



Llywodraeth Cymru  
Welsh Government

# 2019 Single Application Rules Booklet

## Basic Payment Scheme (BPS)

- Greening Payment
- Redistributive Payment
- Young Farmer Payment
- National Reserve Entitlements

## Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contracts

- Glastir Entry (GE)
- Glastir Advanced (GA)
- Glastir Organic (GO)
- Glastir Woodland Management (GWM)
- Improved Land Premium (ILP)
- Glastir Woodland Creation Premium (GWCP)
- Glastir Woodland Creation Maintenance (GCM)
- Glastir Woodland Creation Premium (GCP)



### Important Notice:

It is essential that you read and understand this booklet if you intend to apply for any of these schemes in 2019.

February 2019

The Welsh Government produces this booklet in Welsh and English as required under the Welsh Government Welsh Language Scheme.

## **Disclaimer**

This booklet explains the rules of the European Commission's Single Application (incorporating the Basic Payment Scheme) and Integrated Administration and Control System (IACS) for 2019 as well as Welsh Government Rural Communities – Rural Development Programme for Wales 2014 - 2020 schemes: Glastir Organic, Glastir Entry & Glastir Advanced, Glastir Woodland Creation Premium, Glastir Woodland Management, Improved Land Premium and Glastir Woodland Creation Maintenance.

The Single Application rules are based on Regulation (EU) No 1306/2013, Regulation (EU) No 1307/2013, Commission Delegated Regulation (EU) No 640/2014, Commission Delegated Regulation (EU) No 641/2014, Commission Implementing Regulation (EU) No 809/2014, Commission Delegated Regulation (EU) No 639/2014, as amended.

The Welsh Government Rural Communities – Rural Development Programme for Wales 2014 - 2020 scheme rules are based on Council Regulation 1698/2005 (as amended), Commission Regulations 1974/2006 and 65/2011 (as amended) for Improved Land Premium, and Council Regulation 1305/2013, Delegated Regulation 807/2014 and Implementing Regulation 808/2014 (all as amended from time to time) for all Glastir schemes.

As the rules change from time to time the Welsh Government cannot guarantee that this booklet provides a definitive statement of the law (which only the European Court of Justice can give) nor can the booklet substitute for specific advice on individual legal problems.

Produced by the Welsh Government.

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## **MAIN CHANGES**

A new crop code 'FA6: Fallow – Non Greening (Crop to be planted before 15 July)' has been introduced to allow sowing crops on fallow land before 15 July. This is not eligible for EFA.

Preliminary Check letters will not be issued in hardcopy from 2019 onwards. They will be issued via RPW Online only.



## SECTION A: KEY MESSAGES

### A1 Definition of a Farmer

**A1.1** To claim BPS and Glastir Organic you must be a farmer carrying out agricultural activities each year you claim these schemes. You will need to submit Supporting Documents to prove you have undertaken agricultural activities if you do not declare livestock or arable or permanent crops on your SAF. This will need to be submitted by 15 May, unless the activity takes place later in the year. In which case, you will need to notify RPW in writing (letter, email or RPW message) that you will be submitting Supporting Documents later in the year. That evidence will need to be submitted within 30 days of the activity taking place.

### A2 Field Maintenance and Land Transfers

**A2.1** You must inform the Welsh Government of changes to land parcels and any land transfers within 30 days of the change(s) taking place. Please complete a **'Manage My Land'** submission, using your RPW Online account, to notify us of any changes to ownership or tenures of land. **'Manage My Land'** must also be used to register new land, notify us of changes to permanent features and inform us of field boundary changes.

**A2.2 Please note** the paper *'Field Maintenance and Land Transfer Application Form'* is no longer acceptable, so you must use **'Manage My Land'** to notify us of any changes to your land.

### A3 Single Application Form (SAF)

**A3.1** You should read this *'2019 Single Application Rules Booklet'* and the *'2019 Single Application Form (SAF) Online How to Complete Guide'* before completing your SAF 2019. This booklet supersedes any previous information published.

**A3.2** The SAF 2019 is an online application available through your RPW Online account. You can access your RPW Online account via the login link at [the Welsh Government website](#). If you are not yet registered with RPW Online or need support to complete your application online, please contact the Customer Contact Centre (further details at Annex 8 of this booklet).

**A3.3** You must complete the SAF 2019 using RPW Online to claim payment under the schemes listed below:

- BPS including Redistributive, Greening and Young Farmer
- Glastir Entry (GE)
- Glastir Advanced (GA)
- Glastir Organic (GO)
- Glastir Woodland Management (GWM)
- Improved Land Premium (ILP)

## SECTION A: KEY MESSAGES

- Glastir Woodland Creation Premium (GWCP)
- Glastir Woodland Creation Maintenance (GCM)
- Glastir Woodland Creation Premium (GCP).

**A3.4** You must also complete the SAF 2019 if you wish to apply for National Reserve Entitlements, as a 'New Entrant' or a 'Young Farmer'.

**A3.5** The deadline for submitting your SAF 2019 is midnight, Wednesday 15 May 2019.

**A3.6** The SAF closing date also applies to supporting documents.

### **A4 Preliminary Checks**

**A4.1** RPW will carry out initial checks on your submitted SAF to identify any differences between your declaration and the mapped field information we hold. RPW will also check to see if any of the land included on your SAF has also been declared by another claimant. Additionally, if you have a Management Option or Capital Works under a Rural Development Contract in a land parcel RPW will check if you have declared a crop in the field to support the option. If we discover any potential issues we will notify you of these, providing details of the relevant land parcel. You will then have an opportunity to request an amendment to your declaration on the SAF accordingly.

**A4.2** We will issue letters under 'Preliminary Checks', on RPW Online only, as soon as possible after 15 May 2019. If you receive a letter under 'Preliminary Checks' and you wish to change your SAF declaration for the fields shown in the letter you will have until 19 June 2019 to respond. **Please note** any replies received by RPW after 19 June 2019 cannot be accepted and over-declared penalties may be applied (see Section G of this booklet for further details).

**A4.3** Under 'Preliminary Checks', RPW can only give you an opportunity to avoid potential discrepancies or non-compliance. The deadline of 19 June 2019 cannot be used to increase your claim. The normal SAF deadlines will continue to apply for all other amendments to your SAF declaration, these being 31 May 2019 without penalty, with late penalties applying for each working day after this up to and including 10 June 2019. All other amendments cannot be accepted after 10 June 2019.

### **A5 Over-declared penalties**

**A5.1** If you claim land not at your disposal, or is not eligible for payment, you may receive an over-declared penalty. Section G explains how over-declared penalties will be calculated.

### **A6 Greening administrative penalties**

**A6.1** If you fail to comply with Greening rules you may receive a reduction in your payment and, since BPS 2017, an additional administrative penalty may also be applied to your payment. Section G explains how the administrative penalties will be calculated.

## **SECTION A: KEY MESSAGES**

### **A7 Declare only land at your disposal on the SAF**

**A7.1** You must declare only the land you have at your disposal on 15 May 2019. You should not declare land you own, but have rented out (as this is not at your disposal and should only be declared by the farmer renting it in). It is important that you check your pre-populated SAF field data very carefully as changes may need to be made. See paragraph B6 of this booklet.

**A7.2** You should not declare land you are occupying, where your tenancy has expired, or your notice to quit means your tenancy will expire before 15 May 2019. If you do claim land you are not legally entitled to occupy, your 2019 claims may be subject to penalty.

**A7.3** You are responsible for ensuring the land remains compliant with the scheme requirements for the calendar year. Therefore, if you relinquish control of land after 15 May 2019, and we become aware the land no longer complies with the scheme rules, you may receive over-declared land penalties if the land is no longer eligible. If there are Cross Compliance breaches on this land, you will also receive those penalties, unless another 2019 BPS claimant takes over control of the land.

**A7.4** You should retain evidence that you have or had land at your disposal on 15 May 2019. If we request this evidence and you are unable to provide satisfactory evidence, your 2019 BPS claim will be rejected and no payments made. You must also be able to allow RPW inspectors access to all your claimed land. If inspectors cannot access claimed land, penalties may be applied to your claim, and consideration will also be given to claiming back payments made to you in previous years.

### **A8 Artificiality**

**A8.1** If we discover you have artificially created the circumstances to gain advantage from any of the rules relating to the payment of BPS, including to avoid direct payment reductions (capping), or to avoid Greening by declaring/not declaring land at your disposal, we will investigate and may withhold payments or reject all your claims and recover monies paid. This includes the Young Farmer payment, Redistributive payment, Greening payment and entitlements allocated from the National Reserve.

### **A9 Clawback of BPS Entitlements**

**A9.1** If you do not use all your BPS Entitlements at least once in every two years, you will lose some in the second year.

**A9.2** If a number of entitlements go unused for two consecutive years, that number of unused entitlements will be lost. This means farmers won't be able to keep hold of entitlements by 'rotating' (swapping) the ones they use from year to year.

**A9.3** RPW will clawback in order of value starting with the lowest value entitlements first. If you have owned and leased entitlements of the same value, the owned entitlements will be clawed back first. Therefore, you should carefully consider the impact of leasing your entitlements to another business.

## **SECTION A: KEY MESSAGES**

### **A10 Welsh Government Rural Communities – Rural Development Programme for Wales 2014 to 2020**

**A10.1** You should declare the appropriate land use codes to deliver the management options detailed in your contract. Full details of compatible codes are listed in Annex 4.

**A10.2** You should ensure all Glastir Advanced capital works included in your contract are completed by the end of the year in which they are scheduled. All Glastir Advanced capital works due for completion in 2019 must be completed by 31 December 2019 and a claim made no later than 28 January 2020. See paragraph C9 of this booklet.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

### B1 Introduction to BPS

**B1.1** To be eligible to receive a BPS payment you must:

- have at least 5 hectares of eligible agricultural land at your disposal on the 15 May 2019, and
- own or lease in at least 5 BPS Entitlements.

**B1.2** You will also need to be:

- a **Farmer** undertaking agricultural activities and
- an **Active Farmer** who is not operating any activities listed at paragraph D5 of this booklet.

### B2 BPS

**B2.1** Direct Payments are made up of BPS, Redistributive, Greening and Young Farmer payments.

**B2.2** The BPS scheme year runs from 1 January to 31 December. Land you claim must remain eligible for the entire scheme year. You are responsible for Cross Compliance for the entire scheme year and for making arrangements for the land to be accessible to RPW inspectors throughout the year. Failure of either of these commitments may lead to penalties being applied to your claim, or exclusion from the scheme.

**B2.3** The BPS is managed under the Integrated Administration and Control System (IACS), which sets down conditions for:

- identifying farmers and land
- administrative, on-the-spot and remote sensing checks to confirm the area and use of land meets European Regulations.

**B2.4** In order to claim BPS you must declare annually on your SAF all the land that is at your disposal/within your management control (owned and rented in) on 15 May, whether or not you wish to claim payment for that land. This includes all woodland/forestry, tracks, yards and hardstandings etc. and all land that is covered by your Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme commitments. It is important that you no longer declare land that is rented out and therefore not at your disposal. You must also declare all land at your disposal elsewhere in the United Kingdom in the application for that region. See paragraph B6 of this booklet for an explanation of 'land at your disposal/control'.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

**B2.5** BPS can be claimed by a farming business whether they are sole traders, partnerships or legal entities (although Common Land Associations are excluded), providing they meet the scheme rules. However, if we discover you have artificially created the circumstances to gain advantage from any of the rules relating to the payment of BPS, including to avoid direct payment reductions (capping), or to avoid Greening by declaring/not declaring land at your disposal, we will investigate and may withhold payments or reject all your claims and recover monies paid. This includes the Young Farmer payment, Redistributive payment, Greening payment and entitlements allocated from the National Reserve.

**B2.6** If you are a cross-border farmer you will need to meet the rules for the BPS in each of the regions you farm. For arrangements that apply specifically to cross border farmers see paragraphs B82 – B93 of this booklet for further details.

### **B3 Farmer and Agricultural Activity**

**B3.1** You must be a Farmer carrying out an agricultural activity to be allocated BPS Entitlements and receive BPS payments. You must be a Farmer carrying out agricultural activity every year you claim BPS.

#### **B.4 What is the definition of a farmer (in the context of CAP regulations)?**

**B4.1 A Farmer** is a natural or Legal Person or a group of natural or Legal Persons, regardless of the legal status granted to such persons or groups by national law, whose **holding** is situated within a European Member State and who exercises an **agricultural activity**.

**B4.2 A Holding** means all the units used for agricultural activities, managed by a farmer (at the farmer's disposal) and situated within the same European Member State.

**B4.3 Agricultural Activity** means:

- the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes.
- maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries. In Wales, this means the control of non-native invasive weeds and scrub.
- carrying out a minimum activity on agricultural areas naturally kept in a state suitable for grazing or cultivation. In Wales, agricultural areas naturally kept in a state suitable for grazing or cultivation are defined as areas of saltmarsh and sand dunes. The minimum activity required is that the area is grazed to a minimum average annual stocking density of 0.01 to 0.05 livestock units per hectare, or the control of non-native invasive weeds and scrub.

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

**B4.4** If you do not declare livestock and you do not declare arable crops or permanent crops on your SAF you must submit supporting documentation (e.g. animal movement records, invoices for hedge cutting, hedge laying or maintenance, or silage contracts) by the 15 May 2019 to prove you meet the requirements above and are carrying out an agricultural activity in 2019.

**B4.5** If the agricultural activity to support your claim takes place prior to the 15 May 2019 the documentary evidence must be submitted by the 15 May 2019. However, if the activity takes place after the 15 May 2019 you must submit a letter, email or message via RPW Online as supporting documentation confirming you will submit evidence within 30 days of the activity taking place. No payment will be made until the evidence of agricultural activity in 2019 has been received. If no evidence is submitted, your claim will be rejected.

### **ACTIVE FARMER**

#### **B5 What are the Active Farmer requirements?**

**B5.1** You must be an Active Farmer to be allocated BPS Entitlements and receive BPS payments. You must be an Active Farmer every year you claim BPS. You must read Section D of this booklet to ensure you comply with the Active Farmer requirements.

**B5.2** The 2019 Active Farmer test is required for farmers who received a total BPS 2018 payment of more than €5,000 (£4,464.05) before any administrative and Cross Compliance penalties were applied. Where no payment was made due to reductions and penalties, the €5,000 will be assessed against the potentially payable entitlement value had penalties not been applied. Farmers who did not have BPS Entitlements in 2018, will have their Active Farmer status assessed based on their answers on the SAF 2019.

### **LAND AT YOUR DISPOSAL**

#### **B6 Land at your disposal/control**

**B6.1** To claim BPS payment and receive BPS Entitlements from the National Reserve you must be able to demonstrate that the land being declared in support of your claim is at your disposal/control on 15 May 2019.

**B6.2** You will be responsible for Cross Compliance and Greening requirements relating to the land for the entire calendar year (see Section E of this booklet for further details regarding Cross Compliance), as well as ensuring the land retains its BPS eligible status. For example, a field being converted to a non-agricultural activity e.g. a car park, will no longer be eligible for BPS.

**B6.3** Unless land is common land/land used in common (see paragraphs B8 – B9 of this booklet) each parcel of land can be used only once in any year to claim BPS payment and two farmers cannot use the same geographical area to claim the BPS at the same time. Where the same geographical area is used to support BPS claims by two different farmers neither will be paid until it is determined who has the right to use the land in support of their BPS claim. The farmer who does not have the right to claim payment on the land may face land over-declared penalties. It is therefore

## SECTION B: BASIC PAYMENT SCHEME (BPS)

important that farmers are clear who has the land at their disposal/control and who is using it to claim payment on BPS Entitlements (licensees will not be able to claim as they don't have the land at their disposal).

**B6.4** You must be able to demonstrate you have legal occupation of the land claimed e.g. in the case of land you do not own, you have a tenancy from the landlord enabling you to farm the land as you see fit and take responsibility for keeping it in good agricultural and environmental condition. Written agreements will provide both you and RPW with evidence of your agreement.

**B6.5** Where an eligible hectare is declared by two or more farmers, the farmer who makes the decisions in relation to the agricultural activity on that land and who bears the benefits and financial risks related to those activities will be considered to have the land at their disposal/control.

### **B7 What is meant by at the farmer's disposal/control?**

**B7.1** When declaring your land on the SAF 2019 you must declare only the land that is at your disposal/control on the 15 May 2019. Land is 'at your disposal' only if:

- you are the owner occupier
- you are a tenant who has 'exclusive occupation' under either the Agricultural Tenancies Act 1995 with a Farm Business Tenancy, or a full Agricultural Holdings Act 1986 tenancy
- you are a tenant with an unwritten tenancy with the same level of control as the above
- you have allowed a licensee on to your land under a license arrangement that is specifically for grazing, cropping or taking hay/silage over a specified and limited period of time within the year, but you have retained Management Control of the land.

### **B7.2 Who has the land at their disposal to claim BPS?**

Scenario describing the occupation of the land	Who can claim?	
	Tenant Status codes A, B or C	Owner Status code O
You graze your sheep or take hay/silage at the time(s) specified in a licence (oral or written). You have no autonomy to carry out other agricultural activity on the land without the permission of the licensor. <b>You cannot claim.</b>		<input type="checkbox"/>



## SECTION B: BASIC PAYMENT SCHEME (BPS)

<p>You farm the land and you are responsible for its maintenance and keeping the land in good agricultural and environmental condition, but do not have a tenancy. Your agreement with the land owner (or tenant) is such that you do not need to seek permission to maintain and farm the land as you wish or consider necessary. The licensor does not undertake or contract any agricultural activity on the land. <b>You should claim as a tenant.</b></p>	✓	
<p>You carry out (or pay a contractor for) maintenance of the land and retain responsibility for its condition, but you let land you own to another farmer under a licence. The licence includes a specific period for the licensee's use of the land and specifies/limits the use that can be made of the land by the licensee. <b>You claim as the owner.</b></p>		✓
<p>You carry out (or pay a contractor for) maintenance of the land and retain responsibility for its condition. You have a formal tenancy over land you sub-let to another under a licence. The licence includes a specific period for the licensee's use of the land and specifies/limits the use that can be made of the land by the licensee. <b>You should claim as a tenant.</b></p>	✓	
<p>You do not undertake agricultural activity on this land (other than as a contractor). You own the land and you let the land to another farmer under a licence. The licence allows the licensee to carry out (or pay for) maintenance of the land and take responsibility for its condition. <b>You cannot claim.</b></p>	✓	
<p>You do not undertake agricultural activity on this land (other than as a contractor). You have a formal tenancy over land you sub-let to another under a licence. The licence allows the licensee to carry out (or pay for) maintenance of the land and take responsibility for its condition. <b>You cannot claim and your licensee should claim as a tenant.</b></p>	✓	
<p>You do not undertake agricultural activity on your land, but you do have it at your disposal on 15 May for a short period. For the rest of the year you let the land on a licence or a tenancy and the licensee/tenant maintains it in good agricultural and environmental condition as well as grazing it. You have the land on 15 May, but you are not a farmer on the land so cannot claim. Your licensee/tenant are farmers on the land, but don't have the land at their disposal on 15 May. <b>Therefore neither party can claim BPS.</b></p>		

**B7.3** The important thing to note from this table is if you are a license holder who farms the land and maintains it in GAEC you are the eligible claimant and you must claim as a tenant.

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

**B7.4** Where land is let out to a tenant under an Agricultural Holdings Act 1986 tenancy or a Farm Business Tenancy (i.e. a formal tenancy) it is at the disposal of the tenant, not the landlord. That land must not therefore be included on the landlord's SAF at all.

**B7.5** Where you allow a licensee onto your land under a license arrangement that is specifically for grazing or taking hay/silage over a specified and limited period of time; and that licence does not transfer management control relating to BPS rules to the licensee, that land is at your disposal as the licensor. If you are the farmer (owner/tenant) in a Contract farming agreement then you (owner/tenant) also have the land at your disposal.

**B7.6** If you are a licensee, who occupies land specifically for grazing, or taking hay/silage over a specified period of time, the land is not at your disposal and you are not eligible to claim BPS on such land and should not declare it on your SAF. It is the actions on the ground that will dictate what the arrangement is. So if someone is doing all the farming and maintenance of the land as well as grazing or taking hay/silage over an undefined or continuing period of time it is likely that, regardless of how it is described by the parties involved, in legal terms there is a tenancy in place. Where this is the case this grazier is actually a tenant and has the land at his disposal and should claim as a tenant.

**B7.7** Licensors should be cautious to clearly define the specific period and permitted activities of the arrangement to avoid confusion over who actually has the land at their disposal. As a claimant you should also ensure you are able to provide evidence of your agricultural activity on the land in question (e.g. animal movement records, invoices for hedge cutting, fencing or silage contracts).

**B7.8** These rules apply to both written and unwritten tenancies. We understand there can be a wide variety of arrangements in practice, but it is in your interest as a claimant to take steps early on to ensure you are able to provide sufficient evidence to deal with any queries regarding your eligibility as failure to do so may lead to over-declared penalties.

### **B8 Common Land**

**B8.1** You can use common land grazing rights to establish and support your claim for payment on BPS Entitlements if you have a legal right to use that land for grazing stock. You must be an Active Farmer, undertake an agricultural activity, and meet the other BPS eligibility requirements to use common land to apply for BPS. Cross Compliance requirements apply to any common land declared for BPS.

**B8.2** If there is a breach of Cross Compliance anywhere on the common, the farmer or farmers responsible for the breach may have their payments reduced in whole or in part. The BPS does not alter legal rights of common, or the exercise of those rights.

**B8.3** The Welsh Government's allocations of common land for BPS in 2019 will take account of the livestock grazing rights registered to BPS claimants on the common and the notional allocations of hectares to individual farmers will relate to their rights declared on the SAF. The forage area available for BPS may be reduced due to an

## SECTION B: BASIC PAYMENT SCHEME (BPS)

increase in ungrazeable areas on the common or reduced or increased due to changes in common land declarations on SAFs annually.

**B8.4** Under The Commons (Severance of Rights) (Wales) Order 2014, a right of common to graze animals can be leased or licensed (known as 'severance') for a maximum of 5 years, and such severance is only legal if strict rules are adhered to. These rules include notifying the following people or organisations of any new leasing or licensing agreements (including borrowed rights) within 28 days:

- the local Commons Registration Authority in whose area the land is situated
- the land owner of the common over which the rights are exercisable
- the secretary of any relevant Commoners Associations, Commons Councils (when established) or any other local body responsible for the management of the common land to which the leased rights of common apply
- Natural Resources Wales, if the common to which the rights apply includes a Site of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981.

**B8.5** You should be aware that the allocation of forage land, in respect of any grazing rights declared on your SAF, may vary from year to year. Welsh Government's allocations of forage areas made in the previous years cannot be guaranteed nor relied upon to activate BPS Entitlements.

**B8.6** You are responsible for ensuring you have sufficient land to support your BPS applications/entitlements.

### **B9 Land used in common**

**B9.1** In cases where two or more farmers share-graze portions of non-common land (and no share farming agreement exists) each can enter the field in the Field Data section of their SAF and claim for the specific portion of the grazeable area they have at their disposal (i.e. have the right of use for). It is important that the total area of land is declared between all the applications made i.e. including any ineligible and eligible land, but the addition of the total areas declared by each grazier must not exceed the total area of the parcel or this will result in delays to claim validation and may result in over-declared penalties. It is therefore important for farmers grazing portions of shared land to ensure they do not submit incorrect and conflicting data.

**Example:** a field is 20 hectares shared between two farmers. Each farmer would enter one line on the SAF (if there are no ineligible areas) with a declared area of 10 hectares. Any ineligible areas must be declared by either one of the farmers declaring all of the areas or the farmers declaring them between them.

### **B.10 Share farmers**

**B10.1** In cases where two or more farmers have a share farming agreement only one can claim BPS. All the land within the agreement must be included on the designated farmer's SAF and the entitlements activated must be held by that farmer. The entitlements for the agreement can only be activated for payment by the farmer who holds them on the date of the SAF deadline (15 May).

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**B10.2** Responsibility for distributing the payments (or for any repayments should this apply) rests with the applicant farmer. Should the other members of the share farming agreement hold additional land outside of the agreement, they should submit their own SAF for this land.

**B10.3** All parties should consider carefully how the businesses are structured to ensure they comply with the scheme rules. You may wish to seek professional advice on this especially if the agreement was made some years ago.

### **B11 Dual use of land – land claimed by two or more separate farmers under different EU schemes**

**B11.1** To meet Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme (e.g. Glastir) requirements a farmer must provide evidence that they have full management control of the land they enter into the scheme. Where one farmer declares the land for BPS another farmer cannot enter that land into a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 agreement. This is referred to as dual use.

**B11.2** If there is a dispute involving more than one farmer claiming to have full management control of the same area of land at the same time neither farmer will receive payment until it is established who is eligible e.g. where one farmer claims Glastir Organic and the other farmer claims BPS.

**B11.3** Farmers discovered to have declared dual use of land will need to confirm how their particular business arrangements allow both parties to meet scheme eligibility requirements.

**B11.4** Except in rare circumstances penalties are likely to be applied to either your BPS payments or your Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 payments if you submit a SAF 2019 incorrectly declaring you have land at your disposal on the 15 May 2019.

### **B12 Land Ownership and Occupation Disputes**

**B12.1** The Welsh Government cannot adjudicate land ownership or occupation, in particular where both parties provide evidence to support their claim. In these circumstances no payments will be made to either party, as payments cannot be made where a SAF cannot be fully validated.

### **B13 Land eligible for BPS**

**B13.1** The minimum claim size is 5 hectares of eligible land and therefore this is the minimum area on which BPS can be claimed and paid in 2019. The minimum eligible area in a land parcel is 0.10 hectares.

**B13.2** For BPS an eligible hectare is any agricultural area of the holding taken up by permanent grassland, arable land or permanent crops that is used for an agricultural activity or where the area is predominantly used for agricultural activities in the relevant scheme year, but is used for non-agricultural activities as listed at paragraph B22 in this booklet. It also includes some land taken out of production or afforested

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under Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes or Natural Resources Wales management agreements, under certain conditions (see paragraph B21 in this booklet).

**B13.3** You must have a minimum of 5 hectares of eligible land at your disposal on 15 May 2019 if you wish to claim BPS Entitlements and be paid BPS.

**B13.4** If you do not activate at least 5 full BPS Entitlements each year you will not activate your entitlements, receive payment and your entitlements may be clawed back and the value revert to the National Reserve (see paragraph B36 in this booklet).

### ELIGIBLE LAND TYPES FOR BPS

#### B14 Permanent grassland

**B14.1** Permanent grassland means land used to grow grasses or other herbaceous forage naturally (self seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or more. It may include other species such as shrubs and/or trees that can be grazed provided the grasses or other herbaceous forage remain predominant as well as, where Member States so decide, land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas. This excludes land which has been set aside under a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme during the last 5 years.

**B14.2** Grasses or other herbaceous forage means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows, whether or not used for grazing animals, e.g. clover or sainfoin.

**B14.3** In Wales, permanent grassland also includes land where native dwarf shrubs including those in the family Ericaceae (heathers) and the species *Ulex gallii* (western gorse), and/or native species in the families Juncaceae (rushes) and Cyperaceae (sedges), are predominant and can be grazed.

**B14.4** Land which has been down to grass since 15 May 2014, and not subject to crop rotation, is reclassified as permanent grassland on 15 May 2019. If the land is EFA fallow land it will not be reclassified as permanent grassland after five years, but will instead remain arable. Non-EFA fallow land will be reclassified as permanent grassland after five years.

**B14.5** Land re-sown with grass or other herbaceous forage during a five-year period is still counted as permanent grassland. However, where permanent grassland has been reseeded as temporary grass following a catch crop such as stubble turnips in the last five years this must count as arable land.

**B14.6** The following crop codes are classed as permanent grassland:

- BG1 - Broadleaf – grazed Glastir option 176
- CG1 - Coniferous – grazed

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- GR2 - Grass (permanent grass – 5 years or more)
- GR8 - Grass (permanent – re-sown in last 12 months)
- GT1 - Grazed tracks
- HE7 - Heathlands (grazed)
- HE9 - Heather
- SD1 - Sand Dunes
- SM2 - Saltmarshes (grazed).

### **B15 Arable Land**

**B15.1** Arable Land means:

- land cultivated for crop production – including land used for combinable crops, crops grown for fibre, root crops, crops grown for animal feed such as forage maize and forage rape, field vegetables, cut flowers or bulbs and soft fruit (other than permanent crops\*). This includes where these crops are grown under greenhouses, or under cover, on soil or grass
- land sown with pure leguminous/herbaceous forage crops (not mixtures of seeds for pasture or meadows) such as alfalfa or clovers
- temporary grassland (including herbaceous forage). This is where the land has been included in the crop rotation of the holding and has been in grass or other herbaceous forage for less than five years. Herbaceous forage is herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows, including Lucerne, Sainfoin, forage vetches and clovers
- areas available for crop production, but lying fallow. Fallow land is land that has no crop production or grazing on it (this means it cannot have a land use of permanent crops or permanent grassland). This land must be maintained in a state which makes it suitable for grazing or cultivation and includes arable land set aside as fallow under a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme.

\*Permanent crops are not classed as arable land, but are eligible for BPS.

### **B16. Permanent Crops**

**B16.1** Permanent crops means non-rotational crops, other than permanent grassland and permanent pasture, that occupy the land for five years or more and yield repeated harvests, including nurseries and Short Rotation Coppice.

**B16.2** Nurseries means the following areas of young ligneous (woody) plants grown in the open air, for subsequent transplantation and include:

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- vine and root stock nurseries
- fruit tree and berry nurseries
- ornamental nurseries
- commercial nurseries of forest trees excluding those for the holding's own requirements grown within woodland
- nurseries of trees and bushes for planting in gardens, parks, at the roadside and on embankments (e.g. hedgerow plants, rose trees and other ornamental bushes, ornamental conifers), including in all cases their stocks and young seedlings.

**B16.3** Short Rotation Coppice means areas planted with tree species that consist of woody, perennial crops, the rootstock or stools of which remain in the ground after harvesting, with new shoots emerging in the following season and with a maximum harvest cycle of 20 years:

- Alder (*Alnus* spp)
- Silver Birch (*Betula pendula*)
- Hazel (*Corylus avellana*)
- European Ash (*Fraxinus excelsior*)
- Lime (*Tilia cordata*)
- Sweet Chestnut (*Castanea sativa*)
- Sycamore (*Acer pseudoplatanus*)
- Willow (*Salix* spp)
- Poplar (*Populus* spp).

**B16.4** You will need to provide evidence at inspection or appeal that you coppice the trees. Proof of sales could prove your eligibility.

### **B17 Land with Trees or other Ineligible Features**

**B17.1** For each parcel that contains trees or other ineligible features the following areas must be deducted from the eligible area:

- man made constructions (e.g. buildings, hardstandings, roads and ungrazed tracks) and ineligible ponds, rivers and streams 100 m<sup>2</sup> or above
- whole areas of rocks and scree 100 m<sup>2</sup> or above

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- whole areas of scrub and bracken 100 m<sup>2</sup> or above
- groups of trees 100 m<sup>2</sup> or greater.

**B17.2** Once these areas have been deducted you must also identify any remaining areas of scattered ineligible features, i.e. scree & rocks, scrub and bracken, and apply a representative area deduction.

**B17.3** After deducting the scattered ineligible features, the remaining area is used for the assessment of scattered trees. If the density is greater than 100 trees per hectare the whole parcel is ineligible. If the density is 100 trees or fewer per hectare you must apply a representative area deduction for tree trunks and stumps.

**B17.4** Orchards and scattered fruit trees are considered eligible for BPS as they fall within the definition for Permanent Crop. You must provide RPW inspectors with evidence the trees are used for food production; this could include sales receipts. Failure to satisfy RPW the trees are used for food production will result in penalties being applied to your claim, or exclusion from the scheme.

**B17.5** For full details on how to assess these areas refer to Annex 1 of this booklet.

### **B18 Landscape Features protected by Cross Compliance**

**B18.1** The following landscape features are protected under Cross Compliance by Good Agricultural and Environmental Condition 7 (GAEC 7) and so are eligible for BPS payment. These features do not need to be deducted from the eligible area within field parcels:

- hedges and wooded strips
- ditches
- traditional stone walls
- stone faced banks
- slate fences
- Scheduled Ancient Monuments
- ponds that occur naturally or have been created under a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contract with an area up to 0.10 hectares
- trees protected by Tree Preservation Orders (TPO)
- 1 metre non cultivation zones
- 2 metre buffer strips.

**B18.2** If you are claiming payment under BPS for trees that are protected by a TPO you will need to provide supporting evidence to confirm the TPO is currently in place.



## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

For this you will need to contact your Local Planning Authority to obtain either a copy of the TPO or a letter stating the trees are currently covered by an order. **Please note** this supporting evidence is subject to the SAF submission deadlines, so must be submitted by 15 May to avoid late submission penalties. Supporting evidence that is received after 10 June 2019 cannot be accepted.

### **B19 Agricultural crops not used for agricultural purposes**

**B19.1** Land used to grow agricultural crops that are not used for agricultural purposes, e.g. for use in an anaerobic digester, remains eligible for BPS.

### **B20 Special provisions for land used for military training**

**B20.1** In some cases, eligible agricultural land will be subject to use by the Ministry of Defence for military training. This is regarded as being in the national interest and will be permitted without affecting your ability to claim BPS. Cross Compliance requirements will still apply.

### **B21 Land in Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes or NRW management agreements**

**B21.1** Eligible agricultural land that is taken out of production under a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme can only be used by the farmer in the Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme to activate BPS Entitlements in 2019 if that land was used to activate SPS payment entitlements in 2008 and it has an eligible management option on that land.

**B21.2** Eligible agricultural land that is afforested under the Forestry schemes governed by the European Rural Development Regulations can be used by the farmer in the Forestry scheme to activate BPS Entitlements in 2019 only if that land was used to activate SPS payment entitlements in 2008.

**B21.3** Eligible agricultural land that is no longer eligible as a result of being included in a NRW management agreement implementing the Habitat Directive or Wild Bird Directive, can be used by the farmer to activate BPS Entitlements in 2019 only if that land was used to activate SPS payment entitlements in 2008.

**B21.4** Land that was entered into one of the eligible management agreements referred to above prior to 1 January 2015 can continue to be used to activate BPS Entitlements from 2019, including when one management agreement ends and land is immediately entered into a new RD agreement (no break). Land that enters a management agreement after 1 January 2015 for the first time, or following a break from a previous management agreement, must have an eligible management option on that land to meet the BPS eligibility rules in order to be considered under these provisions. This includes that the land was used to activate SPS payment entitlements in 2008.

**Example:** if you had a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme with a requirement to stock exclude an area up to 31 December 2014 and the woodland was used to activate SPS payment entitlements in 2008 it can continue to be used to activate BPS Entitlements whilst

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under Contract. If at any point the woodland ceases to be under a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme, with a requirement to stock exclude, the area will no longer be available.

**B21.5** If the eligible management agreement comes to an end the land must meet BPS land eligibility requirements if you wish to use it to activate BPS Entitlements and you must revert to using the appropriate land use/crop code. See Annex 3 of this booklet for a list of land use/crop codes.

**B21.6** If the land is not eligible for BPS, but is declared for BPS purposes over-declared penalties will be applied to your BPS payments.

**B21.7** Land qualifying under these provisions must be managed in accordance with relevant Cross Compliance rules.

**B21.8** Refer to Section C of this booklet for further details of the relevant Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes.

