or trees in a line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

Watercourse banks

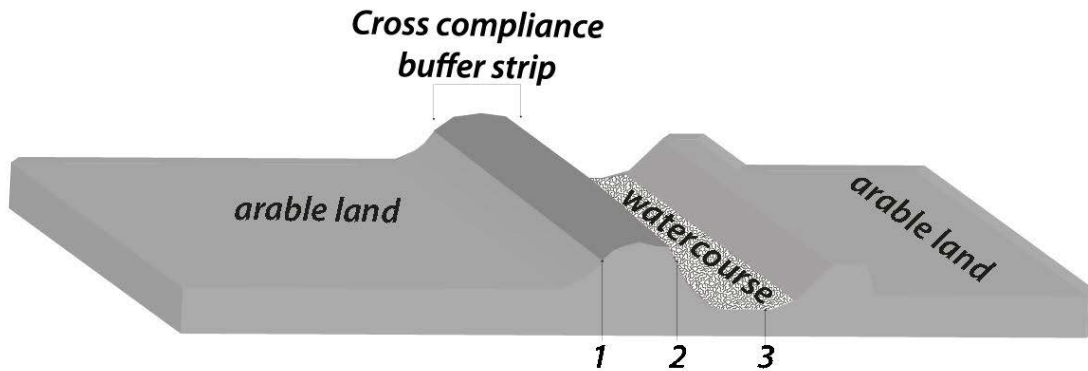
If the bank of a watercourse is suitable for grazing or cultivation (shown as 'a' on the diagram below), it can be considered to be part of the arable area of the parcel and will be eligible for BPS and can count as an EFA.

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



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

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



EFA buffer strips (up to 5m from arable land)

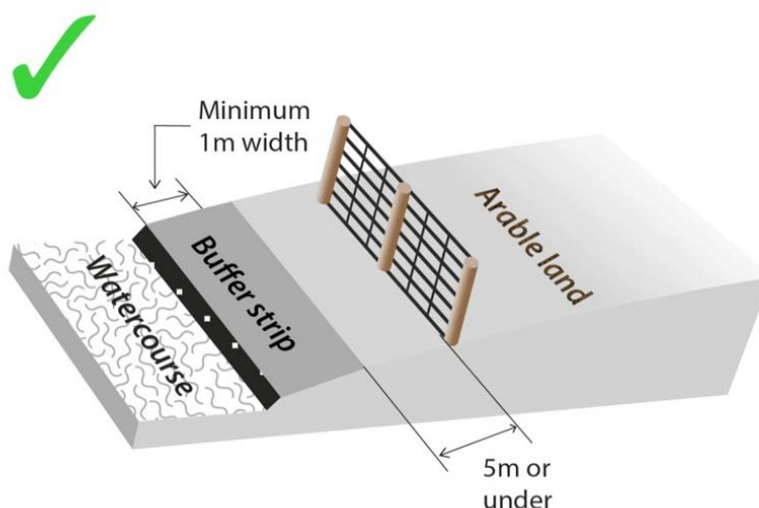
A buffer strip can count as an EFA even if it is separated from arable land by:

- a man-made feature (for example, a fence)
- a landscape feature (for example, hedges or trees in a line)
- a feature which is not eligible for BPS (for example, a track)

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

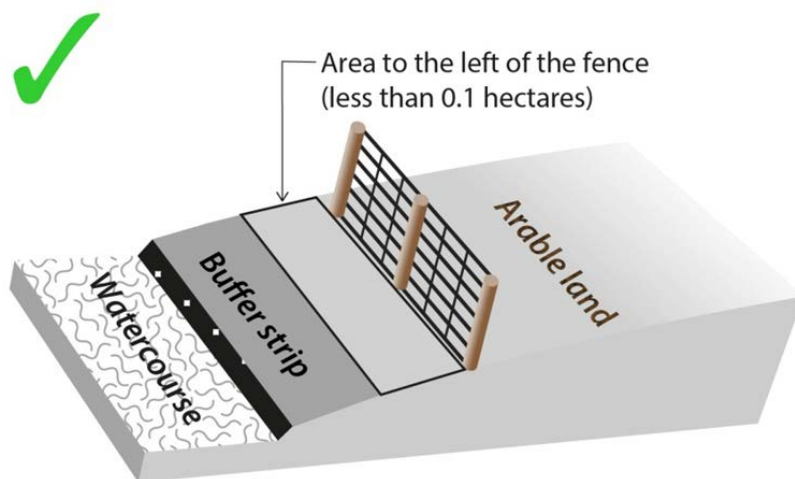
Example 1

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



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

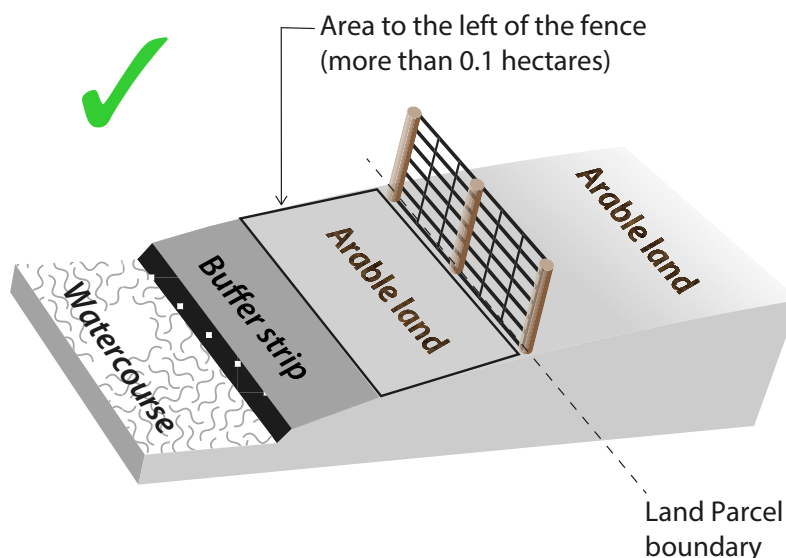
- the area to the left of the fence is arable, or
- the area to the left of the fence is not arable, and the distance between the buffer strip and arable land is less than 5 metres.



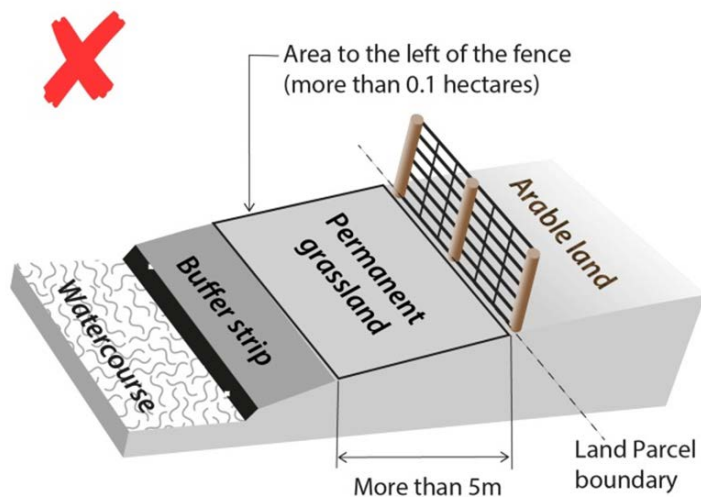
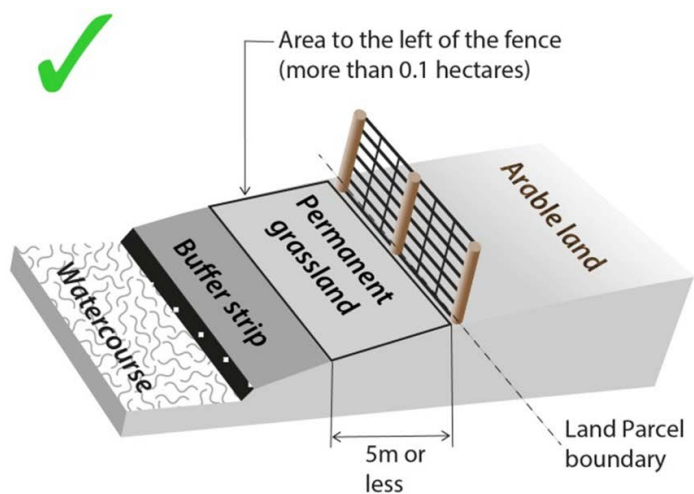
Example 2

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

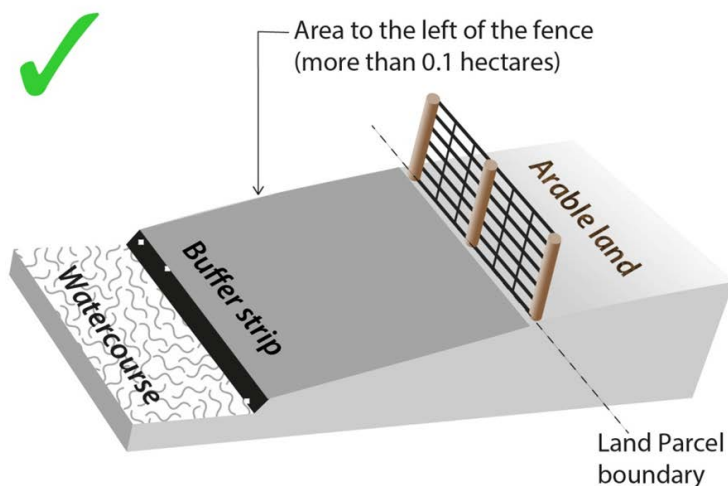
If the new land parcel is arable land, the buffer strip can count as EFA, because it is still next to arable land:



If the new land parcel is permanent grassland, the buffer strip can only count as an EFA if the distance between the buffer strip and the arable land is 5 metres or less.



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

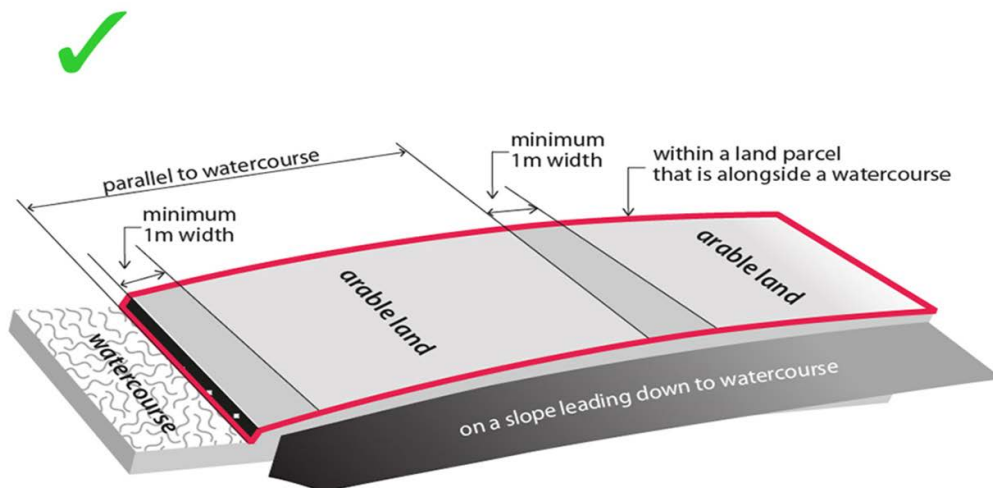


'In-field' EFA buffer strips

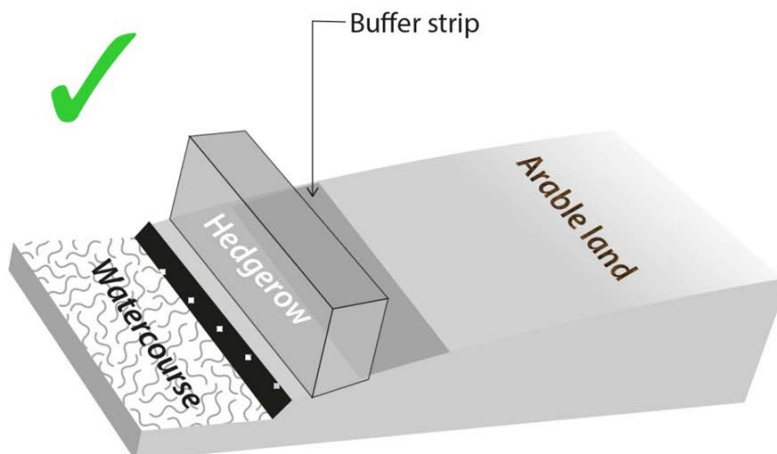
To count as an EFA, an 'in-field' buffer strip must be all of the following:

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

Buffer strips in a field



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



EFA field margins (up to 5m from arable land)

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

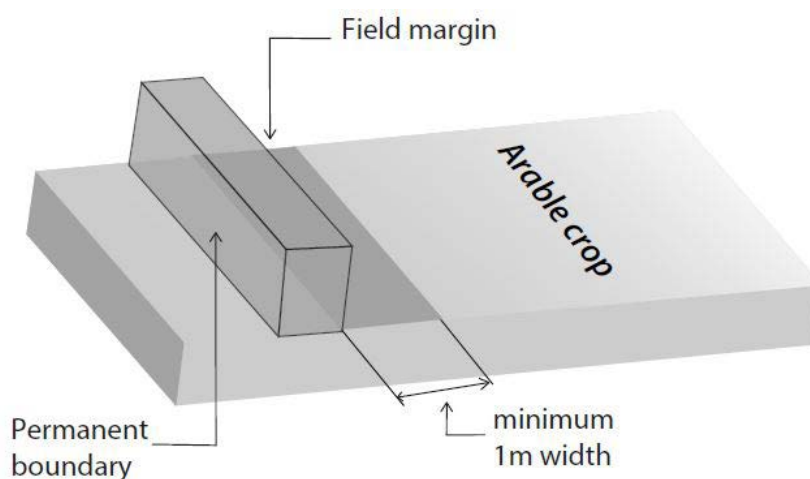
- a man-made feature (for example, a fence)
- a landscape feature (for example, hedges or trees in a line)
- a feature which is not eligible for BPS (for example, a track)

However, the distance between the field margin and the arable land must be 5 metres or less.

