

# GUIDE TO LAND ELIGIBILITY

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Department of  
**Agriculture and  
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# **GUIDE TO LAND ELIGIBILITY**

This guide explains the general land eligibility rules for claiming:

- Single Farm Payment Scheme (SFP)
- Less Favoured Area Compensatory Allowances (LFACA) Scheme
- Northern Ireland Countryside Management Scheme (NICMS)
- Organic Farming Scheme (OFS)

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## Section 1 Introduction

This guide explains land eligibility rules for the:

- Single Farm Payment Scheme (SFP).
- Less Favoured Area Compensatory Allowances (LFACA) Scheme.
- Northern Ireland Countryside Management Scheme (NICMS).
- Organic Farming Scheme (OFS).

The guide should also be followed when submitting claims for Agri-environment schemes that started before 31 December 2007.

You are advised to read the guide carefully as you may be penalised if you claim under any of the above schemes for land that is not eligible.

It should be read in conjunction with:

- Guide on how to complete your Single Application and Field Data Sheet.
- Guide to the Single Farm Payment (SFP) Scheme.
- Less Favoured Area Compensatory Allowances (LFACA) Scheme Explanatory Notes.

The guide is not a full statement or interpretation of the law (which only the European Court of Justice can give) and it cannot replace specific advice on specific questions.

Copies of all booklets are available online at [www.dardni.gov.uk/grants-and-funding](http://www.dardni.gov.uk/grants-and-funding) or on request from your local DARD Direct Office.

## Section 2 General conditions

### Claim size/field size

Any individual field, or area within a field, that you declare must be at least 0.1 hectares.

### In agricultural use and accessible

The land on which you are claiming must be eligible. **You must deduct any ineligible areas greater than 0.01 ha from the total area of the field and only claim for the eligible area. Furthermore, ineligible areas which are smaller than 0.01 ha but which add up to more than 0.01 ha within a field must also be deducted.**

For SFP, the land must be at your disposal on 15 May and must be used for an eligible agricultural activity for the entire calendar year (1 January – 31 December), except in cases of force majeure or exceptional circumstances.

The EU define ‘agricultural activity’ as the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition (GAEC).

For the land to be eligible it must be accessible for livestock and / or farm machinery. Where agricultural fields or parts of agricultural fields are impenetrable or inaccessible to grazing livestock or are not in agricultural use, they will be considered ineligible. It is generally to be expected that eligible land will, within the last two years, have been grazed or used to grow and harvest an agricultural crop or have been maintained through normal agricultural operations, such as mowing or topping of grass. The condition of land on which none of these activities has taken place within the last two years is likely to mean that it is ineligible.

For NICMS and OFS you must have management control of the land for the whole claim year, that is, from 01 January to 31 December.

If a field is used for grazing it must be enclosed so that animals are contained.

***Land not in agricultural use is not eligible.***



## Land use codes

Full details of the land use codes referred to in this booklet can be found at Section 8 of “Guide on how to complete your Single Application and Field Data Sheet.”

## Inspections

EU legislation requires land to be eligible for the full calendar year of your claim and not just part of it. If your claim is selected for an on-farm inspection, the inspector will make an assessment as to whether the land meets the eligibility conditions as they see it **on the day of inspection**. If the inspector determines that the land is not eligible on the day of inspection, it will be considered ineligible for that scheme year and penalties may be applied to your claim.

The inspector may also consider whether your land was ineligible in previous years using aerial photography or other available information.

## Section 3 Eligible land

### Land eligible for Single Farm Payment (SFP)

Eligible land under the Single Farm Payment (SFP) Scheme includes any land that is used for permanent pasture, arable crops or permanent crops.

- Permanent Pasture is defined as:
  - > land used to grow grasses, clover, lucerne, sainfoin or forage vetches; and
  - > land which has not been used to grow an arable crop for five years or more.

Permanent pasture resown with grass during the five year period (above) is still counted as permanent pasture.

- Arable land is land cultivated for crop production.
- Permanent crops are non-rotational crops other than permanent pasture and include permanent fruit and vegetable crops and nursery crops.

Details of land eligible for SFP can be found at Annex A. Eligibility of specific land types can be found in Section 4.

### Land eligible for Less Favoured Area Compensatory Allowances (LFACA)

The Less Favoured Area Compensatory Allowances Scheme Explanatory Notes booklet issued each year provides more detail on the scheme and is available on the DARD website [www.dardni.gov.uk/grants-and-funding](http://www.dardni.gov.uk/grants-and-funding) or from local DARD Direct offices.



When deciding what areas of land are eligible to claim for LFACA, you should follow the advice provided in this guide in respect of SFP.

### **Land eligible for Agri-environment schemes**

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

- Countryside Management Scheme (CMS – pre 2008);
- Environmentally Sensitive Areas Scheme (ESAS – pre 2008);
- Organic Farming Scheme (pre 2008);
- NI Countryside Management Scheme (from 1 January 2009);
- Organic Farming Scheme (from 1 January 2009).

**Not all land eligible under an Agri-environment scheme is eligible for SFP. See Section 5 of this guide for further information.**

### **Maintained in Good Agricultural and Environmental Condition (GAEC)**

All agricultural land within a business, irrespective of whether it is used to claim SFP entitlements or claim payment under another aid scheme, must be maintained in accordance with the Cross-Compliance Statutory Management Requirements (SMR's) and must be kept in good agricultural and environmental condition (GAEC).

## Section 4 Eligibility of specific land types

### Scrub

Scrub is ineligible and the advice below will help you work out what deductions you need to make for scrub in your fields.

Scrub may contain hawthorn, blackthorn, gorse (whin), bramble, honeysuckle, dog rose, bushy willows (sally), or stunted hazel, with few or no mature trees present.

Scrub may be dense or scattered.

Scrub tends to grow in confined areas within a field. It may be so dense that animals cannot penetrate it or there may be scattered scrub throughout the field.

You will have to calculate how much ineligible land (that is, scrub) is present and record this as OT13 on your field data sheet (FDS). You need to assess how dense the scrub is and how much area it takes up. The guidance outlined below will assist you in the calculation. **You must ensure that the area of the ineligible land you deduct from your claim is at least equal to the area of scrub present.**

To assess the amount of scrub in your field, you need to consider if there are:

- Areas of dense scrub;
- Scattered scrub which is confined to particular areas within a field;
- Scattered scrub which is spread throughout a field.

**You should first of all calculate the deduction required for dense scrub before going on to consider scattered scrub.**

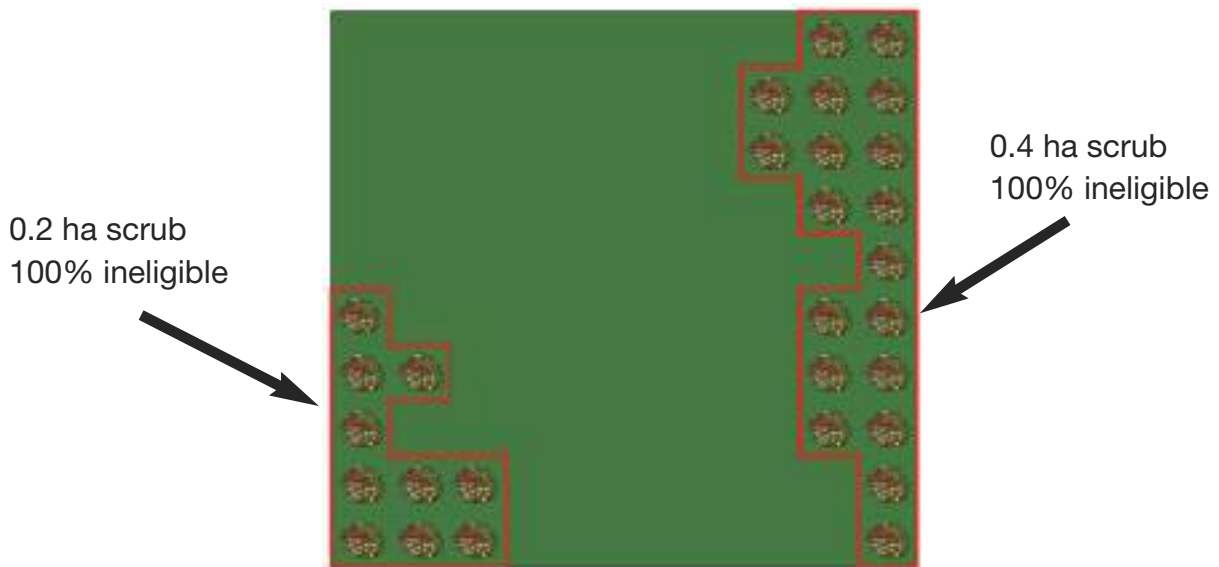
### Dense Scrub

Dense scrub is defined as areas within a field that contain scrub vegetation that is so dense that no grazing is possible within that area. **All areas covered by dense scrub which are greater than 0.01ha within a field must be deducted from your claim. Furthermore, areas which are smaller than 0.01ha but which add up to more than 0.01ha must also be deducted.**

### Example 1

Your field is 2 ha but there are dense patches of scrub. In this example, the dense scrub totals 0.60 ha.