### **LAND NOT ELIGIBLE FOR BPS**

#### **B22 Non-agricultural areas for BPS purposes**

**B22.1** Where you have doubts over land eligibility, you should contact the Customer Contact Centre.

**B22.2** Gardens, recreational parks, urban commons, zoos, ineligible ponds, buildings, hardstandings, fenced off pylons and trees with a density greater than 100 trees per hectare, scrub, bracken, groups of trees (as detailed in Annex 1 of this booklet) are not regarded as agricultural areas for BPS and are therefore not eligible. You must however declare such areas on your SAF and Cross Compliance still applies to any such areas that are used for agricultural purposes on your holding.

#### **B23 Land taken out of production due to utility works**

**B23.1** If it is compulsory for you to take land out of production under statutory powers, for example a utility company laying a pipeline, it may be difficult for you to meet the requirements to qualify for an allocation of BPS Entitlements and for claiming payment on your BPS Entitlements.

**B23.2** If you have land temporarily taken out of production and you cannot meet the requirements to qualify for an allocation of BPS Entitlements or payment, you may be eligible under the Force Majeure provision. Contact the Customer Contact Centre and provide details so your situation can be considered.

**B23.3** If you have land permanently taken out of production and you cannot meet the requirements to qualify for BPS payment, including maintaining your land in line with Cross Compliance requirements for the required calendar year, you should seek a compensation payment from the utility company or statutory agency responsible.

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

### **B24 Non-agricultural activities on BPS land**

**B24.1** If you are claiming BPS and wish to undertake non-agricultural activities you are advised to contact the Customer Contact Centre for advice. The following categories are not exhaustive, but give an indication of the type of activity that falls within each category.

**B24.2** Category 1 - Activities permitted without restrictions include:

- fishing
- hedge laying competitions, local ploughing competitions or other cultivation demonstrations allowed only within applicable GAEC rules (excluding events where trade stands are present as these would fall under Category 2)
- school or university nature or farm visit
- horse riding along bridle-ways\*
- bicycle riding along defined paths or bridle-ways\*
- walking\*
- bird watching
- shooting (game)
- deer stalking
- drag hunting
- paragliding
- hang-gliding.

\*Metalled or surfaced paths or bridle-ways would in any event be considered ineligible land.

**B24.3** Category 2 - Activities permitted up to a 28-day limit include:

- shooting (clay)
- car boot sales
- festivals and events
- country fairs and shows
- farm auctions and sales
- equestrian activities (except of the type described under Category 1)

## SECTION B: BASIC PAYMENT SCHEME (BPS)

- ballooning
- car parking (whether or not associated with any of the activities listed)
- Scout or Guide camps or similar
- caravan and camp 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.)
- TV and film locations
- motor sports.

**B24.4** Category 3 - Activities that are not consistent with the land being in agricultural use, and therefore not eligible, include locations where the principal purpose of the land is for recreational activities or other non-agricultural activities, such as permanent sports facilities, gallops, solar panels or airports.

### **B25 How the restrictions apply**

**B25.1** In all cases the restrictions apply for the calendar year.

**B25.2** The limits apply to the number of days on which a non-agricultural use occurs, part of a day counts as one full day. If you undertake non-agricultural activities you should also take account of the number of days the land is reserved or is being prepared for the activity, not just the number of days on which the activity actually takes place. If the limits are exceeded, the affected area, rather than the whole holding or, as the case may be, whole field will be regarded as ineligible. This guidance is for BPS purposes only. Other legal restrictions may apply, e.g. planning restrictions.

**B25.3** You must be aware that in all cases the Cross Compliance requirements will apply on the agricultural area for the whole calendar year.

### **B26 Land with solar panels**

**B26.1** Land parcels with solar panels on them will not be eligible for BPS. This includes the land between, underneath and around the panels, even if it is being grazed, or is accessible for grazing. This is a departure from the rules under the Single Payment Scheme (SPS) as we consider such land cannot continue to be classified as having agriculture as its main purpose under BPS rules.

**B26.2** If the solar panels are concentrated in a single area within the land parcel (e.g. a corner or one end), and you want to claim for payment on the rest of the land, you must fence off the land with the panels creating 2 separate land parcels.

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### SPECIAL RULES FOR HEMP

#### B27 Introduction

**B27.1** Land used to grow hemp for fibre or other purposes must be declared on your SAF and may be used in support of your BPS claim. A list of the varieties of hemp that may be grown under the BPS is available from the Customer Contact Centre.

#### B28 Home Office Licence

**B28.1** If you are intending to grow hemp you must obtain a licence from the Home Office in advance of sowing seed. It is a criminal offence to cultivate hemp in the United Kingdom for any purpose without such a licence. Unless you have made separate arrangements with the Home Office, an application for a licence should be made to: [www.gov.uk/hemp-growing-licence](http://www.gov.uk/hemp-growing-licence)

A downloadable application guide to help you complete the application is available at: [www.gov.uk/government/publications/industrial-hemp-licensing-guidance](http://www.gov.uk/government/publications/industrial-hemp-licensing-guidance)

Further information is available at [www.gov.uk/guidance/controlled-drugs-licences-fees-and-returns](http://www.gov.uk/guidance/controlled-drugs-licences-fees-and-returns)

or contact the:

Drugs and Firearms Licensing Unit  
Home Office  
5th floor SE, Fry Building  
2 Marsham Street  
London SW1P 4DF  
Telephone: 020 7035 8972  
or email them at: [DFLU.dom@homeoffice.gsi.gov.uk](mailto:DFLU.dom@homeoffice.gsi.gov.uk)

**B28.2** Applications for Home Office licences should be made as early as possible once serious consideration is being given to growing hemp. Licences are not automatically issued by the Home Office. In considering each application, the bona fides of the applicant and the purpose of growing the hemp, together with the proposed locations of the growing sites including Ordnance Survey details, will be taken into account by the Home Office. Evidence that a Contract exists to supply the hemp produced to a Home Office approved processor may also be required.

#### B29 Hemp Seed labels

**B29.1** If growing hemp you must use certified seed of an eligible variety. The original seed labels, confirming the variety, must be supplied with your SAF to the Welsh Government where they will be receipted and returned to you. All supporting documentary evidence **must** be submitted by 15 May 2019 at the very latest. Any documentary evidence submitted after 15 May 2019 and by 10 June will attract a late claim penalty. Any documentary evidence submitted after 10 June will not be considered.

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**B29.2** When sowing takes place after 15 May, the crop must be declared on the SAF in the Field Data section in the Secondary Crop column. Seed labels must be submitted no later than 30 June.

**B29.3** It is recommended seed labels are sent to the Welsh Government by recorded delivery.

**B29.4** If the processing is not carried out, or the special rules for hemp are not followed, financial penalties may be imposed for not complying with the conditions for claiming the BPS.

### B30 Hemp Sampling and Testing

**B30.1** Under European Commission rules the UK must sample at least 20% of the total area growing hemp to ensure the tetrahydrocannabinol (THC) content of the crop does not exceed the 0.2% prescribed level. You must therefore maintain, for each variety sown, three distinct parts of each field claimed, each part comprising of at least 4,000 plants, until at least 10 days after flowering, in case sampling is necessary.

**B30.2** These areas must not be harvested until sampling has been completed or a written notification stating sampling is not necessary has been received.

## NATIONAL RESERVE

### B31 National Reserve

**B31.1** National Reserve is the name given to the pool of money taken from the total funds available for BPS for Wales.

### B32 Qualifying for National Reserve

**B32.1** You may qualify for an allocation of new BPS Entitlements from the following categories:

- New Entrant
- Young Farmer

### B33 Who is eligible?

**B33.1** You must be an Active Farmer carrying out 'agricultural activities' and have at least 5 hectares of eligible land to be able to apply for and activate BPS Entitlements in 2019.

National Reserve Category	Eligibility Criteria	Eligibility Criteria
New Entrant	Cannot have had any agricultural activity in own name/at own risk in the 5 years before the start of your current farming	Must have started agricultural activity in 2017 or a later year.

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	activity.	
<b>Young Farmer</b>	Must be 40 years of age or less in 2019.	Must be setting up for the first time as head of holding or have control of a partnership/Legal Person (e.g. Limited Company) for the first time on 1 January 2015 or later. This could be setting up a new business or taking over an existing business. A Director of a legal company may qualify, however, for a partnership to qualify the 'Young Farmer' must own capital in the business and their decisions cannot be vetoed by other members of the partnership.

### B34 How to apply for BPS Entitlements

**B34.1** You **must** complete a SAF 2019 to request an allocation of BPS Entitlements and provide evidence of your eligibility for an allocation of BPS Entitlements by 15 May 2019.

### B35 Cross Border Holdings

**B35.1** If you wish to be considered for BPS Entitlements in another part of the country you should complete their application form.

### B36 How will the National Reserve be replenished?

**B36.1** The National Reserve will be replenished annually from a number of sources, including:

- any BPS Entitlements that have not been activated for payment during two consecutive years. This could be due to: not declaring sufficient land to activate all entitlements, failing Active Farmer checks, failing to declare 5 hectares of eligible land, or if farmers are found to be avoiding 'capping'
- any BPS Entitlements voluntarily returned
- any BPS Entitlements that are found to have been unduly allocated
- reducing the value of BPS Entitlements already allocated, to ensure there is sufficient budget available to meet the demand from Young Farmers and new entrants applying to the National Reserve or any definitive Court ruling.

### B37 National Reserve Qualifying Criteria – New Entrant Category

**B37.1** This category is available to sole traders, partnerships or a Legal Person, e.g. a Limited Company, that **started farming in 2017 or later**.

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**B37.2** If you wish to be considered for entitlements as a sole trader, you **must not** have carried out any agricultural activity in your own name or at your own risk in the five years before the start of your current farming activity.

**B37.3** If you wish to be considered for entitlements as a partnership, **none** of the partners can have carried out any agricultural activities in their own name or at their own risk, or as the person in control of, e.g. a Limited Company (i.e. Legal Person), in the five years before the start of the partnership's current agricultural activity.

**B37.4** For Legal Persons, the controlling member(s) **must not** have carried out agricultural activities in their own name or at their own risk, nor had the control of a Legal Person exercising an agricultural activity, in the five years before the start of the current agricultural activity exercised by the Legal Person.

**B37.5** Working on a farm e.g. as a farm manager or a farm labourer would not be considered as undertaking an agricultural activity.

**B37.6** You must also submit your first application for BPS no later than 2 years after the calendar year in which you started the current agricultural activity.

**B37.7** Documentary evidence **must** be submitted to confirm the date the agricultural activity commenced, this could be one or more of the following:

- confirmation of the date the holding was registered
- registration with British Cattle Movement Service (BCMS)/Animal Movement Licensing System (AMLS)
- animal record books
- pesticide records.

### **B38 What allocation of BPS Entitlements will I receive from the National Reserve as a New Entrant?**

**B38.1** If your National Reserve application is successful and your SAF 2019 requesting an allocation of entitlements meets BPS requirements, you will be allocated a number of BPS Entitlements equal to the number of eligible hectares you declared on your SAF 2019 and that are 'at your disposal' on 15 May 2019.

**B38.2** They will be valued at the average entitlement rate for 2019.

**B38.3** Those who already hold BPS Entitlements and also qualify under the National Reserve will have the value of those entitlements topped up to the average entitlement rate. You cannot receive additional entitlements if you already hold entitlements awarded from the National Reserve.

### **B39 National Reserve Qualifying Criteria – Young Farmer Category**

**B39.1** This category is available to sole traders and members of partnerships or limited companies, who are no more than 40 years of age in the year they apply for BPS and are setting up for the first time as head of holding or have control of a



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partnership/Legal Person (e.g. Limited Company) in the 5 years before submitting their first application for BPS. This could be setting up a new business or taking over an existing business.

**B39.2** The minimum age of the Young Farmer becoming head of holding or taking control as a sole trader or partnership is 18 years of age at the time they become head of holding or take control of the partnership.

**B39.3** The minimum age of the Young Farmer becoming head of holding or taking control of a Legal Person e.g. Limited Company is 16 years of age at the time they become head of holding or take control of the Legal Person.

**B39.4** If you wish to be considered for entitlements as a sole trader, in addition to being 40 years of age or less in the year you first claim BPS, you **must** have set up a new holding as head of that holding.

**B39.5** If you wish to be considered for entitlements under the Young Farmer category and are a partnership, the partnership must be controlled by a Young Farmer(s) 40 years of age or less in the year of submitting the first application for BPS. Those members of the partnership must own a share of the business, and be capable of exercising effective and long term control of the partnership in terms of decisions related to management, benefits and financial risks. This control can be exercised either alone or jointly with another member of the partnership (who does not need to be 40 years of age or less). Where there is joint control, the Young Farmer must be able to demonstrate they make the decisions as detailed above. The Young Farmer cannot have decisions vetoed by non-Young Farmers.

**B39.6** Partnerships will need to supply documentary evidence demonstrating the person who is 40 years of age or less owns a share of the business and is capable of exercising the effective and long term control of the partnership, including evidence their decisions cannot be vetoed by others in the partnership, as detailed above. In the case of a Young Farmer taking over as head of holding or taking control of an existing partnership, documentary evidence must be supplied demonstrating how they exercise control of the partnership. As an example, this could include a document showing the ownership structure, or being entitled to a majority share of profits, in which case we would require a letter from a solicitor/accountant confirming the set up of the partnership or how the share of profits are divided amongst the partners. If these documents do not demonstrate the Young Farmer(s) own(s) a share of the business or how others cannot veto the Young Farmer the application will be rejected.

**B39.7** For Legal Persons e.g. a Limited Company, a member of the company 40 years of age or less in the year of submitting the first application for BPS would need to be exercising effective control of the company in terms of decisions related to management, benefits and financial risks. If the Limited Company consists of members of various ages, the member who is 40 years of age or less **must** be capable of exercising effective control of the company, e.g. as managing director. As detailed above, this control can be exercised either on their own or jointly with another member of the Company (who does not need to be 40 years of age or less).

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

**B39.8** Checks will be undertaken with Companies House to establish the make up of limited companies. Where such checks prove inconclusive, documentary evidence may be requested in support of the application.

**B39.9** Photographic evidence must be provided in all cases to prove date of birth, this must be one of the following (original documents required, copies will not be accepted):

- passport
- driving licence
- gun licence.

**B39.10** In all cases you must also submit documentary evidence to prove the Young Farmer(s) own(s) shares in the partnership, is/are head of the holding or has/have control of the partnership/Legal Person and cannot have their decisions vetoed. This could be one or more of the following, although it is your responsibility to ensure any documents you provide prove beyond all doubt your eligibility:

- Company Articles of Association; accountants/solicitors letter confirming partnership constitution
- bank accounts/accountants letter to confirm share of profits
- accountants letter to confirm division of ownership of the partnership
- bank letter confirming who has and does not have the authority to sign cheques
- or any other documentary evidence you feel is appropriate.

**For a partnership, these will need to include:**

- partnership agreement showing the partners and percentage shares/votes held and, where it exists, any variation of previous partnership document showing the changes to the original agreement
- legally binding agreement showing business shareholdings
- partnership accounts if they demonstrate shares ownership
- annual accounts naming the applicants and number of shares/votes held.

**B40 What allocation of BPS Entitlements will I receive from the National Reserve as a Young Farmer?**

**B40.1** If your National Reserve application is successful and your SAF 2019 requesting an allocation of entitlements meets BPS requirements, you will be allocated a number of BPS Entitlements equal to the number of eligible hectares you declared on your SAF 2019 and that are 'at your disposal' on 15 May 2019.

**B40.2** They will be valued at the average entitlement rate for 2019.

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

**B40.3** Those who already hold BPS Entitlements and also qualify under the National Reserve will have the value of those entitlements topped up to the average entitlement rate. You cannot receive additional entitlements if you already hold entitlements awarded from the National Reserve.

### **B41 Can I be considered for more than one category?**

**B41.1** You can be considered for more than one category provided you complete the relevant sections on the application and provide supporting documentary evidence, but you will only be awarded entitlements under one.

### **B42 Allocation of entitlements from National Reserve**

**B42.1** If you wish to be considered for National Reserve entitlements as a new entrant you **must** complete the 'Claims and Entitlements' and 'BPS National Reserve - New Entrant' sections of the SAF 2019.

**B42.2** If you wish to be considered for National Reserve entitlements as a Young Farmer you must complete the 'Claims and Entitlements' and 'Young Farmer Details – National Reserve and Payment' sections of the SAF 2019.

### **B43 Recovery for incorrect allocation**

**B43.1** Farmers who are incorrectly allocated entitlements for whatever reason will have them recovered and lose them to the National Reserve.

**B43.2** Where the number of entitlements allocated is too high the number allocated in excess will be lost to the National Reserve. Where this was an administrative error or where the error could not have been detected by the farmer, the value of the remaining entitlements will be adjusted.

**B43.3** Where a farmer who has been incorrectly allocated entitlements, sells or leases out these entitlements they will be expected to give back the number of entitlements incorrectly allocated. If you do not have sufficient entitlements to give back, the farmer who has bought or leased in the entitlements will be liable to give up the required number of entitlements.

**B43.4** Where, after the allocation of BPS Entitlements, it is found the value of the SPS Entitlements held on 15 May 2014 was incorrect or the value of the top up to entitlements from the National Reserve was incorrect the value of the entitlements that used the higher figure will be recalculated. This recalculation will also apply where the entitlements have been sold or leased. The excess value will be lost to the National Reserve.

**B43.5** Payments made in previous scheme years in respect of the incorrectly allocated entitlements will be recovered.

### **B44 Surrender of entitlements**

**B44.1** Following the allocation of entitlements you may give up your BPS Entitlements to the National Reserve at any time.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

### B45 Transfer of entitlements

**B45.1** You may transfer BPS Entitlements by sale, gift or lease until midnight 30 April 2019.

**B45.2** Further guidance is available by reading the '*BPS Trading of Entitlements Guidance*' book, which is available on the Welsh Government website.

### B46 Usage rules for BPS Entitlements

**B46.1** All BPS Entitlements, including entitlements allocated from the National Reserve, are subject to a two year usage rule. The rule has changed, compared to the two year usage rule that was in place for SPS.

**B46.2** Over any two year period you must activate (use) all of your BPS Entitlements in at least one scheme year, therefore it will not be possible to rotate entitlements using some in year 1 and the remainder in year 2. Failure to activate entitlements could be due to:

- not declaring sufficient land to activate all entitlements
- failing Active Farmer checks
- failing to declare 5 hectares of eligible land, or
- if farmers are found to be avoiding 'capping'.

**B46.3** If you lease your BPS Entitlements out, you will be relying on that farmer to ensure the two year usage rule is met. If leased in BPS Entitlements are not activated during the rolling two year period they will be lost to the National Reserve.

**Example:** in the case of a farmer who had 50 entitlements allocated (and activated) in 2016, who then activated 30 BPS Entitlements in 2017 and 50 BPS Entitlements in 2018, they will have activated all 50 entitlements at least once in the two year period. However, if in the example above, they activate only 40 entitlements in 2018 they will have not activated all 50 entitlements once in the two year period and the 10 entitlements not used will be clawed back and lost to the National Reserve.

**B46.4** The lowest value entitlements (owned or leased in) will be lost to the National Reserve first.

**B46.5** You may be exempt from the two year usage rule if you can prove you (or your business) were subject to Exceptional Circumstances or a Force Majeure event, which prevented you from activating the entitlements for the relevant BPS scheme year.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

### GREENING

#### B47 Greening

**B47.1** As part of the BPS you must undertake agricultural practices that are beneficial for the climate and environment, commonly referred to as Greening. Greening is not optional, you cannot forego the Greening payment and still claim the remaining BPS payment.

**B47.2** You will receive an additional payment linked to your main BPS payment for meeting the Greening rules. The Greening payment is funded by a 30% 'top slice' of the Welsh Direct Payments (Pillar 1) budget.

**B47.3** There are three elements that make up the Greening practices:

- Permanent Grassland
- Crop Diversification
- Ecological Focus Area (EFA).

**B47.4** Greening applies to all the eligible land that is at your disposal on 15 May, even if you are not using the land to activate BPS Entitlements for payment.

#### B48 Which Greening elements apply to me?

**B48.1** If you have 10 hectares or more of eligible arable land you are required to carry out crop diversification (see paragraphs B54 – B63 of this booklet) – unless you qualify for an exemption (see paragraph B49 of this booklet).

**B48.2** If you have more than 15 hectares of eligible arable land you are required to carry out both crop diversification (paragraphs B54 – B63 of this booklet) and EFA (see B64 – B70 of this booklet).

#### B48.3 Do I need to carry out crop diversification and/or EFA?

Area of eligible arable land I will have in 2019 is:	Do I need to follow the <b>crop diversification</b> rules?	Do I need <b>EFAs</b> ?
<b>No arable land</b>	No	No
<b>Less than 10 hectares</b>	No	No
<b>10 hectares to 15 hectares</b>	Yes, unless you qualify for an exemption	No
<b>More than 15 hectares</b>	Yes, unless you qualify for an exemption	Yes, unless you qualify for an exemption

**B48.4** Organic land can automatically qualify for the Greening payment (see paragraph B51 of this booklet), although some organic farmers may prefer to opt out of automatically qualifying for Greening payment on their organic land preferring to carry out the Greening practices on all their land.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

**B48.5** For Greening purposes, arable land is defined as:

- land cultivated for crop production – including land used for combinable crops, crops grown for fibre, root crops, crops grown for animal feed such as forage maize and forage rape, field vegetables, cut flowers or bulbs and soft fruit (other than permanent crops\*). This includes where these crops are grown under greenhouses, or under cover, on soil or grass
- land sown with pure leguminous/herbaceous forage crops (not mixtures of seeds for pastures or meadows) such as alfalfa or clovers
- temporary grassland (including herbaceous forage). This is where the land has been included in the crop rotation of the holding and has been in grass or other herbaceous forage for less than five years. Herbaceous forage is herbaceous plant traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows, including Lucerne, Sainfoin, forage vetches and clovers
- arable crops used as forage (e.g. turnips, fodder rape, kale) are considered arable land
- areas available for crop production, but lying fallow. Fallow land is land that has no crop production or grazing on it. This land must be maintained in a state that makes it suitable for grazing or cultivation
- arable land that is set-aside under a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contract (e.g. certain no production Glastir options), the arable status of the land is ‘frozen’ during the set-aside commitment.

\* Permanent crops are not classed as arable land, but are eligible for BPS.

**B48.6** Arable land that is set-aside under a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 e.g. Glastir Contract, retains its arable status, i.e. the 5 year arable rotation period is frozen. A field that grew an arable crop in the year preceding a Glastir set-aside commitment would remain classified as arable for five years after your Glastir Contract ends, before becoming permanent grass, unless you grow another arable crop during those 5 years. Where a field had been growing temporary grass for 2 years prior to a Glastir set-aside commitment, it would remain arable for 3 years after your Glastir Contract ends before becoming permanent grass, unless you grow another arable crop during those 3 years.

### **B49 Crop Diversification exemptions**

**B49.1** You are not required to undertake crop diversification if:

1) more than 75% of your **eligible agricultural land** is:

- permanent grassland

## SECTION B: BASIC PAYMENT SCHEME (BPS)

- used to produce grasses (or herbaceous forage mixes), including temporary grass
- used for the cultivation of crops under water (i.e. watercress)
- a combination of the above

**Or**

**2)** if more than 75% of your **arable land** is:

- lying fallow
- used to produce grasses (or herbaceous forage mixes), including temporary grass
- used for cultivation of leguminous crops
- a combination of the above

**Or**

**3)** Specifically for farmers who have taken on new arable land, an additional exemption is available. There are two parts to this exemption and both must be met for it to apply:

- more than 50% of the eligible arable land you declare on your SAF 2019 application must be different to the land you declared on your SAF 2018 application; and
- all the eligible arable land you declare on your SAF 2019 application must be used to grow a different crop compared with the 2018 calendar year.

**B49.2** If you have new land and different crops you will need to show that all the crops grown on your land in 2019 are different to those grown in 2018. You will need to have information available to prove which crops were being grown on the land in 2018. This information could include:

- crop traceability records
- pest monitoring and spray records and invoices
- seed labels
- sales and delivery notes for seed sown
- reports from an independent professional, such as an agronomist or a farm assurance inspector.

**B49.3** As you are declaring new land, you will need to obtain this information from the previous farmer, if you do not already have it.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

**B49.4** If you qualify for one of these exemptions from the crop diversification requirements, you must still follow the other Greening rules in respect of EFA and permanent grassland.

**B49.5** You should check carefully whether these exemptions apply to you otherwise you risk Greening reductions being applied to your claim if, following checks, the areas you declare are found to be smaller.

### **B50 EFA exemptions**

**B50.1** You are exempt from the EFA conditions if:

1) more than 75% of your **eligible agricultural land** is:

- permanent grassland
- used to produce grasses (or herbaceous forage mixes), including temporary grass
- used for the cultivation of crops under water (i.e. watercress)
- a combination of the above

**Or**

2) if more than 75% of your **arable land** is:

- lying fallow
- used to produce grasses (or herbaceous forage mixes), including temporary grass
- used for cultivation of leguminous crops
- a combination of the above.

**B50.2** You should check carefully whether these exemptions apply to you otherwise you risk Greening reductions being applied to your claim following checks if the areas you declare are found to be smaller.

### **B51 Organic land exemption**

**B51.1** All certified organic land, including land in conversion, will automatically qualify for the Greening payment without having to meet the Greening practices, as long as it has been certified by an accredited body for the calendar year.

**B51.2** This means organic arable land is exempt from the EFA and crop diversification requirements. If you also have other non-organic land at your disposal on 15 May you will have to meet the Greening practices on that land. If some of your land is organic you should only count your non-organic land to work out your eligible arable area to see how many crops you need to grow, or whether you need EFAs.



## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

The crops and EFAs you use to meet the rules must be located on your non-organic land.

**B51.3** You can choose to opt out of automatically qualifying for Greening payments on your organic land if you wish and instead qualify for Greening payments by meeting the Greening practices on all your land. If you choose to count your organic land for Greening you can include the organic arable area when you do your Greening calculations. Then you will be able to count the crops and EFAs on your organic land, as well as on your non-organic land. You should answer the relevant question on the SAF.

### **PERMANENT GRASSLAND**

#### **B52 What are the permanent grassland rules I need to meet?**

**B52.1** The ratio of permanent grassland to the agricultural area established in 2015 for Wales (as a whole) must not fall by more than 5%. If it does, farmers who have ploughed permanent grassland may be required to reinstate their permanent grassland.

**B52.2** Additionally, if the 5% threshold is broken, or is close to being broken, restrictions may be introduced to prevent any further ploughing of permanent grassland without prior individual authorisation, to preserve the remaining permanent grassland in Wales.

**B52.3** The ratio of permanent grassland to agricultural area will be monitored annually. The Welsh Government will contact farmers individually if any land has to be reinstated as permanent grassland or if the additional controls have to be introduced. This is similar to the permanent pasture rules in previous years, but is now included as a Greening requirement.

#### **B53 What are the additional environmentally sensitive permanent grassland rules?**

**B53.1** Permanent grassland that is in a Special Area of Conservation, a Special Protection Area or a biological Site of Special Scientific Interest (SSSI) (excluding those designated for geological/earth science features) are considered environmentally sensitive and therefore ploughing (to reseed) or converting to arable use any environmentally-sensitive permanent grassland is not permitted at any time, unless you have received permission from Natural Resources Wales.

**B53.2** If you are found to have ploughed any environmentally sensitive permanent grassland you will be required to reinstate the permanent grassland and will have some or all of your Greening payments withheld.

**B53.3** If your SSSI notification requires or allows you to plough or convert certain areas of your SSSI, the land may not be designated environmentally sensitive permanent grassland. If you intend to plough, reseed or convert any SSSI areas, you should initially contact your Natural Resources Wales conservation officer before undertaking any operations to ensure they will not damage the special feature.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

### CROP DIVERSIFICATION

#### **B54 What are the crop diversification rules I need to meet?**

**B54.1** You will need to meet crop diversification rules if:

- 1) you have between 10 hectares and 30 hectares of eligible arable land:
  - you will need to grow at least 2 different crops, none of which may cover more than 75% of your arable land
- 2) you have more than 30 hectares of eligible arable land:
  - you will need to grow at least 3 different crops, none of which may cover more than 75% of your arable land. The two largest crops together must not cover more than 95% of your arable land.

**Example:** a farmer has 150 hectares of arable land, of which 112 hectares (75%) is used to grow crop 1 (which is not temporary grass, herbaceous forage or fallow). For the remaining 38 hectares a maximum of 30.5 hectares can be used to grow crop 2 and at least 8.5 hectares must be used to grow crop 3.

**Or**

- 3) if grasses, herbaceous forage or fallow land cover more than 75% of your arable land and you have more than 30 hectares of other arable land, the main crop on the remaining arable land must not exceed 75% unless it is also used to grow grasses, herbaceous forage or fallow land.

**Example:** a farmer has 150 hectares of arable land, of which 115 hectares (76%) is used to grow crop 1 (and this is temporary grass or herbaceous forage or fallow). For the remaining 35 hectares a maximum of 26.25 hectares (75%) can be used to grow crop 2 and at least 8.75 hectares (25%) must be used to grow crop 3.

#### **B55 Which crops are distinct for crop diversification purposes?**

**B55.1** The botanical classification of crops classifies all plants into different genus and species (as well as families, sub families etc). For the purposes of crop diversification crops will count as a distinct crop if they are classified into a different genus or are different species that belong to the botanical families Brassicaceae, Solenaceae and Cucurbitaceae. There is an exception, *Triticum spelta* will be treated as a distinct crop.

**B55.2** The 2019 land use/crop code table at Annex 3 of this booklet shows the crop codes to be used for Wales. A column indicating the genus or species has been used where different crop codes are needed to differentiate between different commonly grown crops from the same genus/species. You should check that if you are not exempt from the crop diversification requirements you are growing at least two or three crops from a different genus and/or species and observing the rules set out above on the proportions of arable crops that need to be present.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

**B55.3** Crops that are sown in spring or winter are considered to be distinct crops, even if they belong to the same genus. Separate crop codes have been provided to identify these. The decision on whether they are a spring or winter crop will be based on the variety, rather than the date of planting. The National List and the Processors and Growers Research Organisation's (PGRO) Recommended List both have details on whether a crop is a spring or winter variety.

**B55.4** The National List is published every year by the Food and Environment Research Agency (FERA): [www.gov.uk/guidance/national-lists-of-agricultural-and-vegetable-crops](http://www.gov.uk/guidance/national-lists-of-agricultural-and-vegetable-crops)

**B55.5** The PGRO Recommended List is part of the National List: [www.pgro.org](http://www.pgro.org)

**B55.6** Temporary grassland, herbaceous forage mixes and fallow land all count as distinct crops for crop diversification purposes. Permanent grassland including environmentally sensitive permanent grassland does not, because it is not arable.

### **B56 Crop diversification cultivation period**

**B56.1** In Wales the cultivation period used to determine the shares of crops for crop diversification purposes is **1 May to 15 July**. The crop diversification rules must be maintained throughout this period, and an area of land can only be counted once in determining the area and number of crops grown.

**B56.2** Only crops being grown at this time will count towards your crop diversification obligations. Checks will be undertaken, including field inspections, use of satellite imagery or aerial photography to ensure the declaration made via the SAF reflect the size and types of crops being grown on the land. During a field inspection we will need to see either the eligible crops used for crop diversification or a crop residue (such as stubble) if the crop has already been harvested. No other evidence of the crop will be acceptable.

### **B57 Mixed cropping**

**B57.1** The following examples explain how crops of a different genus/species that are sown in the same field will be counted for crop diversification purposes.

### **B58 Field split into distinct areas**

**B58.1** Both areas (providing they exceed 0.01 hectares) will count as distinct areas and not mixed cropping. You will need to draw the boundary between these two crops using the RPW Online mapping tools provided in the SAF or book a digital assistance appointment.

### **B59 Under-sowing a main crop**

**B59.1** If a main crop is under-sown with a second crop, the main crop should be declared on the SAF and only the main crop will count for crop diversification purposes.

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

### **B60 Sowing a seed mixture**

**B60.1** Where a seed mixture is sown, this entire area will count as a single crop, even if different genera/species are included in the seed mix. The predominant crop should be declared as the main crop.

**B60.2** If two different seed mixtures are grown in distinct areas of a field (or separate fields), these can count as separate crops if:

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

### **B61 Growing rows of two or more crops at the same time**

**B61.1** If you grow two or more crops 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.

**B61.2** To work out the area covered by a distinct crop grown in rows the area of the mixed cropping should be divided by the number of crops that cover at least 25% of the area; it does not matter what the actual share of the crop is on that area.

### **B62 Temporary grass/herbaceous forage**

**B62.1** Grass seed mixes, e.g. grass/clover should be declared as GR1 and will not count as a mixed crop for crop diversification purposes.

### **B63 Fallow land**

**B63.1** For crop diversification purposes the specification of fallow for EFA purposes applies except land must not be used for production between 1 May and 15 July. If the same area is also being declared as EFA fallow the land must not be used for production between 1 February and 31 July. The EC has instructed member states to change the way farm businesses carry out agricultural activities on fallow land, even when the fallow period has closed. As a result, what grows during the fallow period cannot be utilised by the farm business. Therefore:

- No grazing may take place during the fallow period, or for the rest of the calendar year
- Cut and leave cuttings on the ground to rot and not remove, burn or use them.

## **EFA**

### **B64 What are the EFA rules I need to meet?**

**B64.1** If you have more than 15 hectares of eligible arable land you must have EFA. These must be equivalent to at least 5% of your total eligible arable land. You cannot apply PPP to nitrogen-fixing crops or fallow land.

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

### **B65 What are the EFA measures available in Wales?**

**B65.1** The EFA measures available in Wales are:

On arable land:

- fallow
- nitrogen-fixing crops.

On or adjacent to arable land:

- hedges or wooded strips or trees in line
- traditional stone walls.

On any agricultural land on the holding:

- short rotation coppice
- land afforested under an eligible Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme commitment (only if that land was used to activate SPS payment entitlements in 2008).

**B65.2** The definitions and specifications for all EFAs are contained in Annex 2 of this booklet.

### **B66 How do I register my EFAs?**

**B66.1** Hedges or wooded strips or trees in line, traditional stone walls and short rotation coppice must be registered using your SAF.

**B66.2** For fallow land or nitrogen-fixing crops the area is declared each year on your annual SAF declaration. Where the same area is declared for 3 (or more) years this becomes a 'stable in time' EFA (i.e. it is, or is expected to be, available to you or anyone else for 3 years or more).

### **B67 What conversion and weighting factors will be used for EFA?**

**B67.1** The following table shows the conversion and weighting factor for each EFA. Conversion factors convert hedges or wooded strips or trees in line and traditional stone walls into an area, the weightings take account of the ecological impact these areas have.

**B67.2** The converted and weighted EFA area will be used to assess if you have declared the equivalent of at least 5% of your arable land as an EFA.

**B67.3** You need to carry out this conversion for the features you declare so you know when you have met the 5% equivalent area requirement.