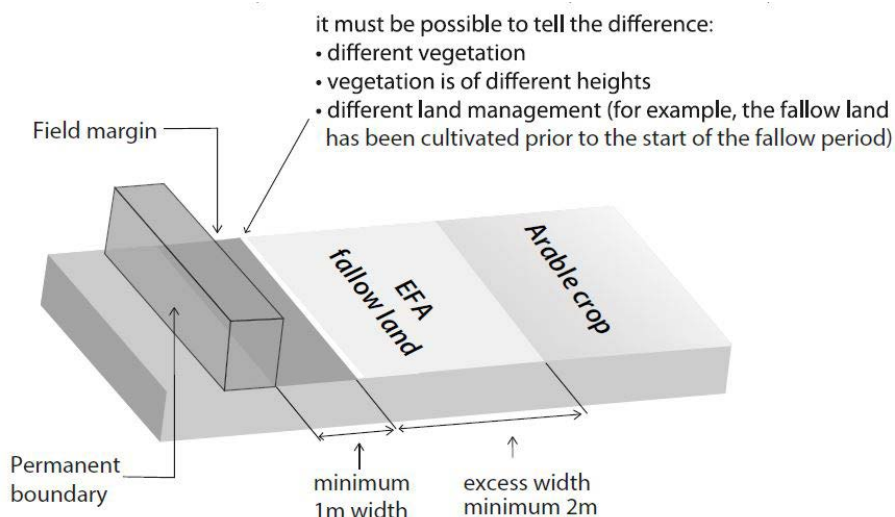
How to measure EFA field margins

To qualify as an EFA field margin, there must be at least a 1m wide uncultivated area between the cropped area and the parcel boundary, for the entire length of the declared field margin. If the boundary is a hedge, the minimum 1m width must be measured from the edge of the hedge and remain unobstructed by the hedge canopy for the full scheme year.

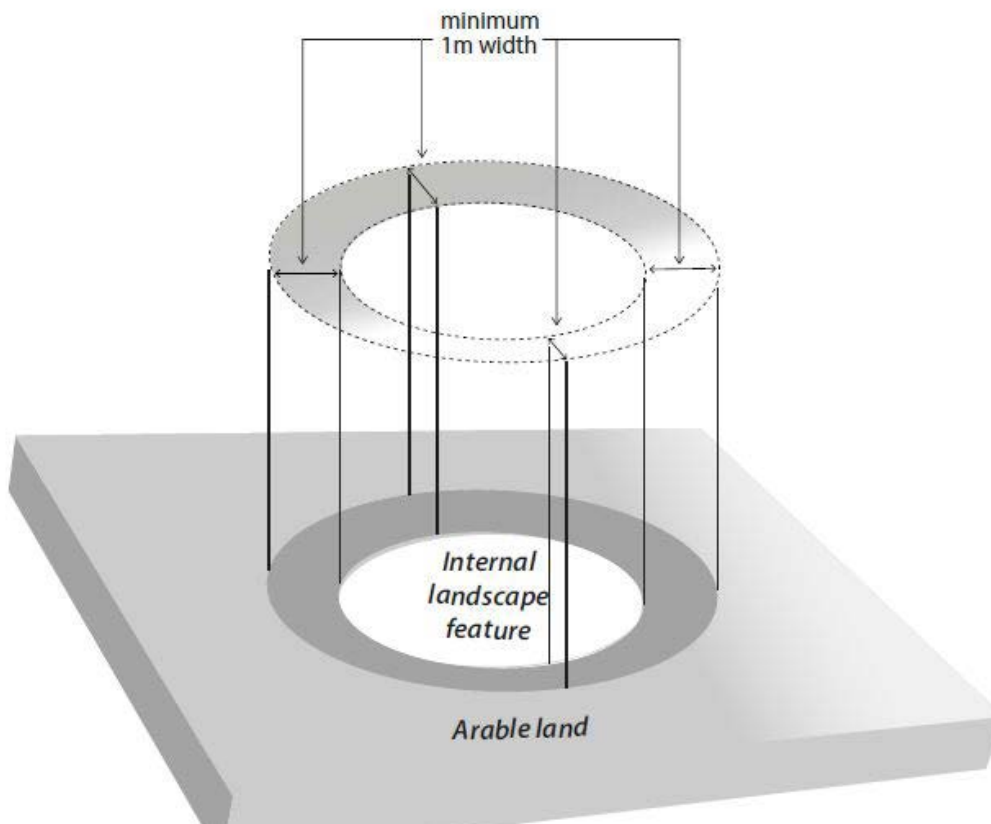
An EFA field margin must be a minimum width of 1 metre throughout its length.



An EFA field margin's excess width could also count as EFA Fallow land (as long as it meets the minimum widths shown below) during the EFA fallow period (i.e. 1 Jan to 30 June)

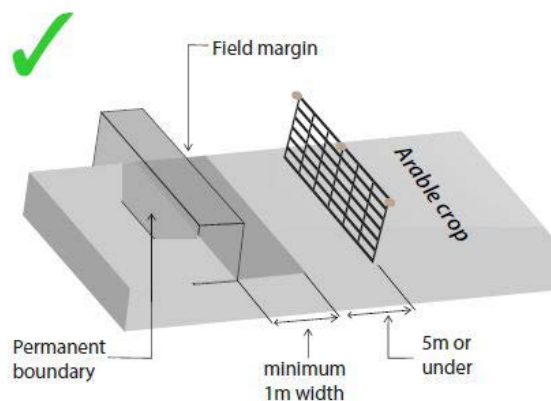
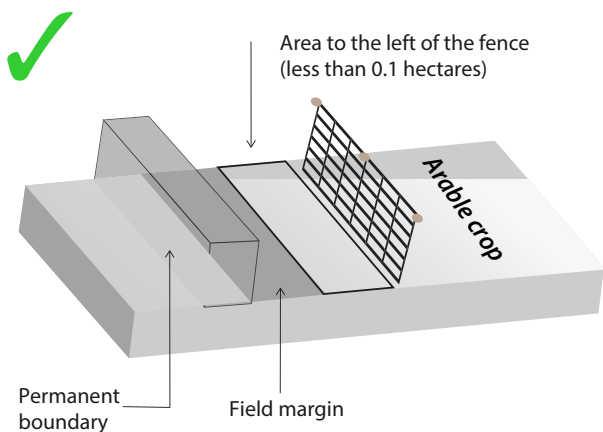


Field margins around internal landscape features can count as EFA.



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

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



EFA catch crops and cover crops

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

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

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

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

Cereal:

- Rye
- Barley
- Oats

Non-cereal:

- Vetch
- Phacelia
- Mustard
- Lucerne
- Oilseed radish

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

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

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

Establishment and retention dates for catch and cover crops

To count as an EFA in 2019, catch crops must be established by 20 August 2019 and retained until at least 14 October 2019.

To count as an EFA in 2019, cover crops must be established by 1 October 2019 and retained until at least 15 January 2020.

Where a catch or cover crop is established through undersowing, the period starts from the time of harvest of the main crop and remains until the next main crop is sown, even if this is less than the retain date above.

There are no restrictions on the management of catch or cover crops outside these periods.

The cover does not need to be destroyed at the end of the periods and it can be grazed outside of them without breaching the EFA requirement.

The catch or cover crop cannot be destroyed before the end of the relevant period. Any activities that would destroy the catch or cover crop, may only take place after the end of the relevant period. Similarly, carrying out of drainage work, sowing of wild bird seed mixes and/or nectar sources, topping of the cover or previous crop residue may only take place after 14 October 2019 for catch crops or 15 January 2020 for cover crops.

The ban on the use of plant protection products applies for the whole of the periods shown above. Or if the cover has been established by undersowing, the ban will apply from the time of harvesting the main crop until the end of the catch and cover crop period or until the next main crop is sown if this is sooner. The PPP ban only applies where land is declared as an EFA.

EFA fallow land

To count as an EFA, fallow land must be kept fallow from 1 January 2019 to 30 June 2019. This is different to the fallow period for crop diversification (1 May 2019 to 30 June 2019). The fallow land must be on arable land.

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

There are some differences between fallow land claimed for EFA or fallow land claimed for crop diversification. Details on how to manage EFA fallow land for crop diversification are shown on page 39.

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

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

Farmers can count temporary grass as EFA fallow land.

If farmers have grassland that has been in temporary grass on 15 May 2019 for 5 consecutive years (so has been coded as TG1 or TG01 in the years 2014 to 2018), but is managed as fallow from 1 January 2019, they can count it as an EFA in 2019.

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

Managing fallow land during the EFA fallow period

During the EFA fallow period (1 January 2019 to 30 June 2019 inclusive), farmers can do the following on their fallow land:

- carry out drainage work
- sow wild bird seed mixes and/or nectar sources and/or pollen sources
- top green cover or previous crop residue

They must not:

- sow grass, unless they are required to do so for a rural development agri-environment scheme.
- plough or cultivate the ground
- use cultivation to control weeds (for example, Blackgrass, Ragwort, Hemlock)
- carry out any form of production including sowing, harvesting or grazing except where you are sowing grass specifically for a rural development agri-environment scheme or wild bird seed mixes, pollen sources or nectar sources – see above
- apply any fertiliser or farmyard manure
- apply any plant protection products including herbicides, pesticides etc

Cultivation and/or fertiliser will be permitted where it is required to establish a wild bird mix/nectar and/or pollen source.

If an EFA cover crop was declared in 2018, read 'Following one EFA land use with another on page 43.

Managing fallow land outside the EFA fallow period

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

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

Planting wild bird seed mixes, pollen sources and nectar sources

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

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

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

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

EFA nitrogen-fixing crops

Nitrogen-fixing crops may be grown on their own in pure stands or may be mixed with other crops providing the nitrogen-fixing crops make up at least 51% of the plants in the ground.

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

Apart from the plant protection products restrictions, there are no specific restrictions on the use, location or inputs for other nitrogen-fixing crops, but farmers must follow the cross compliance rules on this land.

To be eligible as EFA, nitrogen-fixing crops must be in the ground during the crop diversification period, from 1 May 2019 to 30 June 2019.

Farmers growing EFA nitrogen-fixing crops must not use plant protection products on their crop for the full crop cycle from planting to harvest. This includes seed dressings. For farmers growing multi-annual nitrogen-fixing crops, like Lucerne for example, the ban on applying plant protection products applies from 1st January until 31st December unless a final crop is being taken before the plants are destroyed. In which case, the ban applies from 1st January until the final harvest is taken.