This means that only 1.4 ha of the field is eligible and you should complete your field data sheet (FDS) as shown in the next table



| Area of field | Land use code | Area of field used | Area claimed |
|---------------|---------------|--------------------|--------------|
| 2.00          | FR1           | 1.40               | 1.40         |
|               | OT13          | 0.60               | 0            |

### Scattered scrub

Scattered scrub is where there are numerous small bushes or clumps of scrub present and grazing is possible between the clumps. In these cases it would not be feasible to calculate the area taken up by each individual clump. Therefore we have developed a scorecard on the next page to help you calculate the ineligible area which must be deducted from your claim.

The scorecard is **not to be used for dense scrub** – you must deduct these areas first in their entirety. In other words, only use the scorecard if it is not practical to deduct the area occupied by each portion of scrub. **The scorecard must be applied only to the area where scattered scrub is present. It must not be applied to the entire field unless the scattered scrub is uniformly present throughout the entire field. Using the scorecard at field level when there is dense scrub and scattered scrub is only present in a portion of the field could mean that the area you calculate as ineligible may be too low and penalties may be applied to your claim.**

**From an aerial photograph, the scattered scrub might look like this.**



### Scrub scorecard

Where there are patches of scrub of more than 0.01 ha (defined as dense scrub) you need to deduct these from the eligible area of the field and only claim the eligible area. Ineligible areas which are smaller than 0.01 ha but which add up to more than 0.01 ha within a field must also be deducted.

If there are very low levels of scrub, for example, several isolated single bushes with grazing accessible on all sides and which cause **no impact** on the amount of grazing available, no deduction in area claimed is required.

|   | <b>%Density/Cover of feature</b>    | <b>Examples</b>   | <b>% reduction in area required</b> |
|---|-------------------------------------|---|-------------------------------------|
| 1 | 5% or less                          | <b>Small isolated clumps of scrub which have a very minor impact on the area available for grazing. You are required to make a 2.5% deduction of the total area.</b>                              | <b>2.5%</b>                         |
| 2 | More than 5% but not more than 20%  | <b>Significant number of scattered clumps of scrub but with some grazing beneath and between the clumps. You are required to make a 13% deduction to the area containing the scattered scrub.</b> | <b>13%</b>                          |
| 3 | More than 20% but not more than 50% | Numerous clumps of scrub with restricted grazing but there is an accessible area between clumps. You are required to make a <b>36%</b> deduction to the area containing the scattered scrub.      | <b>36%</b>                          |
| 4 | More than 50%                       | Clumps of scrub occupy more area than that available for grazing. Access likely to be limited to defined paths. The whole area containing the scrub is ineligible.                                | 100%                                |

Further illustrated examples of percentage ground cover are at Annex B.

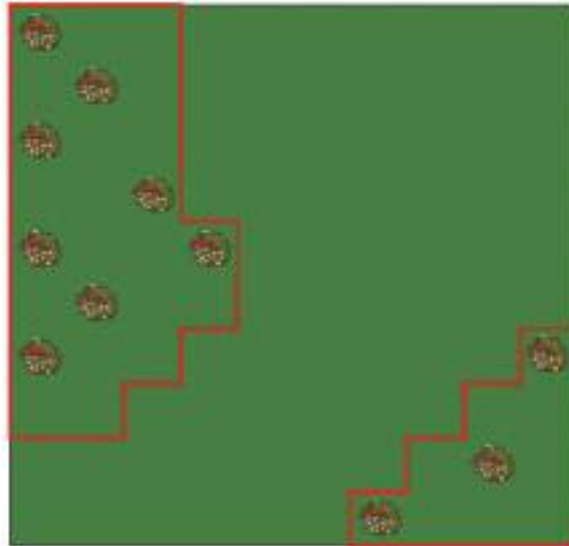
## Example 2

### Scattered scrub contained in two areas of the field

Your field is 2 ha but there are two patches of scattered scrub.

You should apply the scorecard to the two areas to help you assess how much area you need to deduct.

Patch scrub - 0.5 ha. Scrub cover assessed at 30% therefore 36% ineligible = 0.18 ha



Patch scrub 0.2 ha. Scrub cover assessed at 20% therefore 13% ineligible = 0.03 ha

In this case, using scorecard 3, you have worked out that the area of scrub of 0.5 ha is more than 20% and less than 50% dense, so you make a deduction of 36%.

Using scorecard 2, you have worked out that the other area of 0.2 ha of scrub is between 6% and 20% dense and you need to make a deduction of 13%.

|                        | Ha         | % Ineligible | Total area to be deducted |
|------------------------|------------|--------------|---------------------------|
| <b>Field Size</b>      | <b>2.0</b> |              |                           |
| <b>Scattered scrub</b> | <b>0.5</b> | <b>36</b>    | <b>0.18</b>               |
| <b>Scattered scrub</b> | <b>0.2</b> | <b>13</b>    | <b>0.03</b>               |
| <b>Total deducted</b>  |            |              | <b>0.21</b>               |

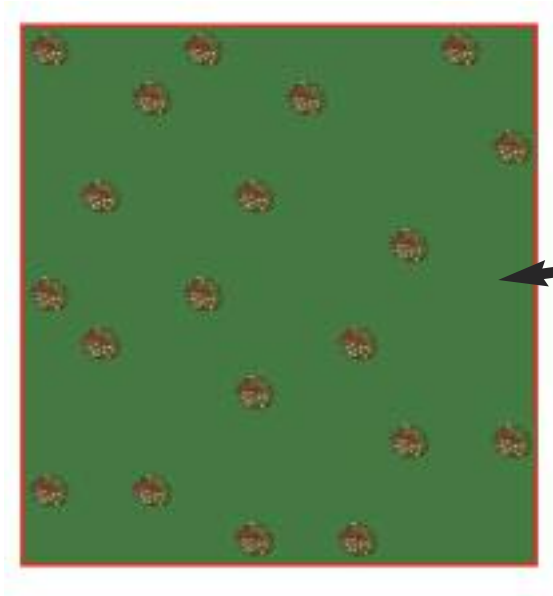
This means that only 1.79 ha of the field is eligible. You will need to complete your field data sheet as follows

| Area of field | Land use code | Area of field used | Area claimed |
|---------------|---------------|--------------------|--------------|
| <b>2.00</b>   | <b>FR1</b>    | <b>1.79</b>        | <b>1.79</b>  |
|               | <b>OT13</b>   | <b>0.21</b>        | <b>0</b>     |

### Example 3

#### Scattered scrub uniformly spread throughout a field.

Your field is 2 ha but there are several small clumps/bushes uniformly spread throughout the field.