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Features	Conversion factor (m to m <sup>2</sup> )	Weighting factor	EFA Area
Fallow (per 1 m <sup>2</sup> )	Not required	1	1 m <sup>2</sup>
Hedges or wooded strips or trees in line (per 1 m)	5	2	10 m <sup>2</sup>
Traditional stone walls (per 1 m)	1	1	1 m <sup>2</sup>
Short rotation coppice (per 1 m <sup>2</sup> )	Not required	0.5	1 m <sup>2</sup>
Land afforested under an eligible Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme commitment (that was paid for SPS in 2008) (per m <sup>2</sup> )	Not required	1	1 m <sup>2</sup>
Nitrogen-fixing crops (per 1 m <sup>2</sup> )	Not required	1	1 m <sup>2</sup>

**B67.4** For hedges or wooded strips or trees in line and traditional stone walls, the **length** of the feature is multiplied by the conversion factor and weighting factor to calculate an EFA area. For the remaining types of EFA the area being used is multiplied by the weighting factor only, to calculate an EFA area.

**Note:** provided all information is entered correctly, these calculations will be performed automatically when you complete your SAF.

### Example:

You declare 80 hectares of eligible arable land in 2019 with:

- 6,200 metres of hedges or wooded strips or trees in line (you are using both sides of your qualifying hedges or wooded strips or trees in line)
- 1,500 metres of traditional stone walls
- 1 hectare of nitrogen-fixing crops.

You need the equivalent of at least 4 hectares of EFA (5% of 80 hectares of eligible arable land).

The calculation of the EFA area of your hedges or wooded strips and traditional stone walls is as follows:

Hedges or wooded strips or trees in line	6,200 x 5 x 2	= 62,000 square metres
Traditional stone walls	1,500 x 1 x 1	= 1,500 square metres
Nitrogen-fixing crops	10,000 x 1	= 10,000 square metres
Total area		= 73,500 square metres

To convert your square metres into hectares, divide by 10,000. So the area of your EFA in hectares is: 73,500 divided by 10,000 = 7.35 hectares.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

To check what percentage your EFA is of your arable land, divide the total area of your EFA by the total arable area. Then multiply this answer by 100. In this example:

$$\frac{7.35 \text{ hectares}}{80 \text{ hectares}} \times 100 = 9.19\%$$

This is the EFA percentage for your declared land which, if 5% or more, means you have met the EFA rules.

### **B68 How do I calculate the EFA area if I am using only one side of a hedge or wooded strips or trees in line?**

**B68.1** To calculate the EFA area if using only one side of a hedge or wooded strips or trees in line:

For a 60 metre long hedge, multiply length by 10 (5 x 2) and halve the area:

$$60 \times 10 = 600 \times 0.5 = 300 \text{ square metres.}$$

### **B69 What if I declare more EFA than is required?**

**B69.1** There is no penalty for declaring more than the 5% EFA requirement, in fact it is recommended you declare more than 5% EFA to ensure any deductions that could be made will not affect your Greening payment.

**B69.2** Only the EFA you have claimed on the SAF can be taken into account when verifying you have met the EFA requirement. However, during inspections EFA can be compensated.

### **B70 Where can EFAs be located?**

**B70.1** Short rotation coppice and afforested land can both be located on any agricultural land on the holding, i.e. they do not have to be located on arable land.

**B70.2** Fallow land and nitrogen-fixing crops must be located on arable land.

**B70.3** Hedges or wooded strips or trees in line and traditional stone walls may be located either on, or adjacent to, arable land. In Wales hedges or wooded strips and traditional stone walls are protected by Cross Compliance so are considered to be on arable land, unless an ineligible feature measuring more than 5 metres wide exists between the arable land and the potential EFA.

**B70.4** EFAs are considered to be adjacent to arable land when they are physically touching an agricultural parcel of arable land on the longest hedge of the related EFA.

**B70.5** Illustrative diagrams are included in Annex 2 of this booklet.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

### B71 How is the Greening payment calculated?

**B71.1** Whilst the budget for the Greening Payment represents 30% of the gross Welsh Direct Payments budget annually this does not mean the Greening element of your payment will be 30% of your total annual payment. This is because the Greening budget is divided by the value of all activated entitlements for all those who met (or were exempt from) the Greening rules and this figure is used as the percentage to calculate everyone's Greening payment.

### YOUNG FARMER PAYMENT

#### B72 Young Farmer payment

**B72.1** To receive the payment you will be required to indicate you wish to claim the Young Farmer Payment on the SAF.

#### B73 What is the minimum age for Young Farmer payment?

**B73.1** The minimum age of the Young Farmer becoming head of holding or taking control as a sole trader or partnership is 18 years of age at the time they become head of holding or take control of the partnership.

**B73.2** The minimum age of the Young Farmer becoming head of holding or taking control of a Legal Person e.g. Limited Company is 16 years of age at the time they become head of holding or take control of the Legal Person.

#### B74 Who is eligible for Young Farmer payment?

**B74.1 Sole trader:** in addition to being 40 years of age or less in the year you first claim BPS, you **must** have set up a new holding as head of holding, or have taken over an existing business as head of holding.

**B74.2 Partnership:** the partnership must be controlled by a Young Farmer(s) 40 years of age or less in the year of submitting the first application for BPS. Those members of the partnership must own a share of the business, and be capable of exercising effective and long term control of the partnership in terms of decisions related to management, benefits and financial risks. This control can be exercised either alone or jointly with another member of the partnership (who does not need to be 40 years of age or less). Where there is joint control, the Young Farmer must be able to demonstrate they make the decisions as detailed above. The Young Farmer cannot have decisions vetoed by non-Young Farmers. Non-partners cannot be considered as head of holding.

**B74.3 Legal Persons e.g. a Limited Company:** a shareholder or director of the company 40 years of age or less in the year of submitting the first application for BPS would need to be exercising effective control of the company in terms of decisions related to management, benefits and financial risks. If the Limited Company consists of members of various ages, the member who is 40 years of age or less **must** be capable of exercising effective control of the company, e.g. as managing director. As detailed above, this control can be exercised either on their own or jointly with another member of the Company (who does not need to be 40 years of age or less). Salaried staff, who are not directors, cannot be considered as head of holding.



## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

**B74.4** Checks will be undertaken with Companies House to establish the make up of limited companies. Where such checks prove inconclusive, documentary evidence may be requested in support of the application.

### **B75 What documentary evidence will I need to provide?**

**B75.1** Photographic documentary evidence must be provided in all cases to prove date of birth, this must be one of the following: a passport, driving license or gun license (original documents required, copies will not be accepted).

**B75.2** In all cases you must also submit documentary evidence to prove the Young Farmer(s) is/are head of the holding or has/have control of the Partnership/Legal Person and when that control began. This evidence could be one or more of the following: Company Articles of Association; accountants/solicitors letter confirming partnership constitution; bank accounts/accountants letter to confirm share of profits or any other documentary evidence you feel is appropriate or which RPW may reasonably request when considering an application for Young Farmer payment.

**B75.3** Partnerships will need to supply documentary evidence demonstrating the person who is 40 years of age or less owns a share of the business and is capable of exercising the effective and long term control of the partnership, including evidence their decisions cannot be vetoed by others in the partnership, as detailed above. In the case of a Young Farmer taking over as head of holding or taking control of an existing partnership, documentary evidence must be supplied demonstrating how they exercise control of the partnership. As an example, this could include a document showing the ownership structure, or being entitled to a majority share of profits, in which case we would require a letter from a solicitor/accountant confirming the set up of the partnership or how the share of profits are divided amongst the partners. If these documents do not demonstrate the Young Farmer(s) own(s) a share of the business or how others cannot veto the Young Farmer the application will be rejected.

**B75.4** All supporting documentary evidence **must** be submitted by 15 May 2019 at the very latest. Any documentary evidence submitted after 15 May 2019 and by 10 June will attract a late claim penalty. Any documentary evidence submitted on or after 11 June will not be considered.

### **B76 How will the Young Farmer payment be calculated?**

**B76.1** The payment will be 25% of the Wales average 2019 entitlement value, multiplied by the number of BPS Entitlements you have activated in 2019 up to a maximum of 25 hectares.

**B76.2** The Young Farmer payment is payable for a maximum of five years from the year the business first claims Young Farmer payment.

**B76.3** For new claimants in 2019 the years between becoming head of holding and submitting the first claim in 2019 are no longer used to calculate the length of time you will receive payment. For example, a business that was set up in April 2014 would receive this payment for up to five years.

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

**B76.4** For farm businesses which claimed Young Farmer payment in 2015, but did not receive payment in 2016, 2017 or 2018 as the young farmer became head of holding in 2010, they will now be eligible for the Young Farmer payment in 2019. Those farm businesses should claim Young Farmer payment on the 2019 SAF, and ensure they comply with the Young Farmer payment rules.

### **B77 Redistributive Payment**

**B77.1** A Redistributive Payment is made to all claimants who are entitled to a payment under the BPS. The Redistributive Payment is paid on a rate per hectare up to a maximum of 54 hectares.

**B77.2** The value of the Redistributive Payment rate will increase annually. To fund this increase BPS Entitlement values will be scaled back annually.

## **BPS PAYMENTS**

### **B78 BPS Payments (includes Greening, Redistributive and Young Farmer)**

**B78.1** For the purpose of this section, BPS payments means payments made under BPS, Redistributive, Greening and Young Farmer payment (where applicable). The payment window for the BPS is from 1 December 2019 to 30 June 2020.

**B78.2** The BPS payments are subject to an overall net financial ceiling set out in European Regulations which cannot be exceeded in any scheme (calendar) year. If the ceiling is breached payments will be scaled back by linear reduction across all payments to the level of the ceiling.

**B78.3** You should not make business decisions on the basis of being paid early in the payment window. Your payment could be made at any time during the payment window, once all cross checks and validation checks have been completed. For cross border claimants your claim cannot be paid until RPW has received required data from the other UK Paying Agency.

**B78.4** Payment is normally made in pounds Sterling. The Euro exchange rate that will be used for BPS will be the average Euro exchange rate during September 2019. You can choose to receive your payment for the 2019 BPS in Euro. You must do so by completing the relevant question on the SAF, and submit your SAF to the Welsh Government by 15 May 2019.

**B78.5** Deductions to scheme payments and the order in which they will be applied are set out in Section G of this booklet. The net value of actual payments will be set out in the payment letters on RPW Online at the time they are paid. The letters will provide details of all reductions that apply.

**B78.6** The Welsh Government will take every possible step to identify and pursue all attempted fraudulent claims. It will also seek to ensure no payment is made to applicants who artificially create the conditions required for obtaining payments. Payments will be made only where eligibility can be confirmed beyond reasonable doubt.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

### B79 How will payments be calculated?

**B79.1** The number of eligible hectares determined for BPS will be multiplied by the value of your BPS Entitlements to establish the BPS payment each year.

**B79.2** The number of eligible hectares used to activate BPS Entitlements will be used to calculate your Greening payment and Young Farmer payment and Redistributive Payment.

### B80 Capping of higher value payments

**B80.1** Capping will be applied to BPS payments in Wales and excludes Greening and Young Farmer payments. The proceeds of Capping will be redirected and used to fund Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes.

**B80.2** Capping rates are as follows:

Payment Value Capping Rate

up to €150,000	0%
€150,000 to €200,000	15%
€200,000 to €250,000	30%
€250,000 to €300,000	55%
over €300,000	100%

**B80.3** There will be no deduction for wage related costs.

**B80.4** Checks will be carried out to ensure farmers haven't artificially created circumstances to avoid these reductions. If you are found to have artificially split your business to gain advantage, you could lose your payment.

### B81 Financial Discipline

**B81.1** Financial Discipline will be applied to the BPS payments, which will result in a reduction to the BPS payment. The main purpose of this Financial Discipline is to establish a reserve fund in order to provide additional support, in case of major crises affecting agricultural production or distribution. Any unused funds will be paid back to those claiming BPS in the following year. For example, in 2019 any unused funds taken from the BPS 2018 will be paid back with the BPS 2019 payment.

## CROSS BORDER FARMERS

### B82 Cross Border Farmers

**B82.1** The EU Regulations require that all the land you farm in the UK is covered by one BPS application. If you farm in more than one UK country, your claim will consist of two or more separate parts – one for each UK country. You must submit the relevant application (e.g. the SAF in Wales and its equivalent for England) for each UK country in which you have agricultural land in order for your application to be complete. There are differences how BPS will be managed in Wales, England, Northern Ireland and Scotland. You will need to be aware of these differences and

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

understand how they will affect your application. Guidance is available from the relevant Paying Agency.

**B82.2** The Paying Agency is the organisation that administers a scheme and makes payments within an individual country. The Paying Agency for each country is:

- Wales – Rural Payments Wales (RPW)
- England – Rural Payments Agency (RPA)
- Northern Ireland – Department of Agriculture, Environment and Rural Affairs (DAERA)
- Scotland – Scottish Government, Rural Payments and Inspections Division (SGRPID).

**B82.3** To make a cross border claim, farmers need to complete a BPS application for each country where they have land, then submit it to the Paying Agency for that land. For example, if you have land in Wales and England you need to apply to:

- RPW for the land in Wales, and
- the RPA for the land in England.

**B82.4** You must use the Welsh SAF to claim your Welsh BPS Entitlements and to declare your Welsh land only. The other part of the UK's application must be used for the land and BPS Entitlements you farm and hold outside Wales.

**B82.5** When you apply, you will be asked if you have land in other UK countries. This will help the Paying Agencies, who will work together to process cross border claims.

**B82.6** The application deadline for all BPS claims in 2019 is midnight on 15 May.

### **B83 Payments for cross border claims**

**B83.1** A 'lead Paying Agency' will make payments for cross border claims. In most cases this will be the Paying Agency in the UK country where most of a farmer's land is located. The Paying Agency is assigned in the first year you make a BPS claim.

**B83.2** For farmers with a cross border holding who are applying for the first time, the lead Paying Agency will be the one in the UK country where most of their land is located.

### **B84 Meeting BPS rules for cross border farmers**

**B84.1** Farmers with cross border holdings need to meet the relevant BPS rules on:

- entitlements
- the minimum claim size

## SECTION B: BASIC PAYMENT SCHEME (BPS)

- Active Farmer
- Young Farmer payment (if applicable)
- land eligibility rules
- Greening.

**B84.2** They will also need to meet the Cross Compliance rules in the relevant countries.

### **B85 Entitlements for cross border farmers**

**B85.1** Different entitlements apply in the different countries, so farmers will need to make sure they have the right type and number of entitlements for the land they are making a claim for.

### **B86 Minimum claim size for cross border farmers**

**B86.1** The minimum claim size for BPS is 5 hectares in England and Wales, and 3 hectares in Northern Ireland and Scotland. Farmers must meet the minimum claim size rules which apply for the Paying Agency that makes their payment (this is usually where the majority of their land is located).

**Example:** if the majority of a farmer's land is located in Scotland, they will need to have at least 3 hectares of eligible land and 3 entitlements.

### **B87 Meeting the minimum claim size for cross border farmers**

**B87.1** Some farmers may find themselves on the threshold of the minimum claim size.

**Example:** if a farmer has 3 hectares in Wales and 2 hectares in England their claim will be accepted, as the total holding (5 hectares) meets the minimum claim size for the Paying Agency where the majority of their land is located (in Wales, where the minimum claim size is 5 hectares).

### **B88 Active Farmer for cross border farmers**

**B88.1** There are two parts to the Active Farmer test. The first is about business activity. See Section D 'Active Farmer' requirements in this booklet.

**B88.2** If farmers need to provide evidence to prove they are Active Farmers, they will need to submit it to the Paying Agency that makes their payment (usually where the majority of their holding is located). That Paying Agency will check whether the farmer is an Active Farmer according to the rules in that country.

**B88.3** The second part of the Active Farmer test is about 'land naturally kept in a state suitable for grazing or cultivation'. Wales has some naturally kept land (such as saltmarshes and sand dunes). There is no designated 'naturally kept land' in England or Northern Ireland. If farmers have 'naturally kept land' in Scotland they must meet any rules about minimum activity in Scotland to make sure they qualify as

## **SECTION B: BASIC PAYMENT SCHEME (BPS)**

an Active Farmer. The 'naturally kept' land assessment works cross border. If more than 50% of all your land across the UK is 'naturally kept' you must meet minimum activity requirements in Wales.

### **B89 Young Farmer payment for cross border farmers**

**B89.1** If a farmer is not more than 40 years old in the year of their first BPS application, they will be able to apply for a Young Farmer payment. In Wales, Young Farmers can be paid a top up payment on up to 25 hectares. In England, Northern Ireland and Scotland, Young Farmers can be paid a top up payment on up to 90 hectares.

**B89.2** Some countries specify a minimum age at which farmers can apply for the Young Farmer payment:

- Wales – 16 years old for Legal Persons (e.g. Limited Company); 18 years old for partnerships or sole traders
- England – 18 years old
- Scotland – 16 years old.

**B89.3** There is no minimum age in Northern Ireland. Farmers applying for the Young Farmer payment in Northern Ireland will also need to have a level 2 qualification in agriculture to be eligible to receive the payment on any land in Northern Ireland.

**B89.4** A Young Farmer will need to apply in each part of the UK where they want to receive this payment and will be considered separately by each Paying Agency.

### **B90 Greening for cross border farmers**

**B90.1** Businesses that farm in Wales and another country in the UK (Northern Ireland, England or Scotland) will need to count all of their land in the UK as one holding and will need to meet the Greening, EFA and crop diversification rules across their land as a whole.

**B90.2** Farmers should also count all their land in the UK as one holding when they work out if any of the Greening exemptions apply.

### **B91 What this means for crop diversification rules**

**B91.1** The crop diversification rules apply across the whole of a farmer's holding, no matter which UK country the land is in.

**Example:** if a farmer has land in Wales and England, and plants as follows:

- main crop (65%) in Wales
- 2nd crop (25%) in Wales
- 3rd crop (10%) in England

they would meet the crop diversification rules.

## SECTION B: BASIC PAYMENT SCHEME (BPS)

### B92 What this means for EFA

**B92.1** Farmers should count all their land across the UK as one holding for the EFA rules as well. They can use features across their holding to meet the EFA rules.

**Example:** if the majority of a farmer's land is in Wales, but they also have land in England, they could choose to only use areas or features on their English land to count towards their EFA to meet the Greening rules on their holding.

**B92.2** Farmers will need to make sure any features or areas they use as part of their EFAs are eligible in the country they are located in. There are some differences between the UK countries on which areas and features count as EFAs. For example, in Wales a farmer cannot use buffer strips next to water courses to meet the rule, but in England they can.

### B93 Greening reductions for cross border farmers

**B93.1** The lead Paying Agency will make any reductions to BPS payments due to cross border farmers not meeting the Greening rules.

### B94 BPS payments over €150,000

**B94.1** If a BPS payment (excluding Greening and any Young Farmer payment) is over €150,000 in a single year, the money a farmer gets above that amount will be reduced.

**B94.2** Different rates of reduction apply in the different UK countries:

Country	Reduction
<b>Wales</b>	<ul style="list-style-type: none"><li>• Amounts between €150,000 and €200,000 will be reduced by 15%</li><li>• Amounts between €200,000 and €250,000 will be reduced by 30%</li><li>• Amounts between €250,000 and €300,000 will be reduced by 55%</li><li>• Amounts over €300,000 will be reduced by 100%.</li></ul>
<b>England</b>	Amounts over €150,000 will be reduced by 5%.
<b>Scotland</b>	Amounts over €150,000 will be reduced by 5%. There will also be a cap on basic payments at €500,000 after labour costs have been taken into account.
<b>Northern Ireland</b>	Amounts over €150,000 will be reduced by 100%.

**B94.3** Reductions for cross border holdings will be calculated on the basis of the number of entitlements activated in each country. This means if a total payment exceeds €150,000, and entitlements have been activated in more than one country, the Paying Agency will:

- work out each country's share of entitlement
- divide the amount to be reduced in line with these shares, and
- apply the reduction rules in place in each country to these shares.

## **SECTION C: RURAL DEVELOPMENT SCHEMES WITHIN THE WELSH GOVERNMENT RURAL COMMUNITIES – RURAL DEVELOPMENT PROGRAMME FOR WALES 2014 – 2020**

**C1** The Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 ('the Programme') schemes listed within this section are part financed by the European Agricultural Fund for Rural Development.

### **C2 Introduction**

**C2.1** Under the European Rural Development legislation, the Welsh Government aims to:

- combat climate change
- improve water management
- maintain and enhance biodiversity.

**C2.2** The Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 provides a framework to contribute to these aims through the delivery of the Programme. Only land in Wales is eligible for support.

**C2.3** Glastir is one of the delivery mechanisms for the Programme and was approved by the European Commission on 25 May 2015. Any subsequent changes to this guidance and Glastir commitments will be published in the [Gwlad e-newsletter](#) and, where necessary, we will contact farming businesses directly.

**C2.4** Further information in relation to all schemes within Glastir is available on the [Welsh Government's website](#).

### **C3 Glastir**

**C3.1** Glastir is a sustainable land management scheme available to farmers and land managers across Wales. Glastir pays for the delivery of specific environmental goods and services aimed at combating climate change, improving water management and maintaining and enhancing biodiversity. It is also designed to deliver measurable outcomes at both a farm and landscape scale in a cost effective manner. Once you have entered into a Glastir Contract, the commitment is generally for a period of 5 years.

### **C4 Glastir schemes claimed annually on the SAF**

**C4.1** Glastir schemes must be claimed annually on the SAF and are:

- **Glastir Entry** -- a whole farm land management scheme for farmers and land managers throughout Wales. It is designed to provide support for the delivery of environmental benefits that meet today's challenges and priorities
- **Glastir Advanced** – a whole farm land management scheme designed to deliver significant improvements to the environmental status of a range of habitats, species, soils and water that might also require changes to current agricultural practices. In order to achieve these specific improvements and



## SECTION C: RURAL DEVELOPMENT SCHEMES WITHIN THE WELSH GOVERNMENT RURAL COMMUNITIES – RURAL DEVELOPMENT PROGRAMME FOR WALES 2014 – 2020

outcomes, financial support from the Welsh Government will be targeted at locations where action will lead to the required result

- **Glastir Organic** – a part or whole farm scheme providing support to organic farmers and producers who wish to convert to organic production and to existing organic producers who meet the eligibility criteria
- **Glastir Woodland Management (GWM)** – a land management scheme for woodland owners throughout Wales. Glastir Woodland Management replaced the Better Woodland for Wales (BWW) Scheme. It is for existing broadleaf or conifer woodland. It is designed to provide support for the delivery of environmental benefits that meet current forest management challenges and priorities
- **Glastir Woodland Creation** – provides funding to establish new woodlands throughout Wales, and is not limited to agricultural land.

Depending when new woodland was created, annual area payments can be claimed under:

- **Improved Land Premium (ILP)** – a 10 year scheme intended to compensate for the loss of income for woodlands established since 2008
- **Glastir Woodland Creation Premium (GWCP)** – a 15 year scheme intended to compensate for the loss of income for woodlands established since 2010
- **Glastir Woodland Creation Premium (GCP)** – a 12 year scheme intended to compensate for the loss of income for woodlands established since 2015
- **Glastir Woodland Creation Maintenance (GCM)** – a 12 year scheme intended to maintain new planting for woodlands established since 2015.

**C4.2** Further details can be obtained from the [Welsh Government website](#) and further updates will be published through the Gwlad e-newsletter.

**C4.3** You can apply to join these schemes by submitting an Expression of Interest via RPW Online. Due to demand, schemes open Expression of Interest application windows at different times of the year. Details will be published in the Gwlad e-newsletter, RPW Online and the Welsh Government website.

### C5 Glastir and Double Funding with Greening

**C5.1** If you claim BPS and are required to create EFA and have a Glastir Advanced or Glastir Entry Contract which contains arable options, you need to be aware that some of the arable management options have the potential to result in double funding if you also declare them as an EFA. You should therefore consider alternative EFAs to avoid a reduction in your Glastir payments. Cross checks between BPS Greening and Glastir will be undertaken and in circumstances where double funding occurs the Glastir payments will be reduced accordingly. The table

## SECTION C: RURAL DEVELOPMENT SCHEMES WITHIN THE WELSH GOVERNMENT RURAL COMMUNITIES – RURAL DEVELOPMENT PROGRAMME FOR WALES 2014 – 2020

below details which arable options would result in double funding if you also used the areas to meet your Greening EFA requirement.

Glastir Entry Management Option		Greening EFA
26	Fixed rough grass margin on arable land	Fallow
26B	Rotational rough grass margin on arable land	Fallow
Glastir Advanced Management Options		Greening EFA
170	Uncropped fallow - lapwing nesting	Fallow
174	Rough grass buffer zone	Fallow
Glastir Entry with Advanced Management Options		Greening EFA
27	Fallow Crop Margin	Fallow
33	Establish a wildlife cover crop on improved land	Fallow
34	Unharvested cereal headland	Fallow

**C5.2** Management Options or capital works covering hedgerows, wildlife corridors up to 3 metres wide or stone walls can be used as an EFA as there is no double funding. They do not result in double funding because their payments are for activities above the minimum requirements for Greening in BPS.

**C5.3** If you have entered into a Glastir Organic Contract, the land under Contract can qualify for Greening automatically without having to meet any other Greening requirements. Refer to Annex 2 of this booklet for further information, including opting out.

### **C6 Notification of circumstances affecting your commitments under Glastir**

**C6.1** You must notify the Welsh Government within 30 calendar days of any land changes and any circumstances affecting your commitment under the scheme, and any changes to your commitments included in your Contract. Failure to do this may result in a reduction or exclusion of aid. Failure to adhere to the time period will result in a scheme breach penalty. Notification must be made using 'Manage My Land' on your RPW Online account.

### **C7 Requirements for claiming annual area payment on the SAF**

**C7.1** This booklet covers claims for payment made on the SAF for the schemes listed at paragraph C4 (except for capital works).

**C7.2** You must declare all of your agricultural land in the Field Data section of your SAF. When declaring land which has a Glastir Entry and/or Advanced Management Option established on it you will need to refer to the land use codes provided in Annex 4 of this booklet. You must register new land by using 'Manage My Land' on your RPW Online account.

## **SECTION C: RURAL DEVELOPMENT SCHEMES WITHIN THE WELSH GOVERNMENT RURAL COMMUNITIES – RURAL DEVELOPMENT PROGRAMME FOR WALES 2014 – 2020**

**C7.3** European regulations require that all data is cross checked against the Welsh Government's Land Parcel Identification System (LPIS) and the information declared on all SAFs. Cross checks will be undertaken to ensure payments are made on the correct land area, there is no double funding and the land use classifications do not contradict the land use required as part of your Contract. You must refer to your Glastir Contract and maps to ensure appropriate areas and land use/crop codes are accurately declared on your SAF. Failure to provide sufficiently detailed information relating to individual parcels on your SAF may lead to a delay in payment being released while the claim is checked, and may result in payments being reduced (see Section G) or penalties being applied.

**C7.4** If you hold a Glastir Contract you must ensure you use the correct land use codes which are listed in Annex 4 of this booklet. When completing your SAF 2019 you will be asked to confirm you have undertaken your Glastir management option activities on land under Contract. The 2019 codes have been grouped according to similar Glastir Management Options in Annex 4.

**C7.5** Where a Glastir Advanced Management Option has been placed on top of a Glastir Entry Management Option, you should declare the appropriate crop/land use code to match the Glastir Advanced management option. You should ensure you are using the latest version of your Glastir Contract to ensure you are carrying out the correct land management, and to declare the correct crop/land use codes in the Field Data section of your SAF.

**C7.6** You must not use the Glastir land use codes prior to the establishment or creation of the Management Option. If you intend to establish or create the Option after 15 May, you must enter the appropriate code in the Secondary Crop column.

### **Examples:**

- A streamside corridor is installed prior to the 15 May. You should use the land use code GC1 for the area of the streamside corridor.
- A streamside corridor is installed after the 15 May. You should use the code that best describes the land use as at the 15 May (e.g. GR2 for Permanent Grass) and declare the GC1 in the Secondary Crop column for the area of the streamside corridor. If the streamside corridor will only be installed on part of the area of GR2 you will therefore need to split the GR2 into two separate rows and only declare GC1 in the Secondary Crop column on the relevant row.

**C7.7** If the pre-populated crop/land use code on your SAF does not match the crop/land use code listed for a Management Option, you may need to amend the pre-populated crop/land use code so it accurately reflects the land use as at 15 May.

## **C8 Payment**

**C8.1** You must claim your annual management payment for the schemes listed at paragraph C4.1 of this booklet in the Claims section and the Field Data section of your SAF and submit it by 15 May, or 10 June subject to late submission penalties, in order to be paid against your Glastir Contract. You are required to declare all of the

## **SECTION C: RURAL DEVELOPMENT SCHEMES WITHIN THE WELSH GOVERNMENT RURAL COMMUNITIES – RURAL DEVELOPMENT PROGRAMME FOR WALES 2014 – 2020**

land forming your agricultural holding and the relevant crop/land use codes for checking against your Contract.

**C8.2** To be eligible for your annual management payment you must:

- submit a SAF annually declaring all your land (including common land grazing rights). Your Contract will be terminated if you do not claim payment in two consecutive years, and all payments made will be recovered in full with interest
- claim payment on the SAF and submit it by 15 May (or 10 June 2019 subject to late submission penalties) in order to be paid against your Contract
- have full management responsibility and control over the land entered into the scheme
- comply fully with the requirements of your Contract.

**C8.3** Payments will be calculated based on the land areas claimed for payment on the SAF, entered into the Contract as detailed in the Contract Schedule which is valid on 15 May 2019 and any notifications made in respect of that land. If you claim land that is not eligible for payment you may receive an over-declared penalty, Section G explains how over-declared penalties will be calculated.

**C8.4** Rural Development scheme payments will only be made in pounds Sterling.

**C8.5** Following the validation and verification of your claim and Glastir Contract, 2019 annual management payments are expected to commence from January 2020.

**C8.6** Any deductions to payments, and the order in which they will be applied, are set out in Section G of this booklet. The net value of actual payments will be set out in the payment letter sent to you at the time they are made. The letter will provide details of all reductions that have been applied.

**C8.7** Your Glastir Organic payment will additionally take account of the Organic Control Body (OCB) certificate.

**C8.8** To be eligible for your Organic payment you must also:

- undertake and pass the Active Farmer test each year for the duration of the Contract
- have submitted a Business Plan by 31 December 2016 for Organic Contracts that commenced on 1 January 2015 or 1 January 2016 or by 31 December 2017 for Organic Contracts that commenced on 1 January 2017.
- have all land under Contract continuously certified with a recognised Organic Control Body for the entire duration of the Contract. The most recent Organic Control Body Certificate and Land schedules must be submitted by no later than 30 April in the first year of the Contract and within 30 days of expiry of the last certificate thereafter.

## **SECTION C: RURAL DEVELOPMENT SCHEMES WITHIN THE WELSH GOVERNMENT RURAL COMMUNITIES – RURAL DEVELOPMENT PROGRAMME FOR WALES 2014 – 2020**

**C8.9** If you do not claim on a parcel of land under Contract on your SAF that field will be removed from the Glastir Organic Contract and no payment will be made. Previous payments may also be recovered in full with interest.

**C8.10** The first year's Glastir Woodland Maintenance or Glastir Woodland Premium payment cannot be claimed until after the Glastir Woodland Creation planting/fencing grant has been claimed in the previous calendar year. Glastir Woodland Premium (and Maintenance), will be calculated annually taking into account your SAF land declarations, Contract and any notifications made.

**C8.11** Land taken out of production under a woodland creation commitment can only be used to support a BPS claim by the GWCP farmer/land manager if the land has been successfully used to activate SPS payment entitlements in 2008. Such land can continue to be used to support your BPS claim while the land remains in an eligible afforestation commitment. Refer to paragraph B21 of this booklet for further information regarding BPS eligibility and Annex 3 Table 3.

**C8.12** To remain eligible for BPS you must use the appropriate crop/land use codes. For example, you should select BW1 for predominantly broadleaf or CW1 for predominantly conifer. For further information on BPS eligibility refer to Section B in this booklet.

### **C9 Capital works**

**C9.1** Capital works for Glastir Advanced and Glastir Woodland Management are not claimed on the SAF. To claim payment for completed capital works you must complete a capital works claim form, available via RPW Online.

**C9.2** All Glastir Advanced capital works due for completion in 2019 must be completed by 31 December 2019 and a claim made no later than 28 January 2020.

### **C10 Supporting documentary evidence**

**C10.1** Any supporting documentary evidence submitted after 15 May 2019 and by 10 June will attract a late submission penalty. Any supporting documentary evidence submitted after 10 June will not be considered, which may result in your payments being reduced. The supporting documents listed below need to be submitted to support your claims under Glastir Entry and / or Advanced:

- if your Contract includes Option 37 'UK native breeds at risk' you must submit either the individual pedigree certificates, the breed society's herd, flock or stud book. In circumstances where these documents are not available for sheep flocks, a letter from the appropriate Society confirming the number of eligible animals on the holding for the 2019 scheme year
- if you claim the 10% dairy uplift you must submit either your milk Contract covering the 2019 scheme year or an official headed letter from your milk buyer confirming your milk Contract covers the 2019 scheme year

## **SECTION C: RURAL DEVELOPMENT SCHEMES WITHIN THE WELSH GOVERNMENT RURAL COMMUNITIES – RURAL DEVELOPMENT PROGRAMME FOR WALES 2014 – 2020**

- if you claim Glastir Entry Rotational Options 26B, 27, 28, 29, 30, 31, 32, 32B, 33 and 34B, you are required to return the Rotational Option pro forma for any rotational option that will be established in a different location to that in 2018 and where your contract maps indicate there are SSSIs or Historic Environment Features within the parcel.

### **C11 Schemes not claimed on the SAF**

**C11.1** Schemes not claimed on the SAF are:

- Glastir Commons
- Farm Woodland Scheme and Farm Woodland Premium schemes

**C11.2** Your Contract will set out how you should claim your payment for these schemes using RPW Online.

## **SECTION D: ACTIVE FARMER REQUIREMENTS**

### **D1 Introduction**

**D1.1** To activate BPS Entitlements and receive payment, a claimant must meet the BPS definition of a 'Farmer' and also qualify as an 'Active Farmer'. To receive Glastir Organic, you must also meet the definition of an 'Active Farmer'.

### **D2 Definition of a Farmer**

**D2.1** A 'Farmer' is a person/group of people, or a business that carries out an 'agricultural activity'. That means doing at least one of the following on their holding:

- the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes
- maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries. In Wales, this means the control of non-native invasive weeds and scrub
- carrying out a minimum activity on agricultural areas naturally kept in a state suitable for grazing or cultivation. In Wales, agricultural areas naturally kept in a state suitable for grazing or cultivation are defined as areas of saltmarsh and sand dunes. The minimum activity required is that the area is grazed to a minimum average annual stocking density of 0.01 to 0.05 livestock units per hectare, or the control of non-native invasive weeds and scrub.

**There is no exemption from being a Farmer, everyone must be a Farmer to qualify for BPS.**

### **D3 Active Farmer test**

**D3.1** You need to be an Active Farmer to apply for and claim BPS or Glastir Organic. The following explains how the Active Farmer test will be assessed in Wales. Where you, or an affiliated business, operate one of the non-agricultural activities or declare naturally kept land, you will need to provide evidence to qualify as an Active Farmer (see paragraphs B3.1 and D6.2 in this booklet).

### **D4 Are all Farmers subject to the Active Farmer test?**

**D4.1** No, farmers are exempt from the Active Farmer test if they received a BPS payment of no more than €5,000 / £4,464.05 in 2018, before any administrative and Cross Compliance penalties were applied, **and** they can show on their SAF they have livestock or arable/permanent crops or provide evidence to show they are carrying out an agricultural activity, if they do not have livestock or arable/permanent crops (see paragraph B4.4).