EFA hedges or trees in a line

Hedges or trees in a line can only count as an EFA if they are growing on or within 5 metres of arable land along their longest edge and are at the BPS claimant's disposal. In line with cross compliance rules, they must have either:

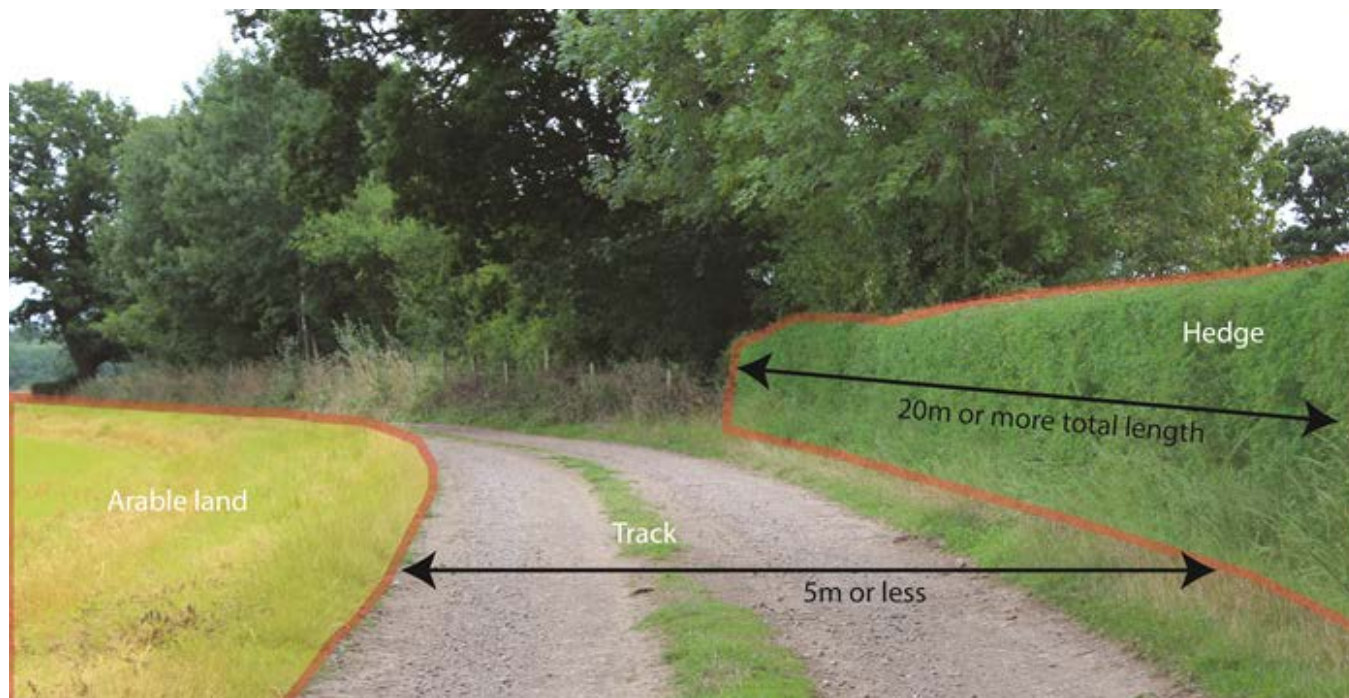
- a continuous length of at least 20 metres (measured canopy edge to canopy edge for trees in a line) or is part of any such length, or
- a continuous length of less than 20 metres where they meet (at an intersection or junction) hedge or trees in a line at each end.
 - trees in a line must be a single row of trees situated on the boundary line of the parcel and must consist of a minimum of 3 trees.
 - woodland edges do not apply
 - there is no minimum or maximum crown diameter
 - trees do not have to be in a straight line

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

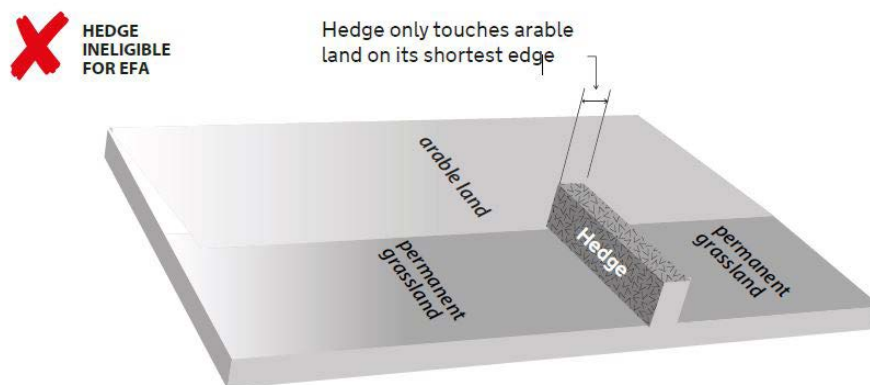
Hedges or trees in a line can include gaps. There is no limit on how many gaps these can have – as long as each individual gap is not more than 20 metres (measured from canopy edge to canopy edge for trees in line).

Hedges can still count as an EFA if they are on a bank. For example a Cornish Hedge or Devon Bank.

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



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



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

Looking after EFA hedges or trees in a line

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

Farmers with RDPE agri-environment scheme agreements may have other management requirements for their hedges.

EFA hedges or trees in a line next to fallow land, nitrogen-fixing crops or catch/ cover crops

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

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

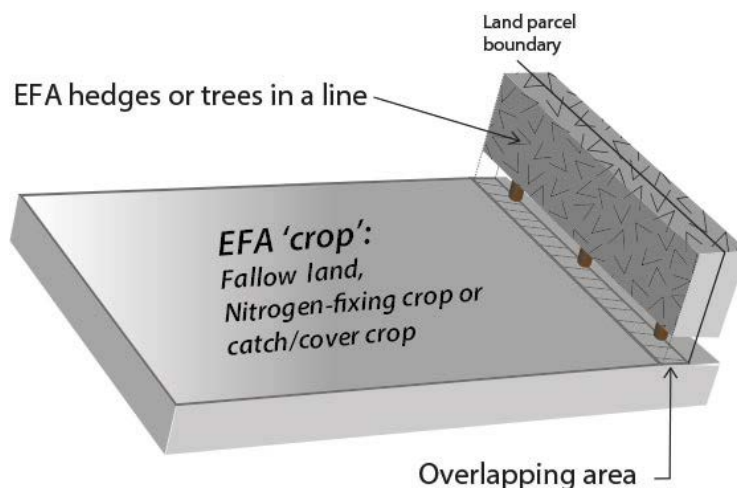
The hedges, trees in a line and the fallow land, nitrogen-fixing crops or catch/cover crops can be included as part of their EFA. However, the area of the fallow land, nitrogen-fixing crops or catch/cover crops must be reduced to take account of the area taken up by the hedges or trees in a line.

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

The diagrams below show some examples of overlapping EFA features.

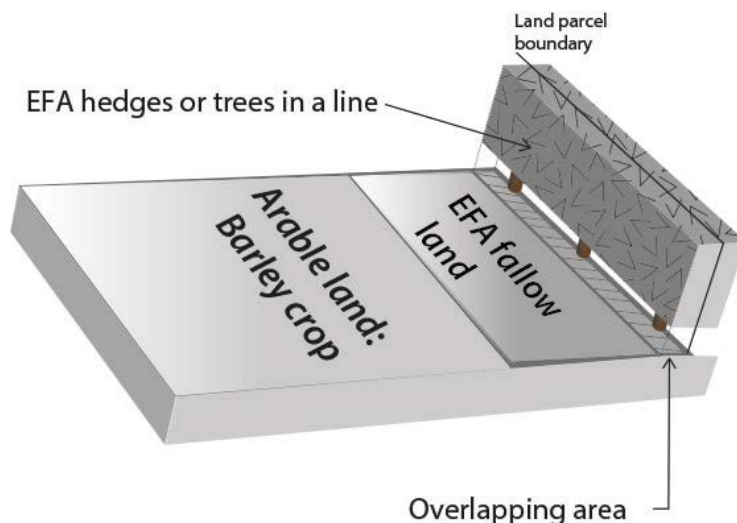
✗ Hedges or trees in a line and EFA 'crop' overlap

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



✗ Hedges or trees in a line and EFA fallow land overlap

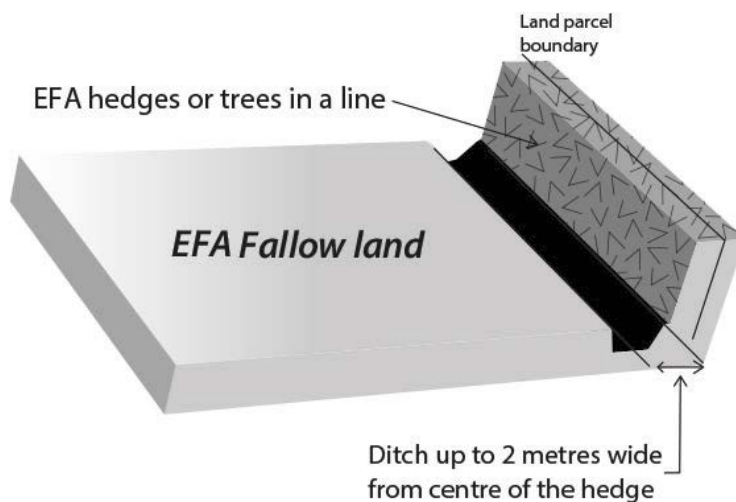
Area of EFA fallow land needs to be reduced by 2.5 square-metres for each metre of length of the hedge or trees in a line.



✗ EFA Hedges or trees in a line and EFA fallow land overlap

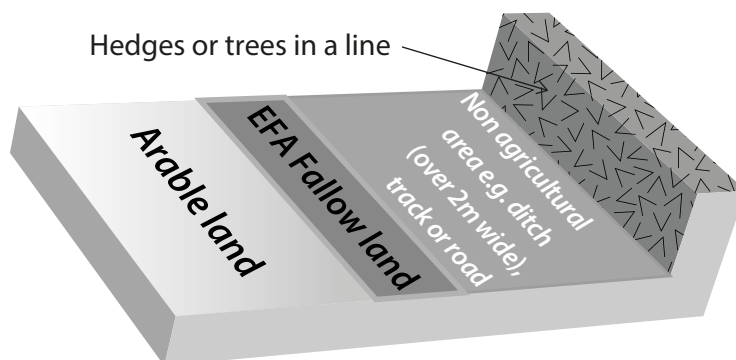
Area of EFA fallow land needs to be reduced by 2.5 square-metres for each metre of length of the hedge or trees in a line.

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

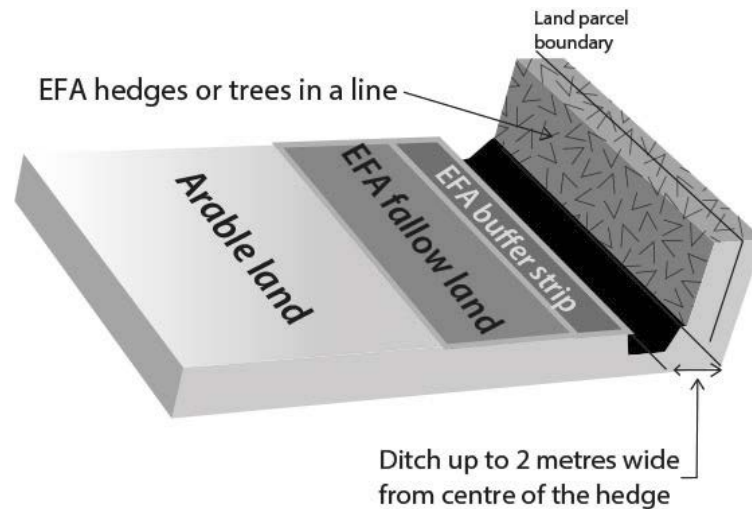


✓ All the fallow land can be included in EFA - there is no overlap as the hedges or trees in a line is ineligible for EFA

Hedges or trees in a line is ineligible for EFA because of the non-agricultural area between it and the fallow land.



- ✓ No overlap - so the area of EFA buffer strip and fallow land does not need to be reduced
- EFA buffer strips do not count as covering the same area of land as the rest of a crop in a field, so they can be included in full in EFAs. Their EFA area does not need to be reduced.
- Ditch counts as eligible arable land as it is up to 2m wide, so the hedge is also eligible for EFA .



Example

A farmer has a 10 hectare field of EFA fallow land, with an EFA hedge around part of it that measures 600 metres. They can include both the fallow land and the hedge in their EFA for that field, but they need to reduce the area of fallow land to take account of the area taken up by the hedge.

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

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

For this farmer, this means:

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

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

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

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

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

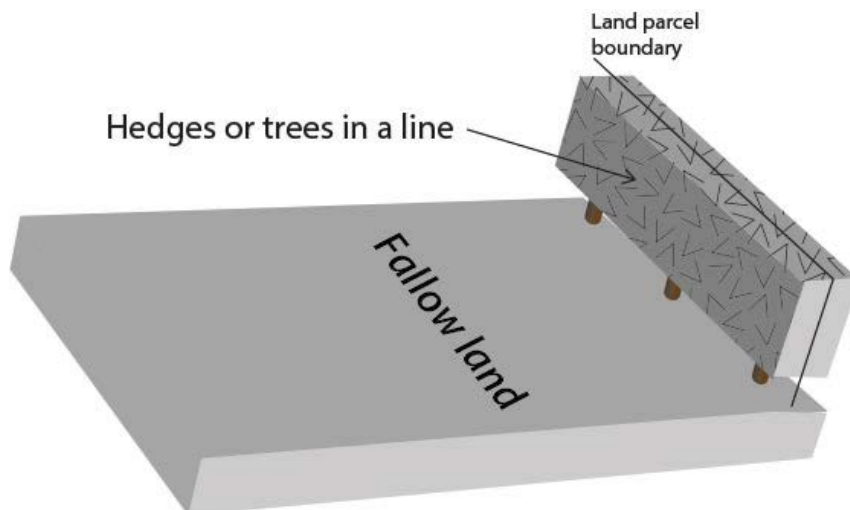
To convert to hectares, divide this figure by 10,000: $101,500 / 10,000 = 10.15$ hectares. The farmer does not need to reduce the area of fallow land if he uses it to meet the crop diversification rules. For crop diversification the fallow area would be 10 hectares.