Scrub cover  
assessed at 20%  
of field size  
therefore 13%  
ineligible = 0.26 ha

Using scorecard 2 above, you have worked out the areas of scattered scrub account for around 20% of the field size and so you need to make a deduction of 13%.

|                        | Ha         | % Ineligible | Total area to be deducted |
|------------------------|------------|--------------|---------------------------|
| <b>Field Size</b>      | <b>2.0</b> |              |                           |
| <b>Scattered scrub</b> | <b>2.0</b> | <b>13</b>    | <b>0.26</b>               |
| <b>Total deducted</b>  |            |              | <b>0.26</b>               |

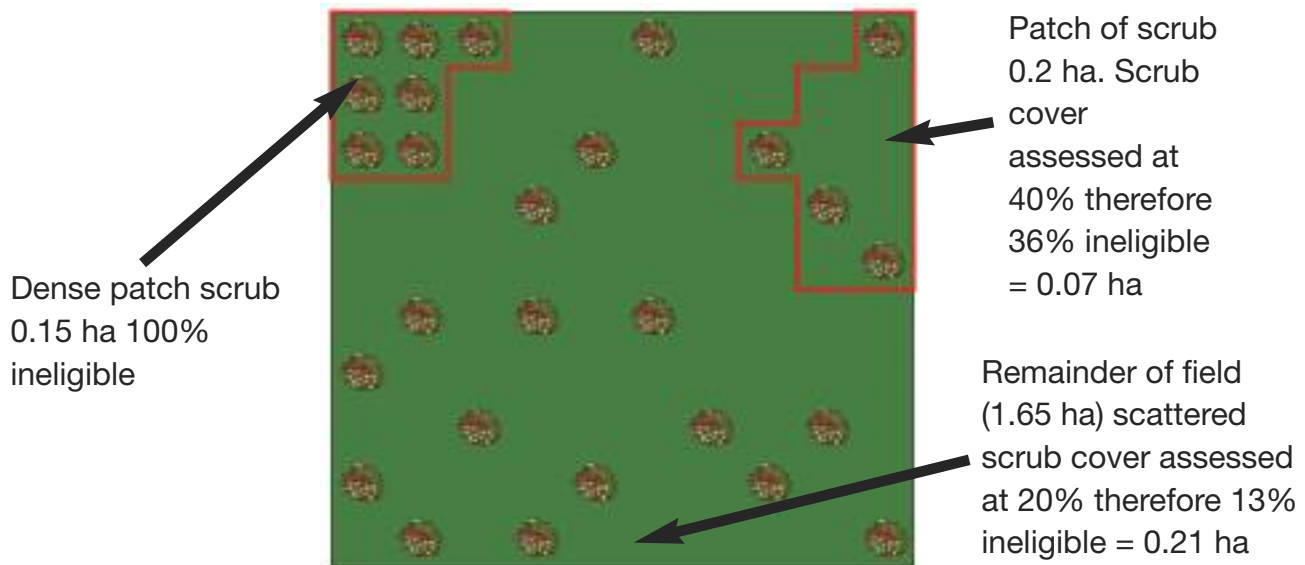
You will need to complete your field data sheet as follows.

| Area of field | Land use code | Area of field used | Area claimed |
|---------------|---------------|--------------------|--------------|
| <b>2.00</b>   | <b>FR1</b>    | <b>1.74</b>        | <b>1.74</b>  |
|               | <b>OT13</b>   | <b>0.26</b>        | <b>0</b>     |

## Example 4

### Complex situation which includes areas of dense and scattered scrub

Your field is 2 ha but there is dense and scattered scrub in the field.



#### Step 1

Calculate area of dense scrub (top left corner) - 0.15 ha and is all ineligible.

#### Step 2

Apply the scorecard to the area of scattered scrub which has the highest density (top right corner). This is an area of 0.2 ha and using scorecard 3 you assess a scrub density of 40%. Therefore, you need to make a deduction of 36%, which is 0.07 ha (0.2 ha x 36%).

#### Step 3

Apply the scorecard to the remainder of the field which contains scattered scrub. This is an area of 1.65 ha and you assess using scorecard 2 a scrub density of 20%. Therefore, you need to make a deduction of 13%, which is 0.21 ha (1.65 ha x 13%).

|                               | Ha          | % Ineligible | Total area to be deducted |
|-------------------------------|-------------|--------------|---------------------------|
| <b>Field Size</b>             | <b>2.0</b>  |              |                           |
| <b>Step 1 Dense scrub</b>     | <b>0.15</b> | <b>100</b>   | <b>0.15</b>               |
| <b>Step 2 Scattered scrub</b> | <b>0.20</b> | <b>36</b>    | <b>0.07</b>               |
| <b>Step 3 Scattered scrub</b> | <b>1.65</b> | <b>13</b>    | <b>0.21</b>               |
| <b>Total deducted</b>         |             |              | <b>0.43</b>               |

You will need to complete your field data sheet as follows.

| Area of field | Land use code | Area of field used | Area claimed |
|---------------|---------------|--------------------|--------------|
| <b>2.00</b>   | <b>FR1</b>    | <b>1.57</b>        | <b>1.57</b>  |
|               | <b>OT13</b>   | <b>0.43</b>        | <b>0</b>     |

## Removal of scrub

Scrub must not be removed between 1 March and 31 August. Outside of this period, the removal of any individual areas of scrub up to 0.1 ha is permitted on undesignated land without prior written permission from DARD. Undesignated land is land not designated by DOE Northern Ireland Environment Agency (NIEA) as a Natura 2000 site, Special Protection Area (SPA), Special Area of Conservation (SAC), or Area of Special Scientific Interest (ASSI). If you want to remove an area of scrub of more than 0.1 ha on undesignated land, written permission is required from DARD. You should contact Countryside Management Delivery Branch on 0300 200 7842.


Where DARD refuses to grant permission for removal of scrub, it must be retained and remains ineligible for SFP. It may be eligible for agri-environment or forestry schemes as transitional ungrazed woodland. Removal of scrub on designated sites, for example, Natura 2000 site, SPA, SAC or ASSI is only permitted with written consent from the NIEA. For further information contact NIEA on 028 9056 9516.

Bare ground (after scrub removal) will remain ineligible until grass cover has been established. You should note that for land to be claimed for Single Farm Payment (SFP), it must be in eligible use for the entire calendar year.

Even after scrub has been removed, DARD may consider whether your land was eligible in previous years, including 2005 by using aerial photography.

Examples of whether permission from DARD is required to remove scrub.

### Example 1




0.06 ha

Removal of scrub less than 0.1 ha in size on undesignated land.

Permission **not required** for removal.

### Example 2




0.15 ha

Removal of scrub greater than 0.1 ha in size on undesignated land.

Permission **required** for removal.




### Example 3



Removal of scrub of individual blocks of scrub where each one is smaller than 0.1 ha in size on undesignated land.

Permission **not required** for removal.

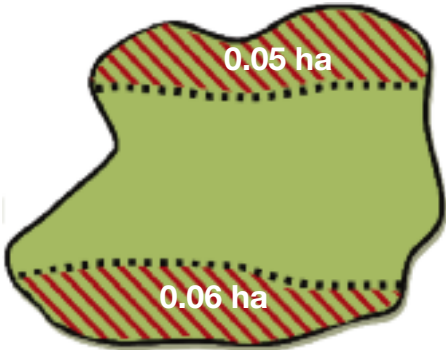
### Example 4



Removal of scrub less than 0.1 ha in size from a larger area of scrub on undesignated land.

Permission **not required** for removal.

### Example 5



Removal of separate areas of scrub each less than 0.1 ha in size (but more than 0.1 ha in total) from a larger area or areas of scrub on undesignated land.

Permission **required** for removal.

**Note:** Permission is **required** for removal of scrub of **any size** on designated land.

## Woodland/Trees

As a general rule woodland is ineligible for SFP, LFACA or OFS, but may be eligible for Agri-environment schemes.

The following are not eligible for SFP, LFACA or OFS:

- Christmas trees.
- Woodland which is not grazed.
- Woodland with more than 50 trees per hectare, but see exceptions below.
- Woodland planted under the terms of the Woodland Grant Scheme and Farm Woodland Premium Scheme or the Agri-environment Scheme option (provision of native trees/ungrazed grass margins planted with trees) **will not constitute grazed woodland** as the tree density is substantially more than 50 trees per hectare. **But see exceptions below where land in these schemes may be eligible for SFP.**



***Ungrazed woodland is not eligible.***

## Exceptions

Woodland can be considered eligible in the following cases:

- Grazed woodland or grazed orchards with more than 50 trees per hectare may be considered eligible if:
  - > There has been a history of acceptable grazing practice and there continues to be sufficient forage and evidence of acceptable grazing.
  - > Grazing is not damaging the ecological value of the site, for example, by significantly reducing the number of existing tree seedlings and saplings or by reducing the occurrence of grazing sensitive plants. Where the grazing is available right up to the tree trunks, no deduction is required. These areas should be claimed as OT3. You only need to make a deduction if there is bare ground or mulch under the trees and consequently no grazing is available on these areas. Declare these areas as OT16.