### **D5 Which non-agricultural activities are included in the Active Farmer test?**

**D5.1** You will have to provide additional information about your business to qualify as an Active Farmer if you or your business, or any affiliate business operate any of the following:

## SECTION D: ACTIVE FARMER REQUIREMENTS

- railway services - applies to businesses licensed as train operators, rail infrastructure owners and operators, rolling stock leasing companies and also heritage railways (e.g. steam railways) that run on a timetable
- airports - applies to businesses licensed by the Civil Aviation Authority (CAA) for commercial aviation (either passengers or freight) and military airfields
- waterworks - applies to businesses licensed to put water into the public supply (be that fresh water or cleaned up sewage/waste water)
- real estate services - applies to professional property developers, real estate agencies and natural/Legal Persons managing real estate on a fee or contract basis
- permanent sport and recreational grounds, applies to specialised operators of permanently existing areas of land with permanent fixtures and/or permanent artificial structures for spectators that are being used for a purpose of sport and recreational activities, including changing rooms, showers or toilets, cafés, spectator seating or viewing cabins. This could include permanent caravans owned and rented out by you, but not land used by you to rent space for people to bring caravans.

**D5.2** You are **not** considered to be operating a real estate service, if you rent out:

- accommodation facilities on a farm
- apartments or holiday homes that are in a farmer's private property, for housing purposes
- part of the buildings or surfaces on the holding
- agricultural land to third parties.

**D5.3** You are **not** considered to be operating a permanent sports or recreational ground, unless all of the following apply:

- the grounds are dedicated and kept throughout the year for sporting or recreational use. For example, a golf course, football pitch, or a manège (surfaced riding arena) for horse riding. This applies even if the land is also used for agriculture, as agriculture is not the primary use
- the grounds include one or more permanent structures used so people can take part in sport or recreation – or permanent structures for spectators, to make them more comfortable (e.g. changing rooms, showers or toilets, cafe, spectator seating or viewing cabin). Car parks are not included. When a manège is near a livery or riding school, a spectator stand or viewing cabin for the manège will be considered to be a permanent structure, but the buildings and stables of the livery or school will not.
- the grounds or facilities are not just for personal use.



## SECTION D: ACTIVE FARMER REQUIREMENTS

**D5.4** An indoor facility that is completely enclosed (e.g. a bowling alley or permanently covered stadium) is not considered to be 'a ground'.

### **D6 What does operate mean?**

**D6.1** Farming businesses can be owned or managed by individuals (natural person), groups of individuals (e.g. partnerships); companies (Legal Persons registered with Companies House); groups of companies; charities (registered with the Charities Commission).

**D6.2** The Active Farmer requirements apply to all the affiliated businesses of the business applying for and/or claiming BPS or Glastir Organic payments. You should seek independent professional advice to check that any other businesses you are involved with are independent of the farming business submitting the SAF 2019.

**D6.3** If you apply, as an individual or partnership, for BPS but are employed by another business that is operating a non-agricultural activity you may still qualify as an Active Farmer in your own right, including if you manage a business registered with Companies House and considered a separate Legal Person.

**D6.4** You may lose all of your BPS Entitlements and any payments made, if our controls reveal you have:

- artificially created the circumstances to pass the Active Farmer test
- failed to declare you operate one of these non-agricultural activities.

### **I operate one of these non-agricultural activities. Can I still apply and claim for BPS and/or Glastir Organic?**

**D6.5** If you do operate a non-agricultural activity you will be considered an Active Farmer if you can satisfy at least one of the readmission criteria:

- the amount of Direct Payments is at least 5% of your receipts obtained from non-agricultural activities.

To satisfy this readmission criteria you will need to submit a letter from a chartered accountant itemising your receipts from non-agricultural activities in the most recent fiscal year available.

- Your agricultural holding is more than 21 hectares.

To satisfy this readmission criteria, you will need to have 21 hectares of eligible agricultural land that you have declared on your SAF 2019.

- That total receipts from agricultural activity represent at least 40% of the total receipts of the business in the most recent fiscal year for which evidence is available.

To satisfy this readmission criteria you will need to submit a letter from an accountant itemising your total receipts for the business, including those for non-agricultural activities, for the most recent fiscal year available.

## **SECTION D: ACTIVE FARMER REQUIREMENTS**

### **D6.6** Terms used in the above criteria mean:

- Direct Payments means the amount of BPS before any reductions following eligibility or Cross Compliance checks – this figure is held by the Welsh Government. If you did not submit an aid application in that fiscal year, we will calculate a nominal value based on the number of eligible hectares multiplied by the average payment rate in that year.
- Non-agricultural receipts means any financial receipts for business activities unrelated to the agricultural activities of the business.
- Agricultural receipts means financial receipts attributable to agricultural activity including:
  - Direct Payments
  - Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme payments such as Glastir
  - any equivalent Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 national aid schemes, such as S.15 management agreements with NRW
  - receipts from processing agricultural products providing those products remain agricultural products and remain in your possession
- Total receipts means all financial receipts to the business.

**D6.7** Chartered Accountant letters should itemise gross figures before any deductions are made (such as VAT).

**D6.8** Following the submission of your SAF 2019 and supporting documentation (by 15 May to avoid late penalties or rejection), we may need to examine the full details of your accounts as part of the controls required to be undertaken.

### **D7 What are the requirements for land classed as being naturally kept in a state suitable for grazing or cultivation?**

**D7.1** If more than half of your agricultural land is classed as being ‘naturally kept in a state suitable for cultivation and grazing’ i.e. saltmarsh and sand dunes, you must also carry out at least one of the following activities on that land:

- grow or rear agricultural products
- undertake at least a minimum level of grazing (at least an average of 0.01 to 0.05 European Livestock Units per hectare a year)
- control non-native invasive species.

## **SECTION E: CROSS COMPLIANCE**

### **E1 Introduction**

**E1.1** Cross Compliance is a European Commission regulatory requirement that must be followed in order to receive CAP payments, including Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes entered into since 1 January 2007.

**E1.2** You are responsible for ensuring you understand and meet the Cross Compliance requirements and standards, which are based on existing European or UK Laws.

**E1.3** There are two elements to Cross Compliance:

- Statutory Management Requirements (SMRs), and
- Standards for keeping land in 'Good Agricultural and Environmental Condition' (GAEC).

**E1.4** These include detailed obligations under European and UK legislation farmers should be doing anyway, covering:

- environment, climate change and GAEC
- public health, animal health and plant health
- animal welfare.

### **E2 Cross Compliance application**

**E2.1** Cross Compliance applies for the full calendar year to all agricultural areas on your holding and also to any non-agricultural areas supported under certain Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes. This includes all land that is at your disposal on 15 May each year whether or not you use that land to activate BPS Entitlements. For example, if a shed on a holding is not up to standard, resulting in animal welfare issues, a Cross Compliance breach would be applied even though the area of the shed itself does not contribute to your BPS payments.

**E2.2** If you rent land in or out during the year, you will need to carefully consider the terms of the contractual agreement between yourself and the transferee/transferor. You should make sure your interests are protected in the event of a Cross Compliance breach that is directly attributable to either the farmer from whom or to whom the land was transferred.

**E2.3** Farmers claiming BPS are committing to keep the land compliant for the entire calendar year. In circumstances where land is rented between farmers claiming BPS, reductions and exclusions will be applied to the farmer to whom the non-compliance is directly attributable. Should the new occupier of the land not claim BPS in that scheme year (on any land) the original occupier who made the BPS claim for that year will continue to be the farmer liable for penalties should any breaches occur, even after the date the land was transferred.

## **SECTION E: CROSS COMPLIANCE**

**E2.4** For Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes payment reductions and exclusions will continue to be applied to the farmer claiming payment. If you let or sell your land to other farmers who do not claim payment for part of the year, any breaches caused by them on that land will impact on your payment as it is your responsibility to meet the Cross Compliance standards.

**E2.5** In the case of non-compliance of the cattle and/or sheep/goats Identification and Registration Regulations, it is normally the keeper of the animals who would be liable for penalties arising from associated breaches. However, if you allow such livestock to graze your land you should ensure the keeper has properly registered them, including the need to inform the British Cattle Movement Service (BCMS) for cattle, EIDCymru for sheep or the AML2 service for pigs, of the movement of animals onto and off your land. If you, or someone acting on your behalf or under your control, do not meet any of the Cross Compliance rules, we may reduce your payments for applications submitted in the calendar year the non-compliance was found.

**E2.6** If there is a breach of Cross Compliance anywhere on common land, the farmer or farmers responsible for the breach may have their payments reduced in whole or in part.

**E2.7** For cross-border farmers, arrangements are in place with the other Paying Agencies to ensure any reductions and/or exclusions, which may be required in respect of breaching Cross Compliance, are applied to all payments.

### **E3 Penalties as a result of a breach of Cross Compliance**

**E3.1** Refer to Section G in this booklet for further information of the calculation and application of Cross Compliance penalties. In addition, breaches of the SMRs may result in prosecution by the relevant specialist enforcement body.

### **E4 Cross Compliance information**

**E4.1** *'The Farmers' Guide to Cross Compliance'* Factsheets provide farmers with the detailed Cross Compliance requirements. The Factsheets also include information in respect of what to expect at inspection, good practice guidance to help farmers carry out their farming practices in a compliant manner and useful contacts.

**E4.2** *'When the inspector calls'* guidance provides information in respect of what to expect at inspection and good practice guidance to help farmers carry out their farming practices in a compliant manner.

**E4.3** *'The Farmers' Guide to Cross Compliance'*, *'Verifiable Standards'* and the *'Cross Compliance Penalty Matrix'* plus examples of how Cross Compliance penalties are calculated, can be found on the Welsh Government's website. For any additional queries you should contact the Customer Contact Centre.

**E4.4** You are responsible for ensuring you understand and meet the Cross Compliance requirements and standards, which are based on European or UK Laws.

## SECTION E: CROSS COMPLIANCE

**E4.5** The Gwlad e-newsletter will regularly highlight key messages, amendments and updates.

### **E5 Table showing SMRs and GAECs**

<b>Statutory Management Requirements (SMR)</b>	<b>Good Agricultural and Environmental Condition (GAEC)</b>
SMR 1: Nitrate Vulnerable Zones	GAEC 1: Water – Establishment of Buffer Strips
SMR 2: Wild Birds	GAEC 2: Water – Use of Water for Irrigation
SMR 3: Conservation of Fauna and Flora (Biodiversity)	GAEC 3: Water – Groundwater
SMR 4: Food and Feed Law	GAEC 4: Soil and Carbon Stock – Minimum soil cover
SMR 5: Restrictions on the Use of Substances having Hormonal or Thyrostatic Action and Beta-Agonists in Farm Animals	GAEC 5: Soil and carbon stock – Minimum land management site specific conditions to limit erosion
SMR 6: Pig Identification and Registration	GAEC 6: Soil and Organic Matter – Maintenance
SMR 7: Cattle Identification and Registration	GAEC 7: Maintenance of Landscape Features
SMR 8: Sheep and Goat Identification	
SMR 9: Prevention, Control and Eradication of Transmissible Spongiform Encephalopathies (TSE)	
SMR 10: Restrictions on the Use of Plant Protection Products	
SMR 11: Welfare Standards for the Protection of Calves	
SMR 12: Welfare Standards for the Protection of Pigs	
SMR 13: Welfare Standards for the Protection of Animals Kept for Farming Purposes	

## SECTION F: BUSINESS STRUCTURE CHANGES AND LAND CHANGES

### F1 Business details

**F1.1** To register your business details for the first time, you need to complete the [online registration form](#). Please refer to the [how to register guidance](#) for further details. The vast majority of changes to business details can be done online. However, Welsh Government may require further details on any major changes. Please contact the Customer Contact Centre for further information.

**F1.2** If you are involved in a number of farming businesses you should not assume the businesses, even if they are separate legal entities, such as a Limited Company or a partnership, will be treated as separate for the purposes of applying for EU Common Agricultural Policy subsidy. This is to ensure farmers are not artificially creating circumstances to receive payment.

**F1.3** Separate applications may be submitted for different businesses in which you are involved, but only if they are managed as separate businesses according to certain criteria. The Welsh Government will take into account:

- the legal status of the businesses
- the names and responsibilities of those involved (including percentage shareholdings if appropriate)
- how far operations are run separately on a practical day-to-day basis
- whether there are separate farm plans and accounts
- independence of decision-making between the separate farms, and
- where the overall economic control and benefit rests.

**F1.4** These factors are not necessarily conclusive by themselves and you may be asked to provide additional information such as partnership agreements, Certificate of Incorporation, Articles of Association and/or accounts. It is ultimately your responsibility to demonstrate to the Welsh Government's satisfaction the businesses are separate.

**F1.5** Farming businesses that merge or split will need to be assessed on a case by case basis as to their particular circumstances in relation to the European aid applied for. Factors the Welsh Government will need to consider include:

- any arrangements for transfer/lease of entitlements
- the status of the business (i.e. whether new/continuing/separate).

**F1.6** Written details of any mergers/splits must be submitted, using your RPW Online account or by sending them to the Customer Contact Centre, to be assessed.

### F2 Updating your records

**F2.1** You are reminded to notify the Welsh Government of any changes to your business details. The Welsh Government need changes, such as a partner joining or

## **SECTION F: BUSINESS STRUCTURE CHANGES AND LAND CHANGES**

leaving the business, i.e. a change to the business structure, notified in writing and signed by all partners. Amendments to incorrect details pre-populated on forms or printed on correspondence, e.g. incorrect phone number or misspelling of names or addresses, can be notified in writing to the Customer Contact Centre or by using your RPW Online account, but need not be signed by all partners. It is your responsibility to ensure the records held for your farming business are kept up to date and accurate. This includes your language preference (Welsh or English) for correspondence.

### **F3 Use of National Insurance Numbers (NINOs)**

**F3.1** We require National Insurance (NI) numbers for all members of a farming business to enable validation of potential dual claims and cross-border businesses to ensure they are treated appropriately and to help validate young and new farmers.

**F3.2** New claimants can add their NI number during the online registration process. If you are not sure how to find your NI number you should contact:  
[www.gov.uk/national-insurance](http://www.gov.uk/national-insurance) or call:

National Insurance Registrations Helpline  
Telephone: 0300 200 3500  
Textphone: 0300 200 3519

### **F4 Payments**

**F4.1** All scheme payments must be made by BACS. If you change your bank details you must inform the Welsh Government so payments can be made direct into your new bank/building society account and you should do so without delay to avoid payment delays.

**F4.2** If you request 2019 scheme payments in Euro you should open a Euro bank account (if you do not already have one) and complete a Euro BACS form (if you have not already done so), which is available from the Customer Contact Centre. Once the request to be paid in Euro has been made on the SAF 2019, you can change your preference up to the 30 June 2019 by informing the Welsh Government either via your RPW Online account or in writing to the Customer Contact Centre. After the 30 June you cannot change your preference. You need to be aware that if you do not open a Euro bank account, and request your payment is paid into a Sterling account you could incur bank charges from your bank, for which you will be personally liable.

**F4.3** Payments which are requested to be made in Euro, as opposed to Sterling, can only be paid into a British Euro bank account. It is not possible to make payments into a non-British Euro bank account due to the different 'clearing houses' used by banking systems.

### **F5 Land changes**

**F5.1** You must inform the Welsh Government of changes to land parcels and any land transfers within 30 days of the change(s) taking place. Where the 30 day deadline is not met, you must notify the Welsh Government of changes to your land at the earliest possible opportunity.

## SECTION F: BUSINESS STRUCTURE CHANGES AND LAND CHANGES

**F5.2** Please complete a 'Manage My Land' submission, using your RPW Online account, to:

- register land parcels
- add, delete or change permanent features
- notify us of land transfers (i.e. purchases / sales / rentals)
- change rental end dates
- notify us of boundary changes (merges / splits / moving boundaries).

**Please note:** the paper 'Field Maintenance and Land Transfer Application Form' is no longer available, and so you must use 'Manage My Land' to notify us of any changes to your land.

Full guidance on how to use 'Manage My Land' is available on the [Welsh Government website](#).

**F5.3** Farmers with a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contract are all reminded a scheme breach penalty will be applied where the 30 day deadline is not adhered to.

### **F6 Changes to land that require new field numbers**

**F6.1** Applications for new field numbers must be made on a 'Manage My Land' submission on RPW Online.'

**F6.2** Fields which fall into one of the categories listed below may need new field numbers:

- fields not previously registered for IACS purposes
- fields which have been permanently split
- fields which have been permanently amalgamated
- fields which have new boundaries.

**F6.3** 'Manage My Land' will provide you with the field number(s) for these changes, which you should also use when completing your SAF. This means you will need to add the new field number(s) in the Field Data section of your SAF and remove any field number(s) that no longer exist.

Please check you have not claimed under both the old (if no longer used) and new field numbers as this could incur financial penalties. Remember to add the new field numbers in the Field Data section on the SAF and also click 'Remove' for all the old field numbers if no longer used.



## **SECTION F: BUSINESS STRUCTURE CHANGES AND LAND CHANGES**

**F6.4** You do not need to notify the Welsh Government where a field has been divided on a temporary basis either between two or more crops or two or more applicants. These should be shown on your SAF using separate lines for each area of the field if they are still at your disposal on 15 May.

### **F7 Unregistered land**

**F7.1** If you intend to declare unregistered land on your SAF, you must submit a 'Manage My Land' submission within 30 days of acquiring the land.

**F7.2** You will also need to supply proof of ownership or right of occupation when registering new land. If you own the land you are registering you must submit the 'Title Deeds or Official Copy of Register of Title' which must include the associated map. If you are the tenant or grazier of the land you must submit either a letter from the owner confirming they have authorised the use of the specific land by you for agricultural purposes, or a tenancy agreement signed by both parties. Any other evidence will not be considered appropriate and will be rejected.

**F7.3 Please note** you do not need to register land that has already been registered with the Welsh Government. 'Manage My Land' will show whether or not the land has already been registered.

### **F8 Transfer of land**

**F8.1** If you are selling, buying or renting out/renting in land that will be at your disposal on 15 May, you must notify RPW within 30 days of the transfer taking place. You must do so on a 'Manage My Land' submission on RPW Online.

### **F9 Location of land**

**F9.1** The Welsh Government is required to allocate CPH Numbers which identify the location of all blocks of land.

### **F10 Mapping updates of the agricultural land in Wales**

**F10.1** RPW is continuously updating its mapping database in line with European Commission regulations using the latest MasterMap information provided by Ordnance Survey.

**F10.2** This may have resulted in changes to the land parcels on your holding, such as alterations to field boundaries and/or areas of permanent features, such as buildings, roads, rivers and ponds. We will inform you of any changes that impact on your claim as part of the SAF validation process.

**F10.3 It is very important you check the Field Data section of your SAF 2019 to ensure it is fully completed.** You should also check to ensure any changes resulting from a land inspection undertaken during 2018 (details are contained within the IACS 7A), or changes as a result of an appeal, have been made to your SAF.

## SECTION F: BUSINESS STRUCTURE CHANGES AND LAND CHANGES

### F11 Sketch maps

**F11.1** Under the CAP Reform regulations, RPW is required to map certain areas within field parcels. The SAF will prompt you to complete an electronic sketch map where this is required as a part of your application. If you are completing a 'Manage My Land' submission, please refer to the 'How to use Manage My Land' booklet on the [Welsh Government website](#) for further guidance.

The SAF may prompt for an electronic sketch map to be completed where:

- the parcel has more than one different crop (excluding permanent features) and
  - these are different Arable crops
  - the crops have different land classifications
- the crops are ineligible for certain schemes, e.g. part of the parcel contains SC3 – Streamside Corridor – not eligible for BPS and the remainder contains GR2 – Permanent Grassland (eligible for BPS)
- there has been a change to an existing pond eligible for BPS (PD1) or you are declaring a new pond eligible for BPS in a parcel
- there has been a change to an existing Permanent Feature or you are declaring a new Permanent Feature in a parcel, as below:

ZZ10 – Woodland – coniferous – group

YY14 – Woodland – coniferous – scattered tree > 100/Ha

ZZ11 – Woodland – broadleaf – group

YY15 – Woodland – broadleaf – scattered trees tree > 100/Ha

YY16 – Woodland – trunks and stumps

ZZ20 – Bracken – group

YY21 – Bracken – scattered

ZZ22 – Scrub/gorse/briar – group

YY23 – Scrub/gorse/briar – scattered

ZZ40 – Scree/rock outcrops/boulders sand group

YY41 – Scree/rock outcrops/boulders/sand – scattered

ZZ30 – Ponds – ineligible

ZZ31 – Rivers and streams

## **SECTION F: BUSINESS STRUCTURE CHANGES AND LAND CHANGES**

TR2 – Stock excluded – woodland – coniferous (including Christmas trees)

WS1 – Stock excluded – woodland – broadleaf

NO1 – Non-agricultural activities

ZZ89 – Buildings/yards

ZZ92 – Hardstandings

ZZ94 – Roads

ZZ97 – Tracks – ungrazed

- you are declaring a new linear EFA in a field (i.e. a hedge or traditional stone wall) that has not been pre-populated, or the length of the EFA has changed from the pre-populated area.
- there is a non-linear EFA in part of a field i.e. fallow, short rotation coppice, or nitrogen-fixing crops. Sketch maps for these must be submitted each year the EFA remains in that field so RPW can check whether it becomes 'stable in time' after 3 years.

## **SECTION G: REDUCTION, EXCLUSION AND CORRECTION OF ERRORS**

### **G1 Introduction**

**G1.1** If your SAF and/or supporting documentation is received late (i.e. after 15 May 2019) or is found to be inaccurate, or where you do not meet the requirements of the schemes, reductions and exclusions will be applied according to scheme regulations.

### **G2 Late applications for payment**

**G2.1** The SAF can be accepted up to 25 calendar days after the closing date of 15 May 2019 i.e. by midnight on the 10 June 2019. EC regulations require that SAF's and supporting documentation received by the Welsh Government more than 25 calendar days late (i.e. after 10 June 2019) cannot be accepted. This rejection will apply to all schemes claimed on the SAF including Glastir payments.

**G2.2** Except in cases of Force Majeure or Exceptional Circumstances, if you submit your SAF after the 15 May 2019 deadline, this will result in your scheme payments being reduced by 1% per working day for each day late during the 25 calendar day period up to and including 10 June 2019.

### **G3 Late applications for the allocation of BPS Entitlements from the National Reserve**

**G3.1** Where the SAF also includes the application for the allocation of BPS Entitlements from the National Reserve an additional 3% per working day will be applied to the BPS payment, for each day late during the 25 calendar days period. National Reserve applications received after this period will not be allocated BPS Entitlements.

#### **Examples:**

- A SAF which includes the application for the allocation of BPS Entitlements received on 24 May 2019 is 9 calendar days / 7 working days late and results in:
  - a 1% per working day reduction in the value of a farmer's scheme payment (including BPS) = 7%.
  - a 3% per working day reduction in the value of a farmers BPS payment = 21%.
- A SAF received on 11 June is outside the SAF window. The claim must be totally rejected.

### **G4 Late supporting documentation**

**G4.1** All supporting documentary evidence **must** be received by 15 May 2019. Any documentary evidence received after 15 May 2019 and by 10 June 2019 will attract a late claim penalty as detailed in this booklet. Any documentary evidence received on or after 11 June 2019 will not be considered. The late claim penalty will apply to the payment where the documentation is required for validation of the claim. For example, if documentary evidence required for the Active Farmer readmission criteria is received late the penalty will apply to both

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the BPS and Glastir Organic payments.

### **G5 Failure to declare all the agricultural land/areas on the holding**

**G5.1** Failure to declare all the agricultural land/areas over which you have management control on your SAF (including all owned and rented in land) and not just on which you are claiming BPS or Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme payments e.g. woodland/forestry, tracks, yards, hardstandings, etc.), may result in your BPS and Rural Development payments being reduced.

**G5.2** Where there is a difference between the area declared on the SAF and the total agricultural land/areas on the holding that should have been declared, reductions in payments of the schemes will apply as follows:

Difference	Reduction
up to 3%	no reduction in payment
more than 3% and up to 20%	1% reduction in payment
more than 20% and up to 50%	2% reduction
more than 50%	3% reduction

### **G6 Discrepancies in respect of areas declared for BPS and Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes**

**G6.1** Where the actual area of a crop group on the ground is determined to be greater than that declared on the SAF, the area declared on the SAF will be used for calculating payments.

**G6.2** The crop groups are:

- areas declared for the purposes of activation of payment entitlements under the BPS, Greening, Redistributive and Young Farmer payment
- areas established in respect of land receiving the same rate of aid, for all Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes.

**G6.3** Areas declared on the SAF 2019 against which you have claimed BPS, Improved Land Premium, Glastir Woodland Creation Premium and Maintenance, Glastir Organic, Glastir Entry, Glastir Advanced and/or Glastir Woodland Management will be used to calculate your payments for these schemes.

**G6.4** Where digressive amounts of aid are used for Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes, the average of these values in relation to the area declared will be used.

**G6.5** For BPS it may be possible to offset over declaration in respect of one land parcel against under declaration of another, but only following inspection.

**G6.6** Where the determined area for a crop group is less than that declared on the

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SAF, payment will be calculated on the basis of the lesser area. However where the difference in the area declared for all crop groups is determined to be less than 0.10 hectares payment will be based on the area declared.

### **DISCREPANCIES WITHIN CROP GROUPS**

#### **G7 BPS Over-Declared Penalties**

**G7.1** Where the difference between the eligible area declared and area determined for a crop group is more than either 3% or 2 hectares, of the determined area, the area eligible for payment will be reduced by 1.5 times the difference found.

**G7.2** The penalty will not exceed 100% of the amounts based on the area declared.

#### **Examples:**

- BPS eligible area is declared as 100 hectares but is determined to be 98.5 hectares. No reduction will apply since the difference is not more than 3% or 2 hectares, but BPS payment will be based on 98.5 hectares
- BPS eligible area is declared as 100 hectares, but is determined to be 90 hectares. Since the difference is 10 hectares, the BPS payment will be made on 75 hectares, which is 90 hectares minus 15 hectares (10 hectares x 1.5).

**G7.3** However, where the difference between the area declared and area determined for a crop group is more than either 3% or 2 hectares, but no more than 10% of the determined area, a 'Yellow Card' will be applied to the penalty for that scheme. This means the penalty applied will be calculated (as described above) and will be reduced by 50%. This will apply separately for each of the Schemes - BPS, Greening, Redistributive and Young Farmer. If the farm business over-declares any eligible area the following year, a penalty for that over-declaration will be applied and in addition the remaining 50% of the penalty from the previous year will be recovered.

**G7.4** If an over-declared penalty is applied to a scheme from 2016 and that penalty is over 10%, that scheme will never be eligible for a 'Yellow Card'. A 'Yellow Card' can be applied only once per scheme.

**G7.5** If a retrospective over-declared penalty is applied, the 'Yellow Card' must be awarded in the first year. Therefore, as an over-declared penalty is also applied the following year, the 50% reduction the 'Yellow Card' offers is immediately recovered.

#### **Example:**

- BPS eligible area is declared as 100 hectares, but is determined to be 88 hectares. As the over-declared area is more than 10%, the over declared cannot be halved. The BPS payment will be made on 70 hectares, which is 88 hectares minus 18 hectares (12 hectares x 1.5)
- BPS eligible area is declared as 200 hectares, but is determined to be 190 hectares. The penalty is calculated as 10 hectares x 1.5 = 15 hectares. As the over declared area is less than 10%, a 'Yellow Card' will be applied to the BPS penalty. Therefore, the BPS penalty of 15 hectares will be halved and the value

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of 7.5 hectares will be deferred. Payment will be made on 190 hectares – 7.5 hectares = 182.5 hectares

- An over-declared area is discovered in 2019, but is applied retrospectively back to 2016, 2017 and 2018 too. The 'Yellow Card' is applied in 2016, but as there is also an over-declared penalty in 2017, the 50% reduction to the penalty is effectively not applied.

**G7.6** Where the difference is more than 20% of the determined area no payment will be made for the crop group concerned.

### **Example:**

- BPS area is declared as 250 hectares but is determined to be 198 hectares. The difference of 52 hectares equates to 26.26% of 198 hectares. No BPS payment will be made.

## **G8 Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme**

**G8.1** Where the difference between the area declared and area determined for a crop group is more than either 3% or 2 hectares but not more than 20% of the determined area, the area eligible for payment will be reduced by twice the difference found.

### **Examples:**

- A crop group (area under Contract due the same payment rate) is declared as 50 hectares but is determined to be 49 hectares. No reduction will apply since the difference is not more than 3% or 2 hectares, but the payment will be based on 49 hectares
- A crop group (area under Contract due the same payment rate) is declared as 20 hectares but determined to be 17 hectares. Since the difference is 3 hectares or 17.65%, the payment will be made on 11 hectares which is 17 hectares minus 6 hectares (3 hectares x 2).

**G8.2** Where the difference is more than 20% of the determined area no payment will be made for the crop group concerned.

### **Example:**

- a crop group area is declared as 28 hectares but is determined to be 22 hectares. The difference of 6 hectares equates to 27.27% of 22 hectares. No payment will be made for that crop group.

**G8.3** Where the area declared is more than 50% of the determined area for a crop group, in addition to receiving no payment for 2019, the claim in the next calendar year will be reduced by an amount that is equal to the amount which corresponds to the difference between the area declared and the area determined. If the full amount cannot be taken from the payments in the next calendar year, the remainder will be deducted from payments made in the following two years, as necessary. Reductions

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required in the three years following the over-declared can be taken from BPS payments and any Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme payment.

**G8.4** The deferred penalty described at paragraph G7.4 will be recovered from future BPS payments and any Rural Development Agri-environment or Forestry scheme within three calendar years of the repeated over-declared; regardless of whether that over-declared penalty relates to different land.

### **G9 Greening**

**G9.1** European Commission regulations state reductions and administrative penalties should be applied from 2017 if you breach the Greening requirements. Breaches may be identified from administrative checks or on-the-spot inspections.

#### **For Permanent Grassland**

**G9.2** If the ratio of permanent grassland to agricultural area for the whole of Wales reduces by 5% or more, areas of permanent grassland recently converted to arable use may have to be reconverted to permanent grassland.

**G9.3** Any areas not reconverted to permanent grassland when requested by Welsh Government will be removed from the area eligible for Greening payments in the following year.

**G9.4** The Welsh Government does not expect the ratio of permanent grassland to agricultural area to reduce significantly but must monitor any changes and may have to introduce a new rule that requires farmers to apply to convert permanent grassland for arable use. This will only be required if the ratio actually reduces by 5% or gets close to doing so. If that new rule is introduced we will publicise the new requirement and detailed rules for applying those Greening reductions and penalties, including removing any areas that do not receive prior approval to convert to arable use from the area eligible for Greening payments.

**G9.5** You must comply with Greening on all your agricultural land but the area used to activate BPS Entitlements will be used to calculate your Greening payments and any reductions and administrative penalties.

#### **For Environmentally Sensitive Permanent Grassland**

**G9.6** Any area that has been ploughed to grow arable crops or for reseeded will be removed from the area eligible for payment. That area will have to be reconverted to environmentally sensitive permanent grassland.

**Example:** if a farmer ploughs 0.5 hectares of environmentally sensitive permanent grassland Greening payments will be reduced by 0.5 hectares. The reduction in Greening payments will be applied each year until the environmentally sensitive permanent grassland has been reconverted. No subsequent Greening reductions/penalties will be applied if the land is reconverted by the 15 May of the following year.



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### For Crop Diversification reductions

**G9.7** If required to undertake Crop Diversification and you do not grow the correct number or share of crops the shortfall will be used to calculate a 'ratio of difference' and calculate the area to be removed from the area eligible for Greening payments.

**Example:** a farmer has 91.6 hectares of arable land, of which the main arable crop is 50 hectares (54.6% of arable land), the maximum share of the main crop is 75% - **complies** with crop diversification.

The second arable crop is 38 hectares, so the two main crops cover 88 hectares (96.1%); the maximum share of 2 main crops is 95% (87.02 hectares) - **does not comply** with crop diversification.

Crop diversification ratio of difference

Area over 75% (max share of main crop):	<u>0.00 hectares</u>	= 0.00
Area that should be remaining crop (25%):	22.90 hectares	

Area over 95% (max share of two main crops):	<u>0.98 hectares</u>	= 0.21
Area that should have grown 3 <sup>rd</sup> crop (5%):	4.58 hectares	

Crop diversification area reduction = ratio of difference (0.21) x arable land (91.6) x 50% = 9.7 hectares.

**Note:** if both the 75% and 95% thresholds are breached, both ratios of difference are added together, capped to a maximum value of 1.

**G9.8** If the crop diversification rules are breached in three years, the ratio of difference calculation will use the total arable area (rather than 50%).

### For EFA reductions

**G9.9** If you are required to comply with EFA requirements and you do not establish at least 5% of your eligible arable area as an EFA, the shortfall will be used to calculate a 'ratio of difference' and used to calculate the area to be removed from the area eligible for payment.

**Example:** a farmer has 91.6 hectares of arable land, of which 4.40 hectares EFA have been declared and determined, but the 5% EFA requirement is 4.58 hectares – **does not comply** with EFA.

EFA ratio of difference

EFA shortfall:	<u>0.18</u>	= 0.039
EFA requirement (5%):	4.58	

EFA Area removed = ratio of difference (0.039) x arable land (91.6) x 50% = 1.8 hectares.

**Note:** if the EFA rules are breached more than once in a three year period, the ratio of difference calculation will use the total arable area (rather than 50%).

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### **G10 Greening Administrative Penalties**

**G10.1** Where the difference between the area used for the calculation of the Greening payment and the area to be used for the calculation of the Greening payment after the Greening reductions is more than either 3% or 2 hectares, but no more than 20% of the area to be used for the calculation of the Greening payment after Greening reductions, the area eligible for Greening payment will be reduced by twice the difference found.

**G10.2** Where the difference is more than 20%, no aid shall be granted.

**G10.3** Where the difference is more than 50% in addition to receiving no payment for 2019, the claim in the next calendar year will be reduced by an amount that is equal to the amount which corresponds to the difference between the area used for calculation of the Greening payment and the area for calculation of the Greening payment after Greening reductions.

**G10.4** If you do not declare all your arable land with the result that you would be exempt from crop diversification and/or EFA obligations and/or you do not declare all your permanent grassland which is environmentally sensitive as detailed in paragraph G9.6 and the non-declared area is more than 0.10 hectares, the area to be used for the calculation of the Greening payment after Greening reductions shall be further reduced by 10%.

**G10.5** The Greening reduction calculated in paragraph G9.6, G9.7 and G9.9 shall be divided by 4 and limited to 25% of the amount of the Greening payment you would have been entitled to.

**G10.6** If the full penalty cannot be taken from the payments in the next calendar year, the remainder will be deducted from payments made in the following two years, as necessary. Reductions required in the three years following the over declaration can be taken from BPS payments and any Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme payment.

**G10.7** Where a farmer fails to comply with Crop Diversification in three separate scheme years (consecutively or not), the Crop Diversification reduction in the fourth year will be doubled. If a farmer fails to comply with EFA in three separate scheme years (consecutively or not), the EFA reduction in the fourth year will be doubled. If a farmer fails to comply with Permanent Grassland in three separate scheme years (consecutively or not), the Permanent Grassland reduction in the fourth year will be doubled.