EFA hedges or trees in a line and crop diversification

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

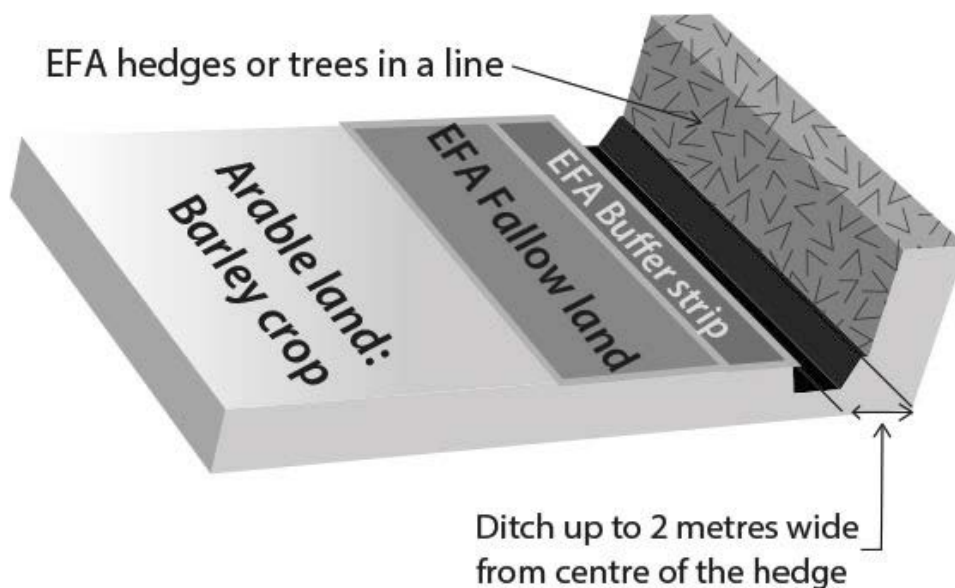
- ✓ All the fallow land, including the area up to the centre of the hedge or trees in a line, can be used towards crop diversification.

Deductions will only be made for EFA if the hedge or trees in a line and the land are both part of the EFA



- ✓ No overlap for Crop Diversification

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



What calculations to do for EFAs

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

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

To help work out how to meet the rules, RPA has published a 'Greening workbook for the 2019 Basic Payment Scheme in England' on GOV.UK.

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

EFA equivalent area bigger than the land parcel

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

Example

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

The field is counted as fallow and the hedge or trees in a line is claimed as separate EFAs.
 $1,200 \text{ metres} \times 2.5 \text{ square-metres} = 3,000 \text{ square-metres} = 0.30 \text{ hectares}$.

This area has to be reduced from the area of fallow land as hedges or trees in a line are not allowed to overlap.

$1,200\text{m hedges or trees in a line} \times 10 \text{ square-metres} = 12,000 \text{ square-metres} = 1.20 \text{ hectares}$

A one metre length of hedges or trees in a line (when claimed on both sides of hedges or trees in a line) is worth 10 square- metres. If only half of the hedges or trees in a line is claimed, one metre length is worth 5 square-metres.

Therefore:

- 5.00 hectares fallow for crop diversification
- $5.00 \text{ hectares} - 0.30 \text{ hectares} + 1.20 \text{ hectares} = \text{EFA area of } 5.90\text{ha}$

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

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

Feature/area	What it's worth for EFA
EFA buffer strips and field margins	Count every metre of length as 9 square-metres of EFA. The value is the same for either feature under this option.
EFA Catch crops and cover crops	Count every square-metre as 0.3 square-metres of EFA.
EFA Fallow land	Count every square-metre of fallow land as 1.0 square-metre of EFA.
EFA Nitrogen-fixing crops	Count every square-metre as 1.0 square-metres of EFA.
EFA hedges or trees in a line	<p>Both sides of the hedge or trees in a line: Count every metre of length as 10 square-metres of EFA.</p> <p>One side only: Count every metre of length as 5 square-metres of EFA.</p> <p>Farmers with management control of only one side of a hedge or trees in a line should count every metre of length as 5 square metres of EFA. If they have management control of both sides of the hedge or trees in a line, they can count every metre of length as 10 square metres of EFA. However, if they claim both sides of the hedge or trees in a line in one land parcel, they cannot claim the same hedge or trees in a line under the adjacent parcel. Each side of a hedge or trees in a line can only be counted once. The value is the same for either feature under this option.</p> <p>When next to fallow land, nitrogen-fixing crops or catch/cover crops that are also being used as part of an EFA, a deduction needs to be made (see EFA hedges or trees in a line next to fallow land, nitrogen-fixing crops or catch/cover crops).</p>

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

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

Making sure there is at least the equivalent of 5%

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

Adding all of the areas together provides the total EFA.

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

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

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

Example

A farmer has 120 hectares of arable land they plan to claim on in 2018 with:

- 8,800 metres of hedges or trees in a line (they are using both sides of their qualifying hedges or trees in a line)
- 2,500 metres of buffer strips.
- 1 hectare of spring beans (nitrogen-fixing crop)

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

They convert their hedges or trees in a line and buffer strips and field margins to show what they are worth for EFA:

- Hedges or trees in a line: when including both sides, 1 metre of length is worth 10 square-metres, so they multiply the number of metres of hedge or trees in a line by 10:
 $8,800 \times 10 = 88,000$ square-metres
- Buffer strips and field margins: 1 metre of length is worth 9 square-metres, so they multiply the number of metres of buffer strip by 9:
 $2,500 \times 9 = 22,500$ square-metres

Then they convert their hectare of beans into square-metres (1 hectare is equal to 10,000 square-metres):

$1 \times 10,000 = 10,000$ square-metres

One square-metre of nitrogen-fixing crops is worth 1.0 square-metre under the EFA rules. They then multiply the number of square-metres they have by 1.0:

$10,000 \times 1.0 = 10,000$ square-metres

His total area in square-metres is:

Hedges or trees in a line 88,000 square-metres +

Buffer strips and field margins 22,500 square-metres +

Nitrogen-fixing crops: 10,000 square-metres =

Total: 120,500 square-metres

To convert square-metres into hectares, divide by 10,000. So the area of his EFA in hectares is:
 $120,500 / 10,000 = 12.05$ hectares. This means he is meeting the EFA rule.

Greening: permanent grassland

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

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

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

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

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

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

Ploughing permanent grassland

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

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

Eligible crops

What counts as a 'crop' for crop diversification?

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

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

The minimum area that a crop must cover is 0.01 hectares. However, if you are growing different crops alongside one another, the area covered by each single crop can be smaller than 0.01 hectares provided the total area covered by the different crops is a minimum of 0.01 hectares. These should be claimed as a mixed crop.

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

When does the crop have to be in the ground?

For the crop diversification rule, the crop needs to be in the ground from 1 May 2019 to 30 June 2019 inclusive.

Fallow land must be kept fallow for the same period. (If the fallow land is also being used to count as an EFA, it needs to be kept as fallow from 1 January 2019 to 30 June 2019 inclusive.)

Spring and winter crops

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

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

- UK National List – details are published every month in the Plant Varieties and Seeds Gazette
- Processors and Growers Research Organisation's (PGRO) Recommended List If the varieties are not on either of these lists, check the EC Common Catalogue.

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

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

Winter and spring varieties of brassicas

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

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

How to count mixed crops

The examples below explain how to count mixed crops under the crop diversification rules. Crops in fields which are split into distinct areas don't count as mixed crops except where each single crop is less than 0.01 hectares. Where such crops are grown next to each other, these can be claimed as one mixed crop if their collective area is at least 0.01 hectares.

1. Undersowing a main crop

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

2. Sowing a seed mixture

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

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

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

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

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

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

4. Areas of crops of less than 0.01 hectares

Farmers growing areas of crops next to one another but where individually each is smaller than 0.01 hectares, can add up their area and claim them as a mixed crop if their total area is at least 0.01 hectares.

Mixed crops grown on temporary grassland or fallow land will not count as mixed crops under the crop diversification rule.

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

Mixed crops

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

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

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

Single crops

Where a game cover/wild bird cover is not mixed and is a single crop i.e. an area of maize, farmers should use the appropriate land use code to separately identify this area if the cover is more than 0.01 hectares (regardless of whether these areas make a difference to greening thresholds or percentages).

List of eligible crops

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

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

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

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

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

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

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

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Clover	Trifolium	clovers and some trefoils	Yes – if they are grown on their own (not when grown with grass)			Yes – when grown on its own or when included in a leguminous mix provided the legumes remain predominant	
Coriander	Coriandrum	Coriander	Yes				
Corn chamomile	Anthemis arvensis		Yes				
Corn Cockle	Agrostemma		Yes				
Corn flower	Centaurea		Yes				
Corn Gromwell	Buglossoides (also known as Lithospermum)	Corn Gromwell	Yes				
Corn Marigold	Chrysanthemum		Yes				
Cowpea	Vigna	Black eye peas, Cowpeas	Yes				
Corn poppy	Papaver		Yes				
Crambe	Species - Crambe maritima (Brassicaceae genus)	Crambe, Seakale	Yes				

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

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

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Hyssop							Yes
Italian Ryegrass	Lolium		Yes				
Japanese pie squash	Species - Cucurbita argyrosperma (Cucurbitaceae genus)		Yes				
Larkspur	Consolida		Yes				
Lavender							Yes
Lentils	Lens	Lentils	Yes			Yes	
Lettuce	Lactuca	Butterhead lettuce, Cos lettuce, Iceberg lettuce, Lettuce, Romaine lettuce	Yes				
Linseed	Linum	Flax, Linseed	Yes				
Locust beans							Yes
Loganberries							Yes
Lucerne	Medicago	Lucerne (Alfalfa), Black medic	Yes – if they are grown on their own (not with grass). Classed as temporary grass if grown in a mix.	Yes	Yes	Yes – when grown on its own or when included in a leguminous mix provided the legumes remain predominant	

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Lupins	Lupinus	Lupins	Yes			Yes	
Macadamia Nuts							Yes
Maize	Zea	Corn Maize Sweetcorn	Yes				
Mangosteen							Yes
Melissa							Yes
Melon	Species - Cucumis melo (Cucurbitaceae genus)	Melons	Yes				
Millet	Echinochloa	Millet	Yes				
Mint							Yes
Miscanthus							Yes
Mixed Crop	Variable	Variable	Yes				
Mulberries							Yes
Mustard	Species - Sinapsis alba (Brassicaceae genus)	White or Yellow mustard.	Yes	Yes	Yes		

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Mustard - brown	Species - Brassica juncea (Brassicaceae genus)	Brown mustard	Yes	Yes	Yes		
Nigella	Nigella		Yes				
Oats	Avena	Feed oats, Naked oats, Porridge oats	Yes	Yes	Yes		
Oca	Oxalis	Oca, New Zealand Yam	Yes				
Oilseed radish (aka Diakon)	Species - Raphanus sativus (Brassicaceae genus)		Yes	Yes	Yes		
Onions	llium	Chives, Garlic, Onions, Leeks, Scallions, Shallot, Spring onions	Yes				
Oregano	Origanum	Oregano, Marjoram	Yes				
Parsley	Petroselinum	All Parsleys	Yes				
Parsnips	Pastinaca	Parsnips	Yes				

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Peaches							Yes
Pears							Yes
Peas	Pisum	Feed pea, Mange tout, Marrow fat pea, Snap pea, Snow pea, Vining pea	Yes			Yes	
Pecans							Yes
Pepper	Species - Capsicum annuum (Solanaceae genus)	Bell pepper, Chilli pepper	Yes				
Permanent grass							
Phacelia	Phacelia		Yes – if its grown on its own (not when grown in grass)	Yes	Yes		
Pine nuts							Yes
Pistachios							Yes
Plums							Yes
Poppy	Papaver	Poppy, Corn poppy	Yes				

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Potato	Species - Solanum tuberosum (Solanaceae genus)	Early potato, Maincrop potato, Seed potato	Yes				
Quinces							Yes
Quinoa	Chenopodium	Quinoa	Yes				
Radish	Species - Raphanus sativus (Brassicaceae genus)	Radish	Yes				
Rapeseed	Species - Brassica napus	Industrial rape, Oilseed rape, Swede	Yes				
Raspberries							Yes
Reed Canary Grass							Yes
Rhubarb							Yes
Rocket	Species - Eruca sativa (Brassicaceae genus)	Rocket	Yes				
Rosemary							Yes
Rye	Secale	Rye, Winter rye (for cover)	Yes	Yes	Yes		

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Sage	Salvia	Clary sage, Sages	Yes				
Sainfoin	Onobrychis	Sainfoins	Yes – if it is grown on its own (not when grown with grass)			Yes – when grown on its own or when included in a leguminous mix provided the legumes remain predominant	
Siam pumpkin	Species - Cucurbita ficifolia (Cucurbitaceae genus)	Siam pumpkin, Seven year melon	Yes				
Sorghum	Sorghum		Yes				
Soya	Glycine	Soya bean, Soybean	Yes			Yes	
Spelt Wheat	Triticum Spelta		Yes				
Spinach	Spinacia	Spinach	Yes				

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

Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Greening				Permanent crop
			Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	
Temporary grass			Yes	Yes – if undersown in the previous crop and it is maintained for 8 weeks after the main crop harvest or the next crop is sown if sooner.'			
Thyme	Thymus	All thymes	Yes				
Tobacco	Species - Nicotiana tabacum (Solanaceae genus)	Tobacco	Yes				
Tomato	Species - Solanum lycopersicum (Solanaceae genus)	Tomato	Yes				
Triticale	Triticosecale	Triticale	Yes				
Tulip	Tulipa	Alltulips	Yes				
Turnip	Species-Brassica rapa (Brassicaceae genus)	Bokchoi, Chinese cabbage(Pak choi), Turnip, Turniprape	Yes				

			Greening				
Crop name	Genus (or culture of an eligible species where shown) for crop diversification	Includes	Crop diversification 'crop' (counts as one 'crop')	EFA catch crop (when included in a mix)	EFA cover crop (when included in a mix)	EFA nitrogen-fixing crop (including leguminous crops for EFA exemption 2)	Permanent crop
Walnuts							Yes
Watercress	Species - Nasturtium officinale (Brassicaceae genus)	Watercress	Yes				
Water melon	Species - Citrullus lanatus (Cucurbitaceae genus)	Water melon	Yes				
Wheat (This does not include Spelt wheat see page 82)	Triticum	Biscuit wheat, Common or Bread wheat, Durum wheat, Einkorn, Feed wheat, Red wheat	Yes				
Wallflower	Erysimum		Yes				
Yam	Dioscorea	Yam	Yes				
Yarrow							Yes

Legumes mixed with other crops

If farmers grow legumes in mixtures with other crops, they must count them as mixed crops unless they want to claim them as EFA. In this case, they should be declared as Nitrogen-fixing crops. They would then count as Nitrogen-fixing crops as part of an EFA or for EFA exemption '1' provided the conditions for claiming these crops as EFA are met' i.e. restrictions on growing season and ban on PPPs.