- Land that was eligible and on which SFP was paid in respect of 2008 scheme year and is subsequently (after 31 December 2008) converted to forestry under an EU scheme remains eligible for the duration of the forestry scheme (OT9).
- Land that was eligible and on which SFP was paid in respect of 2008 scheme year and is subsequently (after 31 December 2008), planted with trees under an EU Agri-environment scheme, remains eligible for the duration of the EU Agri-environment scheme (OT10).
- Land in an EU Forestry Scheme or an EU Agri-environment scheme on which SFP was paid in 2008 in respect of set-aside entitlements remains eligible for the duration of the relevant scheme (OT11 or OT12).
- Agroforestry is having agriculture and trees growing on the same land unit. Where land is managed for agroforestry, the tree density is in excess of 50 trees/ha but the planting has taken place in such a way that the area of the field is utilized for agricultural activity in the years of tree establishment. These areas are eligible.

### Grazed woodland

While grazed woodland is eligible, we have found that some farm businesses are claiming dense woodland, which is ineligible, as grazed woodland. You should note the eligibility requirements on page 13 of this booklet. In particular, that grazed woodland (or grazed orchards) with more than 50 trees per hectare, is only eligible if there has been a history of acceptable grazing practice **and there continues to be sufficient forage and evidence of acceptable grazing.**

If there is no grazing available under the trees or woodland is not currently being grazed, **then it is ineligible even if it had previously been used to support claims in the past.**

### Single trees, lines of trees or small clumps of trees

If there are single trees, a line of trees or small clump of trees with grazing available underneath right up to the trunk, you only need to make a deduction if there is an area of bare ground or mulch under the trees and consequently no grazing is available on these areas (declare these ineligible areas as OT16).

### Heather

The European Commission has advised that heather can be considered eligible on a case-by-case basis, providing it is capable of sustaining agricultural activity, for example, grazing livestock, and is maintained in good agricultural and environmental condition.

On this basis, heather is considered eligible if it is:

- accessible to grazing livestock, and
- has significant forage value, and
- is used for agricultural purposes, that is, grazed by livestock.

The field should ideally be grazed each year, but must be grazed at least every other year. As a general rule, the maximum height of the heather should not exceed 50 cm, though a mosaic of heather of mixed heights is to be encouraged.

See page 16 for further detail on mosaics of heather.

Heather may still be eligible for Agri-environment schemes if it is actively managed according to your Agri-environment scheme requirements.



***Heather below 50cm grazed by livestock is eligible.***



***Ineligible heather***

### **Ineligible heather**

Heather is ineligible if it is:

- inaccessible for grazing animals, or
- abandoned, that is, not in agricultural use, or
- not grazed within the past two years.

Heather will generally be deemed ineligible if it is over-mature, that is, more than 50 cm tall. If declaring land that is mostly ineligible heather this should be recorded under OT17.

## **Mosaic of ineligible and eligible heather**

Even in well managed areas of heather which are grazed, coverage of mature heather of around 10% could be expected. Therefore, a maximum 20% of mature heather (more than 50 cm tall) is allowable in an area of a field where heather is the predominant species (see example 1). **If the amount of mature heather exceeds 20%, then the total area of mature heather becomes ineligible** (see example 2). The presence of some mature heather has biodiversity benefits in providing nesting sites and cover for ground nesting birds.

You will need to assess and decide on the areas of heather that are eligible and ineligible.

## **Burning and flailing of heather**

Active management of heather by burning or flailing does not in itself make the field eligible for SFP or LFACA as these practices on their own do not constitute “agricultural activity”. However, controlled burning and flailing is encouraged as a management tool for regeneration of mature heather and, along with grazing, can assist in making the field eligible.

It is recommended that burning or flailing of heather takes place on approximately a 10 year rotation - that is 10% a year. We recognise that burning, in particular, might not be possible each year due to weather constraints. **Therefore a 20% maximum burn/flail per year for a heath on a field is acceptable, with the burned/flailed area remaining eligible** (see example 3). **Heath is defined as mixed vegetation with heather being the dominant species in the field.**

**If more than 20% of the heath on a field is burned and/or flailed in one management season, then the entire area of burned and/or flailed heath is ineligible** (see example 4).

Consent is required from the Northern Ireland Environment Agency NIEA before burning/flailing heath on designated sites, for example, Natura 2000 site, SPA, SAC or ASSI. Burning is not permitted on blanket bog. Blanket bog occurs on deep peat deposits over 0.5 metres deep. The average depth is 2- 3 metres and it is normally found on areas over 200 metres above sea level.

Areas which have been burned or flailed on heaths consisting entirely of mature heather or where there is no significant agricultural activity are ineligible. In these cases the entire area of the heath is ineligible (see example 6 on page 17).

**Example 1**

You have an area of heath of 1 ha.

0.9 ha of the heath is below 50 cm so that area is eligible.

The remaining area of 0.1 ha is mature heather. As the area of mature heather does not exceed 20% of the heath, you can claim this area as eligible.

Total eligible area of the heath is 1 ha.

**Example 2**

You have an area of heath of 1 ha, with 0.75 ha under 50 cm so that area is eligible.

The remaining 0.25 ha of mature heather is ineligible as it exceeds 20% of the area of the heath.

Total eligible area of the heath is 0.75 ha.

**Example 3**

You have an area of heath of 1 ha with 0.85 ha under 50 cm so that area is eligible.

The remaining area of the heath of 0.15 ha has been burned or flailed. As this is less than 20% of the heath, you can claim the whole heath as eligible.

Total eligible area of the heath is 1 ha.

**Example 4**

You have an area of heath of 1 ha with 0.75 ha under 50 cm so that area is eligible.

The remaining area of the heath of 0.25 ha has been burned or flailed. As this exceeds 20% of the heath, this area is ineligible.

Total eligible area of the heath is 0.75 ha.

**Example 5**

You have an area of heath of 1 ha, with 0.70 ha under 50 cm so that area is eligible.

You have burned or flailed 0.15 ha and the remaining area of the heath of 0.15 ha is mature heather. As the area which is burned or flailed is less than 20% of the heath, and the area of mature heather is also less than 20% of the heath, you can claim the whole heath as eligible.

Total eligible area of the heath is 1 ha.

**Example 6**

You have an area of heath of 1 ha.

You have burned or flailed 0.20 ha and the remaining area of the heath of 0.80 ha is mature heather. As the remainder of the heath consists entirely of mature heather the entire area of the heath is ineligible.

## Bracken

Bracken is not an eligible land use. You must deduct the area of the bracken from the area you are claiming even where bracken is present in only part of a field for 2 – 3 months of the year, as the field must be in an eligible land use for the entire calendar year.



***Bracken is not eligible.***

## Rush

Rush is a herbaceous, low-nutrient value forage plant which meets the definition of permanent pasture. Rush will not generally render the field or area where rush is present ineligible.



***Tall brown impenetrable rush is not eligible.***

Rush is ineligible if it is present in areas which are:

- inaccessible to grazing livestock, or
- abandoned, that is, not in agricultural use, or
- not grazed within the past two years, or
- cannot support grazing livestock, for example, if it is too wet (swamp in nature), or
- impenetrable (rank and difficult to walk through).

Areas of agricultural fields covered by rush which are impenetrable (tall, brown, difficult to walk through) are ineligible and must be deducted from the area you are claiming. Similarly, areas in fields which have no agricultural value due to the presence of rush combined with briars, nettles, etc are ineligible.

## **Bogs, swamps, reed-beds and fens**

Bogs, swamps, reed-beds and fens are only eligible where they are accessible, where there is forage available **and** they are grazed.

If this is not the case the area is ineligible and should be recorded as OT15.

These areas may still be eligible for Agri-environment schemes if they are actively managed according to your Agri-environment scheme requirements.



***A reed-bed which is ineligible.***

## **Boundaries**

Boundaries include fences, hedges, sheughs, open drains, walls and banks. Hedges are further defined as hedgerows, hedge banks, rows of trees and hedgerow trees.

The section below should also be considered in conjunction with that on ineligible features present along a field boundary as that affects whether you need to deduct boundary features such as hedges and sheughs from your eligible area.

### **Hedges, banks, stone walls**

Hedges, banks, fenced off hedges, and stone walls are eligible provided their width does not exceed two metres from the centre (measured at the base). Where the whole width of these boundaries exceeds two metres from the centre, the entire area becomes ineligible.