### **Example of Greening Administrative Penalties**

9.7 hectares / 81.9 hectares  $(91.6 - 9.7) \times 100 = 11.84\%$

As this difference is greater than 3% or 2 hectares, the Greening payment will be calculated as follows:

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The administrative penalty is calculated at twice the difference found which is  $9.7 \times 2 = 19.4$  hectares

This administrative penalty is divided by 4 to determine the cap on the Greening penalty area

$19.4 \text{ hectares divided by } 4 = 4.85 \text{ hectares}$

Area eligible for Greening payments before non-compliance reductions is 91.6 hectares

The administrative penalty calculated is limited to 25% of the amount the farmer would have received had the Greening requirements been met.  $91.6 \times 25\% = 22.9$

The final area for calculation of the Greening payment is the determined area minus the sum of the administrative penalty minus the non-compliance reduction

$91.6 \text{ hectares} - 4.85 \text{ hectares} - 9.7 \text{ hectares} = 77.05 \text{ hectares.}$

### **G11 Young Farmer Payment: Breaches of scheme eligibility criteria**

**G11.1** European Commission regulations state penalties should be applied if you breach the eligibility criteria for the scheme. Breaches may be identified from administrative checks or on-the-spot inspections and you will be notified in writing if breaches are found.

**G11.2** Young Farmer payments will not be paid or will be recovered in full if the applicant does not meet or is found to not meet the qualifying conditions as set out in paragraphs B72 – B75 of this booklet.

**G11.3** If it is found false evidence has been provided to prove eligibility, as well as not being paid the Young Farmer payment an additional penalty, corresponding to 20% of what the Young Farmer payment would have been paid, shall be recovered from payments in the next calendar year. If the full amount cannot be taken from the payments in the next calendar year, the remainder will be deducted from payments made in the following two years, as necessary. Reductions required in the three years following the over-declared can be taken from BPS payments and any Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme payment.

### **G12 Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes: Breaches of scheme criteria**

**G12.1** European Commission regulations state penalties should be applied if you breach the eligibility criteria for the schemes. Breaches may be identified from administrative checks or on-the-spot inspections and you will be notified in writing if breaches are found.

**G12.2** Any reductions or exclusions will be based on the severity, extent, duration and recurrence of the breach. The reductions and exclusions will be applied to previous years' payments under certain circumstances. In significantly serious circumstances this could mean the Contract is terminated and may result in you

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being barred from entering another Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme, for up to 2 years.

**G12.3** The Welsh Government assesses breaches against verifiable standards relating to the scheme eligibility criteria. A matrix is used to determine the level of penalty to be applied. You can view the verifiable standards and the penalty matrices on the [Welsh Government website](#), and they are also available from the Customer Contact Centre.

**G12.4** If you claim for non area related payments, e.g. capital works, and the Welsh Government determine part or all of the costs claimed are ineligible, no payment will be made for the ineligible costs. If the amount of ineligible costs is determined to be more than 10% of the eligible costs, an amount equivalent to the value of ineligible costs will be deducted from your payment.

**G12.5** Where false claims are made, or the farmer fails to provide the necessary information, this will result in the exclusion of payments in the year of the finding and any amounts already paid in that year will be recovered. In addition, you will be excluded from receiving support under any Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme in both the year of the finding and in the following calendar year.

**Example:** a farmer claims £110 of capital works and £13.20 is determined to be ineligible. The claim will be reduced by the value of the ineligible amount (£13.20) and a penalty of the equivalent amount (£13.20) will be applied. The farmer's original claim will be reduced by £26.40, resulting in a payment of £83.60.

### G13 Reductions relating to Cross Compliance requirements

**G13.1** European Commission Regulations state penalties should be applied if the standards and requirements for Cross Compliance are breached. Breaches may be identified from administrative checks or on-the-spot inspections and you will be notified in writing if breaches are found.

**G13.2** If you fail to meet the SMRs or GAEC requirements, whether negligently or intentionally, you could lose some or all of your BPS or land based Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme payments. In determining these reductions and exclusions, account will be taken of the extent, severity, duration and reoccurrence of the non-compliance and to whom the non-compliance is directly attributable.

**G13.3** In the case of non-compliance of the cattle and/or sheep/goats Identification and Registration Regulations, it is normally the keeper of the animals who would be liable for penalties arising from associated breaches. However, if you allow such livestock to graze your land you should ensure the keeper has properly registered them, including the need to inform the British Cattle Movement Service (BCMS) for cattle or EID Cymru for sheep, or the AML2 service for pigs of the movement of animals onto and off your land.

**G13.4** If you are claiming payments under any schemes subject to Cross Compliance in 2019, you are responsible for meeting the full Cross Compliance requirements for the full calendar year. In circumstances where land is transferred between farmers

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claiming BPS, reductions and exclusions will be applied to whom the non-compliance is directly attributable, however for Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme payments, reductions and exclusions will continue to be applied to the farmer claiming payment. If you let or sell your land to other farmers for part of the year who do not claim payment, any breaches caused by them on that land will impact on your payment claims as it is your responsibility to meet the Cross Compliance standards for the calendar year. In addition, breaches of the SMRs may result in prosecution by the relevant specialist enforcement body.

**G13.5** You should note the Cross Compliance requirements apply for the full calendar year.

**G13.6** If you transfer land in or out during the year you will need to consider carefully the terms of any Contractual agreement between yourselves and the transferee/transferor. You should make sure your interests are protected in the event of a Cross Compliance breach that is directly attributable to either the farmer from whom or to whom the land was transferred.

**G13.7** You should be informed of any determined non-compliance within three months of the date of the inspection. For overdue TB tests this will be within three months of the Animal and Plant Health Agency notifying Welsh Government a TB test has gone overdue, not the date the TB test was due.

### **G14 INTENT**

#### **Negligence**

**G14.1** If you fail to comply with Cross Compliance requirements through negligence, you will have the total amount of direct payments you receive reduced in respect of the calendar year in which the non-compliance is found. The reduction will generally be 3% of the total payment due, but this could be reduced to 0% or increased to 5% depending on the nature of the breach.

**G14.2** If you fail to comply with more than one requirement within the same Cross Compliance area (e.g. within public, animal and plant health), you will have the failures treated as one non-compliance.

**G14.3** From 2015 there are three areas of Cross Compliance:

- Environment, climate change and good Agricultural condition of the land (SMR1-3 and GAEC 1-7)
- Public health, animal health and plant health (SMR 4-10)
- Animal welfare (SMR 11-13).

**G14.4** If you fail to comply with the requirements or standards in different areas of Cross Compliance you will have reductions applied separately to each non-compliance. The percentage reductions will be added together but the maximum reduction will be 5% of the overall payment where breaches have not reoccurred or been applied as intentional breaches. A table of the Cross Compliance Factsheets

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can be found at Section E of this booklet.

**G14.5** Where a non-compliance of the same requirement or standard reoccurs within a three-year period, the reduction calculated for the repeated non-compliance will be increased by a multiplier of 3, provided you were informed of the earlier non-compliance and you had the opportunity to remedy the breach. If there are further reoccurrences of the non-compliance, the reduction fixed as a result of the previous non-compliance will continue to be multiplied by 3 up to a maximum of 15% at which point the negligent penalty will be capped.

**G14.6** Once a negligent breach penalty has reached the capped threshold of 15%, if you again fail to comply with the same standard or requirement within a three-year period, you will be treated as having intentionally failed to comply. The percentage reduction to be applied will be calculated by taking the previous negligent penalty before being capped to 15% and multiplying by 3. The rules for intentional non-compliance will now be applied for any further repeated breaches of the same standard. Intentional breaches attract a significantly higher penalty.

### **Intentional non-compliance**

**G14.7** If you intentionally fail to comply, you will generally have your overall payments reduced by 20% but this could be reduced to 15% or increased to 100% depending on the importance of the breach measured by extent, severity, permanence and reoccurrence.

**G14.8** Where an intentional non-compliance relates to a particular scheme, you will be excluded from that scheme for the current calendar year.

### **G15 Penalty assessment**

**G15.1** The Welsh Government assesses Cross Compliance breaches against verifiable standards. A matrix is used to determine the level of penalty to be applied. You can view both the verifiable standards and the penalty matrix on the Welsh Government website.

### **G16 Accumulation of reductions**

**G16.1** For the BPS, reductions to payments will be applied where applicable to that part of the payment. Different deductions apply to the BPS payment payable from entitlement, the Greening payment and the Young Farmer payment. Therefore they are detailed separately. The deductions will be made in the order below and each successive reduction will be based on the amount resulting from the previous reduction:

#### **BPS (payable from entitlements)**

- over-declared
- late submission of SAF, and application for BPS Entitlements and late supporting documentation

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- non declaration of area
- Capping, linear reductions in order to respect the Direct Payments budget and Financial Discipline
- Cross Compliance.

### **Greening payment**

- Greening reductions and Greening Administrative Penalties
- late submission of SAF and late supporting documentation
- non declaration of areas
- linear reductions in order to respect the Direct Payments budget and Financial Discipline
- Cross Compliance.

### **Redistributive Payment**

- over-declared
- late submission of SAF and late supporting documentation
- non declaration of areas
- linear reductions in order to respect the Direct Payments budget and Financial Discipline
- Cross Compliance.

### **Young Farmer payment**

- over-declared and Young Farmer penalty
- late submission of SAF and late supporting documentation
- non declaration of areas
- linear reduction to respect payment ceiling
- linear reductions in order to respect the Direct Payments budget and Financial Discipline
- Cross Compliance.

**G16.2** For Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes, reductions to payments will be made in the following order and each successive reduction will be based on the amount resulting

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from the previous reduction:

- over-declared
- breach of scheme eligibility criteria
- late submission
- non declaration of area
- Cross Compliance.

### **G17 Circumstances under which reductions and exclusions may not apply**

**G17.1** The Welsh Government may accept a farmer was prevented from fulfilling certain obligations due to a course of events amounting to either Force Majeure or Exceptional Circumstances. If so, the farmer will retain their right to aid in respect of the area at the time when the case of Force Majeure or the Exceptional Circumstance occurred and penalties and recoveries may not be applied. Force Majeure is defined as unusual circumstances, outside a farmer's control, the consequences of which, in spite of all due care, could not be avoided except at the cost of excessive sacrifice on their part. Examples of Force Majeure and Exceptional Circumstances which may be recognised include:

- the death of the farmer/land manager
- long term professional incapacity of the farmer/land manager
- a severe natural disaster gravely affecting the holding
- the accidental destruction of livestock buildings on the holding
- an epizootic or a plant disease affecting part or all of the farmer/land manager's livestock or crops respectively
- expropriation of all or a large part of the holding, if that expropriation could not have been anticipated on the day of lodging the application.

**G17.2** Application for Force Majeure or Exceptional Circumstance must be made in writing to the Welsh Government within 15 working days of you, or someone entitled on your behalf, being in a position to do so. Each notification will be carefully considered on a case-by-case basis. For the Welsh Government to consider whether the event in question can be accepted as Force Majeure or Exceptional Circumstances, conclusive proof must be provided that the event has occurred. You should therefore ensure your application contains all relevant evidence to support your case, which you should submit using your RPW Online account or by sending it to the Customer Contact Centre.

**G17.3** For BPS, Force Majeure and Exceptional Circumstances are available in respect of:

- late submission of application



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- the right to aid in respect of eligible areas declared on the SAF but no longer available to you
- not meeting the BPS requirement for having land at your disposal/control on 15 May 2019
- first allocation of BPS Entitlements, including any years used to calculate the value of BPS Entitlements
- non use of BPS payment entitlements
- inability to comply with Cross Compliance obligations
- not meeting the BPS requirement for the land to comply with the eligibility condition throughout the calendar year.

**G17.4** For Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes, Force Majeure and Exceptional Circumstances may be available in respect of:

- late submission of application
- the right to aid in respect of eligible areas declared on the SAF but no longer available to you because of the Force Majeure/Exceptional Circumstances event
- inability to comply with Cross Compliance
- the requirement for the partial or full reimbursement of aid paid
- administrative penalties.

### **G18 Obvious error**

**G18.2** The Welsh Government operates this provision as set out in article 4 of Commission Implementing Regulation 809/2014 and may only recognise errors that can be straightforwardly identified at a clerical check of the information given in the aid applications, applications for support, payment claims or supporting documentation.

**G18.3** As a general rule, an obvious error has to be detected from information given in the SAF submitted, i.e. where an administrative check on the coherence of the documents and the information submitted to support the claims (especially the application form, supporting documents, declarations, etc.) reveal such errors.

### **G19 Amendments and additions**

**G19.1** Provided your SAF is submitted by midnight on 15 May 2019, you can make amendments to your SAF without penalty up to and including 31 May 2019 to:

- add agricultural parcels of land that were at your disposal/control on the 15 May 2019

## **SECTION G: REDUCTION, EXCLUSION AND CORRECTION OF ERRORS**

- change the use of land parcels, and/or
- change the schemes claimed on individual parcels of land.

**G19.2** Amendments received after 31 May 2019 will receive a late submission penalty of 1% per working day in respect of the parcels of land subject to the amendment. No amendments will be accepted after 10 June 2019.

**G19.3** However, if you have already been notified of an error in your SAF, or if you have been notified of an inspection which subsequently reveals errors, you cannot rectify the error or amend details of the parcels of land concerned.

### **G20 Notified error**

**G20.1** You may notify the Welsh Government in writing at any time that part of your SAF is incorrect or has become incorrect since it was lodged. The information you give will be used to amend your application without applying reduction to payments; although this provision is not available to increase a claim. You may not however correct such errors if you have been notified by the Welsh Government of the error in your SAF, or notified of an inspection which subsequently reveals an irregularity. An example would be notification of a field declared for the BPS, which had not been at your disposal/control on 15 May 2019.

**G20.2** The notified error provision is available for Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes. An example would be notification of a field declared for Glastir Organic, which is no longer under your management control.

**G20.3** If you discover an error or omission in respect of information entered on the Cattle Tracing System for your cattle, you should notify the British Cattle Movement Service of the error immediately. You may avoid Cross Compliance penalties if the central livestock movement databases are corrected before any Cross Compliance inspection begins or you meet the requirements for notified error.

### **G21 Withdrawal**

**G21.1** You can withdraw all or part of your SAF at any time without penalty, except where you have been notified of errors, or have been notified of an inspection.

**G21.2** Your application to withdraw must be made either via your RPW Online account or in writing to the Customer Contact Centre. If you withdraw your SAF, you have the opportunity to submit another application within the submission period. Any payments made in relation to the withdrawal will be recovered, with interest.

## **SECTION H: INSPECTIONS**

### **H1 Inspections**

**H1.1** A percentage of farmers must be inspected each year to ensure the scheme rules are being met. This includes BPS, Greening, Young Farmer, Redistributive Payment, Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes and Cross Compliance, in addition to other inspections carried out by other Government Departments or Farm Assurance Schemes.

**H1.2** Where it is discovered there has been a breach of the rules financial penalties may be applied to any BPS, Greening, Young Farmer and Redistributive payments and Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 land based scheme payments you receive.

### **H2 What are they?**

**H2.1** Under current European Union (EU) Regulations RPW, must carry out on the spot controls (OTSC) inspections each year to confirm regulatory requirements and scheme conditions are being met. These inspections are carried out by Rural Inspectorate for Wales (RIW) and other Competent Control Authorities (CCA).

**H2.2** EU Regulations set out the minimum number of inspections to be carried out each year, and they are selected by an automated combined risk and random assessment process.

**H2.3** The EU Regulations currently state the minimum percentage of inspections to be carried out is:

- Land Based Schemes – 5% of all beneficiaries
- BPS (including Greening, Young Farmer and Redistributive Payment) – 5% of all beneficiaries
- Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes – 5% of all beneficiaries
- Cattle Identification – 3% of keepers/beneficiaries
- Sheep and Goat Identification – 3% of keepers/beneficiaries
- Cross Compliance – 1% of all beneficiaries.

**H2.4** These minimum percentages may need to be increased in the current year or following calendar year if the level of errors found during inspections exceeds levels permitted in the regulations. Additional inspections may also be undertaken as a result of a referral from a member of the public or other organisations.

**H2.5** Notice of an inspection is strictly limited, with precise timings provided in EU Regulations. Broadly, inspections are to be unannounced, although in exceptional cases it is acceptable to allow up to 48 hours notice. Generally one inspector will carry out the inspection, but colleagues or auditors (or both) may accompany them occasionally.

## **SECTION H: INSPECTIONS**

**H2.6** Remote Sensing using satellite imagery is also used to assess land eligibility, and where discrepancies are identified an on-farm inspection may also be undertaken.

### **H3 Why do we need to visit you?**

**H3.1** We need to visit you to check:

- details of declarations and claims for payment
- Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 prescriptions
- the identification, registration and movement of animals
- Cross Compliance requirements.

### **H4 What will we do?**

**H4.1** Inspecting officers will inspect your farm(s) and check, where appropriate, land, crops, livestock on farm records and reported movements to British Cattle Movement Service (BCMS) for cattle or EID Cymru for sheep.

**H4.2** After arriving at your farm or when making the appointment, the inspecting officer will explain:

- the purpose of the visit
- the reason for the inspection
- what they will need from you
- how the inspection will be carried out
- how long the inspection may take (although this may depend on the findings of the inspection).

### **H5 How can you be ready for an inspection?**

**H5.1** You can be ready for an Inspection by:

- ensuring you have responded to all Welsh Government correspondence to resolve any queries with your applications
- informing Welsh Government of any changes to your applications, e.g. land use changes, in a timely manner
- keeping up-to-date, complete and accurate records.

**H5.2** A pre-inspection check list has been provided at page 93 of this booklet to help you prepare for an inspection.

## SECTION H: INSPECTIONS

**H5.3** Further information is also available in the 'When the inspector calls. A helpful guide for farmers' booklet available at: <https://beta.gov.wales/farm-inspections> or from the Customer Contact Centre.

### **H6 How can you help us?**

**H6.1** You can help us by:

- filling in your claims and declarations accurately and submitting them on time
- keeping copies of your claims and declarations so you can refer to them
- keeping your records as set out in 'When the inspector calls'
- making sure your records and documents are up to date and close at hand
- accompanying the inspecting officer during the inspection, if at all possible.

### **H7 How can we help you?**

**H7.1** If you are concerned with your record keeping or complying with the scheme, the Farm Liaison Service (FLS) is available at any time. If you contact FLS they will be able to look at your records to see you are recording the right sort of information in the right order. This will give you more confidence and make our job easier, if we need to visit. We give our assurance such advice will not lead to an inspection.

**H7.2** The FLS will not be allowed to help you if an inspection has been announced.

### **H8 Land Based Schemes**

#### **What schemes are covered by land inspections?**

**H8.1** Schemes covered by land inspections are:

- BPS (including Greening, Young Farmer, Redistributive Payment and Active Farmer checks)
- Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes (such as Glastir Entry and Advanced etc.).

#### **What the inspector does**

**H8.2** The inspector will check the claimed areas do not include land that is not eligible for the scheme and scheme requirements are being complied with. This may involve measuring fields, including the areas of grass or arable crops for crop diversification and excluding ineligible areas such as roads, hardstandings, areas with more than 100 trees per hectare or buildings etc.

**H8.3** The inspector will need to check evidence that supports your land claims, e.g. rental agreements for seasonal grazing. They may also have to undertake additional checks to evidence you are an Active Farmer. This could include a check of receipts and invoices.

## **SECTION H: INSPECTIONS**

**H8.4** If you have declared EFA to meet your Greening obligation, the inspector will need to confirm the land coverage and measure your declared features.

**H8.5** If you are claiming the Young Farmer payment the inspector will ask for evidence to support your claim.

**H8.6** For Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contracts, the inspector will check your prescriptions and review the details recorded on your grazing/activity diary.

**H8.7** Some land inspections are carried out by us using Remote Sensing satellite imagery. These images, together with aerial photographs, allow us to assess the amount of eligible land, without sending out an inspector. If there are no queries, you will not hear from us. If there are queries, we might send out an inspector or we might send you a letter explaining the query and asking you to let us know if we are right.

### **What do we look for?**

**H8.8** The inspector will check:

- the boundaries of all fields are accurate
- all ineligible features such as buildings, roads, tracks, bracken, scrub, etc. have been declared
- all groups of trees and ineligible woodland has been removed from the forage area of the field
- information, such as rental agreements, show you are the rightful user of the land
- information, such as rental agreements, receipts, invoices show you have Management Control of the land
- the grazing/activity diary (if required in your Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contract) is up to date
- you have complied with all the Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contract requirements.

### **How can you help us?**

**H8.9** You can help us by:

- checking all fields on the SAF and making sure the areas you declare are correct
- deducting all non-grazeable areas, such as trees, streams, buildings, bracken, scrub, etc.
- keeping your grazing/activity diary (if required under your Welsh Government

## **SECTION H: INSPECTIONS**

Rural Communities – Rural Development Programme for Wales 2014 – 2020  
Contract) up to date

- contacting the Customer Contact Centre or the Farm Liaison Service if you require clarification/guidance on scheme rules.

### **H9 Cattle Identification Inspections**

#### **What the inspector does**

**H9.1** The inspector will count all the animals, read and check both ear tags, check all passports and reconcile each of these against the farm records and the Cattle Tracing System (CTS) database.

#### **What do we look for?**

**H9.2** The main purpose of the inspection is to verify:

- the cattle are double tagged in accordance with current regulation, and replacement tags are ordered and re-tagging is performed appropriately
- the cattle are correctly registered with the British Cattle Movement Service (BCMS)
- appropriate records are being kept relating to births, deaths and movements
- movements of animals on and off the farm are being notified to BCMS within 3 calendar days
- deaths are reported to BCMS within 7 calendar days.

#### **How can you help us?**

**H9.3** You can help us by:

- making sure there is a registered keeper for the livestock
- being prepared to present the animals and making sure the facilities for handling livestock are suitable and well maintained (this will reduce any risk to people handling the stock, the livestock and the inspecting officers)
- keeping up-to-date, accurate records and identification documents
- using CTS Online for registrations and checking the information held on CTS if possible.

### **H10 Sheep and Goat Identification Inspections**

#### **What the inspector does**

**H10.1** The inspector will count your animals to verify the accuracy of your records by reconciling sheep numbers against your records and information supplied on the

## **SECTION H: INSPECTIONS**

annual inventory, the movement documents and purchase and sales invoices. They will also check a representative sample of ear tags to ensure the sheep have been tagged correctly and the ear tags are included in the records where appropriate.

### **What do we look for?**

**H10.2** The inspector will check:

- your flock record book is up to date and accurate
- your records confirm the number of animals on your farm on 1 January as part of the Annual Stock-take
- your flock, as counted at the inspection, reconciles with the Annual Inventory
- your sheep/goats are tagged correctly
- you are properly registered with Animal and Plant Health Agency
- you have correct movement licence documents, which correspond with your animals movements and records
- you have notified all movements to EIDCymru
- you have a record of all animals which have died
- you have a record of any animals that have had electronic tags inserted and replaced.

### **How can you help us?**

**H10.3** You can help us by:

- making sure there is a registered keeper for the livestock
- being prepared to present the animals and making sure the facilities for handling livestock are suitable and well maintained (this will reduce any risk to people handling the stock, the livestock and the inspecting officers)
- keeping up-to-date, accurate records and identification documents
- making sure you have reported all movements to EIDCymru.

## **H11 Cross Compliance Inspections**

**H11.1** Cross Compliance is a set of requirements which all claimants must comply with to retain their full entitlement to payments. Failure to comply with these requirements (a breach) will lead to a penalty being applied to payments under all your claims.



## SECTION H: INSPECTIONS

**H11.2** These responsibilities are as follows:

Competent Control	Authority Area of Responsibility
Welsh Government	SMRs 2, 3, 4, 6, 7, 8, 9, 10 GAECs 1, 2, 4, 6 and 7
Welsh Government (Accompanied by Natural Resource Wales)	SMR 1 and GAEC 3
Animal and Plant Health Agency	SMRs 11, 12, 13
Veterinary Medicines Directorate (Inspections performed by the Animal and Plant Health Agency)	SMR 5

**H11.3** A Cross Compliance inspection may be carried out by one or more inspectors and you may be inspected more than once during the year. This could be because the relevant Competent Control Authority (CCA) was unable to check all the requirements for which it has responsibility at a single inspection or because your business has been selected for inspection by more than one CCA.

**H11.4** Each CCA selects and carries out inspections separately, and the Welsh Government will inspect cattle and sheep separately from the main Cross Compliance inspections. However, wherever possible, we will try and co-ordinate and combine inspections.

### **What you need to do prior to the visit**

**H11.5** The pre-inspection checklist at page 93 of this booklet will help you.

### **What we will check**

**H11.6** The inspecting officer will confirm Statutory Management Requirements (SMRs) and Good Agricultural and Environmental Conditions (GAECs) are being met through:

- visually assessing the land
- physically checking animals
- examining records.

**H11.7** From 2015 onwards, we also check Cattle Tuberculosis (TB) tests under SMR 4 (Food and Feed Law) have been completed from the Animal and Plant Health Agency (APHA) database directly.

### **How can you help us?**

**H11.8** You can help us by:

- referring to the Cross Compliance Factsheets. They will tell you the key points for each SMR and GAEC

## SECTION H: INSPECTIONS

- asking the Farm Liaison Service for assistance if you are not clear on what to do
- making sure all TB tests are completed within the time-frames and by the due dates set out by APHA.

### H12 Record keeping

**H12.1** You must keep, for up to 10 years, all of the records and information you need to evidence you have provided complete and accurate information on your SAF, and other applications, and have complied with your undertakings.

**H12.2** There are also specific livestock record requirements to be observed. These records must meet the current regulative requirements in terms of animal registration, identification, movement and numbers. Standard record books for cattle, sheep and goats are available from the Customer Contact Centre and Farm Liaison Service.

**H12.3** If you would like the Welsh Government to look at your records to give you guidance as to whether they meet the necessary standard, you should contact the Customer Contact Centre to make an appointment for you to meet the Farm Liaison Service. The FLS is not able to check the accuracy of the records but can give guidance on whether the format meets the required regulations. Remember, this service cannot rectify errors already discovered at inspection, or if an inspection has already been announced.

### H13 What happens after an Inspection?

**H13.1** At the end of the physical inspection the inspector will complete an inspection summary form which summarises the main findings of the inspection and provide details if a breach is found. **Please note** administrative checks following the inspection may also identify additional breaches.

**H13.2** You will be asked to sign the form to acknowledge the inspection has taken place and you understand the main findings.

**H13.3** The top copy will be left with you and the bottom copy will be retained by the inspector. Sometimes there may be other forms left with you, which set out in detail additional findings.

**H13.4** If we have completed a cattle inspection and found an error, we will leave you another form with a list of the tag numbers on which we have found an error. We will take away any spare passports found and give you a receipt for these.

**H13.5** If we have completed a livestock inspection and found a high number of ear tag errors, or are unable to reconcile all the animals on the farm, we may place the farm under a movement restriction order.

**H13.6** If you do not understand anything on these forms, ask the inspector to explain.

**H13.7** For all inspections, further administrative checks may need to be made after the inspection before the details can be finalised.

## **SECTION H: INSPECTIONS**

**H13.8** When all checks have been completed the inspection details are entered into our computer database to allow validation of your claim. An 'inspection findings letter' will be sent to you explaining the effects of any breach found at inspection.

**H13.9** Beneficiaries and animal keepers who are compliant will not receive a letter.

### **H14 Most common errors – which lead to financial penalties**

**H14.1** The most common errors include:

For all inspections:

- failure to maintain adequate, complete and up to date records

For Livestock:

- failure to maintain proper animal ear tag identification

For Cattle:

- failure to report movement of cattle to BCMS within 3 calendar days
- failure to report deaths of cattle to BCMS within 7 calendar days

For Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contracts:

- capital works not fully completed within a set time or to the correct standard
- damage to habitat land
- no activity or stocking diary kept and/or information inaccurately recorded
- inappropriate option selection (e.g. incorrect location)
- stocking levels or stock exclusion requirements not being met
- failure to declare land changes and changes to ineligible features.

**H14.2** Details of common errors and reminders are regularly published in the Gwlad e-newsletter.

## SECTION H: INSPECTIONS

### H15 Farmers pre-inspection check list

Below is a list of the main checks to help you prepare for an inspection and to remind you of some of the requirements which should be checked regularly. This is not a comprehensive list and you are advised to use this table in conjunction with the full set of scheme rules and requirements.

<b>All Inspections:</b>
Make sure all your records, registers and diaries are up to date. <b>Example:</b> check records required for: 1 Cross Compliance (e.g. cattle register including dates of birth, movements and deaths are recorded, uses of medicine and Plant Protection Products are recorded). 2 Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contracts (e.g. stocking diaries and activity diaries).
<b>Land Inspection:</b>
Check all land available to you has been correctly declared, including any changes since submitting the SAF.
Ensure all field boundaries are correct and all ineligible features have been deducted.
<b>Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme Inspections:</b>
Check your Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contract to ensure all requirements have been followed, particularly the completion of capital works and stocking levels.
If you have livestock requirements some or all of the points listed under ‘Livestock Inspections’ may be applicable.
<b>Livestock Inspections:</b>
Ensure all your records are complete and up to date, with details of all births, movements and deaths.
Check your animals have not lost their tags; if tags are missing order replacements and re-tag as soon as possible.
Check you have passports for all cattle on your holding. Return any passports which you no longer have the animals for to BCMS.
Check all cattle, which have been sold or have died, have been reported to BCMS.

## SECTION H: INSPECTIONS

<b>Livestock Inspections (continued):</b>
If you have off lying land or stock away from home, check with your local Animal Health office if you need to keep separate records and report movements.
Have handling facilities available for livestock during the inspection e.g. a crush for cattle.
<b>Cross Compliance Inspections:</b>
Check your Cross Compliance Factsheets to ensure you are meeting the Statutory Management Requirements (SMR) and Good Agricultural Environmental Conditions (GAEC).
<b>When the Inspection is Complete:</b>
Ask to sign the Inspection Summary form and any continuation forms to acknowledge the inspection has taken place and you understand the main findings.
Ensure any requirements listed on the Inspection Summary form are undertaken within the stated time scale.
For cattle inspections: You will be left a list of the tag numbers where we have found an error. We will take away any passports you do not have animals for and give you a receipt for these.

## **SECTION I: APPEALS AND COMPLAINTS PROCEDURE**

### **I1 Appeals procedure**

**I1.1** The 'Independent Appeals Process for Farmers and Foresters in Wales' allows you to request a review if you feel the Welsh Government has not reached a correct decision according to the rules of a scheme. The process will review decisions concerning:

- BPS (and SPS)
- all Glastir schemes
- issues identified after 1 January 2007 for:
- Farm Woodland Scheme, Farm Woodland Premium Scheme, Improved Land Premium.

**I1.2** The appeals process consists of two stages:

- Stage 1: review by RPW
- Stage 2: review by an Independent Appeals Panel (if you are dissatisfied with the Stage 1 response).

**I1.3** The Independent Panel make recommendations to the Cabinet Secretary for Environment and Rural Affairs, who takes the final decision which concludes the process.

**I1.4** There is no charge for Stage 1 of the process but there is a charge at Stage 2 – £50 for a written hearing or £100 for an oral hearing. These charges are repaid in full if the Stage 2 appeal is either partially or fully successful.

**I1.5** Appeals, including supporting evidence, must be received within 60 days of the date of the letter outlining the decision you wish to appeal against.

**I1.6** We welcome receiving correspondence in Welsh, and will respond to any correspondence in Welsh if that is your preferred language. This will not lead to delay.

**I1.7** Further details of the appeals process can be obtained from the Customer Contact Centre or our website at: <https://beta.gov.wales/farm-inspections>.

## **SECTION I: APPEALS AND COMPLAINTS PROCEDURE**

### **I2 Complaints procedure**

**I2.1** Complaints will be dealt with under the Welsh Government's procedure on Complaints. Further advice on how to make a complaint can be obtained from the Complaints Advice Team:

Complaints Advice Team  
Welsh Government  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Tel: 03000 251378

E-mail: [complaints@gov.wales](mailto:complaints@gov.wales)

[www.gov.wales/contact\\_us/makeacomplaint](http://www.gov.wales/contact_us/makeacomplaint)

**I2.2** You may also choose to contact the Public Services Ombudsman for Wales:

1 Ffordd yr Hen Gae  
Pencoed,  
CF35 5LJ

Tel: 0300 790 0203

Website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

## SECTION J: DATA DISCLOSURE

### J1 General Data Protection Regulation: Privacy Notice

**J1.1** This notice informs you about the Welsh Government's use of the information provided on the Single Application Form (SAF) or any other document used in connection with your application for aid under the Common Agricultural Policy Direct payment and Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes. It also explains the Welsh Government's processing and use of your personal data and your rights under the General Data Protection Regulation.

The data controller for the information submitted as part of SAF 2019 is the **Welsh Government, Cathays Park, Cardiff, CF10 3NQ.**

The data protection officer for the same information is the **Data Protection Officer, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.** Email: [DataProtectionOfficer@gov.wales](mailto:DataProtectionOfficer@gov.wales)

**J1.2** The information will be processed and managed by the Welsh Government in accordance with its obligations and duties under the following European Regulations:

- Council Regulations (EU) No 1305/2013
- Council Regulation (EU) No 1306/2013
- Council Regulation (EU) No 1307/2013
- Commission Regulation (EU) No 640/2014
- Commission Regulation (EU) No 807/2014
- Commission Regulation (EU) No 808/2014
- Commission Regulation (EU) No 809/2014
- Commission Regulation (EU) No 907/2014
- Commission Regulation (EU) No 908/2014
- General Data Protection Regulation (EU) No 679/2016.

The information will primarily be used for the purposes of processing and determining applications on the SAF. However, the Welsh Government may also make use of the information supplied for other purposes, which will include those connected with its functions and duties under the Common Agricultural Policy of the European Community and with its statutory environmental obligations.

**J1.3** The lawful basis for the processing is that it is necessary for the performance of a task carried out in the exercise of official authority vested in the Welsh Government.



## **SECTION J: DATA DISCLOSURE**

**J1.4** The Welsh Government collects personal data to identify your location and your farm business(es). The Welsh Government does not collect any special category data.

**J1.5** The data is processed through an automated process of business rules that use the Customer Reference Number (CRN) as a primary key for the majority of reports.

**J1.6** Your information will be stored in accordance with the Commission Implementing Regulation (EU) No 908/2014, 'Conservation of Accounting Information'.

### **J2 Reasons for sharing personal data**

**J2.1** EU legislation states eligibility will be dependent, among other things, on meeting the requirements of Cross Compliance. The agencies currently involved in enforcing these directives and with whom the Welsh Government may share information are:

- Natural Resources Wales
- Animal and Plant Health Agency
- Veterinary Medicine Directorate
- Welsh Local Authorities
- Food Standards Agency Wales
- DEFRA
- Other UK Government Agriculture Offices.

The information may be used for the following:

- Cross Compliance and cross checking between Governmental organisations to prevent breaches of the Common Agricultural Policy schemes
- the production and publication of maps showing the areas of land that have received support under the Common Agricultural Policy schemes
- compilation of reports of aggregated data and/or summary statistics to be made publicly available
- informing decisions relating to policy changes and funding including research studies conducted on behalf of the Welsh Government to inform Monitoring and Evaluation of Rural Development Schemes

## **SECTION J: DATA DISCLOSURE**

- identification of landowners/users in events of emergencies, e.g. disease control and breach control
- protecting applicant's interest in land conservation and issues that may arise due to funding queries
- allowing partner organisations to fulfil their legal duties
- disclosure to regulatory authorities, such as HM Revenue and Customs, Local Authorities and the Police
- publication of certain information and responding to requests for information. For more about this see paragraphs J3.2- J3.3 in this booklet.