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

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

Land use	Cropping	Eligible for EFA (nitrogen-fixing crop) or EFA exemption '1'
Mixed crop (legumes)	Mixture of 2 or more legumes or 2 or more crops where at least one of the crops is a legume	Yes – providing the nitrogen- fixing crop remains predominant
Temporary grassland and permanent grassland	Grass grown with legumes	No

Hemp

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

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

When applying for BPS, hemp growers must declare land parcels they're growing hemp on. In order for RPA to confirm the varieties of hemp grown, farmers must write their Single Business Identifier (SBI) on the official seed labels and send them to RPA. RPA must receive them by midnight on 15 May 2019 (or by 30 June 2019 if they have not sown hemp by 15 May 2019). RPA will return these labels.

If the hemp will be sown after 30 June 2019, please contact RPA for advice.

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

Hemp growers will receive a letter by 9 July 2019 telling them if RPA have selected them for testing or not. Those that have been selected must not harvest their hemp until RPA have completed the inspection.

'Young' and 'new' farmers

Young farmers and new farmers can apply for new entitlements.

Applying for entitlements

To apply for new entitlements in 2019, farmers (or their agent, if they have one) must fill in and sign the 'Basic Payment Scheme (2019) Young and new farmer form' and arrange for a registered accountant or solicitor to complete the certificate at the end of the form to confirm the status of the young or new farmer. The form and certificate are available at www.gov.uk/rpa/bps2019.

The completed form and certificate must be returned to RPA by midnight on 15 May 2019. Applications received after midnight on 15 May 2019 but by midnight on 10 June 2019 will be considered as 'late applications' and will receive a penalty.

Farmers must:

- meet the definition of a farmer on page 8 and have at least 5 hectares of eligible land
- say whether they are applying as a 'young' farmer or a 'new' farmer
- provide evidence to prove their 'young' or 'new' farmer status

Farmers who receive an allocation of new entitlements cannot apply for new entitlements again in future years.

These new entitlements are funded from the 'national reserve'.

About the entitlements for young or new farmers

Farmers can receive a maximum of one entitlement for each hectare of eligible land they declare on their BPS application, minus the number of entitlements they already hold.

These entitlements work the same way as all other entitlements – read the entitlements section on page 31 for more information about how to use them.

A 'young' or 'new' farmer application for entitlements may be rejected if farmers have sold any entitlements in the last year, because this might be considered 'artificial' (read page 110 for more information).

Young farmers

Young farmers need to show that they:

- are at least 18 years old, but not more than 40 years old, in the scheme year that they make (or made) their first successful BPS application
- set up or took control of an agricultural business for the first time no more than 5 years before the submission of their first successful BPS application, for example:
 - 1 January 2010 or later if their first successful BPS application was submitted in 2015
 - 1 January 2011 or later if their first successful BPS application was submitted in 2016
 - 1 January 2012 or later if their first successful BPS application was submitted in 2017
 - 1 January 2013 or later if their first successful BPS application was submitted in 2018
 - 1 January 2014 or later if their first successful BPS application was submitted in 2019
- are in control of the agricultural business that they are applying for new entitlements for – this can be as a sole trader

New farmers

New farmers applying for new entitlements need to show that:

- they are at least 18 years old when they make their application for new entitlements
- their business started an agricultural activity in 2013 or later
- they make (or have made) their first successful BPS application no later than 2 years after the calendar year in which the business started farming.
- they did not carry out (or were not in control of carrying out) an agricultural activity in the 5 years before their business started an agricultural activity
- they are in control of the farm business that they are applying for new entitlements for – this can be as a sole trader

Example

A farm business started in 2017. To apply for new entitlements, the farmer in control of this business cannot have carried out - or been in control of carrying out - any agricultural activities between 1 January 2012 to 31 December 2016.

They must make their first successful BPS application by 2019.

What does 'in control' mean for young and new farmers?

The individual 'in control' of a business is the person who has more than 50% of the shares and votes in the business.

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

A sole trader holding 100% of the business shares and votes is 'in control'.

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

RPA will check their records to see if they have any evidence to show that applicants have previously been in control of an agricultural business. Carrying out agricultural activity as an employee of a business or as an agricultural contractor would not count as having had control of an agricultural business.

How the 'in control' rule works for partnerships

For partnerships, applicants must have more than 50% of the shares and votes in a business. Shares can mean the profit share.

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

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

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

Important Note

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

- everyone in control must meet the new farmer criteria in order to be a 'new farmer'
- if any person in control meets the young farmer criteria, that person may apply for the young farmer payment

Example 1

Farmer A has 30% of the shares and votes, and is a young farmer

Farmer B has 30% of the shares and votes, and is **not** a young farmer

Farmer C has 40% of the shares and votes, and is **not** a young farmer

As long as Farmer A has a formal written agreement with Farmer B to vote together, they have a majority of the shares and votes (60%). Farmer A can apply for entitlements for this business as a young farmer (as long as Farmer A meets the other young farmer rules).

Example 2

Farmer A has 30% of the shares and votes, and is a young farmer

Farmer B has 30% of the shares and votes, and is a young farmer

Farmer C has 40% of the shares and votes and is not a young farmer

Farmer A and Farmer B together, have a majority of the shares and votes (60%). Both of them as "joint heads of holding" can apply for entitlements for this business as young farmers (as long as they meet the other rules), without the need for a formal written agreement.

The young farmer payment

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

Young farmers can apply for an extra payment on top of their BPS payment. This is worth up to 25% of the average value of all the entitlements they hold, multiplied by the number of entitlements they use to claim BPS - but only the first 90 entitlements they use count. Please see page 96.

The young farmer payment will continue to operate for the 2019 and 2020 scheme years. Plans for the young farmer payment, beyond 2020 are currently being considered by the government as part of its future farming policy.

Who can apply for the young farmer payment

Eligible farmers can claim the young farmer payment for a maximum of 5 years starting from the year of their first successful young farmer payment application. This change took effect from 2018. Before then, young farmers could only receive the payment for 5 years from the year they started or took control of their business.

To apply in 2019, young farmers need to show that they:

- are at least 18 years old when they make (or made) their first successful BPS application, but not more than 40 years old in the year of that BPS application. They only have to meet the age criteria the first time they successfully apply for BPS.
- are in control of the farm business that is applying for BPS. See what 'in control' means at page 88).
- set up or took control of an agricultural business for the first time no more than 5 years before the submission of their first successful BPS application

Example 1

A farmer's date of birth is 6 April 1975. He makes his first BPS application in 2015. At the time of that application he is 40 years old. Providing he meets the other criteria, he will be classed as a young farmer up to and including 2020.

Example 2

A young farmer set up or took control of the business in 2014, they must have made their first successful BPS application no later than 2019.

New rules which applied from 2018 onwards, meant that eligible farmers can now claim the young farmer payment for 5 years starting from the year they make their first successful young farmer payment application, provided they meet the criteria above. This means that farmers who had reached the end of the 5 year period under the old rules may now be eligible to claim the payment for additional years from 2018 onwards.

Example 3

A young farmer set up or took control of their business in 2011 and made their first BPS and young farmer payment applications in 2015. They were previously only able to claim the young farmer payment in 2015 and 2016 and were not eligible to claim in 2017 as this was more than 5 years from the year they took control of their business. Under rules that applied from 2018, this farmer is now eligible to claim the young farmer payment again in 2018 and 2019 i.e. 5 years from their first young farmer payment application in 2015.

They would still not receive the payment for 2017.

Young farmers must apply every year if they want to continue to receive the payment, as long as they are still eligible.

If after successfully claiming the young farmer payment a farmer did not then claim for it in one or more of their 5 years (or their application was rejected, for example, because they did not provide the required evidence), they would still be eligible to claim in any remaining years of the 5 year period, provided they were still eligible and provided the necessary evidence.

Example 4

A young farmer set up or took control of their business in 2015 and made their first successful young farmer payment application that year. They did not receive the payment in 2016 or 2017 because they did not provide the necessary evidence with their application. They would still be eligible to claim the young farmer payment in 2018 and 2019 (the remaining years in their 5 year period) if they continued to meet the eligibility criteria and supplied the required documents with their application.

How to apply

Farmers must indicate that they wish to apply for the young farmer payment on their BPS application and by filling in a Basic Payment Scheme (2019) Young and new farmer form.

They also need to arrange for a registered solicitor or accountant to fill in the certificate at the end of the form. The farmer must then submit the form and certificate to RPA.

RPA must receive the form and certificate by midnight on 15 May 2019. Farmers can submit the certificate up to 10 June 2019 but penalties may apply. RPA will not accept the certificate after 10 June 2019.

RPA will contact farmers later in 2019 to tell them if their application for the Young farmer payment has been successful.

Completing the Young or new farmer certificate

The certificate will need to have been completed by an accountant or solicitor to confirm the status of the new or young farmer. The certificate must be a statement of factual findings and the accountant or solicitor must use **documentation supplied by the applicant to confirm their status** within the agricultural business. Examples of acceptable evidence are detailed in the certificate.

It is the farmer's responsibility to make sure that the documents they give to the accountant or solicitor are up to date and accurate. They should keep these documents for any future inspection by RPA. The accountant or solicitor must not be an employee or a director of the agricultural business.

When you can reuse a previous year's 'Accountant or Solicitor certificate' for 2019

If young farmers have previously applied for the young farmer payment and were successful, they may not need to provide new versions of the certificate they supplied with their previous years' applications:

Example 1

Farmers who applied for the young farmer payment in 2015, 2016, 2017 or 2018 and were successful, but did not apply for entitlements, can re-use the certificate for both in 2019.

Example 2

Farmers who applied for the young farmer payment and entitlements in either 2015, 2016, 2017 or 2018 and were successful, can re-use the certificate for the young farmer payment again in 2019.

For both the examples above, if there have been no changes to the business structure since their previous application(s), young farmers can send:

- a newly completed Basic Payment Scheme (2019) Young and new farmer application form together with either:
 - a copy of the same 'Accountant or Solicitor' certificate that was provided for any previous successful application; and
 - a letter (signed by a person with permission to 'make legal changes' for the business) confirming there have been no changes to the farm business structure since the last application.

or

- a newly completed Basic Payment Scheme (2019) Young and new farmer application form
- a newly completed 'Accountant or Solicitor' certificate

Important Note

RPA can only accept copies of evidence from previous applications if it is accompanied by a covering letter confirming there have been no changes to the farm business structure since it was last used. Without this the young farmer payment application will be rejected.

Submitting the form and certificate

The accountant or solicitor should return the completed certificate to the farmer, along with the supporting documents the farmer supplied to them.

The farmer must then submit the original form including the certificate (or a copy of the certificate from a previously successful application) and if relevant, a letter confirming there have been no changes to the business structure) to the RPA by midnight on 15 May 2019.

They should keep the documents they sent to the accountant or solicitor for any future inspection by RPA and they may want to keep a copy of the form for their records.

Inspections

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

How inspections work

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

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

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

The inspector will also check that the cross compliance rules are being followed.

Crop diversification and EFA inspections

When RPA carry out inspections, they will want to see that the crops were in the ground (or fallow land kept fallow) during the appropriate periods. The inspector will report the crop that they find present at the time of inspection.

If a farmer has harvested crops before 30 June 2019, RPA will accept that the crop was present if stubble or other crop residue is still visible in the land parcel. If possible, farmers should keep records and evidence to show which crops were sown in the land parcel (and the areas they covered) during the crop diversification period. For example, seed certificates or photography that can be shared with RPA as requested.

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

RPA may ask for confirmation of when a crop is sown or if it is harvested early.

Payments, reductions and penalties

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

Payments

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

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

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

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

Bank account details

RPA will use the bank account details they already hold to pay farmers. Farmers need to call RPA before 15 November 2019 if they want to be paid into a different account. Farmers who have indicated on their BPS 2019 application that they want to be paid in euros, must have a UK bank account that accepts euros. Farmers can change this currency up to 10 June 2019 for the 2019 scheme year.