### **Sheughs, including open drains**

Sheughs are considered eligible on the basis that they are noted as protected features under Good Agricultural and Environmental Condition (GAEC) requirements. As such, sheughs should meet the following criteria to remain eligible:



- Where a sheugh is at the boundary of a field which is eligible, the sheugh, as an open trench dug to improve the drainage of agricultural land, may be considered eligible and included in the area of the field.
- Sheughs should be maintained as part of a field parcel drainage system and not encroached by scrub or other ineligible vegetation or features.
- Sheughs may have continuously or intermittently running water.
- As a general rule, sheughs in the context of GAEC are unlikely to be more than 2 metres wide at the base. Where waterways are greater than 2 metres wide, these will generally not be considered to be sheughs, and are not eligible. Naturally flowing streams and rivers of any width are not eligible, and watercourses of any width maintained by the Rivers Agency are not eligible.



***Sheughs are eligible.***

### **Sheughs associated with another boundary feature, for example hedge, wall, or bank**

If a hedge, wall or bank is associated with a sheugh, you measure each feature separately. The sheugh is eligible. The hedge, bank or wall is also eligible if it is two metres wide or less from the centre of the boundary measured at the base.

### **Fences alongside sheughs**

The presence of a fence in the field alongside a sheugh does not affect eligibility provided its sole purpose is to protect the sheugh and it is located no more than one metre from the top of the bank of the sheugh. If the fence is greater than one metre from the top of the bank of the sheugh and the area enclosed by the fence is not an ungrazed grass margin or riparian zone under an Agri-environment scheme agreement, the area between the fence and the field boundary (including sheugh and hedge if present) is ineligible.



***This fenced off sheugh is eligible as there is less than one metre between the top of the bank of the sheugh and the fence.***

### **Internal features such as hedges**

Internal features such as hedges are subject to the same rules as boundary features and are accepted as being an eligible part of a field providing the field is eligible and their width does not exceed two metres measured at the base. If the width of the feature is more than 2 metres measured at the base, the entire feature is ineligible.

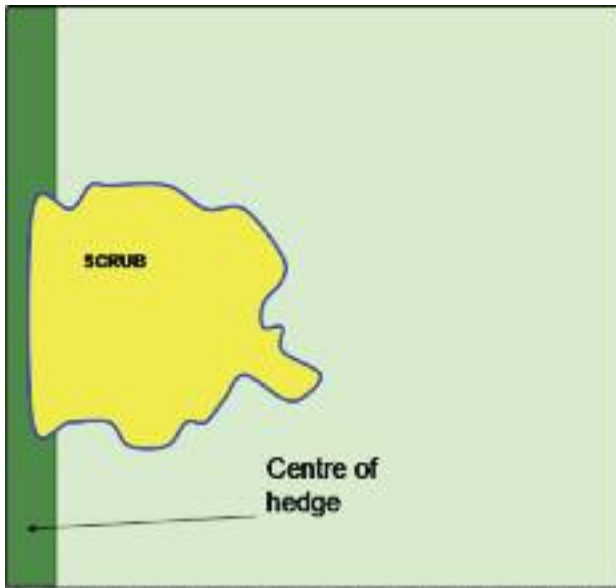
### **Presence of ineligible features along a boundary**

In some cases an ineligible feature may be present at a field boundary. Examples can include scrub vegetation or a lane. **Where an ineligible feature is present at a field boundary, areas taken up by hedges and sheughs (if present) located between the ineligible feature and the field boundary line must also be deducted.** In other words, the area deducted must extend to the field boundary line which may be in the centre of the hedge.

An ineligible feature is deemed to be present at a field boundary if it is located within two metres of the field boundary feature (for example, the edge of the base of a hedge or fence or the top of a bank of a sheugh). Even if it is possible for cattle to graze up to the hedge, you must still deduct the ineligible feature and the entire area between the ineligible feature and the field boundary line.

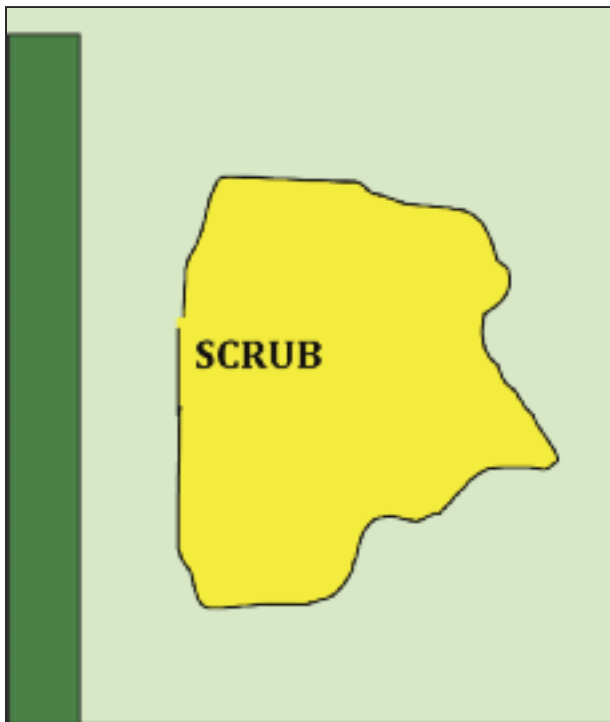
If an ineligible feature is fenced off from the field and the area between the ineligible feature and the field boundary is not used for agricultural purposes, then in all cases you must deduct the entire area between the fence and the field boundary line. In other words, you may only claim for the field up to the line of the fence.

### Example 1



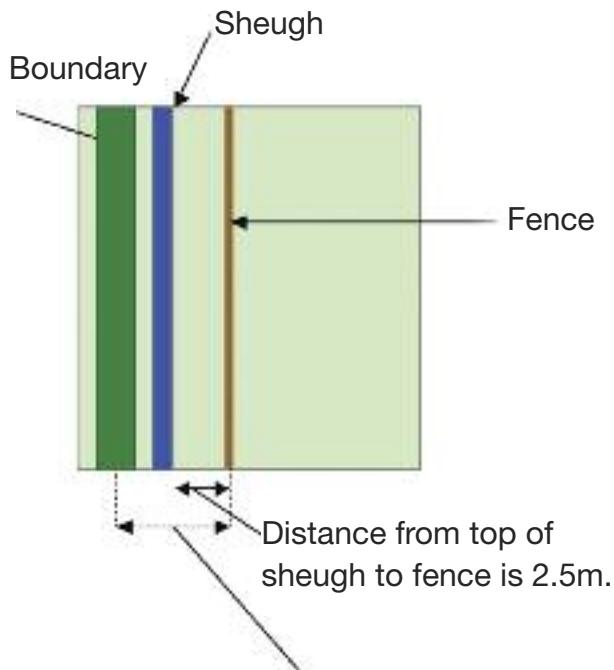
*There is a patch of scrub/whin in the middle of a hedge such as in the diagram. You need to make a deduction for the scrub (code OT13) right back to the field boundary line which may be in the centre of the hedge.*

### Example 2



*In this case the scrub is more than two metres away from the boundary. You still have to make a deduction for the scrub (see section on scrub on page 6) but you do not have to take the area back to the field boundary line.*

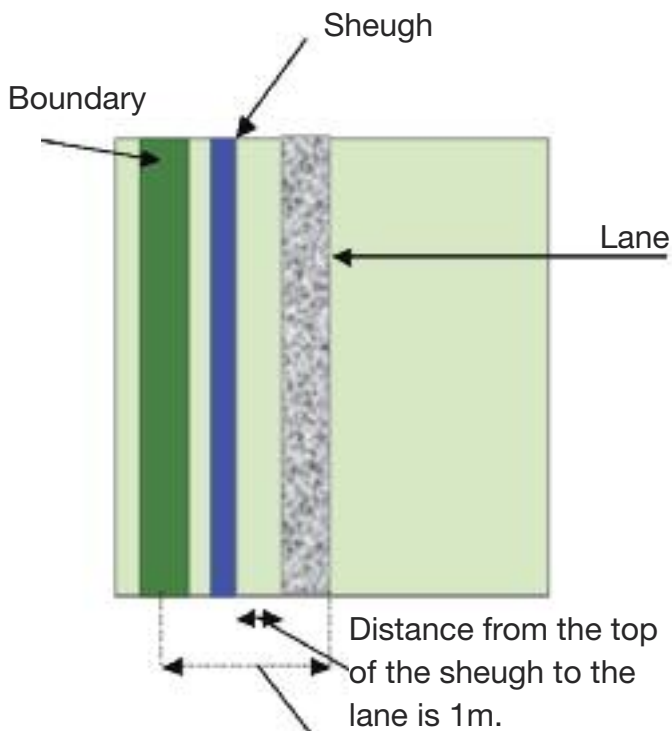
### Example 3



The whole area from the fence to the centre of the boundary line is ineligible

*In this example, the fence is 2.5 metres from the top of the bank of the sheugh. As the fence is more than one metre from the top of the bank of the sheugh, the area between the fence and the field boundary (including sheugh and hedge) is ineligible. Consequently the whole area from the fence right back to the centre of the hedge is ineligible (you should record this on your FDS as OT14).*

### Example 4



The area from the furthest side of the lane (in the field) to the centre of the boundary line is ineligible.