### **J3 The Publication and Disclosure of Information**

**J3.1** The information will be managed and used by the Welsh Government in accordance with its obligations and duties under the:

- Freedom of Information Act 2000
- Data Protection Legislation
- Environmental Information Regulations 2004
- Commission Regulation (EC) No 908/2014.

**J3.2** Your information, including your personal information, may be the subject of a request by another member of the public. When responding to such requests the Welsh Government may be required to release information, including your personal information.

**J3.3** Commission Regulation (EC) 908/2014 requires the Welsh Government to publish details of the amounts paid to CAP beneficiaries. Data will be published for all beneficiaries on a searchable website, and will include the name and locality of the farmer/land manager and details of the amounts and schemes for which subsidy has been paid. However, for those receiving less than the equivalent of €1,250 in subsidies the name will be withheld. The data will be published annually on 31 May and remain available for two years from the date it is published. The information will be available on the Defra website at: [www.cap-payments.defra.gov.uk](http://www.cap-payments.defra.gov.uk)

### **J4 Rights under the General Data Protection Regulation (GDPR)**

**J4.1** The GDPR gives individuals rights in respect of the personal data held on them. These rights include:

- the right to be informed (this notice)

## SECTION J: DATA DISCLOSURE

- the right to ask for and receive copies of the personal data the Welsh Government holds about them, although the Welsh Government can sometimes withhold some data or not provide copies
- the right, in some circumstances, to prevent or restrict the Welsh Government processing personal data
- the right, in some circumstances, to have wrong data rectified
- the right, in some circumstances, to have data erased (to be forgotten).

If you wish to exercise any of your rights under the GDPR, you should contact the Welsh Government at the address provided at the beginning of this notice.

**J4.2** Individuals also have the right to ask the Information Commissioner, who enforces and oversees the GDPR, to assess whether or not the processing of their personal data is likely to comply with the GDPR. The Information Commissioner can be contacted at:

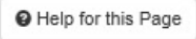

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Tel: 01625 545745 or 0303 123 1113. Website: <https://ico.org.uk/>

## SECTION K: SINGLE APPLICATION FORM

### K1 Guidance and help for completing your SAF

**K1.1** The '2019 Single Application Form (SAF) Online How to Complete Guide' is available on the [Welsh Government website](#). This guide provides detailed instructions for completing each section of the SAF.

**K1.2** The SAF also includes specific guidance within the application itself:

- If there is guidance available for the page you are currently completing a  button will be visible on the top right of the page. This button will open guidance which will provide a further explanation for each question or item on the page.
- Some questions on the SAF will also include specific help on how to provide an answer. If specific help for the question is available a  button will appear.

**K1.3** If you have any problems completing your SAF please contact the Customer Contact Centre for further guidance (see Annex 8 for contact details). RPW staff are available to provide help and explain how the application should be completed.

**K1.4** If you need additional support, particularly if you are completing the SAF for the first time, the Customer Contact Centre can also provide information about 'one to one' help through a Digital Assistance appointment and access to a computer at an RPW office. You will need to contact the Customer Contact Centre to make an appointment to attend your Regional Office, where a member of staff can guide you through the process. We expect demand for the Digital Assistance appointments will be high so, if you think you will need extra help, please request this in good time.

**K1.5** Digital Assistance appointments will be available from 11 March 2019, with some evening slots available.

**K1.6 Please note** RPW staff will provide help and support but cannot be held responsible for what you do or don't claim – this is your responsibility.

### K2 Deadline for submitting the SAF

**K2.1** The Welsh Government must receive your completed SAF and all necessary supporting documents no later than midnight on Wednesday 15 May 2019. Applications and supporting documents received from 16 May 2019 up to and including 10 June 2019 will incur financial penalties. Applications, claims and supporting documents received after 10 June 2019 cannot be accepted.

**K2.2** The SAF submission deadline applies to certain supporting documents. If you do not submit your supporting documentation this could result in some or all of your payments being reduced or your applications and claims being rejected. Please see K8 for a full list of supporting documents that are subject to the SAF deadline.

**K2.3** Refer to Section G in this booklet for details regarding penalties and reductions for late submission of the SAF and supporting documentation.

## **SECTION K: SINGLE APPLICATION FORM**

### **K3 Who can submit your SAF?**

**K3.1** The SAF must be submitted by someone who has been authorised by the business to submit applications on the business's behalf.

**K3.2** If you wish for an agent or third party to submit the application on behalf of the business, and they are not already authorised to do so, follow the instructions on the RPW Online webpages, or contact the Customer Contact Centre to request a 'Rural Payments Wales (RPW) Online Authorisation for Agent / Woodland Agent / Farming Union and Farming Association' form.

### **K4 Claiming payment for schemes on the SAF**

**K4.1** You will need to ensure you have claimed for all of the schemes you intend to on the SAF. The 'Claims' page will be the first page presented to you when you begin to complete your SAF, and this is where you must indicate your wish to claim BPS 2019, claim payment under a Rural Development Contract and/or apply for BPS National Reserve Entitlements.

**K4.2** You will also need to indicate the fields you wish to use to support payment for each scheme you are claiming. This must be done in the Field Data page of the SAF.

**K4.3** For BPS you also need to enter a claim against any common land grazing rights on the Common Land page you wish to use to support payment.

**K4.4** To help make the SAF easier to complete, wherever possible, your SAF will be pre-populated with scheme claim ticks in the 'Claims' page and in the 'Field Data' page. For Rural Development schemes this will be where our records show you hold a Contract. For BPS 2019 this will be where you select the option to populate claim ticks and where you received a payment for BPS 2018.

**K4.5** It is important you check the pre-populated information on your SAF and make any changes you need to ensure you have claimed for all of the schemes and areas you wish to.

**K4.6** If you do not indicate the schemes you are claiming together with the fields and common land rights you are using for payment, this may result in a reduction in payment, penalties or even prevent you from receiving payment altogether.

**K4.7** You can use the Summary page on the SAF to check your application includes all schemes you wish to claim. This can be accessed at anytime whilst you are completing your SAF.

### **K5 Declaring land on the SAF**

**K5.1** You must declare on the SAF all the agricultural land that is at your disposal on the 15 May 2019 and include all land that is in a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme.

**K5.2** You should not include land you own but have rented out, as this is not at your disposal and should only be declared by the farmer renting it in.

## **SECTION K: SINGLE APPLICATION FORM**

**K5.3** You will be able to declare the fields that are at your disposal in the 'Field Data' page on your SAF. On this page you will be asked to declare all of the land types and features in each field. Please refer to Annex 3 of this booklet for a full list of the crop codes that are available to do this. Also at Annex 4 there is further guidance on the crop codes that should be used to support Glastir management options.

**K5.4** You must accurately declare all ineligible and permanent features on the holding and temporary ineligible features. Annex 1 of this booklet provides further guidance for declaring permanent features.

**K5.5** You must also take into account any eligible land temporarily taken out of production (e.g. pipelines for utility companies).

**K5.6** To help make the SAF quicker to complete, your SAF will be pre-populated with the fields our records show are at your disposal on 15 May 2019. It is important you check to ensure all of the land you need to declare has been included on your SAF. You will need to add any fields that are at your disposal but have not been pre-populated, including any land transfers or short term rentals for 2019. You will need to delete fields that are no longer at your disposal on 15 May 2019.

**K5.7** Wherever possible the SAF will also be pre-populated with crop codes and areas based on your declaration in 2018. You must check any pre-populated crop codes and areas, and amend them where necessary to reflect the situation on the ground as at 15 May 2019. If the 'Crop' or 'Area' boxes in the Field Data page of your SAF have not been pre-populated for any fields you will need to ensure you complete these boxes. You must ensure your land declaration accurately reflects the position as at 15 May 2019.

### **K6 Declaring Common Land on the SAF**

**K6.1** Use the 'Common Land' section of the SAF to declare any common land rights you hold. If you declared common land rights on the SAF 2018 these will be pre-populated for you on your SAF. You must ensure you declare all common land grazing rights that are available for your own use and tick the BPS box for any rights you wish to claim BPS on.

**K6.2** If you have applied for and been given a field reference number for sole grazed commons this will be pre-populated in the Field Data page of your SAF. You must not declare sole grazed commons in the Common Land section.

### **K7 Pre-populated information on the SAF**

**K7.1** The SAF 2019 will be pre-populated with as much information as possible based on the information held by RPW and your declaration in 2018, as follows:

## SECTION K: SINGLE APPLICATION FORM

SAF Section	Populated Information
Claims	<p>Claim ticks for Rural Development Schemes where our records show you hold a Contract. When you start your SAF, you can choose to include claim ticks for BPS 2019. These will only be pre-populated where you have received a payment for BPS 2018.</p> <p><b>Please note:</b> If the BPS 2019 claim ticks are not pre-populated, and you wish to claim payment, you must ensure you enter the BPS 2019 tick in the Claims Section.</p>
BPS Entitlements	The entitlements you hold according to our records. This will not include transfers that have not yet been processed.
Business Organisation	The number of individuals in the business as currently held in our records.
Non-Welsh Land	If you farm land outside Wales, the Paying Agency that issued your BPS 2018 payment.
Cross Compliance	When you start your SAF, you can choose to populate this section with the same answers you provided in 2018.
Common Land	<p>The common land grazing rights you declared in the previous year.</p> <p>When you start your SAF, you can choose to include claim ticks on common land for BPS 2019. These will only be populated where you have received a payment for BPS 2018.</p> <p><b>Please note:</b> If the BPS 2019 claim ticks are not pre-populated, and you wish to claim payment, you must ensure you enter the BPS 2019 tick for all common land entries you wish to support payment.</p>
Field Data	<p>Fields which our records show are at your disposal on 15 May 2019. Where possible this will include crops, mapped permanent features and areas.</p> <p>Claim ticks for Rural Development Schemes for fields our records show are included in a Contract you hold.</p> <p>When you start your SAF, you can choose to include claim ticks on eligible crops for BPS 2019. These will only be populated where you have received a payment for BPS 2018.</p> <p><b>Please note:</b> If the BPS 2019 claim ticks are not pre-populated, and you wish to claim payment, you must ensure you enter the BPS 2019 tick for all eligible crops on all fields you wish to support payment.</p>

## SECTION K: SINGLE APPLICATION FORM

Ecological Focus Areas	Hedges and Wooded Strips (EF1) and Traditional Stone Walls (EF2) we hold in our mapping information.
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**K7.2** Ensure you check the pre-populated information on your SAF carefully and make any changes necessary to make your declaration accurate and complete for 2019. It is your responsibility, to ensure the information you provide, including pre-populated information, is correct.

### K8 Supporting Documents

**K8.1** The supporting documents that are included in the following list are subject to the SAF submission deadlines.

**For those claimants who are required to submit supporting documentation to prove agricultural activities:**

- If the activity to support your claim takes place on or before 15 May 2019 the documentary evidence must be submitted by the 15 May 2019.
- If the activity takes place after the 15 May 2019 you must submit a letter, email or message via RPW Online as supporting documentation confirming you will submit evidence within 30 days of the activity taking place. No payment will be made until the evidence of agricultural activity in 2019 has been received.

Agricultural Activity	
If you do not declare livestock details in the Stocking Levels section and do not declare Arable or Permanent crops in the Field Data Section, you must provide evidence of carrying out agricultural production.	<p>Evidence the business is carrying out agricultural production. This may include:</p> <ul style="list-style-type: none"> <li>• flock or herd records</li> <li>• seed receipts</li> <li>• milk quota records</li> <li>• milk recording records</li> <li>• sales receipts</li> <li>• veterinary evidence</li> <li>• agronomist reports.</li> </ul> <p>Evidence the business is maintaining the land in a condition suitable for grazing or cultivation. This may include:</p> <ul style="list-style-type: none"> <li>• copies of invoices used for the control of non-native invasive weeds and scrub e.g. pesticides</li> <li>• copies of farm records that show work to control non-native invasive weeds and scrub, e.g. topping, harrowing, rolling, cutting, use of pesticides.</li> </ul>



## SECTION K: SINGLE APPLICATION FORM

Active Farmer	
<p>If you are operating a non-agricultural activity, e.g.</p> <ul style="list-style-type: none"> <li>• airports</li> <li>• railway services</li> <li>• waterworks</li> <li>• real estate services</li> <li>• permanent sports or recreational grounds</li> </ul> <p><b>and</b></p> <p>you are using your certified business accounts to qualify as an Active Farmer.</p>	<p>Certified Chartered Accountant Statement to evidence either of the following:</p> <ul style="list-style-type: none"> <li>• the certified business accounts, for the most recent fiscal year available, to show payment received under BPS is 5% or more of the receipts obtained from non-agricultural activities. The statement must itemise your receipts from non-agricultural activities in the most recent fiscal year available.</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>• the certified business accounts, for the most recent fiscal year available, to show receipts from agricultural activities are at least 40% of the total receipts. The statement must itemise your total receipts for the business, including those for non-agricultural activities, for the most recent fiscal year available.</li> </ul> <p>Chartered Accountant statements should itemise gross figures before any deductions are made (such as VAT).</p>

BPS Greening	
<p>If you are using spring and winter varieties of the same crop for Crop Diversification.</p>	<ul style="list-style-type: none"> <li>• Seed labels</li> <li>• seed invoices</li> <li>• certification for home grown seed.</li> </ul> <p>(Original documents are required. <b>Cannot be submitted online.</b>)</p>
<p>If you are declaring organic land and wish to use the exemption for BPS Greening for land registered as Organic.</p>	<p>Certificate from an Organic Sector Body.</p> <p><b>Please note</b> failure to submit an Organic Certificate for the calendar year may delay or result in no Greening payment being made to you.</p>
<p>If you are declaring EFAs on a field which has not previously been registered (includes split or merged fields that have not previously been notified to us).</p>	<p>A Sketch Map to show the location of the EFAs you are claiming.</p>

## SECTION K: SINGLE APPLICATION FORM

BPS – Young Farmer (National Reserve and Payment)	
Photographic evidence confirming your date of birth (if not already supplied).	<ul style="list-style-type: none"> <li>• Passport</li> <li>• driving license</li> <li>• gun license certificate.</li> </ul> <p>(Original documents are required. <b>Cannot be submitted online.</b>)</p>
Evidence you are head of holding (if not already supplied).	<ul style="list-style-type: none"> <li>• Accountant or Solicitor Certificate to confirm Young Farmer status – this pro forma is available from the Customer Contact Centre</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>• partnership agreement showing the partners and percentage shares/votes held and, where it exists, any variation of previous partnership document showing the changes to the original agreement</li> <li>• legally binding agreement showing business shareholdings</li> <li>• partnership accounts if they demonstrate shares ownership</li> <li>• bank accounts / accountant's letter to confirm share of profits</li> <li>• annual accounts naming the applicants and number of shares / votes held</li> <li>• any other documentary evidence you feel is appropriate.</li> </ul>

New Entrant – National Reserve	
Evidence of New Entrant eligibility.	<ul style="list-style-type: none"> <li>• Accountant or Solicitor Certificate to confirm New Entrant status – this pro forma is available from the Customer Contact Centre</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>• confirmation of the date the holding was registered</li> <li>• registration with BCMS/AMLS</li> <li>• animal record books</li> <li>• pesticide records</li> <li>• other appropriate documentary evidence to prove eligibility.</li> </ul>

## SECTION K: SINGLE APPLICATION FORM

Glastir Entry / Glastir Advanced	
For 10% uplift for Dairy Famers	<ul style="list-style-type: none"> <li>• Milk Contract covering the 2019 scheme year</li> <li>• official headed letter from the milk buyer confirming your milk Contract covers the 2019 scheme year.</li> </ul>
If you have included Option 37 'UK native breeds at risk' in your Contract.	<ul style="list-style-type: none"> <li>• Individual pedigree certificates</li> <li>• breed society's herd, flock or stud book</li> <li>• letter from appropriate Society confirming the number of eligible animals on the holding for the 2019 scheme year.</li> </ul>
Glastir Entry Rotational Options (26B, 27, 28, 29, 30, 31, 32, 32B, 33 and 34B).	<ul style="list-style-type: none"> <li>• Return the Rotational Option pro forma for any rotational option that will be established in a different location to that in 2018.</li> </ul>

BPS – Tree Preservation Orders (TPO)	
Trees protected by a Tree Preservation Order (TPO).	<ul style="list-style-type: none"> <li>• A copy of the Tree Preservation Order for the trees being claimed for BPS</li> <li>• A letter from the Local Planning Authority stating the trees being claimed for BPS are covered by a Tree Preservation Order.</li> </ul>

**K8.2** If you are submitting supporting documentation by post, rather than via RPW Online, please ensure you post these in good time with sufficient postage. **Please note** the Welsh Government will not be able to accept correspondence with insufficient postage, which might mean your supporting documentation will not be accepted or receipted.

**K8.3** Recorded delivery is advisable but it should be noted recorded delivery is not a guarantee your correspondence will be received by the Welsh Government by the deadlines mentioned above. No matter what postage arrangements are used, or reasons for delays (i.e. insufficient postage), late submission penalties or rejection and subsequent loss of payments may occur.

### K9 Submitting your SAF

**K9.1** The Summary provided with the SAF is located towards the end of the application. This provides an overview of your declaration, and can be used to check you have claimed for all of the schemes and included all of the land you need to. The Summary can also be used to check your declaration for BPS Greening.

**K9.2** The Submission section of the SAF is the final part of the application. This includes the 'Errors and Information' page which will show or link to all of the information and error messages that are currently showing in your application. You will need to correct any errors before you can submit your SAF. If there are any information messages you should review these and consider whether you need to amend your declaration accordingly.

## SECTION K: SINGLE APPLICATION FORM

**K9.3** Before submitting your SAF you will be asked to tick a box to confirm you have read and agree with the 'Declarations & Undertakings'. By ticking this box on the SAF you are declaring you are fully abiding with:

- the SAF schemes rules
- the 'Declaration and Undertakings' contained in the SAF
- the '2019 Single Application Rules Booklet'
- the latest 'Farmers' Guide to Cross Compliance.

**K9.4** By agreeing to the 'Declarations and Undertakings' you are accepting it is your responsibility to ensure the information you are declaring on your SAF is correct.

**Please note** any person who makes a false declaration or fails to notify the Welsh Government of a material change to the information given in the SAF is liable to prosecution. A false, inaccurate or incomplete statement or failure to notify the Welsh Government of any material changes to the information given in the SAF may result in loss of entitlement and/or recovery of any payments made.

**K9.5** When you submit your SAF you will receive an instant online receipt which you can print for your records. If you do not receive an online receipt please let us know by sending us an online message from your RPW Online account or contacting the Customer Contact Centre.

**K9.6** Within one working day of submitting your SAF, you should receive a copy of your completed application in the 'Messages' section of your RPW Online account. In addition to the copy of your completed form, the message will include a copy of any sketch maps you have provided and a copy of the Summary section. If you do not receive this message, please let us know by sending us an online message from your RPW Online account or by contacting the Customer Contact Centre.

**K9.7** You are advised to use the copy of your SAF provided in the 'Messages' section of your RPW Online account to double check your application includes all of the schemes and land you wish to claim. Any missing data or correction of errors must be notified to the Customer Contact Centre no later than 10 June 2019 to be accepted. Requests to amend your claim that are received from 3 June 2019 up to and including 10 June 2019 will attract a late claim penalty.

### **K10 Responding to queries**

**K10.1** Please respond to any queries raised by the Welsh Government regarding your SAF at the earliest opportunity. Failure to do so could result in delayed payments, payment reductions and exclusions.

**K10.2** We welcome receiving correspondence in Welsh, and will respond to any correspondence in Welsh if that is your preferred language. This will not lead to a delay in processing your SAF for payment.

## **ANNEX 1: DECLARING AND DEDUCTING INELIGIBLE FEATURES**

### **AN1.1 Introduction**

**AN1.1.1** Ineligible features are non-grazeable or non cropable areas within a field parcel. They include man made constructions such as buildings, hardstandings, ungrazeable tracks, water features and natural features such as, rocks, scree, (bare areas) scrub, bracken and groups of trees.

**AN1.1.2** Non-agricultural areas such as gardens, solar panels, caravan parks and riding arenas should also be declared on the SAF with the appropriate crop code (NO1) as these are ineligible.

**AN1.1.3** These ineligible features must be declared on the SAF against the relevant code and the ineligible area deducted from the total area of the field parcel. A full list of ineligible features are available at Annex 3 of this booklet.

### **AN1.2 Important information on deductions of trees/woodland**

**AN1.2.1** The rules now apply a more prescriptive regime for field parcels with trees and ineligible scattered features.

**AN1.2.2** Where there is a group of trees the whole area occupied by them is to be deducted from the eligible area of the parcel (not just a deduction for the trunks). The impact is a possible reduction of your eligible area.

**AN1.2.3** Where a parcel has scattered trees with a density of more than 100 trees per hectare (of the maximum eligible area), the whole parcel will not be eligible for BPS.

**AN1.2.4** Where a parcel has scattered trees with a density of 100 trees or fewer per hectare of the maximum eligible area you will need to make a deduction for the tree trunks and exposed roots to establish a final grazeable area within the parcel.

### **AN1.3 What is the Maximum Eligible Area?**

**AN1.3.1** The Maximum Eligible Area of the field parcel is the potential eligible area left after all deductions for ineligible features have been made from the whole field size.

**AN1.3.2** To calculate the Maximum Eligible Area of your field parcel, and calculate the scattered tree density, you should deduct all ineligible features from the whole field parcel area in the following order:

- 1 identify and deduct ineligible areas for man made features, including man made ponds
- 2 identify and deduct ineligible areas for water features; rivers (100 m<sup>2</sup> and over), streams (100 m<sup>2</sup> and over), and natural ponds (over 0.10 hectares)
- 3 identify and deduct ineligible areas for groups of natural bare areas, such as rocks/scree 100 m<sup>2</sup> and over
- 4 identify and deduct ineligible areas for groups of scrub/bracken 100 m<sup>2</sup> and over

## ANNEX 1: DECLARING AND DEDUCTING INELIGIBLE FEATURES

- 5 identify and deduct ineligible areas for groups of trees 100 m<sup>2</sup> and over
- 6 assess scattered natural features less than 100 m<sup>2</sup>:
  - a. natural bare areas (rocks/scree)
  - b. scrub/bracken.

### AN1.4 Calculating 100 trees per hectare (100 trees/hectare)

**AN1.4.1** Once the Maximum Eligible Area has been calculated, the 100 trees per hectare is assessed against the Maximum Eligible Area, including scattered groups of less than 100 m<sup>2</sup>.

- If the density is over 100 trees/hectare the whole field parcel is ineligible for BPS. See example (a) at AN1.4.2 below.
- If the density is equal to or less than 100 trees/hectare, the field is eligible for BPS, but a deduction must be made for the area covered by trees. See example (b) at AN1.4.2 below.

#### **Example:**

A field parcel has a total whole field size of 5.50 hectares.

The total of all ineligible man made features, water features and natural features where the area is over 100 m<sup>2</sup> (identified in steps 1 - 5 at AN1.3.2 above) is 1.25 hectares.

A further assessment of scattered rocks and bracken is completed (steps 6a - 6b at AN1.3.2 above) and an ineligible area of 0.25 hectares is identified. The Maximum Eligible Area is therefore:

Field Parcel Size	= 5.50 hectares
Less Total Ineligible Areas	= 1.25 hectares (sum of steps 1 - 5 above)
Less scattered feature assessment	= 0.25 hectares (sum of step 6 a - b above)
Maximum Eligible Area	= 4.00 hectares

#### **AN1.4.2 100 trees/hectare examples:**

- (a) The Maximum Eligible Area of 4.00 hectares has been calculated and this area has more than 400 scattered trees covering this area. **The whole land parcel is ineligible for BPS.**
- (b) The Maximum Eligible Area of 4.00 hectares has been calculated and this area has only 50 scattered trees covering this area. The whole land parcel is eligible for BPS, **but an assessment should be completed for the area of scattered trees and this area should be deducted from the Maximum Eligible Area calculated for the field:**

Maximum Eligible Area	= 4.00 hectares
Less Assessment	= 0.25 hectares (for scattered trees)
Parcel Eligible Area	= 3.75 hectares

## **ANNEX 1: DECLARING AND DEDUCTING INELIGIBLE FEATURES**

### **AN1.5 How do I identify and calculate the Ineligible Features?**

**AN1.5.1** You need to identify and declare all the ineligible features for each field parcel you declare on your SAF in hectares.

**AN1.5.2** To calculate the area of a feature in hectares you should measure the length and width in metres, multiply them together and divide by 10,000 m<sup>2</sup> (the area of 1 hectare). For example, a building measuring 10 m x 10 m = 100 m<sup>2</sup>. Dividing by 10,000 m<sup>2</sup> = 0.01 hectares.

**AN1.5.3** Areas can only be declared to 2 decimal places and therefore all calculations should be rounded up or down to the nearest number; e.g. 0.005 hectares should be rounded up to 0.01 hectares, whilst 0.014 hectares should be rounded down to 0.01 hectares.

### **AN1.6 SAF 2019 Interactive Maps**

**AN1.6.1** On RPW Online you can use the interactive mapping tool and aerial photography to help you identify and calculate the ineligible features within your field.

**AN1.6.2** The following guidance explains how to identify, calculate and declare each type of ineligible feature within each land parcel.

#### **Man made features**

### **AN1.7 What is a man made feature?**

**AN1.7.1** A man made feature is a 'structure that has been constructed rather than occurring naturally', such as buildings, hardstandings, ungrazed tracks, roads and ponds. A full list of man made features is available at Annex 3 of this booklet.

### **AN1.7.2 How do you calculate the area of man made and non agriculture features?**

- Identify the man made feature within the field parcel and
- measure the features length and width.

**Example:** a building of 20 m by 10 m equals 200 m<sup>2</sup> and should be declared as 0.02 hectares, a track of 100 m by 3 m is 300 m<sup>2</sup> and should be declared as 0.03 hectares.

- If there are more than one of the same type of feature in the field you must add together the area of each separate feature.

**Example:** a field contains two buildings, one measured as 0.01 hectares and one measured as 0.02 hectares. The total area for buildings should therefore be added together and a total area of 0.03 hectares (0.01 hectares + 0.02 hectares) is calculated for buildings.

## **ANNEX 1: DECLARING AND DEDUCTING INELIGIBLE FEATURES**

- If the total area calculated for the individual feature(s) is 0.01 hectares or greater, select the appropriate code at Annex 3 of this booklet and declare the area calculated for the feature against the field parcel
- these areas should be declared and deducted from the total field size as shown at AN1.3.2 above.

### **What if the area of the individual man made feature is less than 0.01 ha?**

**AN1.7.3** If the area of an individual man made feature is calculated to be less than 0.01 hectares and there are no other man made features in the field parcel, that feature is deemed insignificant and does not need to be declared.

**AN1.7.4** However, if there are many of the same features in the field, e.g. pig sheds, a whole parcel assessment should be carried out and the area of all these individual features should be added together. Details of how to complete the assessment are shown at AN1.12 in this booklet.

**AN1.7.5** If there is more than one type of ineligible feature in the field parcel, and when these areas are added together come to 0.01 hectares or more, the total area for all these features should be declared on the SAF set against the main feature.

**Example:** a field parcel contains a building with an area of 0.004 hectares, a hardstanding with an area of 0.004 hectares and a track of 0.003 hectares. A total declared area of 0.01 hectares (0.004 hectares + 0.004 hectares + 0.003 hectares = 0.011 hectares) should be declared against code ZZ89.

### **When is a man made pond eligible?**

**AN1.7.6** All man made ponds must be declared as features; however man made ponds that have been constructed as a result of a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme and are a maximum size of 0.10 hectares are eligible for BPS. Please see the crop codes for all ponds at Annex 3 in this booklet.

## **Water features**

### **AN1.8 What is a water feature?**

**AN1.8.1** Water features are naturally occurring streams, rivers and ponds (0.01 hectares or greater). A full list of water features is available at Annex 3 in this booklet.

### **AN1.8.2 How do you calculate the area of water features?**

- Identify the water features within the field parcel; i.e. all river and streams and ponds (0.01 hectares or greater)
- measure the features length and width.

**Example:** a river of 55 metres long by an average of 6 metres wide equals 330 m<sup>2</sup> and should be declared as 0.03 hectares for rivers and streams.



## **ANNEX 1: DECLARING AND DEDUCTING INELIGIBLE FEATURES**

- If there are more than one of these features in the field you must add together the area of each separate feature.

**Example:** a field contains two rivers, one measured as 0.01 hectares and one measured as 0.02 hectares. The total area for rivers and streams should therefore be added together and a total area of 0.03 hectares (0.01 hectares + 0.02 hectares) is calculated for rivers and ponds.

- If the total area calculated for the individual feature(s) is 0.01 hectares or greater, select the appropriate code at Annex 3 of this booklet (ZZ30 for ponds, ZZ31 for rivers/streams) and declare the area calculated for the feature against the field parcel
- these areas should be declared and deducted from the total field size as shown at AN1.3.2 above).

### **What if the area of the individual water features is less than 0.01ha?**

**AN1.8.3** If the area of an individual water feature is calculated to be less than 0.01 hectares and there are no other water features in the field parcel, that feature is deemed insignificant and does not need to be declared.

**AN1.8.4** However, if there are many of the same water features in the field, e.g. a number of streams and a river, a whole parcel assessment should be carried out and the area of all these individual features should be added together. Details of how to complete an assessment are shown at AN1.12 in this booklet.

### **When is a pond eligible?**

**AN1.8.5** Under BPS, natural ponds and ponds created under an RD scheme with a maximum size of 0.10 hectares, are eligible for BPS. See the eligible crop codes at Annex 3 of this booklet.

### **Natural Bare Area**

#### **AN1.9 What is a Natural Bare Area?**

**AN1.9.1** Natural bare areas are features equal to or over 100 m<sup>2</sup> that include scree, boulders, rocky outcrops and sand, that provide no area available for grazing.

**AN1.9.2** A description of the different densities for scree, boulders and rocks is available at paragraph AN1.14 of this booklet.

#### **AN1.9.3 How do you calculate the area of ineligible natural bare area?**

- Identify ineligible bare areas within the field parcel that equal or are greater than 100 m<sup>2</sup>
- measure the area of the separate features

## **ANNEX 1: DECLARING AND DEDUCTING INELIGIBLE FEATURES**

- if there is more than one of these features in the field you must add together the area of each separate feature that is equal to or over 100 m<sup>2</sup>.

**Example:** a field contains two large areas of scree and boulders, the area of scree measured as 0.92 hectares and the area of boulders measured as 0.47 hectares. The total area for scree and boulders should therefore be added together and a total area of 1.39 hectares (0.92 hectares + 0.47 hectares) is calculated for Scree/Rock Outcrops/Boulders/Sand.

- Select the appropriate code at Annex 3 of this booklet and declare the area calculated for the feature(s) against the field parcel
- these areas should be declared and deducted from the total field size as shown at AN1.3.2 above.

### **What if the areas of the individual groups are less than 100 m<sup>2</sup>?**

**AN1.9.4** If the area of an individual group is calculated to be less than 0.01 hectares and there are no other natural bare areas in the field parcel, that feature is deemed insignificant and does not need to be declared.

**AN1.9.5** However, if there are many bare areas in the field, e.g. a number of separate groups scattered across the field or features that are not wholly ineligible (see the ineligible features density descriptions in the table at AN1.14 in this booklet) an assessment for natural bare areas should be completed at field level.

**AN1.9.6** Details of how to complete an assessment are shown at AN1.14 in this booklet.

### **Groups of scrub and bracken**

#### **AN1.10 What is scrub and bracken?**

**AN1.10.1** Scrub is clumps of bushes, each dense enough to either exclude stock or provide no grazing (e.g. Gorse, Bushes, Hawthorn and Briar), and bracken is a tall fern with coarse lobed fronds which grows thickly in open areas of countryside, especially on hills, and in woods.

- Group of Scrub – Dense area equal to or over 100 m<sup>2</sup> that is totally impenetrable to stock with no evidence of paths within.
- Group of Bracken – Dense area equal to or over 100 m<sup>2</sup> that is totally impenetrable to stock with no evidence of paths within. Also where there is deep litter grading into organic build up rather than soil beneath, confirming accumulation over many years.

**AN1.10.2** A description of the different densities for scrub and bracken are available in the table at AN1.14 in this booklet.

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### **AN1.10.3 How do you calculate the area of an ineligible group of scrub and bracken?**

- Identify the wholly ineligible features within the field parcel that equal or are greater than 100 m<sup>2</sup>
- measure the area of the separate features
- if there are more than one of these features in the field you must add together the area of each separate feature that is equal to or over 100 m<sup>2</sup>.

**Example:** a field contains two large areas of scrub, one measured as 0.25 hectares and one measured as 0.56 hectares. The total area for scrub should therefore be added together and a total area of 0.81 hectares (0.25 hectares + 0.56 hectares) is calculated for scrub.

- Select the appropriate code at Annex 3 of this booklet and declare the area calculated for the feature(s) against the field parcel.

**AN1.10.4** A separate declaration is required for groups of scrub and groups of bracken and these areas should be deducted from the total field size (as shown at AN1.3.2 above).

### **What if the areas of the individual groups are less than 100 m<sup>2</sup>?**

**AN1.10.5** If the area of an individual group is calculated to be less than 0.01 hectares and there are no other features in the field parcel, that feature is deemed insignificant and does not need to be declared.

**AN1.10.6** However, if there are many of the same features in the field, e.g. a number of separate groups scattered across the field or features that are not wholly ineligible (see the ineligible features density descriptions in the table at AN1.14 in this booklet) an assessment for scrub and bracken should be completed at field level.

**AN1.10.7** Details of how to complete an assessment are shown at AN1.12 in this booklet.

## **Groups of trees**

### **AN1.11 What is a group of trees?**

**AN1.11.1** A group of trees is defined as three or more trees (which do not belong to a traditional boundary) growing very close together creating a canopy of branches that form an area of cover above the ground equal to or over 100 m<sup>2</sup> (10 m x 10 m).

**AN1.11.2** The area covered by the canopy and not the tree trunks and stumps should be used when working out the ineligible area for a group of trees. For example, a group of 5 trees in the middle of a field, with a canopy measuring approximately 25 m x 25 m will have an ineligible area of 625 m<sup>2</sup>, which is 0.06 hectares.

## **ANNEX 1: DECLARING AND DEDUCTING INELIGIBLE FEATURES**

**AN1.11.3** A tree is defined as a woody perennial plant, typically having a single stem or trunk capable of growing to a considerable height (normally over 1.3 m above ground level) and bearing lateral branches at some distance from the ground. Some trees may have more than one single stem/trunk growing out of a base, but these will still be considered as one tree.

**AN1.11.4** A single line of two or more trees occurring within hedges or another traditional boundary, that is considered as a landscape feature under GAEC, is eligible and does not require a deduction to be made.

**AN1.11.5** You must distinguish between coniferous and broadleaf trees. A full list of codes for ineligible trees is available at Annex 3 of this booklet.

**AN1.11.6** Orchards, short rotation coppice and trees protected by Tree Preservation Orders are eligible for BPS payments and should not be used in calculating ineligible groups of trees. The areas covered by these trees should be measured and declared on the SAF using the appropriate crop code from Annex 3 in this booklet.

### **AN1.11.7 How do you calculate the area of ineligible groups of trees?**

- Identify the groups and type of trees within the field parcel that equal or are greater than 100 m<sup>2</sup>
- measure the area of the separate groups and type of trees
- if there are more than one of these groups in the field you must add together the area of each group of trees that is equal to or over 100 m<sup>2</sup>.