Exchange rate 2019

The exchange rate used to make BPS 2019 payments will be the average of the European Central Bank rates set over the month of September 2019. This exchange rate will be published on GOV.UK when it is announced.

BPS entitlement values and 'payment rates'

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

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

Entitlement values will be calculated in autumn 2019, at the same time as the greening rate.

Average entitlement value

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

To work out a farmer's average entitlement value, RPA multiplies the number of entitlements the farmer has correctly used to claim payment for in a region, by the entitlement value for that region. If the farmer has entitlements in more than one region, RPA do this calculation for each region then add the totals together. It then divides this figure by the number of entitlements (across all regions) the farmer has correctly used to claim for payment. Here's an example (using 2018 entitlement values):

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

non-SDA: $45 \times \text{€}180.46 = \text{€}8,120.70$

SDA moorland: $20 \times \text{€}49.63 = \text{€}992.60$ Total = $\text{€}9,113.30$

The farmer's average entitlement value is therefore:

$\text{€}9,113.30 / 65 = \text{€}140.205$

This is then rounded to 2 decimal places, which gives $\text{€}140.21$.

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

Greening payment rate

The value of the greening payment depends on the payment region the land is in. The greening rates for each payment region will be calculated in autumn 2019, at the same time as the entitlement values.

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

How RPA calculates BPS payments

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

Main BPS payment

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

Here's an example (using 2018 entitlement values):

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

The farmer's average entitlement value is $\text{€}140.68$

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

$\text{€}140.68 \times 65 = \text{€}9,144.20$

So the main BPS payment is $\text{€}9,144.20$ (before penalties or reductions are applied).

Greening payment

To work out the value of a greening payment, RPA multiply the number of hectares of eligible area which the farmer has claimed correctly for payment, by their 'average greening payment rate'.

Here's an example (using 2018 entitlement values):

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

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

Non-SDA: $45 \times \text{€}78.13 = \text{€}3,515.85$

SDA moorland: $20 \times \text{€}21.14 = \text{€} 422.80$

Total = $\text{€}3,938.65$

This figure is then divided by the number of entitlements which the farmer used correctly. This will give the farmer's average greening rate (shown rounded to two decimal places):

$\text{€}3,938.65 / 65 = \text{€}60.59$

To calculate the value of the greening payment, RPA then multiplies the average greening rate by the eligible area: $\text{€}60.59 \times 65 = \text{€}3,938.35$

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

Young farmer payment

To work out the value of the young farmer payment, RPA multiplies the number of entitlements the farmer has activated by a figure corresponding to 25% of the average owned, or leased in payment entitlements. It is only paid on up to a maximum of 90 entitlements.

Here's an example (using 2018 entitlement values):

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

First RPA work out the total value of the entitlements the farmers has correctly used: Non-SDA: $80 \times \text{€}181.39 = \text{€}14,511.20$

SDA: $20 \times \text{€}180.00 = \text{€}3,600.00$

Total = $\text{€}18,111.20$

Then divide it by the number of entitlements used: $\text{€}18,111.20 / 100 = \text{€}181.11$

This gives the farmer's 'average entitlement value'. RPA then calculate what 25% of this is (shown to two decimal places): $\text{€}181.11 \times 0.25 = \text{€}45.28$ (this is the farmer's 'young farmer payment' rate). The young farmer payment only applies to a maximum of 90 entitlements.

Therefore, although this farmer has correctly used 100 entitlements in total to claim for payment, the top-up will only apply to 90: $\text{€}45.28 \times 90 = \text{€}4,075.20$

Therefore the value of the young farmer payment in this example is $\text{€}4,075.20$ (unless reductions or penalties are applied).

Reductions and penalties

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

If there's something wrong with a farmer's application or if they did not meet all of the scheme rules, RPA may have to apply penalties. There are also some reductions which RPA have to apply according to the legislation.

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

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

- penalties for claiming payment for more eligible land than the farmer has
- penalties for late applications (including any late supporting paperwork)
- penalties for not declaring all of the agricultural land parcels on the holding
- reductions to the size of the young farmer payment (but only if the number of applications exceeds the budget for 2019)
- financial discipline mechanism (FDM) reductions and reductions to payments which are more than €150,000 (this applies only to the main BPS part of the payment excluding any part which relates to entitlements in Northern Ireland, Scotland or Wales)
- penalties for not meeting the cross compliance rules

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

Financial discipline mechanism

Each year, the European Commission uses some of the BPS budget to create a 'crisis reserve'. To do this - and to make sure that the overall European budget for Pillar 1 of the Common Agricultural Policy (CAP) is not exceeded - a mechanism called 'financial discipline' is used. 'Financial discipline' means BPS payments across all Member States can be reduced. (Pillar 1 is made up of the basic payment scheme, agricultural market support schemes, and agri-promotional schemes.)

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

The reduction is applied on a pro-rata basis to the BPS payment, the greening payment and the young farmer payment (if applicable).

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

They have 20 non-SDA entitlements, 15 SDA entitlements and 32 SDA moorland entitlements and have met all the greening rules.

Their payments will be based on the lower of their entitlements or eligible land. They have no penalties and no Young Farmer payment.

Their payments will be:

Type of payment	non-SDA	SDA	SDA Moorland
Main BPS payment	20 x €181.39 = €3,627.80	15 x €180.00 = €2,700.00	30 x €49.09 = €1,472.70
Greening payment	20 x €78.13 = €1,562.60	15 x €77.53 = €1,162.95	30 x €21.14 = €634.20

Which means their total payment is €11,160.25

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

$€11,160.25 - €2,000 = €9,160.25$

That means the FDM reduction (using the 2018 rate) is $€9,160.25 \times 1.411917\% = €129.34$

This FDM reduction will appear on the farmer's claim statement as €90.41 taken from the main BPS payment and €38.93 from the greening payment.

Reductions if the BPS budget is exceeded in 2019

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

Payments over €150,000

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

Small payments

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

Overpayments

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

Greening reductions

If a farmer does not follow the greening rules in 2019, the amount of their greening payment will be reduced as follows:

Greening rule	Size of reduction (in hectares)
Crop diversification: 2 crops	2 x the amount (in hectares) the main crop exceeds 75% of the arable land determined.
Crop diversification: 3 crops	The area of the main crop which exceeds 75% of the arable land determined. Plus 5 x the amount (in hectares) if the two main crops exceed 95% of the arable land determined.
Ecological Focus Area (EFA)*	10 x the equivalent amount (in hectares) of missing EFA

*For EFA the missing EFA amount will either be due to insufficient area declared in hectares as nitrogen fixing crops and/or fallow land or lengths in metres of hedges and buffer strips converted into hectares for the purposes of determining compliance with the minimum EFA requirement.

Here is an example of how crop diversification reductions are applied:

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

This means they aren't meeting the greening rules because:

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

RPA would apply the following reductions: $1 \times 5 = 5$ hectares

$5 \times 2 = 10$ hectares

So the farmer's total reduction is 15 hectares. This means the crop diversification part of their greening payment will be for 85 hectares of their arable land.

If the farmer hasn't met the crop diversification rule in 3 separate scheme years (whether consecutively or not), the size of any crop diversification reduction in the fourth year will be doubled. This means that they could lose their whole greening payment – even if they have met the EFA rule correctly – depending on the size of the reduction.

Here is an example of how EFA reductions are applied:

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

RPA will apply the following reductions: 1 hectare x 10 = 10 hectares

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

If a farmer has not met the EFA rule in 3 separate scheme years (whether consecutively or not), the size of any EFA reduction in the fourth year will be doubled. This means that they could lose their whole greening payment – even if they have met the crop diversification rule correctly – depending on the size of the reduction.

Reductions for not meeting the permanent grassland rule

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

Here is an example:

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

100 hectares – 10 hectares = 90 hectares

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

Greening reductions – a worked example (using 2018 values)

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

$100 \times \text{€}78.13 = \text{€}7,813.00$

However, as the examples above show, they have the following greening reductions:

- a 15 hectare reduction for not meeting the Crop Diversification rules. The value of this reduction is $15 \times \text{€}78.13 = \text{€}1,171.95$
- a 10 hectare reduction for not meeting the EFA rules and a reduction would also apply for this. The value of this reduction is $10 \times \text{€}78.13 = \text{€}781.30$
- a 10 hectare reduction for not meeting the permanent grassland rules. The value of this reduction is $10 \times \text{€}78.13 = \text{€}781.30$

Their total greening reduction is therefore:

$\text{€}1,171.95 + \text{€}781.30 + \text{€}781.30 = \text{€}2,734.55$

So their greening payment after penalties would be:

$\text{€}7,813.00 - \text{€}2,734.55 = \text{€}5,078.45$

This will be shown on their claim statement as:

Detail	Number (or %)	Greening rate (€)	Reductions/ Penalties (€)	Total (€)
Non SDA	100.0000	78.13		7,813.00
Average greening rate		78.13		
Gross value	100.0000	78.13		7,813.00
Greening reductions and penalties				
Crop diversification non-compliance (in hectares)	15.0000 ha	78.13	1171.95	
Ecological Focus Area (EFA) non-compliance (in hectares)	10.0000 ha	78.13	781.30	
Permanent Grassland non-compliance (in hectares)	10.0000 ha	78.13	781.30	5,078.45
Reductions (%)				
Financial Discipline Mechanism	1.411917%		71.70	5,006.75
Total greening value				5,006.75

When penalties are applied

Penalties are applied if:

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

Late applications

Midnight on 15 May 2019 is the deadline for BPS applications, including:

- applications for the young farmer payment
- applications for BPS entitlements (made by new and young farmers)
- any paperwork to support the above

Farmers can make a late application until midnight on 10 June 2019 but they will get a penalty. For each working day the application is late, the size of the penalty will be 1%.

In addition, new and young farmers applying for entitlements will get a 3% penalty for each working day their application is late. This penalty will only apply to the 2019 payment related to their new entitlements.

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

Farmers can't make applications after midnight on 10 June 2019 (apart from in cases of force majeure).

Changing an application after it has been submitted

Applications submitted by midnight on 15 May can be changed until midnight on 31 May 2019 without getting a penalty. See page 5 for more information.

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

Applications can't be changed after 10 June 2019, apart from:

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

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

Not declaring all the agricultural land parcels on a holding

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

Difference between land declared and what is actually held (as a % of land declared)	Size of penalty
up to 3% of the area determined	No penalty
more than 3% and up to 20%	1%
more than 20% and up to 50%	2%
more than 50%	3%

Over-claiming land

A claim will be reduced if a farmer tries to claim payment for either of the following:

- land that is not eligible
- land that is not at their disposal

RPA will only pay them for the areas of land they have which meet the rules (called 'the area determined') and are used with entitlements held.

As well as a reduction, RPA may have to apply a penalty. The size of the penalty depends on the size of the over-claim.

What is an over-claim?

An over-claim is the difference between the area the farmer claimed (for BPS or the Young Farmer payment), with entitlements and the area determined by RPA. Where the difference is 0.1 hectares or less, RPA will not apply a reduction or penalty - they will pay on the area the farmer claimed.

Penalties for BPS 2019

If the over-claim is either more than 3% of the area determined or 2 hectares, RPA will apply a penalty, which will be 1.5 times the size of the over-claim (the 'standard rate').

The standard penalty for over-claiming will not be more than 100% of the amount the farmer claimed. If the size of the penalty is more than 100%, the excess will be written off (ignored).

RPA will reduce this penalty by 50% if both of the following apply:

- It is the **first time** a farmer has received a penalty under this new rule (starting from claim year 2016)
- the difference between the area claimed by the farmer and the area determined by RPA is **not** more than 10% of the area determined.

This means RPA will apply a rate of 0.75 times the size of the over-claim (the 'reduced rate'), and not the 'standard rate'. In these cases, RPA may carry out an inspection in the following year.

What happens in the following years

If, in the year after the reduced rate has been applied, a farmer over-claims again, RPA will apply both of the following:

- use the standard rate of 1.5 for the second penalty, regardless of the size of the over-claim
- cancel the 50% reduction from the previous penalty. This means the previous year's penalty is increased to the standard rate.

RPA will apply the 1.5 standard rate penalty to any other over-claims made by the farmer in future years.

If the penalty for a second over-claim, together with an increase in the previous year's penalty, is more than 100% of the amount the farmer claimed, RPA will recover the excess amount. This will be taken from any claims the farmer makes during the 3 years following the year of the second over-claim. If RPA can't recover the full amount in this time, the balance will be written off.

Example

Scheme year 2019	Claimed by farmer	Determined by RPA
Eligible area	40ha	37ha
Rate of over-claim penalty		0.75
Size of over-claim penalty		€ equivalent of 2.25ha

Scheme year 2019	Claimed by farmer	Determined by RPA
Eligible area	40ha	38ha
Rate of over-claim penalty		1.5 for over-claim in 2020 Plus 0.75 for over-claim in 2019
Size of over-claim penalty		€ equivalent of 3.0ha for 2020 Plus € equivalent of 2.25ha for 2019

Greening Administrative penalties

Greening administrative penalties were applied for the first time in 2017.

Where the sum of any crop diversification, permanent grass or EFA non-compliance reductions is more than 2ha or 3% of the area that the greening payment is based on, then an administrative penalty will be calculated.

These penalties are in addition to the reductions that may have been applied for non-compliance with the greening rules as mentioned earlier in this section of the guidance.