*In this example, there is a lane one metre from the top of the bank of the sheugh. As the lane is less than two metres from the top of the bank of the sheugh, it is considered as an ineligible feature at the field boundary. Consequently the whole area from the lane right back to the centre of the hedge is ineligible (you should record this on your FDS as OT14).*

## Lanes and transport routes

### **Constructed animal walkways are not eligible.**

Concrete or tarmac lanes or lanes with a hardcore base, even if greened over are **completely ineligible**. Areas of fields predominantly used as transport routes are also ineligible. These are often characterised by the presence of bare soil or deep tractor ruts on a **permanent basis**. The area deducted must be measured from the outside of one tractor rut to the outside of the other. **The area between each rut, even if grazed, is not eligible.**

If lanes or transport routes are present at field boundaries you must deduct the area of the lane/transport route and the area between the lane/transport route and the field boundary line. This will include areas occupied by hedges or sheughs if present on the field boundary (see page 20 for more details).

*The hardcore lane above has grassed over. It is not eligible.*



*This hardcore lane is not eligible. In this case make a deduction for the area between the ruts as well as the ruts themselves.*



## Designated streams, rivers and watercourses

Any designated streams, rivers and watercourses maintained by the Rivers Agency are ineligible

## Activities associated with normal agricultural practice

The following activities are associated with normal agricultural practice and some activities may result in land being ineligible. Bare ground associated with them will remain eligible as set out below.

- a. Cleaning sheughs and maintained watercourses: areas covered by spoil, soil or clay which is lightly spread adjacent to a sheugh or watercourse are eligible. Piles of spoil, soil or clay present are ineligible.
- b. Hedge cutting: land covered with debris from hedge cutting is eligible, if disposed of within 6 months of the cutting date. Piles of bushes present on a permanent basis are ineligible.
- c. Field drainage.
- d. Farmyard manure and poultry litter stored for spreading in that field (subject to the conditions of the Nitrates Action Programme 2011-2014) are eligible. Concrete areas or areas used as general storage for farmyard manure are ineligible.
- e. Ploughing and reseeded/cropping.
- f. Poached ground around gateways and feeding areas provided it is due solely to the presence of animals and which will naturally regenerate with grass. These are normally small areas measuring 0.01 or 0.02 ha. Note: Areas where the bare soil is caused by the presence of trees are not eligible.
- g. Deeply rutted tracks are not eligible. However, temporary ruts do not affect eligibility.



***Temporary ruts such as these are eligible.***

## Section 5 Agri-environment schemes and compatibility for claiming SFP

**Not all land eligible under an Agri-environment scheme is eligible for SFP. The following table explains which Agri-environment classification codes are compatible for claiming SFP.**

### Compatibility Key

1. Eligible for claiming SFP providing it forms part of a land parcel of 0.1 ha or more and meets all other SFP eligibility criteria described in this booklet. Area reductions should be made for any ineligible features, such as land in non-agricultural use, dense patches of scrub, scattered scrub, wide boundaries etc.
2. Eligible for claiming SFP providing it is accessible for livestock, there is forage available and it is grazed. It should meet all other SFP eligibility criteria described in this booklet. Area reductions should be made for any ineligible features, such as land in non-agricultural use, dense patches of scrub, scattered scrub, wide boundaries etc.
3. Only eligible for claiming SFP if the land was claimed and for which SFP was paid in the 2008 scheme year and is established under an Agri-environment agreement after 31 December 2008. It must form part of a parcel of 0.1 ha or more. Area reductions should be made for any ineligible features, such as land in non-agricultural use, dense patches of scrub, scattered scrub, wide boundaries etc
4. Ineligible for SFP.
5. Eligibility will be dependent on satisfying SFP eligibility criteria in this booklet. Area reductions should be made for any ineligible features, such as land in non-agricultural use, dense patches of scrub, scattered scrub, wide boundaries etc

| Land classification                                   | Compatibility for claiming SFP |
|---|--------------------------------|
| Improved land   | 1                              |
| Semi-improved/Unimproved/Semi-natural grassland       | 1                              |
| Species rich grassland                                | 1                              |
| Lowland wet grassland                                 | 1                              |
| Breeding wader sites                                  | 1                              |
| Lapwing breeding sites                                | 1                              |
| Fen   | 2                              |
| Swamp   | 2                              |
| Reed-bed  | 2                              |
| Heather moorland (See Notes 1 and 2 below this table) | 1                              |
| Rough moorland grazing                                | 1                              |
| Intact lowland raised bog                             | 2                              |
| Cut-over lowland raised bog                           | 2                              |
| Ungrazed woodland                                     | 4                              |
| Lightly grazed woodland                               | 2                              |
| Scrub (See Note 3 below this table)                   | 2                              |
| Parkland and lowland wood pasture                     | 2                              |
| Grass margins planted with native trees               | 3                              |
| Ungrazed grass margins                                | 1                              |
| Historic monument                                     | 2                              |
| Not eligible  | 5                              |
| Not claimed (ineligible feature)                      | 4                              |

### Notes:

1. Western Gorse (*Ulex gallii*) is a smaller, more compact shrub, with smaller spines when compared to European or common gorse / whin (*Ulex europaeus*). In contrast to whin, which mainly flowers in the spring, western gorse flowers from late summer to autumn. The shrub is mainly found in the Mourne, Slieve Croob and Slieve Gullion areas on dry and wet heath.
2. Some areas classified as heather moorland contain areas of Western Gorse. Western Gorse is eligible for Agri-environment scheme payments as long as the area is actively managed in accordance with your Agri-environment scheme management requirements but you should treat it as scrub for SFP eligibility and make appropriate reductions to your SFP claim.
3. Areas classified as scrub on your Agri-environment scheme agreement may have become so dense that no grazing is possible within that area. These dense areas of scrub should be removed from your Agri-environment scheme claim. When completing your SFP claim you must deduct these areas of dense scrub as they are ineligible.



## Section 6 Land not eligible for SFP

### Land that is permanently out of agricultural use

Land that is not in agricultural use is not eligible.

- Buildings, building sites and yards
- Gardens and parks
- Roads
- All laneways
- Hard standing
- Slurry storage sites
- Quarries
- Golf courses
- Race tracks, gallops
- Ponds, lakes and any designated streams, rivers and watercourses maintained by the Rivers Agency
- Scree and rocky outcrops
- Concreted areas

If any part of your holding has been permanently removed from agricultural use, you need to tell us and get your map updated.

### Land temporarily out of agricultural use

Land may be temporarily out of agricultural use because:

- It is being used to store silage bales, machinery or stones, but see further information below.
- There is bare ground or mulch under trees with no grazing available.
- There are deeply rutted tracks in fields.

This land is not eligible for SFP and other schemes.

### Storage of silage bales, machinery or stones

Where the total area of the land in a field used to store bales, machinery or stones on a temporary basis is over 0.01 ha (for example, you have an area of 0.05 ha where bales are stored in the corner of the field from which they have been harvested to be used as winter feed) then no deductions in the area of the field are needed. The total area of the field can be considered eligible for SFP.

However, if the part of a field is used for the storage on a regular basis, for example bales or machinery year after year or stone that is not used, or if it is clear that the number of bales stored in the field exceeds that produced from the field, then this would **not be considered a temporary basis** and a deduction must be made for all schemes for the area used for storage (record as code OT16).

Similarly, if a **permanent** section of a field has been fenced off for the main purpose of storage, then this would **not be considered a temporary basis**. This area must be clearly identified on the farm map and is ineligible for all schemes. This should be recorded as OT7.

## Section 7 Land in limited non-agricultural use for SFP

Generally, only agricultural land is considered eligible for SFP. However, there are certain non-agricultural activities which may qualify for SFP. These are listed at Annex C. This is not a complete list but will give you an idea of the types of activity that will be considered under each of the three categories.

Before beginning any non-agricultural activities listed, you need to contact us and we will advise you whether the activity will invalidate the land you have declared for SFP purposes. Contact details can also be found at Annex D.