**Example:** a field contains three groups of broadleaf trees, one measured as 0.30 hectares, one measured as 0.25 hectares and one measured as 0.56 hectares. The total area for group of broadleaf trees should therefore be added together and a total area of 1.11 hectares (0.30 hectares + 0.25 hectares + 0.56 hectares) is calculated for groups of broadleaf trees.

- Select the appropriate code at Annex 3 in this booklet and declare the area calculated for the types of tree against the field parcel
- a separate declaration is required for each type of group of trees and these areas should be deducted from the total field size as shown at AN1.3.2 above.

### **What if the canopy covers the whole land parcel?**

**AN1.11.8** If the tree canopy covers the entire area of the land parcel, you should declare the whole field parcel as either ungrazed Coniferous or ungrazed Broadleaf.

**AN1.11.9** In this situation, you should still declare and deduct any ineligible areas for man made features, water features and natural bare areas, but there is no need to calculate the tree density for 100 trees/hectare.

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**What if the areas of the individual group of trees are less than 100 m<sup>2</sup> or there are only single trees in the field?**

**AN1.11.10** If the area of an individual group of trees is calculated to be less than 100 m<sup>2</sup> (0.01 hectares) or there are only scattered individual trees across the land parcel a tree density assessment must be made to assess the 100 trees/hectare density for the land parcel.

**AN1.11.11** Details of how to assess and calculate the 100 trees/hectare is shown at AN1.13 in this booklet.

### **Assessment for ineligible areas excluding those less than 100 m<sup>2</sup>**

#### **AN1.12 What is an assessment?**

**AN1.12.1** An assessment is an estimation of ineligible areas for scattered features (natural bare areas, scrub and bracken) across the whole land parcel that should be declared on the SAF and deducted from the overall eligible area of your land parcel.

**AN1.12.2** An assessment is required:

- where the density of the features allow for some grazing and therefore are not wholly ineligible

and/or

- where the individual area(s) of wholly ineligible features are less than 100 m<sup>2</sup>.

**AN1.12.3** The assessment is calculated by multiplying the area of the scattered feature by an appropriate percentage reduction for the ineligible features based on the ineligible features density descriptions at the table at AN1.14 in this booklet.

**Example:** an area of 5 hectares is identified with scattered bracken that has an ineligible density of 30%. The assessment calculation is therefore 5 hectares x 30% = 1.50 hectares of ineligible area for scattered bracken.

#### **How do you identify an area of scattered features for assessment?**

**AN1.12.4** An assessment should be carried out at a land parcel level, if the scattered features cover the whole parcel e.g. bracken, or on a more specific area of the parcel if the scattered feature is localised to a specific area of the parcel e.g. scree/boulders.

**AN1.12.5** You can use the description of the different densities for natural bare areas, scrub and bracken at AN1.14 in this booklet to identify the description that best fits the scattered features remaining in the land parcel.

**AN1.12.6** If there is only one type of scattered feature remaining in the land parcel e.g. bracken, and the feature has a consistent density and covers the whole parcel, a whole parcel assessment can be carried out on that scattered feature.

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**AN1.12.7** However, if there are more than one type of scattered feature remaining in the land parcel e.g. bracken and scree, and these features have different densities or do not cover the whole land parcel, an assessment should be carried out on the specific areas of the scattered features within the land parcel.

**How do you determine the density and appropriate percentage reduction for the ineligible feature?**

**AN1.12.8** From the description of the different densities for natural bare areas, scrub and bracken in the table at AN1.14 in this booklet you should select a description that best fits the scattered features. Each description has a representative range for the density percentage expected for those features. These percentages are not definitive and should be used as a guide when determining the density percentage you use to calculate the final ineligible area of the scattered features for each land parcel. You should be cautious and if in doubt declare a lower eligible area.

### **Assessment at a parcel level**

**AN1.12.9** If the land parcel has only one type of scattered feature e.g. bracken, of similar density scattered across the whole land parcel, you can complete an assessment at the whole parcel level.

- The area for assessment is the whole parcel size less any deductions already made for man made features, water features, groups of ineligible features of 100 m<sup>2</sup> or over from the total land parcel area
- the percentage reduction for assessment is chosen from the ranges provided at AN1.14 in this booklet
- multiply the area for assessment by the chosen percentage reduction to calculate the ineligible area of the scattered feature
- this area should then be declared and deducted from the total field size (as shown at AN1.3.2 above).

**Example:** a parcel has a total area of 10.20 hectares:

- you calculate and deduct an area of 0.70 hectares man made features, water features, groups of ineligible features of 100 m<sup>2</sup> or over, leaving an area of 9.50 hectares for assessment
- you estimate a percentage reduction of 5% based on the density description in the table at AN1.14 in this booklet 'Larger proportion of denser areas of bracken, but still allowing free access to stock. Limited amounts of litter but with grass growing through' Range 3 - 9%
- your assessment for scattered bracken is calculated as 0.48 hectares (9.50 hectares x 5% ineligible)
- this area of 0.48 hectares is declared against the land parcel on the SAF using code YY21

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- the Maximum Eligible Area for the field is now 9.02 hectares (9.50 hectares – 0.48 hectares for scattered bracken) against which the 100 trees/hectare density rule can be applied.

### Assessment on a specific area within a parcel

**AN1.12.10** If the land parcel has one feature of different densities in different parts of the field or more than one type of scattered feature e.g. bracken and scree, an assessment can be carried out on the separate and specific areas of the scattered features provided the total ineligible areas for each area are added together to give a single ineligible area for identified scattered feature on the SAF.

- Measure the area identified for assessment
- choose the appropriate percentage reduction for an assessment of the feature from the ranges provided at AN1.14 in this booklet
- multiply the area for assessment by the chosen percentage reduction to calculate the ineligible area of the scattered feature within that specific area
- add up all the ineligible areas from the separate assessment for each type of feature
- select the appropriate code at Annex 3 in this booklet and declare the area calculated for the feature(s) against the field parcel
- separate scattered feature declarations are required for natural bare areas (scree/boulders/rocks/sand), scrub and bracken and these areas should be deducted from the total field size as shown at AN1.3.2 above.

**Example:** a parcel has a total area of 10.20 hectares:

- you identify separate areas of scattered bracken measuring 5.00 hectares, and two separate areas of scattered scree, measuring 2.30 hectares and 1.50 hectares
- you estimate a percentage reduction for each of the separate areas:
  - a. 5% for bracken based on the density description in the table at AN1.14 in this booklet 'Larger proportion of denser areas of bracken, but still allowing free access to stock. Limited amounts of litter but with grass growing through' Range 3 – 9%
  - b. 15% for the larger area of scree based on the density description in the table at AN1.14 in this booklet 'Scattered rock and boulders forming small areas where limited grazing is available Range 15 – 19%
  - c. 40% for one area of scree based on the density description in the table at AN1.14 in this booklet 'Bare rock and boulders forming larger areas of limited grazing Range 20 – 50%
- your assessment for scattered features is calculated as follows:

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- a. ineligible scattered bracken is calculated as 0.25 hectares (5.00 hectares x 5% ineligible)
- b. ineligible scattered scree/rocks is calculated as 0.35 hectares (2.30 hectares x 15% ineligible)
- c. ineligible scattered scree/rocks is calculated as 0.60 hectares (1.50 hectares x 40% ineligible)
- at a parcel level, the assessment for scattered bracken is 0.25 hectares and for scree/rocks is 0.95 hectares (0.35 hectares + 0.60 hectares)
- these areas of 0.25 hectares and 0.95 hectares are declared against the land parcel on the SAF using codes YY21 and YY41 respectively.

The Maximum Eligible Area for the field is now 9.00 hectares (10.20 hectares – 1.20 hectares for scattered bracken and scree) against which the 100 trees/hectare density rule can be applied.

### AN1.13 Tree density (100 trees per hectare)

**AN1.13.1** From 2015 a parcel with scattered trees with a density of more than 100 trees per hectare of the maximum eligible area calculated is ineligible for BPS.

**AN1.13.2** Where there is a density of 100 trees or fewer per hectare of the maximum eligible area calculated from the whole parcel, you will need to calculate and make a deduction for the trees to establish a final grazeable area within the parcel.

**AN1.13.3** A tree is defined as a woody perennial plant, typically having a single stem or trunk capable of growing to a considerable height (normally over 1.3m above ground level) and bearing lateral branches at some distance from the ground. Some trees may have more than one single stem/trunk growing out of a base, but these will still be considered as one tree.

**AN1.13.4** A single line of two or more trees within a hedge or another traditional boundary, that is considered as a landscape feature under GAEC, is eligible and does not require a deduction to be made.

#### What are defined as scattered trees?

**AN1.13.5** For the purposes of calculating the 100 trees/hectare density, scattered trees are defined as:

- individual trees where the canopy is not interconnecting with other trees
- a single line of two or more trees growing very close together creating a canopy within a field parcel but not part of a traditional boundary
- groups of trees with an ineligible area of less than 100 m<sup>2</sup>.



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### **How do I calculate the 100 trees/hectare density?**

**AN1.13.6** The 100 trees/hectare density can also be considered as 100 trees over an area of 10,000 m<sup>2</sup>. This means a single tree has an average area of 100 m<sup>2</sup> or covers an average area of 10 m x 10 m. Therefore, a covering of scattered trees less than 10 metres apart from each other in any direction would also be considered to be exceeding the 100 trees/hectare density threshold. It is expected that in most cases, trees less than 10 metres apart would be regarded as a group of trees and deducted as appropriate. See AN1.11 above.

**AN1.13.7** For the SAF declaration, the tree density can be calculated by multiplying the Maximum Eligible Area by 100 to give a total number of trees for the land parcel. If the density is equal to or over this number the field parcel is ineligible for BPS and should be declared using the appropriate crop code (YY15 or YY14).

**Example:** a Maximum Eligible Area for the field is calculated as 9.50 hectares (whole parcel size 10.20 hectares, less 0.70 hectares for wholly ineligible features. The maximum tree density for that area is 950 trees (9.50 hectare x 100 trees/hectare). A total of 950 trees are estimated/counted on the Maximum Eligible Area for the parcel and therefore is ineligible for BPS.

- The calculated maximum eligible area should be declared on the SAF against the appropriate crop code – YY14 for coniferous tree cover or YY15 for broadleaf tree cover.

### **What if the tree density is less than 100 trees/hectare?**

**AN1.13.8** If the tree density is less than 100 trees per hectare, the calculated maximum eligible area of the field is eligible for BPS, but a deduction must be made for the area covered by tree trunks and stumps.

**AN1.13.9** Again this assessment can either be against the total calculated maximum eligible area or on specific area(s) within the maximum eligible area if there is a clearly defined area of scattered trees, and completed as follows:

- Confirm the area of trees for assessment (maximum eligible area or clearly defined area)
- confirm the percentage reduction for technical assessment from the table at AN1.14 in this booklet
- multiply the area for assessment by the chosen percentage reduction to calculate the ineligible area of the tree trunks and stumps
- this area should then be declared using code YY16 Trunks & Stumps (Density <100 trees/Ha) and deducted from the total field size as shown at AN1.3.2 above.

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### AN1.14 Ineligible features density descriptions percentage levels

**AN1.14.1** The density assessment covers four types of feature that must be declared on the SAF:

Crop Description	Crop Code
Trunks & Stumps (Density <100 trees/Ha)	YY16
Bracken	YY21
Scrub including gorse bushes and briar	YY23
Scree/Rock Outcrops/Boulders/Sand	YY41

**AN1.14.2** The following table should be used to determine the density and appropriate percentage reduction for the ineligible feature listed.

- Each feature is split into categories with a percentage area deduction range set for each category. You should select a category with the description that best fits the scattered features
- each description has a representative range for the density percentage expected for those features
- these percentages are not definitive and should be used as a guide when determining the final density percentage you use to calculate the ineligible area of the scattered features
- these are the descriptions that will be used by the Rural Inspectorate Wales and for remote sensing inspections.

#### AN1.14.3 Ineligible features density table

Ineligible Features Density Table				
Density Level	Scree/Rock Outcrops/ Boulders/ Sand (YY41)	Scrub including gorse bushes and briar (YY23)	Bracken (YY21)	Trunks & Stumps (Density <100 trees/Ha) (YY16)
<b>Level 1 Description</b>	Scattered bare rock within a grazed parcel.	Presence of many single bushes (e.g. Gorse, Hawthorn) where grazing is available.	Some evidence of bracken may be visible on the aerial image.	Individual scattered trees where the combined area of all the trunks and stumps would not total 100 m <sup>2</sup> (0.01 Ha).
<b>Level 1 Ineligible % range</b>	<b>1 - 4%</b>	<b>1 - 4%</b>	<b>1 - 2%</b>	<b>0%</b>

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Ineligible features density table				
Density Level	Scree/Rock Outcrops/ Boulders/ Sand (YY41)	Scrub including gorse bushes and briar (YY23)	Bracken (YY21)	Trunks & Stumps (Density <100 trees/Ha) (YY16)
<b>Level 2 Description</b>	Scattered rock and boulders forming small areas where limited grazing is available.	Presence of many scattered bushes and limited areas where these form clumps. Grazing available beneath and between.	Larger proportion of denser areas of bracken, but still allowing free access to stock. Limited amounts of litter but with grass growing through.	Numerous scattered trees with grazing beneath and between. Open woodland (e.g. oak, larch) where the canopy offers no shading or accumulation of leaf-litter to restrict grazing beneath.
<b>Level 2 Ineligible % range</b>	<b>5 - 19%</b>	<b>5 - 9%</b>	<b>3 - 9%</b>	<b>1-9%</b>
<b>Level 3 Description</b>	Bare rock and boulders forming larger areas of limited grazing.	Predominantly grazeable but many clumps of bushes, each dense enough to either exclude stock or provide no grazing.	Generally, dense bracken but still allowing access to stock. Litter of decaying bracken covers the site but has not built up to any depth. Grass growing through the litter.	N/A
<b>Level 3 Ineligible % range</b>	<b>20 - 49%</b>	<b>10 - 39%</b>	<b>10 - 39%</b>	<b>N/A</b>

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Ineligible features density table				
Density Level	Scree/Rock Outcrops/ Boulders/ Sand (YY41)	Scrub including gorse bushes and briar (YY23)	Bracken (YY21)	Trunks & Stumps (Density <100 trees/Ha) (YY16)
<b>Level 4 Description</b>	More than half the area offers no grazing due to bare rock, quarry spoil, etc.	Dense areas of scrub with some limited grazing beneath and only accessible to stock by definite paths. Presence of bramble. Dingles dropping steeply to stream, low light penetration, offering limited grazing and stock access restricted to definite paths.	Tall, dense bracken restricting stock movements to paths only. Deep accumulation of litter.	N/A
<b>Level 4 Ineligible % range</b>	<b>50 - 99%</b>	<b>40 - 99%</b>	<b>40 - 99%</b>	<b>N/A</b>

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Ineligible features density table				
Density Level	Scree/Rock Outcrops/ Boulders/ Sand (YY41)	Scrub including gorse bushes and briar (YY23)	Bracken (YY21)	Trunks & Stumps (Density <100 trees/Ha) (YY16)
<b>Level 5 Description</b>	Areas of rock, shingle, quarry or mining spoil where no grazing is available.	Dense area of scrub or gorse totally impenetrable to stock. No evidence of paths within.	Dense impenetrable bracken. Livestock keep clear throughout much of the year. Deep litter grading into organic build up on the ground rather than soil beneath, confirming accumulation over many years.	Group(s) of three or more trees (which do not belong to a traditional boundary) growing very close together creating a canopy of branches that form an area of cover above the ground).
<b>Level 5 Ineligible % range</b>	<b>100% ineligible</b>  Areas over 100 m <sup>2</sup> should be declared as 100% ineligible and deducted from the land parcel area.	<b>100% ineligible</b>  Areas over 100 m <sup>2</sup> should be declared as an ineligible group and deducted from the land parcel area.	<b>100% ineligible</b>  Areas over 100 m <sup>2</sup> should be declared as an ineligible group and deducted from the land parcel area.	<b>100% ineligible</b>  Areas over 100 m <sup>2</sup> should be declared as an ineligible group and deducted from the land parcel area.

## **ANNEX 2: GREENING AND EFA SPECIFICATIONS**

### **AN2.1 Introduction**

**AN2.1.1** This Annex provides definitions of each of the EFAs for Wales and sets out the requirements for each of these. It explains how landscape feature EFAs should be declared if they are available to more than one farmer. There are also examples of different scenarios identifying whether hedges or wooded strips or trees in line or traditional stone wall are considered to be adjacent to arable land or not. PPPs cannot be applied to nitrogen-fixing crops or fallow land.

### **AN2.2 Fallow Land**

#### **AN2.2.1 General Definitions**

- Must be on arable land.
- Cannot be on permanent grassland. If considering using a field that is or has become permanent grassland that land must first be converted to arable use (by growing an arable crop). If you plant an arable crop after 15 May on a permanent grassland field, you should notify Welsh Government to update the secondary crop you declared on the SAF declaration and change the status of the area to arable land.
- Cannot be on environmentally sensitive permanent grassland.
- Cannot be on Permanent crop land.
- Must be excluded from all agricultural production, i.e. no crop production or grazing or storage of bales, silage, straw, muck or farm machinery. Fallow land can be topped during the fallow period but only to control injurious weeds as required under the Weeds Act e.g. creeping or sword thistle, the residues must remain within the curtilage of the fallow land.
- What grows during the fallow period cannot be utilised by the farm business. Therefore, no grazing may take place, or a cut taken during the fallow period or after the fallow period has closed. You should leave and not graze for the rest of the calendar year, or cut and leave cuttings on the ground to rot and not remove, burn or use them.

#### **AN2.2.2 Specifications**

- Land must remain as fallow for a minimum continuous period of 6 months. beginning 1st February and ending 31st July.
- Must have a minimum width of 2 metres.
- Must have a minimum area of 0.01 hectares.
- Temporary grass can be used as fallow, providing the land is in an arable rotation, and meets the fallow land definitions and specifications.
- Land declared as fallow for EFA purposes will be considered to be continuing in an arable rotation for as long as it is declared as fallow for EFA purposes.

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- Temporary grass cover if sown prior to the fallow period, cannot be grazed or baled after the fallow period has ended. Grass cover can only be sown during the fallow period if required for example under Rural Development Agri Environment scheme or Natura 2000 agreements.
- You cannot sow an arable crop during the fallow period to be harvested outside the fallow period, but you can sow an arable crop after the fallow period has ended.
- The seeding of wild bird cover and nectar sources that are an un-harvestable mix of at least two crops that support wildlife and pollinators is permitted as a fallow crop.
- You must indicate the type of fallow land you have by declaring one of the following: Fallow Grass Sown – FA4, Fallow Natural Regeneration – FA3, Fallow Wildlife Cover Sown – FA5.
- Areas declared as fallow as part of a Rural Development contract (Glastir Entry, Glastir Advanced or Glastir Organic) can be used as EFA's, but European rules consider this to be double funding.
- PPPs cannot be applied to fallow land during the fallow period.
- What grows during the fallow period cannot be utilised by the farm business. Therefore:
  - No grazing may take place during the fallow period, or for the rest of the calendar year.
  - Cut and leave cuttings on the ground to rot and not remove, burn or use them

### AN2.3 Nitrogen-fixing Crops

**AN2.3.1** These can be planted as a single crop or as a mixture of nitrogen-fixing crops within the same area. You cannot however plant a mixture of nitrogen-fixing crops and other non nitrogen-fixing crops in the same area as this will be counted as mixed crops or temporary grass and will not meet the nitrogen-fixing crop requirement e.g. grass with clover in it is not eligible as a nitrogen-fixing crop. PPPs cannot be applied to nitrogen fixing crops for their life-cycle, so including dressing to harvest.

#### General Definitions

**AN2.3.2** Crops which contribute towards the fixation of nitrogen in soils, which are eligible under this EFA are as follows:

*Medicago sativa* – alfalfa / lucerne

*Medicago lupulina* – medick

*Lotus corniculatus* – bird's foot trefoil

*Cicer arietinum* – chickpea

*Phaseolus vulgaris* – green bean / fava bean / broad bean

*Vicia faba* – broad bean

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*Vicia sativa* – common vetch or tares  
*Vicia villosa* – hairy vetch  
*Trifolium repens* – white clover  
*Trifolium pratense* – red clover  
*Trifolium incarnatum* – crimson clover  
*Pisum sativum* – field peas / vining peas  
*Lens culinaris* – lentil  
*Glycine max* – soybean  
*Melilotus albus* – sweet clover  
*Lupinus* spp. – lupins (various species)  
*Vigna radiata* – mung bean  
*Onobrychis viciifolia* – sainfoin.

### AN2.3.3 All must be:

- established on arable land
- present during the growing season, i.e. sown by 15 May and present for 14 weeks after sowing or until 1st August, whichever is the later
- not harvested or grazed during the growing season
- for your own use, or sold.

**AN2.3.4** A mixture of nitrogen-fixing crops and other non nitrogen-fixing crops in the same area will be counted as mixed crops or temporary grass and will not meet the nitrogen-fixing crop requirement e.g. grass with clover in it is not eligible as a nitrogen-fixing crop.

### Specifications

**AN2.3.5** Nitrogen Fixing EFA can be created on any arable land in Wales, it is not restricted to Nitrate Vulnerable Zones.

## AN2.4 Hedges or wooded strips or trees in line

### AN2.4.1 General Definitions

- a row of bushes, shrubs or trees forming a hedge or wooded strip, which:
  - Acts as a landscape feature for the definition of boundaries on the ground or a means of containment for animals, and / or.
  - Acts as an in-field landscape feature, a wildlife habitat or a corridor for wildlife to move between habitats.
- To be eligible as an EFA the hedges or wooded strips or trees in line must be on or adjacent to arable land. Hedges or wooded strips or trees in line are considered to be adjacent to arable land when they are physically touching arable land on the longest edge of the hedges or wooded strips or trees in line and not separated from touching the arable land by an in-field feature ineligible for BPS that is wider than 5 metres (e.g. a 6m ineligible track or ditch that does



## **ANNEX 2: GREENING AND EFA SPECIFICATIONS**

not form part of the arable area of the field would mean the adjacent hedge or wooded strip is ineligible to use). Where hedges or wooded strips or trees in line are fenced off, they are still considered to be on arable land providing they do not exceed the 10 metre maximum width (regardless of the fence).

- To be eligible as an EFA the hedge or wooded strip must be at the farmer's disposal. Where a hedge or wooded strip forms the boundary between two field parcels, for the purposes of BPS, it is considered that the boundary runs along the middle of the hedge or wooded strip. This means where a hedge or wooded strips forms the boundary between land at the disposal of two separate farmers the total area for EFA gained by the hedge or wooded strip will be split equally to the land for each farmer, i.e. for weighting/conversion purposes each would use 50%.
- Where the hedge or wooded strip or trees in line forms the boundary with a public highway you can declare all of it providing you are responsible for its upkeep on both sides, since it is considered to be at your disposal.
- You must also be declaring the arable land the hedge or wooded strip or trees in line is on or adjacent to.
- Cut and leave cuttings on the ground to rot and not remove, burn or use them.

### **AN2.4.2 Specifications**

- The hedge or wooded strip cannot be wider than 10 metres (5 metres in each field when acting as a boundary) along the entire length of the hedges or wooded strip or trees in line. Any lengths, including any tree canopy where the width exceeds 10 metres cannot count as EFA, the width is not applied as an average.
- There is no minimum length.
- Gaps, including gateways, up to 4 metres will be considered to be part of the hedge or wooded strip; any gaps wider than this, including the canopy of single trees or lines of trees, should be identified and cannot count towards the length of the hedge or wooded strip for EFA.
- Trees in line are defined as trees with a crown diameter of 4 metres and the canopies being no more than 5 metres apart.
- The 1 metre no cultivation zone required under Cross Compliance GAEC 7 is categorised as arable land where more than 1 metre, but less than 5 metres has not been cultivated and the hedge or wooded strip is considered to be adjacent to arable land.
- Arable land that is set-aside under Rural Development Agri Environment commitment has its arable status frozen, whilst under agreement. Therefore arable fallow margins or strips created or maintained under a Glastir agreement (regardless of width) would not prevent a hedge or wooded strip (or traditional stone wall) from being adjacent to arable land. Once the Agri Environment commitment comes to an end e.g. Tir Gofal, the 5 year arable rotation period continues and these areas will become permanent grassland, if left uncropped.

## **ANNEX 2: GREENING AND EFA SPECIFICATIONS**

- New planting for hedge creation or restoration is considered to be eligible to count as an EFA so long as the growth is sufficient to meet the minimum specifications.
- Hedges or wooded strips or trees in line that have been coppiced are considered to be eligible to count as an EFA.
- There are no defined species of shrub to be included in the hedge or wooded strip. Note: bracken is not eligible because it is not a woody species so lengths of 4 metres or more should be treated as if it is a gap.
- Where all of the hedge or wooded strip or trees in line is at your disposal and is between an arable parcel and a permanent grass parcel the whole hedges or wooded strips or trees in line counts for EFA purposes.

### **AN2.5 Traditional Stone Walls**

#### **AN2.5.1 General Definitions**

- Acting as a landscape feature for the definition of boundaries on the ground or a means of containment for animals.
- Acting as an in-field landscape feature.
- Pembrokeshire Clawdd walls are included. These are dry walls where the slate/stone outer wall is constructed with an earth/rubble core, this type of EFA is not limited to Pembrokeshire, traditional stone walls of a similar construction are found throughout Wales.
- Anything built with cement will not be considered eligible.
- Does not necessarily need to be stock proof.
- In cases where the farmer has stone walls with hedges or wooded strips or trees in line on top, the stone walls will be considered to be the EFA, as these are physically touching the arable land.
- To be eligible as an EFA the stone wall must be on or adjacent to arable land. Stone walls are considered to be adjacent to arable land when they are physically touching an arable parcel on the longest edge of the stone wall, and not separated from touching the arable land by an in-field feature ineligible for BPS that is wider than 5 metres (e.g. a 6 metre ineligible track or ditch that does not form part of the arable area of the field).
- To be eligible as an EFA, the stone wall must be at the farmer's disposal. Where a stone wall forms the boundary between two field parcels, for the purposes of BPS, it is considered that the boundary runs along the middle of the stone wall. This means where a stone wall forms the boundary between land at the disposal of two separate farmers, the total area for EFA gained by the stone wall will be split equally for each farmer, i.e. for weighting/conversion purposes each would use 50%.

## ANNEX 2: GREENING AND EFA SPECIFICATIONS

- Where the stone wall forms the boundary with non agricultural land such as a public highway you can declare all of it providing you are responsible for its upkeep on both sides, since it is considered to be at your disposal.
- You must also be declaring the arable land the traditional stone wall is on or adjacent to.

### AN2.5.2 Specifications

- There must be no gaps in the wall. The end of the continuous length of wall is defined by any gaps, including gateways.
- Minimum height of 1 metre there is no maximum height.
- Maximum width of 4 metres; there is no minimum width.
- Must be dry stone walls of either slate or stone. This includes Pembrokeshire Clawdd walls (a dry stone outer with a compacted earth or earth/rubble core).
- Earth banks, including those stone faced on one side, are excluded.

### AN2.6 Landscape feature EFA available to more than one farmer

**AN2.6.1** Boundary – in different situations hedges or wooded strips or trees in line and traditional stone walls can be declared as EFA by one or more farmers depending on who is responsible for its upkeep and who declares the arable land associated with it:

What's on either side of the hedge or wooded strip?	How much to count as an EFA
Arable land on both sides	As long as you are responsible for both sides of the hedge or wooded strip (the fields are at your disposal) you can declare both sides of the hedge or wooded strip as an EFA feature. If you are responsible for one side only, you can count only half of the hedge or wooded strip as an EFA feature unless you provide documentary evidence the entire hedge or wooded strip is at your disposal.
Arable land on one side and non-arable land on the other	If you are responsible for both sides of the hedge or wooded strip, you can count the whole hedge or wooded strip or trees in line as an EFA feature. If you are responsible for the arable side only, you can only count that half of the hedge or wooded strip as an EFA feature.
Arable land on one side and non-agricultural land (for example, a road or woodland) on the other	If you are responsible for both sides of the hedge or wooded strip, you can count the whole hedge or wooded strip as an EFA feature.
Arable land on one side	If you are responsible for the arable side only, you

## ANNEX 2: GREENING AND EFA SPECIFICATIONS

and land under someone else's control on the other (for example, land that belongs to a neighbour)	can only count that half of the hedge or wooded strip as an EFA feature. If you are responsible for both sides of the hedge or wooded strip, you can count the whole hedge or wooded strip as an EFA feature. If you are responsible for the non arable land only, you cannot count that half of the hedge or wooded strip as an EFA feature.
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### AN2.7 Short rotation coppice

#### General Definitions

**AN2.7.1** Short rotation coppice is defined as areas planted with those tree species that consist of woody, perennial crops, the rootstock or stools remaining in the ground after harvesting, with new shoots emerging in the following season. Below is the list of eligible species:

Alder (Alnus)  
Silver Birch (Betula Pendula)  
Hazel (Corylus avellana)  
European Ash (Fraxinus excelsior)  
Lime (Tilia cordata)  
Sweet chestnut (Castanea sativa)  
Sycamore (Acer pseudoplatanus)  
Willow (Salix)  
Poplar (Populus).

#### AN2.7.2 Specifications

- No use of mineral fertilizers (manure, mushroom compost, treated sewage sludge and compost are all permissible).
- No use of plant protection products, except for spot treatment of invasive non-native species, e.g. Rhododendron, Japanese knotweed and Himalayan balsam, as well as invasive injurious weeds e.g. common ragwort, dock, curled dock, within the first two years of planting.
- Can be located on any agricultural land on the holding.
- The maximum harvest cycle (the period between harvests) is 20 years.

**AN2.8 Land afforested under an eligible Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme commitment (only if that land was used to activate SPS payment entitlements in 2008)**

#### AN2.8.1 General Definitions

This includes areas which were afforested under the following schemes, and were paid for SPS in 2008:

- Woodland Grant Scheme (WGS 3).

## ANNEX 2: GREENING AND EFA SPECIFICATIONS

- Farm Woodland Premium Scheme (FWPS).
- Better Woodlands for Wales (BWW).
- Improved Land Premium (ILP).
- Glastir Woodland Creation (GWC).
- Glastir Woodland Creation Premium (GWCP).

**AN2.8.2** These areas were claimed for SPS under the crop codes BW1 and CW1 prior to 2015.

### AN2.8.3 Specifications

- Can be located on any agricultural land on the holding.

### AN2.9 Location of EFAs examples

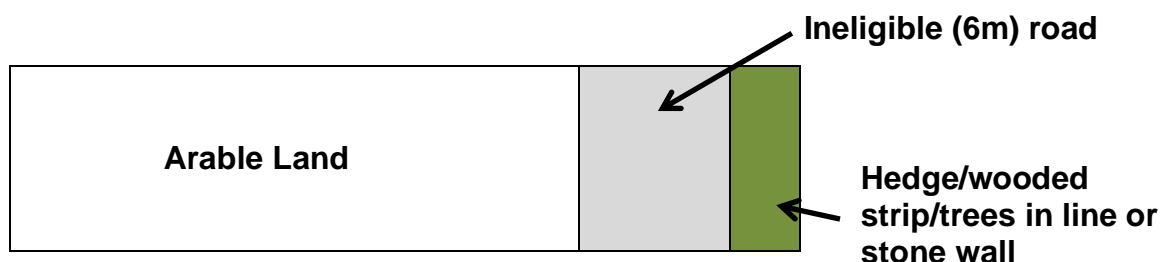
The following examples identify whether hedges or wooded strip or trees in line or traditional stone wall is considered to be adjacent to arable land or not.

**Example 1 – Hedges or wooded strip or trees in line or stone wall adjacent to arable land.**



The hedge or wooded strip or trees in line or stone wall is adjacent to arable land along its longest edge and the whole hedge or wooded strip or trees in line is therefore considered as a potential EFA.

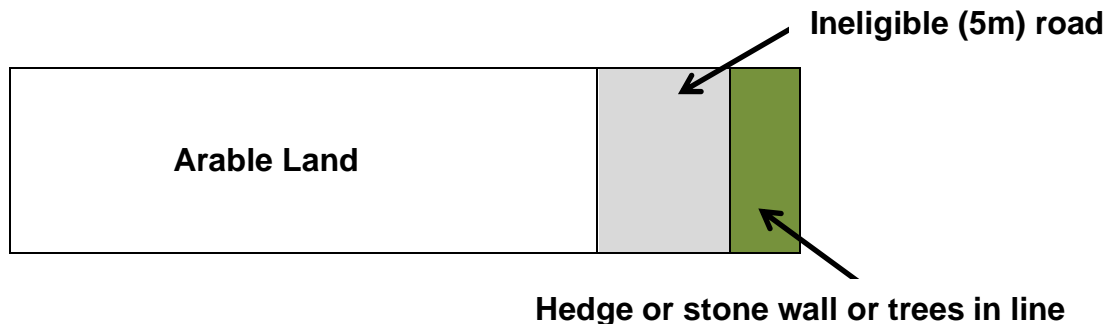
**Example 2a – Ineligible feature (>5 metres) next to hedges or wooded strip or trees in line or stone wall.**



The hedges or wooded strip or trees in line or stone wall is adjacent to an ineligible road and not adjacent to arable land. It **is not**, therefore, considered as a potential EFA.

## ANNEX 2: GREENING AND EFA SPECIFICATIONS

**Example 2b – Ineligible feature (≤5 metres) next to hedges or wooded strip or trees in line or stone wall.**

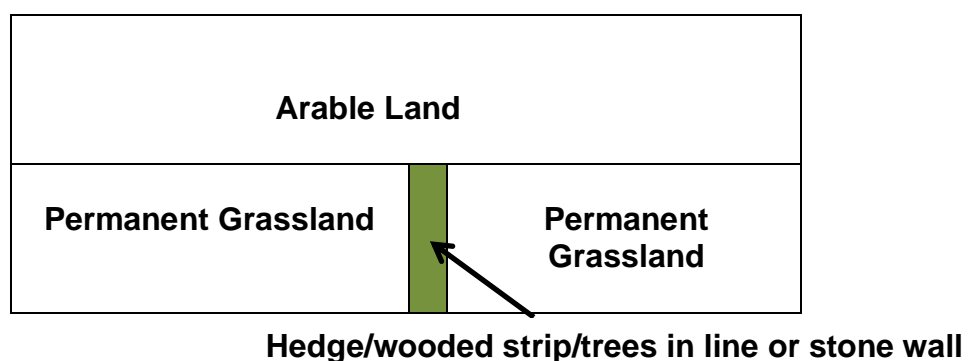


The hedge or wooded strip or trees in line or stone wall is adjacent to an ineligible road but within 5 metres of the arable land. It is considered as a potential EFA.

Note: Under cross compliance you must not cultivate (e.g. plough, rotovate, tine or disc) within 1 metre of a hedge, earthbank or surface water; no pesticides or fertiliser can be used (minimum) within 2 metres of surface water. These areas inherit the arable status from the land they are adjacent to.

Where farmers choose not to cultivate field corners or strips of land over several years and the widths exceed 5 metres, the land may be considered to be permanent grass (or ineligible if scrubbed over). Any length of EFA feature that is more than 5 metres away from the arable land will not be considered to be a potential EFA.