How Greening Administrative Penalties work

- The Greening Administrative Penalties calculation is based on the size of the reductions applied to the greening payment for non-compliance with the Crop Diversification (CD), EFA and/or Environmentally Sensitive Permanent Grassland (ESPG) greening requirements.
- Greening Administrative Penalties will apply when the greening payment reductions for non-compliance with the greening rules are greater than either 3% or 2 ha of the determined area that the greening payment is calculated on (see page 108 of this guidance).

How will a farmer know if they have a Greening Administrative Penalty?

- Where a Greening Administrative Penalty applies to a farmer's 2019 BPS claim, the penalty will appear on their BPS 2019 Claim Statement.
- If a farmer disagrees with the penalty, they need to fill in a payment query form and return it to us by post or email. They can find the form by searching 'BPS payment query form' at www.gov.uk.

Difference between the total of CD, ESG or EFA area reductions for non-compliance with the greening rules as a proportion of the reduced determined area that the greening payment is based on	Size of penalty
Up to 3% or 2ha	No penalty
More than 3% / 2 ha and up to 20%	The area of greening payment is reduced by twice the total non-compliance reduction (subject to penalty limitations explained below).
More than 20% and up to 50%	Area of greening payment is reduced to zero (subject to penalty limitations explained below).
More than 50%	Area of greening payment is reduced to zero and a further penalty based on the greening payment x area of penalty reduction (subject to penalty limitations explained below).

Limitations

As in 2018, the size of the Greening Administrative Penalty is limited by dividing by 4 and will not exceed 25% of the total greening payment due for that scheme year.

The example below shows where a BPS penalty has been applied, but there is no Greening Administrative Penalty:

Example 1

A farmer has claimed 100 ha of arable land on their BPS application, meaning they need 5.00 ha for EFA (5% of 100 ha).

They have claimed 9 ha for EFA meaning they have claimed 4 ha more than they need to for EFA. This is acceptable under the greening rules and no over-claim penalty is applied for EFA as they can claim more than 5%.

However, RPA has carried out an inspection and found the area of EFA to be only 5.00 ha due to an ineligible feature on the land. This means the EFA still meets the 5% requirement but the BPS eligible area found is 4.00 ha less than the farmer claimed (96 ha instead of 100 ha).

As the difference between the BPS eligible area claimed and the area found is 4%, an over-claim penalty will be calculated as described on Page 98 of this guidance.

However, the farmer is still compliant with the EFA greening rules and will not incur greening payment non-compliance reductions or Greening Administrative Penalties in this instance.

The example below shows where greening payment non-compliance reductions have been applied, but they do not trigger the additional Greening Administrative Penalties:

Example 2

Crop Diversification

A farmer has a claimed area of 100 ha of arable land, which means they have to grow at least 3 different crops on it. The main crop for crop diversification purposes covers 75.25 ha and the 2 main crops cover 95.10 ha. This means the farmer is not meeting the greening rules because:

- the main crop exceeds 75% by 0.25 ha
- the 2 main crops exceed 95% by 0.1 ha

RPA would apply the following greening payment non-compliance reductions:

- $1 \times 0.25 = 0.25$ ha
- $5 \times 0.10 = 0.50$ ha

So the farmer's total crop diversification greening payment non-compliance reduction is 0.75 ha. This means the crop diversification part of the greening payment will be for 99.25 ha of the arable land.

Ecological Focus Area

The same farmer only has 4.90 ha worth of EFA which means they are 0.1 ha short of what they should have for EFA (because 5% of 100 ha is 5.00 ha).

RPA will apply the following greening payment non-compliance reductions:

- $0.10 \text{ ha} \times 10 = 1$ ha

So the farmer's total EFA non-compliance reduction is 1 ha. This means the EFA part of the farmer's greening payment will be for 99.0 ha of their arable land.

Total greening payment non-compliance reductions for CD and EFA = 1.75 ha. This means that their greening payment will be based on a reduced area of 98.25 ha.

As the sum of crop diversification and EFA non-compliance payment reductions is 1.75 ha, the difference is less than 2 ha or 3% of 98.25 ha. This means that Greening Administrative Penalties will not apply in this instance.

The example below is based on the same as above, but where larger Crop Diversification (CD) and Ecological Focus Area (EFA) non-compliance reductions apply to the farmer's claim. This will result in an additional Greening Administrative Penalty:

Example 3

Crop Diversification

A farmer has a determined area of 100 ha of arable land, which means they have to grow at least 3 different crops on it. The main crop covers 77ha and the 2 main crops cover 96 ha.

This means the farmer is not meeting the greening rules because:

the main crop exceeds 75% by 2ha

the 2 main crops exceed 95% by 1ha

RPA would apply the following greening payment non-compliance reductions:

$1 \times 2 = 2 \text{ ha}$

$5 \times 1 = 5 \text{ ha}$

So the farmer's total crop diversification reduction is 7 ha. This means the crop diversification part of their greening payment will be for 93 ha of their arable land.

Ecological Focus Area

The same farmer only has 4.75 ha worth of EFA which means they are 0.25 ha short of what they should have for EFA (because 5% of 100 ha is 5.00 ha).

RPA will apply the following reductions:

$0.25 \text{ ha} \times 10 = 2.50 \text{ ha}$

So the farmer's total EFA reduction is 2.50 ha. This means the EFA part of the farmer's greening payment will be for 97.50 ha of their arable land.

Total greening payment non-compliance reductions for CD and EFA = 9.50 ha. This means their greening payment will be based on a reduced area of 90.50 ha.

As the sum of crop diversification and EFA payment reductions (9.50 ha) is more than 2 ha or 3% but less than 20% of the area that the greening payment is paid on (90.50) ha, Greening Administrative Penalties will apply as follows:

Greening Administrative Penalty

If the average greening rate is €75 and the farmer's greening payment is based on a determined area of 100 ha of arable land, they will receive €7,500.

However RPA has found that they have 90.50 ha because the sum of the crop diversification, and EFA non-compliance reductions is 9.50 ha.

As the difference of 9.50 ha equals 10.49% of 90.50 ha, a penalty of twice the difference ($2 \times 9.50 \text{ ha} = 19 \text{ ha}$) will apply. The determined area will be reduced to 71.50 ha giving the farmer a payment of:

$(€75 \times 71.50 \text{ ha}) = €5,362.50$

However for 2019, the penalty will be divided by 4 (and limited to 20% of the greening payment, see below). This results in a penalty of 4.75 ha to be deducted from the 90.50 ha, leaving 85.75 ha to be paid on. This gives the farmer a new payment of:

$(€75 \times 85.75 \text{ ha}) = €6,431.25$

Greening Administrative Penalties where the area declared is less than the area found

- Greening Administrative Penalties may apply where an on-the-spot check finds the claimed arable area on a farmer's holding which is used for determining compliance with the greening rules, is more than 0.1 ha less than the area found, and they have benefited from a greening exemption from crop diversification and/or EFA rules (see pages 38, 39 and 43 of this guidance).
- However, a farmer will only receive a Greening Administrative Penalty if the additional arable area found means that they are no longer eligible for the greening exemption (see pages 39, 40 and 43 of this guidance). If this is the case, the Greening Administrative Penalty will be a 10% reduction in the area on which, the greening payment is based.
- If the ESPG area claimed is less than the ESPG found by more than 0.1 ha, there will be a 10% Greening Administrative Penalty reduction in the area on which the greening payment is based.
- Where both arable and ESPG reductions are needed, the maximum Greening Administrative Penalty is limited to 10% of the area on which the greening payment is based.

The example below shows where Greening Administrative Penalties will not apply where the area declared is less than the area found.

Example 4

A farmer has a declared area of 100 ha of which 79 ha is permanent grass and 21 ha is arable land they also have 100 entitlements.

They are exempt from both the crop diversification and EFA rules because more than 75% of their land is permanent grass.

They are inspected and the found area is 79 ha of permanent grass and 22 ha of arable land

There will be no Greening Administrative Penalties because more than 75% of their land is still permanent grass.

The example below shows where Greening Administrative Penalties will apply where the area declared is less than the area found.

Example 5

A farmer has a declared area of 100 ha of which 79 ha is permanent grass and 21 ha is arable land they also have 100 entitlements.

They are exempt from both the crop diversification and EFA rules because more than 75% of their land is permanent grass.

They are inspected and the found area is 79 ha of permanent grass and 35 ha of arable land

There will be a 10% Greening Administrative Penalty applied because the arable area declared is less than the area found and the permanent grass is less than 75% of the area found meaning the exemption no longer applies.

The greening payment will be calculated as follows:

$100 \text{ ha} / 100 \times 10 = 10 \text{ ha}$ greening penalty Then calculate the limitation:

$10 \text{ ha} / 4 = 2.5 \text{ ha}$

The 2.5 ha will be penalty amount because it does not exceed 25% of the greening payment for that year which will be calculated on 97.50 ha

Young farmer payment penalties

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

Cross compliance penalties

Cross compliance penalties are applied after BPS penalties - read the penalties section in the Guide to cross compliance 2019.

Force majeure and exceptional circumstances

If force majeure or exceptional circumstances mean that a farmer can't follow the scheme rules, RPA may not apply a penalty or reduction, and may also accept an application after the 10 June 2019 deadline. See page 7 for more details.

Artificiality

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

Business structure

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

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

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

If the structure of a business changes

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

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

Farmers in this situation should contact RPA.

Mergers and scissions

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

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

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

For more information, search for 'Rural Payments registering and updating your details' on GOV.UK.

Land in more than one part of the UK ('cross border')

There are different rules for BPS in England, Northern Ireland, Scotland and Wales.

Some farmers have a 'cross border' holding which means they have land in more than one part of the UK (England, Northern Ireland, Scotland and Wales).

The rules for BPS can be different in the different parts of the UK. This guidance gives more information about how rules apply to cross border holdings.

Farmers should read this guidance carefully - in addition to the main scheme rules for each part of the UK in which they have land.

Applying for BPS

To apply for BPS, these farmers need to submit an application to each part of the UK where they:

- have agricultural land
- have non-agricultural land which they claim rural payments on (like RDPE payments)

They need to declare on their application whether they have land in more than one part of the UK. They need to do this for each application they submit (one to each paying agency where they have land).

These 'paying agencies' manage the schemes and make payments in the different parts of the UK:

- England – Rural Payments Agency (RPA) – www.gov.uk/rpa
- Northern Ireland – DAERA - Department of Agriculture, Environment and Rural Affairs Website - www.daera-ni.gov.uk.
- Scotland – Rural Payments and Inspections Division (RPID) – www.ruralpayments.org
- Wales – Rural Payments Wales (RPW) - beta.gov.wales/rural-grants-payments

Applying online

In England, farmers can apply for BPS online (using the Rural Payments service) or using a paper BP5 application form. In Northern Ireland and Scotland, they can make a BPS application online or using the single application form. In Wales, farmers can only apply online.

Farmers will be paid by the paying agency in the part of the UK where most of the land on their holding is located. However, if a farmer's most recent payment (for either the old Single Payment Scheme or BPS) was made by a different paying agency, they can choose for their BPS 2019 payment to be made by that paying agency, even though most of their land is not in that part of the UK. In most instances this means that farmers will use the same paying agency as they did in 2018.

Example

A farmer with agricultural land in England and Wales should submit an application to both:

- the Rural Payments Agency (RPA) for the land in England, and
- Rural Payments Wales (RPW) for the land in Wales

They would need to submit an application in both England and Wales even if they aren't claiming BPS in one of those parts of the UK. This is because they have to declare all of the agricultural land on their holding.

When to apply as a cross border claimant

To avoid a penalty, farmers must send all BPS applications and supporting documents to the relevant paying agencies by midnight on 15 May 2019.

Meeting the BPS rules across the UK

For some scheme rules (such as rules on land eligibility), farmers need to meet the rules set by the part of the UK where the relevant land is located.

For other rules (such as rules on the minimum claim size), farmers need to meet the rules set by the part of the UK where most of the land on their holding is located. This applies even if the farmer is being paid by a paying agency for a different part of the UK.

Active farmers

Farmers with land in more than one part of the UK need to meet that 'active farmer' test which applies in the part of the UK in which they have the majority of their agricultural land. The 'active farmer' test is not required if the majority of the land is in England. There are two parts to the 'active farmer' test – the first is about business activity (sometimes called the 'negative list') and the second part is about 'land naturally kept in a state suitable for grazing or cultivation'. The first part applies to land in Scotland, Wales & Northern Ireland. The second part applies to land in Scotland and Wales only.

In Northern Ireland, the term 'active farmer' is also used when land is rented out under short term lets or conacre. This is not the same as the BPS active farmer rules.

Although from 2018, the 'active farmer' test is no longer being applied in England, you must make sure that you have read the guidance for each part of the UK for more information on the active farmer rules which apply in the other parts of the UK.

BPS entitlements in different parts of the UK

Each part of the UK has different BPS entitlements. To claim BPS, farmers must have the right number and type of entitlements for their land.

Example

A farmer has 20 hectares of eligible land in the Scottish BPS Payment Region 1 and 10 hectares of eligible land in the English SDA moorland region.