If there is an activity not listed, you will be advised whether the activity will invalidate the land you have declared for SFP purposes.

## Section 8 Common land

The eligibility requirements for common land are the same as for any non-common land field on which you claim.

If you use common land to claim it is your responsibility to make sure that all eligibility rules are met.

Common land is only eligible for Agri-environment scheme payment if all shareholders have an Agri-environment scheme agreement.

## Section 9 Other issues

### Split fields

Generally, requests for more than one producer to activate SFP entitlements on different parts of the same field will not be accepted, and may lead to penalties being applied, unless there are two clearly defined crops. If more than one producer is farming the same field with the same crop group, the field will need to be physically split. Each producer will then need to show their share of the field on their FDS.

For example, field 1 is 3.50 ha and has crop code FR1. 2.50 ha are claimed by Producer A and 1.00 ha by Producer B. The producers need to erect an actual fence

denoting the boundary and complete form GIS 2 to report the change. We will process the change on GIS and field 1 will become 1A = 2.50 ha and 1B = 1.00 ha. Producer A should include field 1A and Producer B should include field 1B on field data sheets at Column G and Columns H, I, J and K, as required.

In the case of arable land, where farmers have been encouraged to establish rough grass margins along the field boundary, these grass margins may be treated as the physical divide.

### **Turf production**

Grass turf is eligible.

Turf (peat) produced for fuel is not eligible.

### **Land under polytunnels**

Any crops grown under polytunnels are eligible for SFP, provided that the ground underneath them is kept in GAEC and is not hardcore or has not been concreted. If the ground is hardcore or concreted, a deduction would have to be made for the area under the polytunnel.

### **Land used for free range poultry**

Any land used for free range poultry production under land use code FR1 is eligible for SFP if it is classified as agricultural land, for example, hen runs. As with all agricultural land, it should be maintained in GAEC.

Where the bird houses are a permanent fixture on a concrete area in a field, a deduction would have to be made for the concrete area.

Temporary areas of bare soil which are caused solely by the presence of poultry, and which will naturally regenerate with grass within a short period, are eligible.

### **Land grazed by horses**

Land which is used mainly for grazing horses but which you occasionally use for non-agricultural purposes for example, an annual gymkhana is eligible.

However, areas of land used by horses for other activities, such as a ménage, and land used for non-agricultural purposes, such as racecourses, gallops or as a show jumping arena are not eligible. This includes the land in the centre of the racecourse.

### **Rock**

Any areas of rock within your field are ineligible.

### **Bog myrtle**

Bog myrtle is not an eligible land use for either SFP or Less Favoured Area Compensatory Allowances (LFACA).

## Annex A

### Eligible land uses for SFP

Eligible land for the purpose of activating entitlements under the Single Farm Payment Scheme includes the following:

- Permanent pasture;
- Land used for normal arable/combinable crops including energy and protein crops, flax and hemp (for advice on hemp, see below);
- Land used for potatoes, sugar beet and other root crops;
- Land used for forage maize and forage rape;
- Land used for temporary grass;
- Land used for soft fruit, including strawberries;
- Land used for top fruit orchards, such as apples and pears;
- Land used for vegetables;
- Land under greenhouses or under fixed or mobile cover unless the land under cover has been made unsuitable for agriculture, for example, by concreting;
- Land used for multi-annual crops;
- Nurseries growing multi-annual crops;
- Land used for cut flowers and bulbs;
- Land used for hardy nursery stock production;
- Land used for turf, except for fuel (for example, peat cutting);
- Land managed according to Set-aside Management Rules ;
- Fallow land maintained in good agricultural and environmental condition;
- Land used for hops;
- Land used for Short Rotation Coppice, Elephant Grass (*Miscanthus sinensis*), and Reed Canary Grass (*Phalaris arundacea*) and
- In some circumstances, forage land that forms part of woodland.

Land and nurseries growing the following multi-annual crops are also considered to be eligible land:

- Artichokes;
- Asparagus;
- Rhubarb;
- Raspberries;
- Blackberries;
- Mulberries;
- Loganberries;
- Black, white or Redcurrants;
- Gooseberries;
- Cranberries;
- Bilberries and other fruits of the genus *Vaccinium*.

Nursery crops are defined as areas of young woody plants grown in the open air for subsequent transplantation. These are:

- (a) Vine and root-stock nurseries;
- (b) Fruit tree (orchard) nurseries;
- (c) Ornamental nurseries;
- (d) Nurseries of forest trees (excluding those for the holding's own requirements grown within woodland). Commercial forest-tree nurseries, whether in woodland or outside, are included in the definition, as are non-commercial forest-tree nurseries for the holding's own requirements grown outside woodland;
- (e) Trees and bushes for planting in gardens, parks, at the roadside and on embankments, for example, hedgerow plants, rose trees and other ornamental bushes, ornamental conifers, including in all cases their stocks and young seedlings.

## Hemp

It is a criminal offence to grow hemp in the United Kingdom for any purpose without a licence.

Land used to grow hemp is eligible for SFP. You must declare any fields which are used to grow hemp for fibre on your field data sheet, using code AR5.

We may penalise you and recover any money you have been paid if you do not meet the conditions of growing hemp.

### Seed labels

For hemp, grown on land used to claim SFP, certified seed of one of the eligible varieties must be used. The original official seed labels, confirming the variety, must be supplied to SFP Branch with your SFP application. These will be receipted by the SFP Branch and returned to you. When sowing takes place after 15 May, these labels must be submitted no later than 30 June. It is recommended that you send your seed labels by recorded delivery when returning your application form.

### Eligible varieties

A list of varieties of hemp that may be grown under the SFP Scheme is available on request from SFP Branch in Orchard House.

### Contact details:

**Single Farm Payment Branch,  
Orchard House, 40 Foyle Street,  
Derry/Londonderry, BT48 6AT**

**Tel: 0300 200 7848**

**Fax: (028) 7131 9800**

### Sampling and testing

Under EC rules, the United Kingdom must sample and test 20% of all applications which include hemp, 20% of the total area of hemp and all varieties of hemp grown. This is to make sure that the tetrahydrocannabinol (THC) content of the crop is below the level prescribed by EC legislation. Producers must therefore maintain, for each variety sown, three distinct parts of each field claimed, each part comprising at least 4,000 plants, until at least 10 days after flowering in case sampling is necessary. Growers must not harvest these areas until sampling has been completed or a written notification stating that sampling is not necessary has been received from SFP Branch.

In Northern Ireland, an application for a licence should be made to:

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

Applications should be made as early as possible. In considering each application, the authenticity of the applicant and the purpose of growing the hemp, together with the proposed locations of the growing sites, will be taken into account by the Head of Inspection and Investigation, Pharmacy Branch, Department of Health, Social Services and Public Safety (DHSSPS).

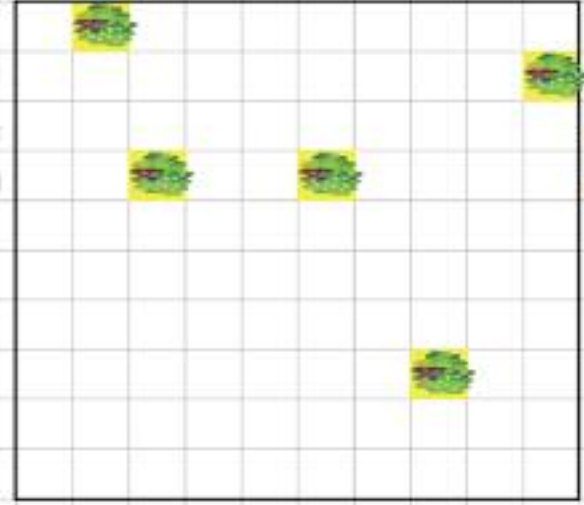
**Licences are not issued automatically.** In particular, in selecting growing sites, you should identify land where there is poor public access and visibility of the crop, that is, away from residential areas and major roads. Where minor roads adjoin the growing site, vehicular access to the site should not be possible. The Inspector may also require crops to be screened and other security measures to be taken in some cases.