To receive a BPS payment on all their eligible land, the farmer would need:

- 20 entitlements for Scottish BPS Payment Region 1, and
- 10 entitlements for the English moorland region

Applying for new BPS entitlements

England, Northern Ireland, Scotland and Wales each have a national reserve (sometimes referred to as a 'regional reserve'). Some farmers, such as new and young farmers, will be able to apply for BPS entitlements which are funded from these national reserves.

To obtain more entitlements, eligible farmers need to apply for them to all the paying agencies where they:

- have eligible land, and
- wish to be allocated more entitlements

Example

A farmer has eligible land in England, Wales and Scotland and wants to apply for entitlements in Wales and Scotland. They need to apply to the paying agencies for Wales and Scotland.

The same principle applies if eligible farmers with entitlements in Northern Ireland, Scotland or Wales wish to apply to have the value of these entitlements increased to the regional average entitlements value.

The farmer also needs to meet the rules for the national reserve set in the part of the UK in which they are applying.

Example

A young farmer:

- has 15 hectares of eligible land in the English SDA moorland region, and they already hold 10 entitlements in this same region; and
- has 12 hectares of eligible land in Scottish Payment Region 1, but doesn't hold any entitlements in this region

They could apply to the paying agency in England and the paying agency in Scotland for new entitlements. If successful, they would be allocated 5 additional English moorland entitlements and 12 entitlements for Scottish Payment Region 1.

Read the guidance for each part of the UK for information about applying for entitlements – including the application deadlines.

Minimum claim size

Farmers must meet the minimum claim size set by the part of the UK where most of the land on their holding is located. The minimum claim sizes are shown below. If farmers don't meet the relevant minimum claim size, they can't claim for land anywhere in the UK.

Part of the UK	Minimum claim size
England	5 hectares
Northern Ireland	3 hectares
Scotland	3 hectares (or €100 for farmers claiming voluntary coupled support)
Wales	5 hectares

Some farmers may find themselves on the threshold of the minimum claim size. The examples show how to work out if a farmer is meeting the minimum claim size.

Example 1

A farmer has a 5 hectare holding. They claim for 5 hectares of eligible land: 3 hectares in England and 2 hectares in Wales (with the right entitlements to support them).

Most of the land on this farmer's holding is in England, so they must meet the minimum claim size under the BPS rules set by England (5 hectares). Their claim will be accepted as they have claimed on a total of 5 eligible hectares (with 5 entitlements).

Example 2

A farmer has a 3 hectare holding. They claim for 3 hectares of eligible land: 2 hectares in England and 1 hectare in Scotland (with the right entitlements to support them)

Most of the land on this farmer's holding is in England so they must meet the minimum claim size under the BPS rules for England (5 hectares). Their claim will not be accepted because they have claimed on a total of only 3 eligible hectares (with 3 entitlements). They will not be paid BPS anywhere in the UK.

Young farmer payment

The young farmer payment is a top-up payment made on the number of eligible hectares (with entitlements) a farmer uses to claim BPS.

Applicants will need to apply in each part of the UK where they want to receive the young farmer payment.

The young farmer payment works differently in different parts of the UK (see table below).

Part of the UK	Can get the 'young farmer' payment for:	Minimum age to apply:
England	Up to 90 hectares	18 years old
Northern Ireland	Up to 90 hectares	No minimum
Scotland	Up to 90 hectares	16 years old
Wales	Up to 25 hectares	16 years old for sole traders and partnerships 18 years old for limited companies

The payment is first made for whichever part of the UK the farmer claims most eligible land (with entitlements) in. This can't exceed the maximum set in that part of the UK (see table above). If the farmer has claimed less than 90 eligible hectares (with entitlements) there, they could also receive the payment in other parts of the UK – as long as they do not exceed the maximum that applies in those other parts of the UK.

A young farmer can't receive a payment on more than a total of 90 hectares (with entitlements) for their holding (land in all parts of the UK).

Example 1

A young farmer has claimed 80 eligible hectares (with entitlements) in England and 20 eligible hectares (with entitlements) in Scotland.

As most of their claimed land is in England, that is used first for the young farmer payment. They can receive the payment on all 80 hectares in England. As this is less than the overall maximum of 90 hectares, they can also receive the payment on 10 hectares in Scotland, not the full 20 hectares the farmer applied for. This gives a total of 90 hectares.

Example 2

A young farmer has claimed 80 eligible hectares (with entitlements) in Wales and 70 eligible hectares (with entitlements) in England.

As most of their claimed land is in Wales, that is used first for the young farmer payment. They can receive the payment on 25 hectares in Wales (the maximum set in Wales). As this is less than the overall maximum of 90 hectares, they can also receive the payment on 65 hectares in England. This gives a total of 90 hectares.

Example 3

A young farmer has claimed 50 eligible hectares (with entitlements) in England and 30 eligible hectares (with entitlements) in Wales.

As most of their claimed land is in England, that is used first for the young farmer payment. They can receive the payment on all 50 hectares in England. As this is less than the overall maximum of 90 hectares, they can also receive the payment on 25 hectares in Wales (the maximum set in Wales). This gives a total of 75 hectares.

Farmers applying for the young farmer payment in Northern Ireland need to have a level 2 qualification in agriculture (or a related subject containing at least one farm business management module) to be eligible for the payment on any land in Northern Ireland.

Read the guidance for each part of the UK for more information.

BPS eligible land in different parts of the UK

The land used to claim BPS payments must meet the rules that apply in the part of the UK where the land is located. Read the guidance for each part of the UK for more information.

The greening rules across the UK

Farmers need to meet the greening rules on crop diversification and EFAs at a 'holding' level, not separately for land in each part of the UK. This means that they need to include all of the land on their holding (covering all land in the UK) when working out:

- what their crop diversification and EFA requirement is, and
- whether they meet those requirements

Farmers should also include all of their holding (covering all their land in the UK) when working out if they can use any of the greening exemptions. The greening exemptions are the same across the UK for crop diversification and EFAs.

Read the guidance for each part of the UK for more information.

What this means for the crop diversification rules

The crop diversification rules set out how many crops a farmer must grow and over what percentage of their arable land.

A farmer should include all of the eligible land on their holding (covering all their land in the UK) to work out:

- their arable area
- the percentage of their arable area taken up by each crop, and
- whether any of the crop diversification exemptions apply to them

A farmer doesn't have to have the required number - and shares - of crops in each part of the UK they have land. They only need to meet the crop diversification rules across their holding as a whole.

In order to be counted towards the holding's crop diversification obligation, the crop itself must be present for the crop diversification period applicable in the part of the UK where that crop is actually planted:

England: 1 May to 30 June

Scotland: 1 May to 30 June

Wales: 1 May to 15 July

Northern Ireland: 1 June to 31 July

Example

A farmer has more than 30 hectares of arable land (which includes land in England and Wales). They would need 3 crops to meet the crop diversification rules. In this case, the main crop can't cover more than 75% of their arable land and the 2 main crops can't cover more than 95% of their arable land.

They plant as follows:

- main crop (65%) in England
- 2nd crop (25%) in England
- 3rd crop (10%) in Wales

They would meet the crop diversification rules for their holding (covering all their land in the UK).

Each part of the UK has lists of crops that qualify under crop diversification. Farmers need to use the lists that apply where their land is located.

What this means for EFAs

Farmers with more than 15 hectares of arable land also need to have EFAs that are the equivalent to at least 5% of their arable land, unless they qualify for an exemption. Read the guidance for each part of the UK for more information.

A farmer should use all the eligible land on their holding (covering all their land in the UK) to work out:

- their arable land
- their 5% EFA requirement, and
- whether any of the EFA exemptions apply

Farmers can use areas and/or features on any part of their holding (in any part of the UK) to meet the 5% EFA requirement. This means that a farmer doesn't have to meet the 5% requirement in each part of the UK they have land – they only need to meet it across their holding as a whole.

A farmer must meet the EFA rules that apply in the part of the UK where the land or feature being used for EFA is located. There are differences in which areas and features a farmer can use for EFA in each part of the UK. There are also differences in what areas and features are worth as part of EFA.

The table below shows which features and areas can be used in each part of the UK.

Type of EFA	England	Northern Ireland	Scotland	Wales
Fallow land	✓		✓	✓
Hedges or trees in a line (called hedges, wooded strips and trees in a line in Wales)	✓	✓		✓
Ditches		✓		
Traditional stone walls		✓		✓
Earth banks		✓		
Archaeological features		✓		
Buffer strips and field margins	✓		✓	
Agro-forestry		✓		
Catch crops or green cover	✓		✓	
Short rotation coppice		✓		✓
Afforested areas		✓		✓
Nitrogen-fixing crops	✓	✓	✓	✓

Example

A farmer's holding includes land in England and Wales. They could use areas or features on their English land, their Welsh land or both to count towards their 5% EFA requirement.

The farmer could choose to use a catch crop on their English land to meet the requirement, but could not use a catch crop on their Welsh land.

Permanent grassland

Farmers must meet the rules that apply in the part of the UK where their permanent grassland is located. Read the guidance for each part of the UK for more information.

Cross compliance rules

Farmers need to meet the cross compliance rules that apply in the part of the UK where the land, or livestock, is located. Read the guidance for each part of the UK for more information.

Payments, reductions and penalties

BPS payments over €150,000

If a farmer's BPS 2019 payment (excluding the greening payment and any young farmer payment) is more than €150,000, the amount over €150,000 will be reduced.

The table below shows the reductions that apply in different parts of the UK

Part of the UK	Reductions
England	Amounts over €150,000 will be reduced by 5%
Northern Ireland	Amounts over €150,000 will be reduced by 100%
Scotland	Amounts over €150,000 will be reduced by 5%
Wales	Amounts: <ul style="list-style-type: none"> • over €150,000 and up to €200,000 will be reduced by 15% • over €200,000 and up to €250,000 will be reduced by 30% • over €250,000 and up to €300,000 will be reduced by 55% • over €300,000 will be reduced by 100%

Reductions are worked out based on the proportion of the total value of entitlements a farmer has used to claim payment in each part of the UK. Then the reduction rates above are applied.

The example below shows how reductions are worked out.

Example

A farmer's BPS payment (excluding greening and any young farmer payment) would be €250,000. Out of the total value of the farmer's entitlements used to claim payment:

- 25% of the total value of entitlements were used in Northern Ireland
- 75% of the total value of entitlements were used in Scotland

Therefore €100,000 (the amount over €150,000) will be reduced as follows:

- 25% under reduction rates for Northern Ireland
- 75% under reduction rates for Scotland

Northern Ireland:

Multiply the amount to be reduced (€100,000) by the share of the value of entitlements to be used in Northern Ireland (25%). Then multiply the answer by the reduction rate for Northern Ireland (100%).

$$€100,000 \times 0.25 \times 1 = €25,000.$$

For entitlements in Northern Ireland the payment is reduced by €25,000

Scotland:

Multiply the amount to be reduced (€100,000) by the share of the value of entitlements used in Scotland (75%). Then multiply the answer by the reduction rate for Scotland (5%).

$$€100,000 \times 0.75 \times 0.05 = €3,750.$$

For entitlements in Scotland the payment is reduced by €3,750

Total reduced payment

Original payment: 250,000

minus the reduction for

Northern Ireland: €25,000

Minus the reduction for Scotland: €3,750

Total BPS payment (excluding greening and any young farmer payment): €221,250

Reductions and penalties

If a farmer doesn't meet the scheme rules, reductions and penalties may be applied. They may be applied if a farmer:

- makes an application for payment or application for entitlements after midnight on 15 May
- makes certain changes to their application after the deadline
- doesn't meet the scheme eligibility, greening or cross compliance rules, or
- doesn't declare all of their agricultural land parcels

All of the land on a farmer's holding (covering all their land in the UK) is treated together for the purposes of calculating reductions and penalties.

More details about reductions and penalties are available in the scheme guidance for each part of the UK.

Contact us

Visit our website



www.gov.uk/rpa

For more information about the Basic Payment Scheme in 2019, go to www.gov.uk/rpa/bps2019.

Look on our website for information about when the Rural Payments service may not be available.

Email



ruralpayments@defra.gov.uk

Please quote your single business identifier (SBI) for all enquiries

Call us



03000 200 301 (Monday to Friday 8.30am to 5pm, except bank holidays).

Write to us or send evidence to support applications to



Rural Payments Agency PO Box 352
Worksop
S80 9FG

Please quote your single business identifier (SBI) for all enquiries.



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More information

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

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

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

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

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

How to complain

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

To complain to RPA, write, email or telephone. Full guidance about how to complain or appeal is available online at www.gov.uk/rpa.

BPS regulations

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

The main European regulations are:

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

The European Commission delegated and implementing regulations are:

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

Domestic regulations:

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

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

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

The Farming Community Network

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

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

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

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

The Farming Advice Service

The Farming Advice Service – if you need help

The Farming Advice Service (FAS) is funded by Defra to provide free, confidential advice to farmers and farming industry advisers to help them understand and meet requirements for cross compliance, 'greening', water protection and the sustainable use of pesticides.

Call their helpline on 03000 200 301 or search for more information on the Farming Advice Service online.



Legal Notice

This guidance is our interpretation of the current regulations for the Common Agricultural Policy schemes from 2019. Only the courts can give a definitive interpretation of the law.

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



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