## Annex B

### Illustrated examples of percentage ground cover (scrub score card)

Score Card 1

5% Cover

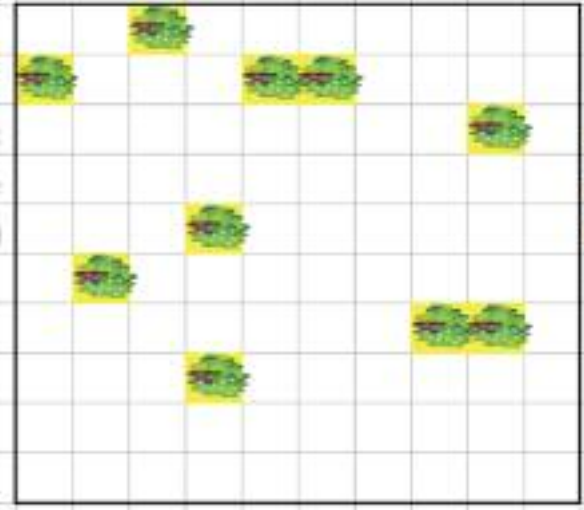


Small isolated clumps of scrub which have a very minor impact on grazing.

2.5% deduction

Score Card 2

10% Cover



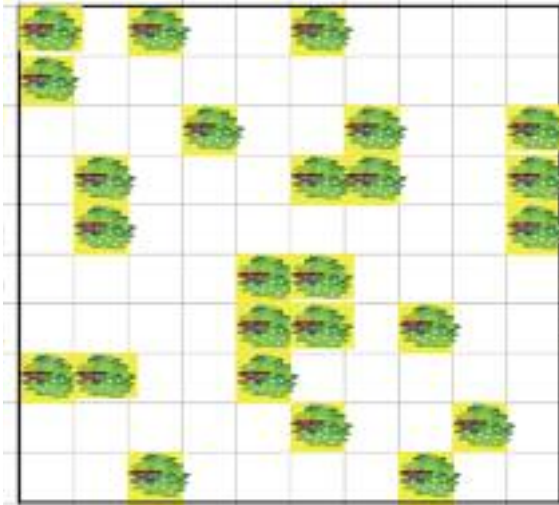
Significant number of scattered bushes may form small clumps. Some grazing beneath and between.

13% deduction



25% Cover

Score  
Card 3

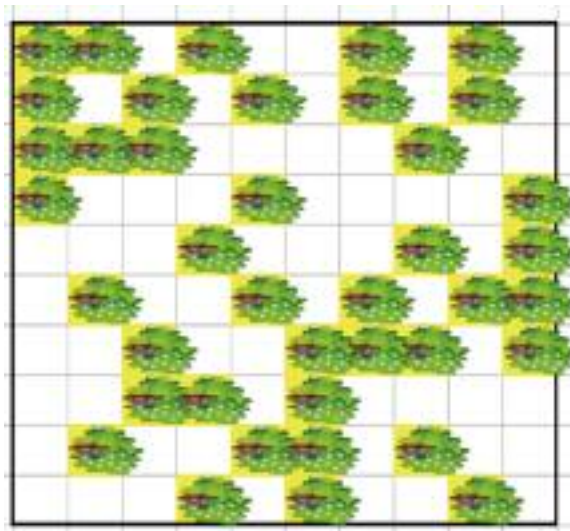


Some clumps of dense bushes with limited grazing beneath.

36% deduction

40% Scattered

Score  
Card 3

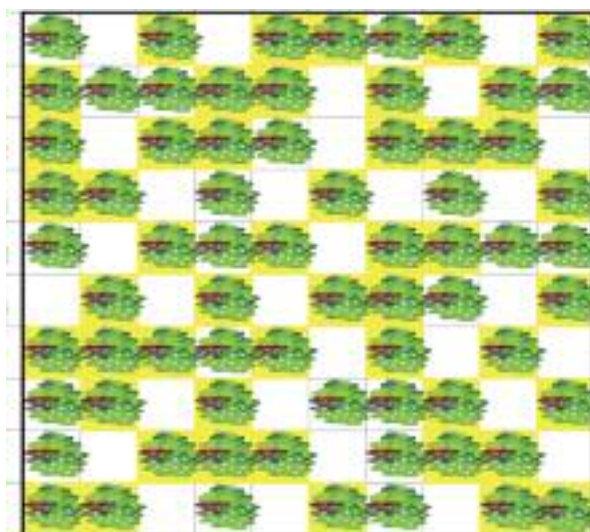


Dense clumps with restricted grazing accessible between clumps.

36% deduction

70% Cover

Score  
Card 4



50% + very dense clumps access likely to be limited to defined paths. Clumps often greater than 0.01 ha.

100% ineligible

## Annex C

### Limited non-agricultural land use under SFP

Before beginning any non-agricultural activities listed, you should contact

**Single Farm Payment Branch,  
Orchard House, 40 Foyle Street,  
Derry/Londonderry, BT48 6AT**

**Tel: 0300 200 7848**

**Fax: (028) 7131 9800**

We will advise you whether the activity will invalidate the land you have declared for SFP.

#### Category A. Generally permitted activities

We permit activities without restriction such as:

- Walking\*;
- Bird-watching;
- School or university nature or farm visits;
- Horse-riding along bridleways (in this context bridleway means any unsurfaced highway or route for which riding is allowed or for which a right of way on horseback exists. This may include statutory bridleways as well as other routes such as byways, permissive routes or field edges avoiding busy roads)\*;
- Bicycle riding along defined paths or bridleways\*;
- Fishing;
- Hedge-laying competitions, local ploughing competitions or other cultivation demonstrations within the applicable GAEC rules. This excludes events where trade stands are present, which fall under category B;
- Shooting (game);
- Deer stalking;
- Drag hunting; and
- Paragliding and hang-gliding.

**\* Paths or bridleways that are metalled or surfaced would, in any event, be considered ineligible land.**

## **Category B. Restricted (28-day limit) activities**

We permit activities in this category up to a 28-day limit. These include:

- Shooting (clay);
- Car boot sales;
- Car parking (whether or not it is associated with any of the activities listed in this note);
- Country fairs and shows;
- Farm auctions and sales;
- Equestrian activities (except of the type described under category A);
- Ballooning;
- Festivals and events;
- Scout or guide camps or similar;
- TV and film locations;
- Caravan sites (for periods of more than 28 days, the affected area should not be used to support a claim. This need not affect a whole field); and
- Motor sports.

## **Category C. Activities inconsistent with land being considered as remaining in agricultural use**

This category includes situations where the principal purpose of the land is for recreational or other non-agricultural activities, such as golf courses, other permanent sports facilities, gallops or airfields/airports.

### **Cross-Compliance and non-agricultural activities**

In all cases, Cross-Compliance conditions will apply on all agricultural land which you declare on your SAF for the whole calendar year. This includes limited non-agricultural use land and the period when it is in non-agricultural use. The Cross-Compliance requirements do not apply to non-agricultural land.

### **Special provisions for land used for military training**

In some cases, land will be used by the Ministry of Defence for military training and so it does not affect your ability to claim under the SFP scheme. Cross-Compliance conditions still apply.

## Annex D

### Contact Details

#### **DARD Grants and Funding – Tel: 0300 200 7848**

Single Farm Payment (SFP), land eligibility, LFACA, farm, fisheries, forestry and rural development payments and grants, pre-2005 schemes.

Countryside Management Development Branch  
Lindesay Hall  
Loughry Campus  
Dungannon Road  
COOKSTOWN  
BT80 9AA

Tel: 0300 200 7842

Fax: (028) 8675 7511

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

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College of Agriculture, Food and  
Rural Enterprise (CAFRE)  
45 Tirgracey Road  
Greenmount Campus  
Muckamore  
ANTRIM  
BT41 4PS

Tel: 0300 200 7841

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Forest Service  
Afforestation & Plant Health Branch  
Room 26  
Dundonald House  
Upper Newtownards Road  
Ballymiscaw  
BELFAST  
BT4 3SB

Tel: 0300 200 7847

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

## **Other sources of advice**

Ulster Farmers' Union (UFU)  
475 Antrim Road  
BELFAST  
BT15 3DA

Tel: (028) 9037 0222  
Fax: (028) 9037 1231  
E-mail: [info@ufuhq.com](mailto:info@ufuhq.com)

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NI Agricultural Producers'  
Association (NIAPA)  
15 Molesworth Street  
COOKSTOWN  
BT80 8NX

Tel: (028) 8676 5700

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Northern Ireland Agricultural Consultants Association (NIACA)  
35 Main Street  
Dromore  
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BT78 3AE

Tel: (028) 8289 8179

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**Talmhaíochta agus  
Forbartha Tuaithe**

MÄNNYSTRIE O

**Fairms an  
Kintra Fordèrin**

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