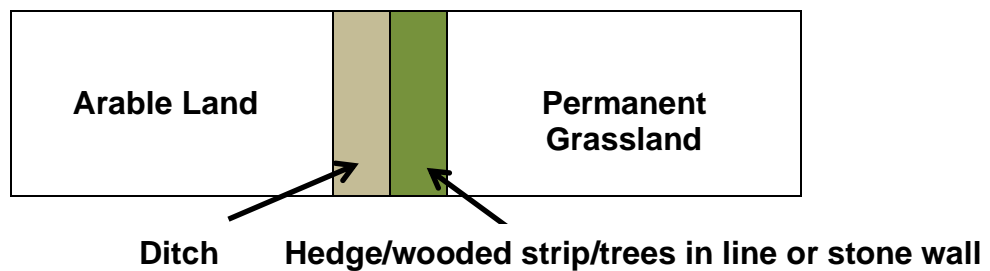
**Example 3 – Hedges or wooded strip or trees in line or stone wall does not touch arable land on its longest edge.**



The hedge or wooded strip or trees in line or stone wall does not touch arable land on its longest edge. It is therefore not adjacent to the arable land and **is not**, therefore, considered as a potential EFA.

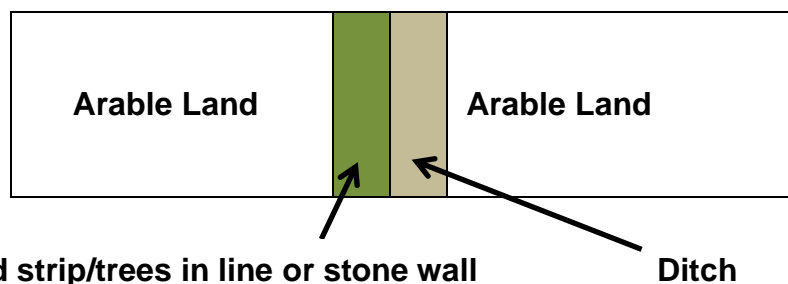
## ANNEX 2: GREENING AND EFA SPECIFICATIONS

**Example 4 – Hedges or wooded strip or trees in line or stone wall adjacent to a ditch which is adjacent to arable land.**



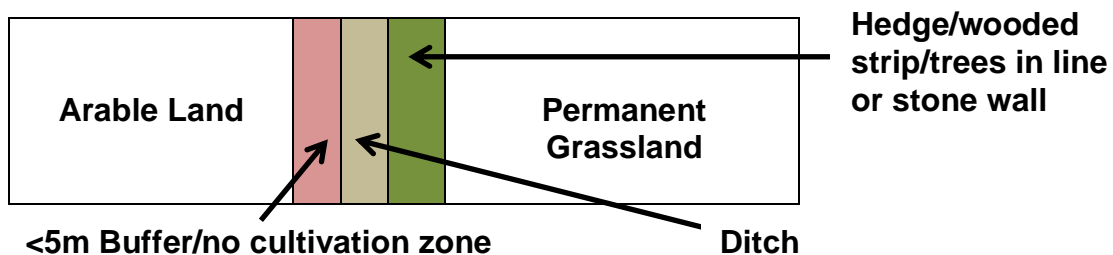
In this example, the ditch (which is not an EFA, but is protected by Cross Compliance) is adjacent to arable land and the hedges or wooded strip or trees in line or stone wall is adjacent to the ditch. The hedge or wooded strip or trees in line or stone wall is, therefore, considered as a potential EFA.

**Example 5 – Hedges or wooded strip or trees in line or stone wall and ditch, both adjacent to arable land.**



In this example the hedge or wooded strip or trees in line or stone wall is on or adjacent to both arable land parcels so is a potential EFA for both parcels.

**Example 6 – Buffer strip on arable field, making the ditch adjacent to arable land and the hedges or wooded strip or trees in line or stone wall adjacent to the ditch.**

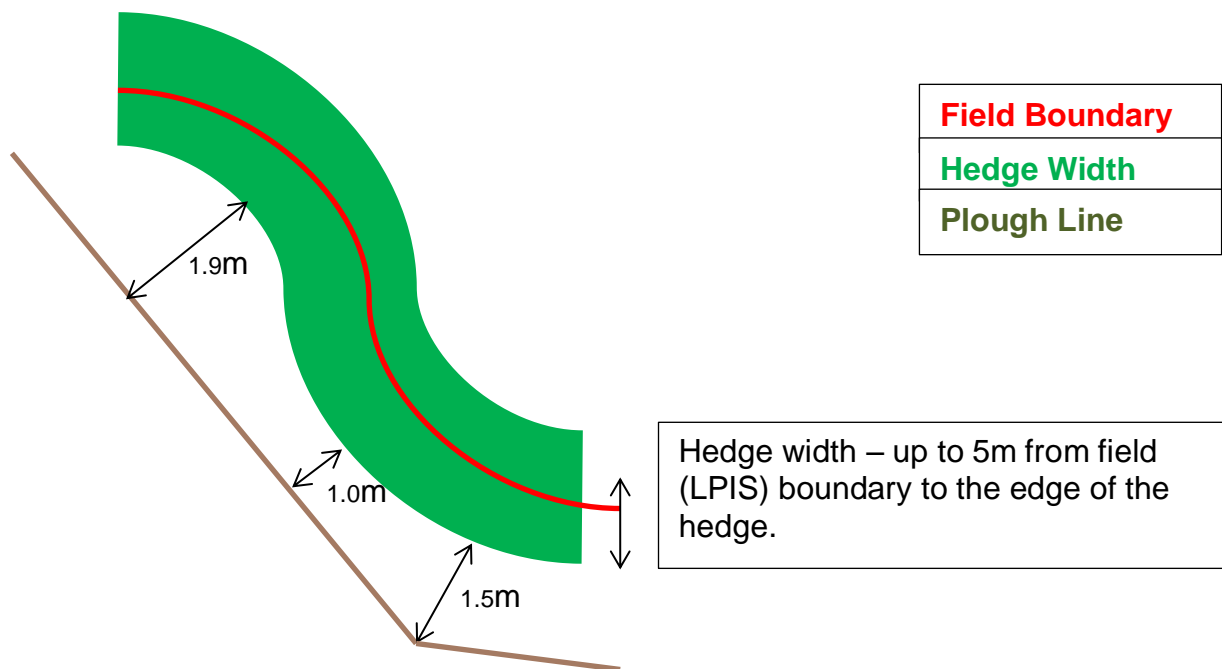


The buffer strip is located on the arable land, the ditch is adjacent to arable land. The ditch is eligible for BPS (protected under GAEC), so the hedge or wooded strip or trees in line or stone wall is adjacent to the ditch which is adjacent to arable land so the hedges or wooded strip or trees in line or stone wall is a potential EFA.

## ANNEX 2: GREENING AND EFA SPECIFICATIONS

Annex 2 – Measuring hedges or wooded strips or trees in line and traditional stone walls.

Diagram 1: Buffer Strip accepted as Cross Compliance boundary buffer under GAEC 7 – Eligible EFA.

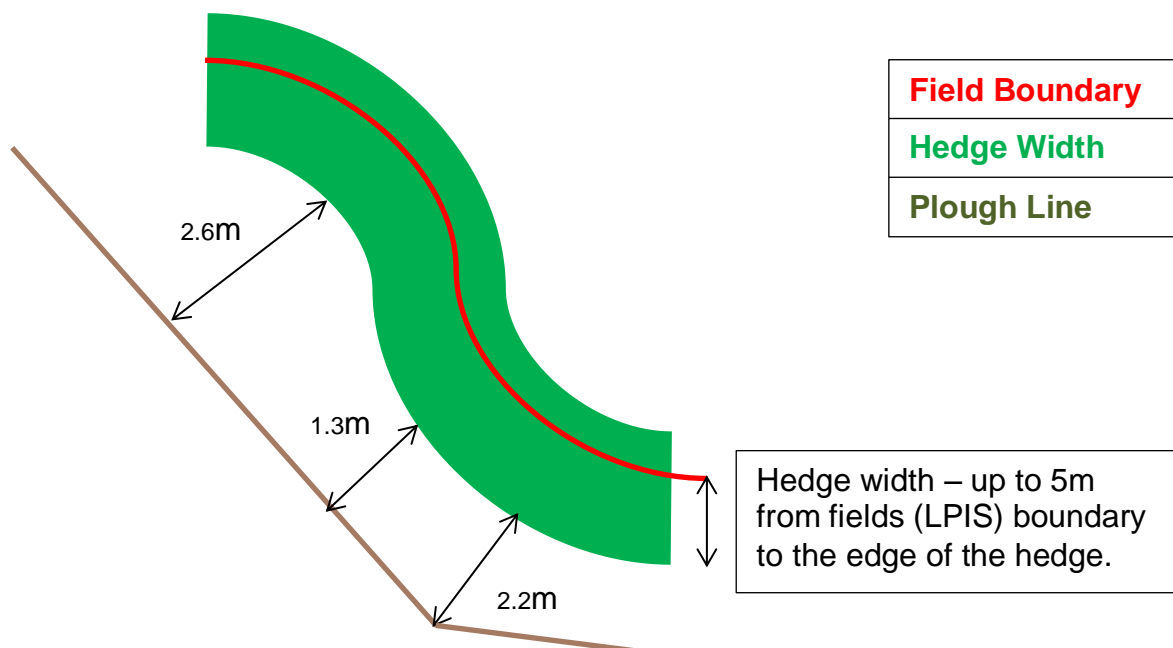


The width of the buffer strip between the edge of the hedge and the plough line is less than 2 metres at the widest points along the full length of the hedge. The whole buffer strip can be regarded as a Cross Compliance feature under GAEC 7.



## ANNEX 2: GREENING AND EFA SPECIFICATIONS

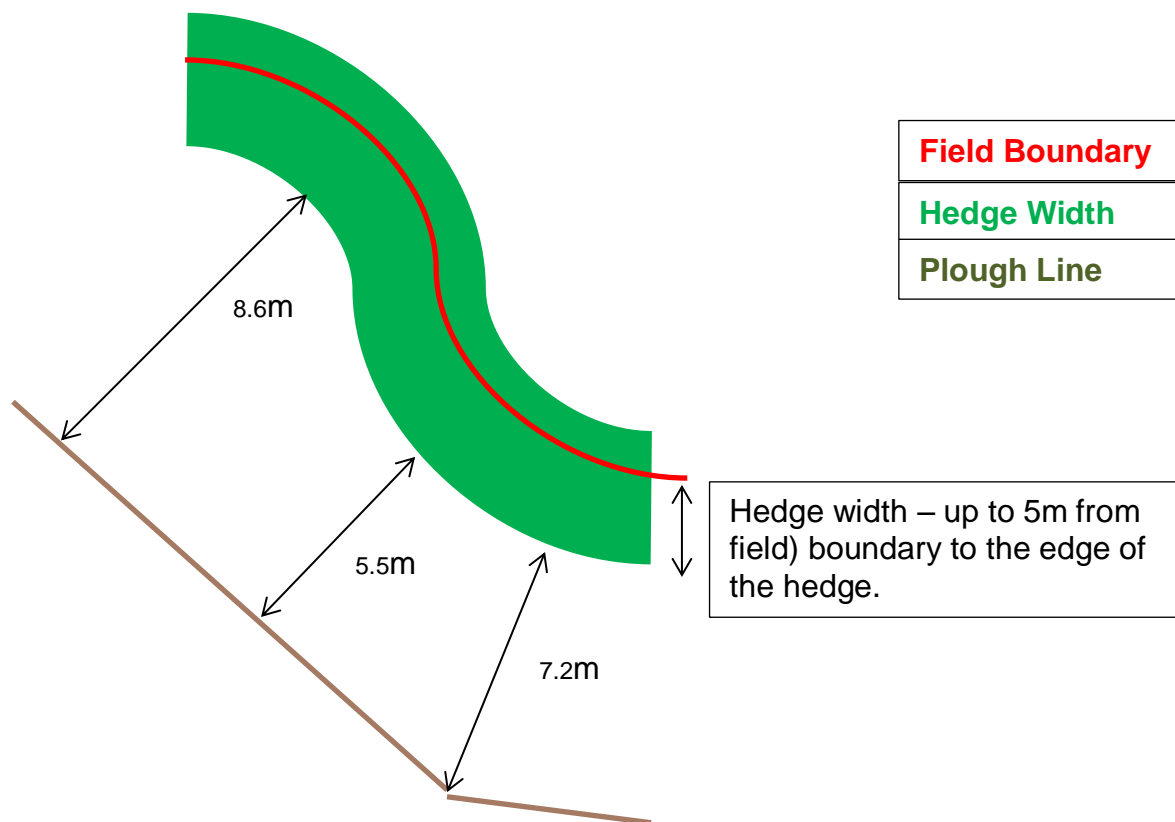
Diagram 2: Field Margin Buffer Strips – Eligible EFA.



The width of the buffer strip between the edge of the hedge and the plough line exceeds 2 metres at various points along the length of the hedge. The whole buffer strip needs to be declared as a separate Crop Code Cover identified for the area of the Buffer Strip in the parcel.

## ANNEX 2: GREENING AND EFA SPECIFICATIONS

Diagram 3: Field Margin Buffer Strips over 5 metres wide



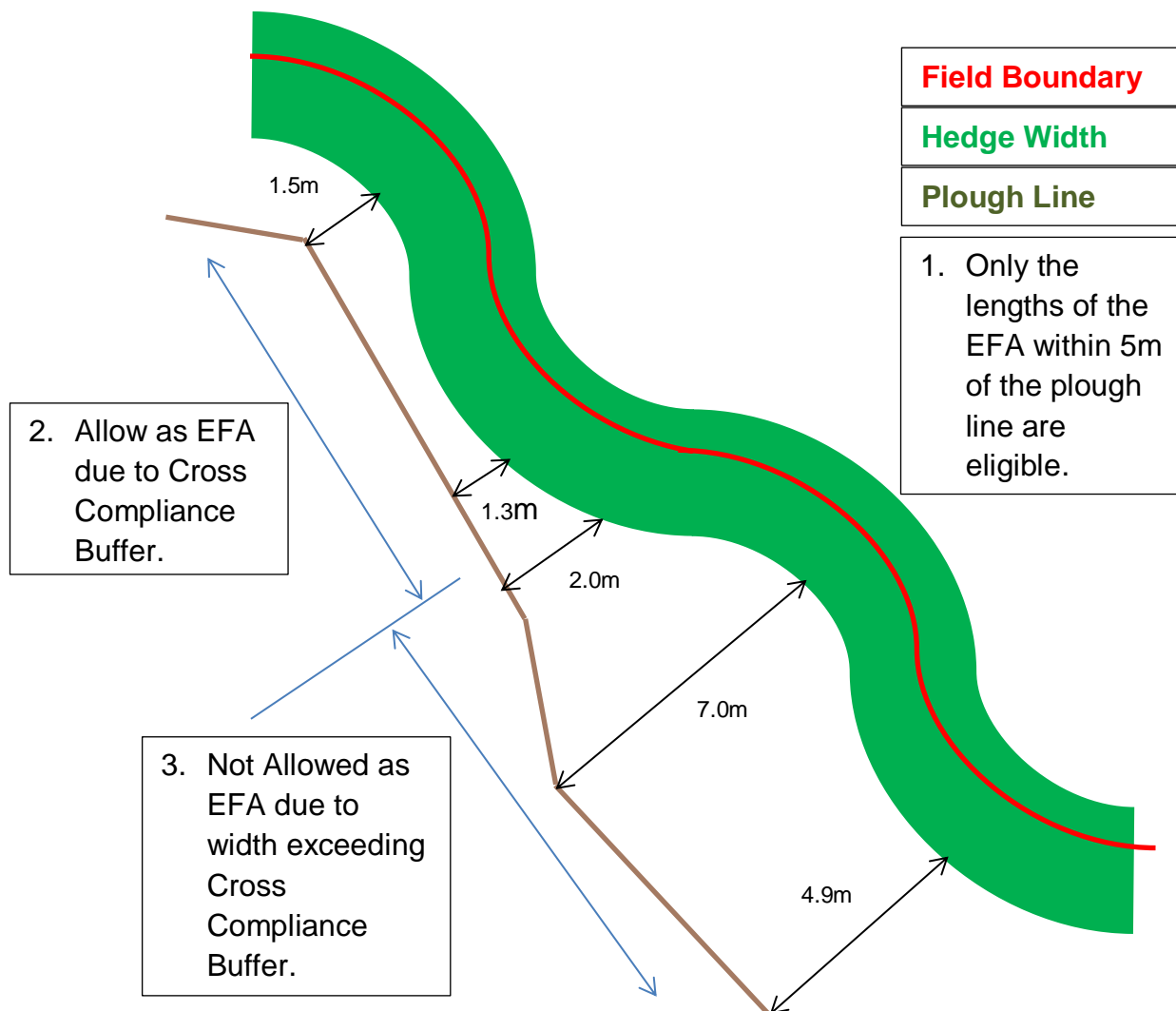
The width of the buffer strip between the edge of the hedge and the plough line exceeds 5 metres along the length of the hedge.

The whole buffer strip needs to be declared as a separate Crop Code Cover identified for the area of the Buffer Strip in the parcel.

- If the Buffer Strip is GR1 (or other Arable Land Crop) the EFA is still eligible for Greening.
- If the Buffer Strip is GR2 (or any other Permanent Grassland Crop) the EFA is ineligible for Greening.

## ANNEX 2: GREENING AND EFA SPECIFICATIONS

**Diagram 4: Field Margin Buffer Strips – Eligible and Ineligible EFA.**

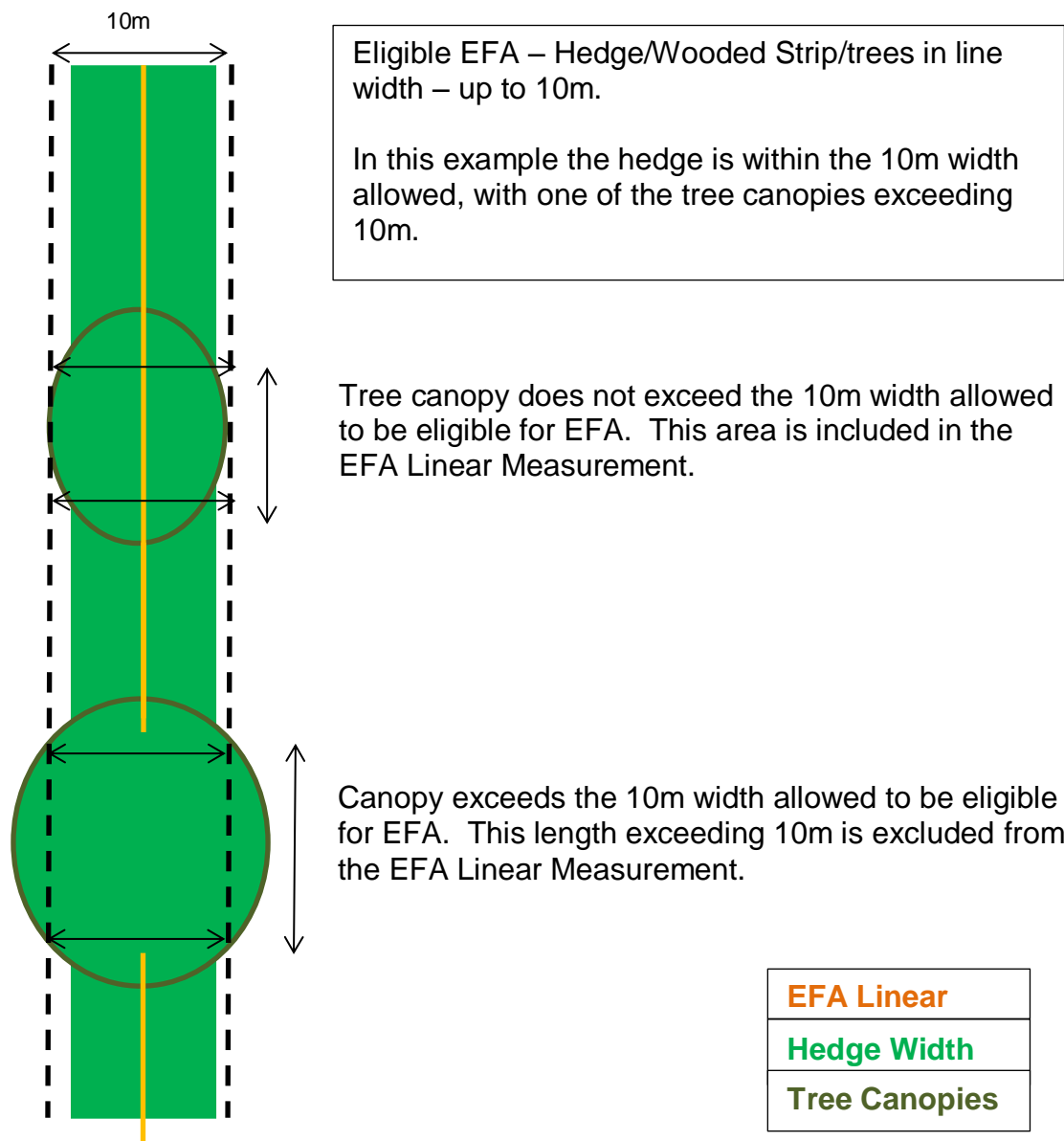


The width of the buffer strip between the edge of the hedge and the plough line takes into account rough grazing/wet lands along a part of the hedge.

1. Provided the length of the field margin buffer strip is within 2 metres, this can be considered a Cross Compliance buffer and declared as part of the cropped area.
  2. Where the buffer strip exceeds 2 metres, the area needs to be declared as a separate Crop Code Cover identified for the area of the Buffer Strip in the parcel.
- If the Buffer Strip is GR1 or GR2 (less than 5 metres) the EFA is still eligible for Greening, regardless of the width of the buffer strip.
  - If the Buffer Strip is GR2 (or any other Permanent Grassland Crop) and goes beyond 5 metres for a length of 4 metres or over, the adjacent EFA feature is ineligible, as the 5 metres buffer allowed has been exceeded beyond the length of gap allowed. In this instance an EFA feature would have an end point where the buffer width first exceeds 5 metres; and a new EFA feature start point where the buffer width comes back to 5 metres or less.

ANNEX 2: GREENING AND EFA SPECIFICATIONS

Diagram 5: Exclusion of Linear EFA from Mark Up, where width exceeds 10 metres



In this instance, two separate lengths of EFA should be recorded.

### ANNEX 3: LAND / AREA DECLARATION AND USE CODES

The table below identifies all of the crop codes for land/areas/features, which may be present in a field. You must consider these codes and enter them within the Field Data section of your SAF to declare the areas and features in the field parcels that are at your disposal. You must also review any pre-populated codes and change these where necessary.

**Important:** Different land/areas/features in a field parcel must be declared on separate lines on your SAF against the field reference, as appropriate.

**Example:** a total field size of 5.00 hectares, which has 4.95 hectares of permanent grass (GR2), 0.02 hectares of hardstanding (ZZ92) and an ungrazed track (ZZ97) covering 0.03 hectares must have each area declared against the field on separate lines.

The table below also sets out whether each crop code is eligible for payment under the BPS, Glastir Entry, Glastir Advanced and Glastir Organic schemes.

**The rules for declaring landscape features and ineligible areas on your holding are explained at Annex 1 of this booklet. It is important you assess and declare these areas on your holding. Failure to do so may result in an over-declaration of eligible areas, which may lead to reductions and penalties.**

#### Crop codes for Woodland

Groups of trees and areas of scattered trees with a density greater than 100 trees per hectare are considered ineligible for BPS.

Annex 1 of this booklet provides guidance on how to assess these areas so you can declare them on your SAF, using the following crop codes:

ZZ10 – Woodland (coniferous) group (ineligible for BPS)

ZZ11 – Woodland (broadleaf) group (ineligible for BPS)

YY14 – Woodland (coniferous) scattered with a density greater than 100 trees / hectare (ineligible for BPS)

YY15 – Woodland (broadleaf) scattered with a density greater than 100 trees / hectare (ineligible for BPS)

**Areas of scattered woodland with a density less than 100 trees/hectare are eligible for BPS.** For these areas, you should use the appropriate crop code for the land type on the ground, e.g. GR2 (Grass – permanent – over 5 years). You should also declare YY16 (Trees – individual trunks and stumps – ineligible for BPS) where the total area taken up by trunks and stumps in the field parcel amounts to more than 50 m<sup>2</sup>.

#### BPS Greening

To help identify the amount of different land types on your holding, the crop table lists the Land Cover Classification for each crop code, as either **Arable**, **Permanent**

## ANNEX 3: LAND / AREA DECLARATION AND USE CODES

**Grassland, Permanent Crop or Other.** These classifications can be used to help you decide whether or not you fall under the requirements for BPS Greening.

Where a crop code has been pre-populated on your SAF, the appropriate Land Classification will also be shown.

**Please note:** the Land Cover Classification for PD1 (Ponds – eligible for BPS) is determined by the surrounding land type of the field parcel the pond is situated in. For example, if the pond is situated in a land type of GR2 (Grass – permanent – over 5 years) which has a Land Cover Classification of **Permanent Grassland** the pond will also have a Land Cover Classification of **Permanent Grassland**. Alternatively, if the pond is situated in a land type of BA4 (Barley – winter sown) which has a Land Cover Classification of **Arable** the pond will also have a Land Cover Classification of **Arable**.

The rules for Crop Diversification are explained at paragraphs B54 – B63 of this booklet. In order to help understand which crops count as separate for Crop Diversification, Table 2 includes the genus for the crop codes that can exist on arable land. Where crops count as separate because of their species, the species has also been provided.

The rules for EFA are explained at paragraphs B64 – B70 of this booklet. The EFA Type column in Tables 2 and 3 identify the crop codes that can be used to declare EFAs.

### Non-agricultural Activities

Paragraph B24 in this booklet lists non-agricultural activities for BPS. Code NO1 must be used when these activities are taking place on the land.

### Use of crop/land use codes for grass

For areas that have been grass for 5 years or more these are considered permanent grassland so use GR2.

For areas that have been grass for less than 5 years, following an arable crop, use GR1. Grass may be reclassified from GR2 to GR1 only if the land has been subject to arable crop rotation within the last 5 years.

Where an area of permanent grassland has been grass for 5 years or more and re-sown with grass in the last 12 months then the code GR8 should be used.

## ANNEX 3: LAND / AREA DECLARATION AND USE CODES

**Annex 3: Table 1: Crop Codes for linear EFAs**

<b>Annex 3: Table 1: Crop/Land Description</b>	<b>Crop Code</b>
Hedges	EF1
Traditional Stone Walls	EF2

**Annex 3: Table 2: Crop Codes to declare in the Field Data section**

Glastir claimants **must** refer to Annex 4 for guidance on which crop codes to declare in support of Glastir Management Options.

<b>Annex 3: Table 2: Crop/Land Description</b>	<b>Crop Code</b>	<b>Land Cover Classification</b>	<b>EFA Type</b>	<b>Genus</b>	<b>Species</b>	<b>BPS Eligible</b>	<b>Glastir Payable</b>	<b>Organic Payable</b>
Apples	AP4	Permanent Crop				Yes	Yes	Yes
Arable crop – mixed	MC3	Arable				Yes	Yes	Yes
Artichokes	AR2	Permanent Crop				Yes	Yes	Yes
Asparagus	AS1	Permanent Crop				Yes	Yes	Yes
Aubergine	AU1	Arable		Solanum	melongena	Yes	Yes	Yes
Bamboo	BA2	Permanent Crop				No	Yes	Yes
Barley – spring sown	BA5	Arable		Hordeum		Yes	Yes	Yes
Barley – winter sown	BA4	Arable		Hordeum		Yes	Yes	Yes
Basil	BA6	Arable		Ocimum		Yes	Yes	Yes
Beans – field – spring sown	BN4	Arable	Nitrogen-fixing	Vica		Yes	Yes	Yes
Beans – field – winter sown	BN5	Arable	Nitrogen-fixing	Vicia		Yes	Yes	Yes
Beans – green	BN2	Arable	Nitrogen-fixing	Phaseolus		Yes	Yes	Yes
Beans – mung	BE11	Arable	Nitrogen-fixing	Vigna		Yes	Yes	Yes
Broadleaf – grazed Glastir option 176	BG1	Permanent Grass				Yes	Yes	Yes
Beans – soya	BN3	Arable	Nitrogen-fixing	Glycine		Yes	Yes	Yes

### ANNEX 3: LAND / AREA DECLARATION AND USE CODES

Annex 3: Table 2: Crop/Land Description	Crop Code	Land Cover Classification	EFA Type	Genus	Species	BPS Eligible	Glastir Payable	Organic Payable
Beets/Mangolds	BT1	Arable		Beta		Yes	Yes	Yes
Bilberries/Cranberries	BS2	Permanent Crop				Yes	Yes	Yes
Blackberries/Loganberries/ Raspberries	BS1	Permanent Crop				Yes	Yes	Yes
Black Medicks	ME6	Arable	Nitrogen-fixing	Medicago		Yes	Yes	Yes
Borage	BO1	Arable		Borago		Yes	Yes	Yes
Buckwheat	BU1	Arable		Fagopyru		Yes	Yes	Yes
Cabbages and other brassicas – spring sown	CA21	Arable		Brassica	oleracea	Yes	Yes	Yes
Cabbages and other brassicas – winter sown	CA22	Arable		Brassica	oleracea	Yes	Yes	Yes
Camelina	CA18	Arable		Camelina		Yes	Yes	Yes
Canary seed / Reed Canary	CY1	Arable		Phalaris		Yes	Yes	Yes
Carrots	CA20	Arable		Daucus		Yes	Yes	Yes
Celeriac	CE2	Arable		Apium		Yes	Yes	Yes
Coniferous – grazed Glastir option 176	CG1	Permanent Grass				Yes	Yes	Yes
Chicory	CH5	Arable		Chichorium		Yes	Yes	Yes
Clover	CL4	Arable	Nitrogen-fixing	Trifolium		Yes	Yes	Yes
Clover – sweet	CL3	Arable	Nitrogen-fixing	Melilotus		Yes	Yes	Yes
Comfrey	CO5	Arable		Symphytu		Yes	Yes	Yes
Coppice – short rotation	CO4	Permanent Crop	Short rotation Coppice			Yes	Yes	Yes
Crambe	CR2	Arable		Crambe	maritima	Yes	Yes	Yes
Cress – salad	CR4	Arable		Lepidium	sativum	Yes	Yes	Yes
Cress – water	CR5	Arable		Nasturtium	officinale	Yes	Yes	Yes



### ANNEX 3: LAND / AREA DECLARATION AND USE CODES

Annex 3: Table 2: Crop/Land Description	Crop Code	Land Cover Classification	EFA Type	Genus	Species	BPS Eligible	Glastir Payable	Organic Payable
Daffodils	DA1	Arable		Narcissus		Yes	Yes	Yes
Dill	DL1	Arable		Anethum		Yes	Yes	Yes
Edible thistle	TH1	Permanent Crop				Yes	Yes	Yes
Evening Primrose	EV1	Arable		Oenothera		Yes	Yes	Yes
Fallow – natural regeneration	FA3	Arable	Fallow			Yes	Yes	Yes
Fallow – grass sown	FA4	Arable	Fallow			Yes	Yes	Yes
Fallow – sown wildlife cover	FA5	Arable	Fallow			Yes	Yes	Yes
Fallow – Non Greening (Crop to be planted before 15 July)	FA6	Arable				Yes	Yes	Yes
Fennel	FE2	Arable		Foeniculum		Yes	Yes	Yes
Fenugreek	FE1	Arable	Nitrogen-fixing	Trigonella		Yes	Yes	Yes
Field Margins	FM1	Other				Yes	Yes	Yes
Forage Rape	RA9	Arable		Brassica	napa	Yes	Yes	Yes
Gooseberries/Redcurrants/ Blackcurrants/Whitecurrants	BS3	Permanent Crop				Yes	Yes	Yes
Grapes	GR7	Permanent Crop				Yes	Yes	Yes
Grass – permanent – over 5 years	GR2	Permanent Grass				Yes	Yes	Yes
Grass – permanent – resown in last 12 months	GR8	Permanent Grass				Yes	Yes	Yes
Grass – temporary – under 5 years	GR1	Arable				Yes	Yes	Yes
Heather	HE9	Permanent Grass				Yes	Yes	Yes
Heathlands – grazed	HE7	Permanent Grass				Yes	Yes	Yes
Hemp	HE2	Arable		Cannabis		Yes	Yes	Yes
Herbage seed	HE8	Arable		Lolium		Yes	Yes	Yes

### ANNEX 3: LAND / AREA DECLARATION AND USE CODES

Annex 3: Table 2: Crop/Land Description	Crop Code	Land Cover Classification	EFA Type	Genus	Species	BPS Eligible	Glastir Payable	Organic Payable
Hops	HO1	Permanent Crop				Yes	Yes	Yes
Horseradish	RA4	Arable		Armoracia	rusticana	Yes	Yes	Yes
Lavender	LA1	Arable		Lavandula		Yes	Yes	Yes
Lentils	LE1	Arable	Nitrogen-fixing	Lens		Yes	Yes	Yes
Lettuce	LE3	Arable		Lactuca		Yes	Yes	Yes
Linseed/Linola – spring sown	LI4	Arable		Linum		Yes	Yes	Yes
Linseed/Linola – winter sown	LI5	Arable		Linum		Yes	Yes	Yes
Lucerne	LU2	Arable	Nitrogen-fixing	Medicago		Yes	Yes	Yes
Lupins – sweet	LU1	Arable	Nitrogen-fixing	Lupinus		Yes	Yes	Yes
Maize/Sweetcorn	MA6	Arable		Zea		Yes	Yes	Yes
Marrows/Pumpkins/Squash/ Courgette	MA5	Arable		Cucurbita	pepo	Yes	Yes	Yes
Melons	ME3	Arable		Cucumis	melo	Yes	Yes	Yes
Melons – Water	ME5	Arable		Citrullus	lanatus	Yes	Yes	Yes
Millet	MI1	Arable		Pennisetum		Yes	Yes	Yes
Miscanthus	MI5	Permanent Crop				Yes	Yes	Yes
Mixed production horticulture	MP1	Arable				Yes	Yes	Yes
Mushrooms	MU2	Arable		Agaricus		Yes	Yes	Yes
Mustard	MU3	Arable		Sinapsis	alba	Yes	Yes	Yes
Mustard – brown	MU5	Arable		Brassica	juncea	Yes	Yes	Yes
Nitrogen fixing crops – mixed	MN1	Arable	Nitrogen-fixing			Yes	Yes	Yes
Nursery – trees – ornamentals	NU11	Permanent Crop				Yes	Yes	Yes
Nuts – chestnuts	NU2	Permanent Crop				Yes	Yes	Yes
Nuts – hazel/cob	NU5	Permanent Crop				Yes	Yes	Yes
Nuts – pistachios	PI1	Permanent Crop				Yes	Yes	Yes

### ANNEX 3: LAND / AREA DECLARATION AND USE CODES

Annex 3: Table 2: Crop/Land Description	Crop Code	Land Cover Classification	EFA Type	Genus	Species	BPS Eligible	Glastir Payable	Organic Payable
Nuts – walnuts	NU4	Permanent Crop				Yes	Yes	Yes
Oats – spring sown	OA5	Arable		Avena		Yes	Yes	Yes
Oats – winter sown	OA4	Arable		Avena		Yes	Yes	Yes
Oilseed rape – spring sown	RA8	Arable		Brassica	napa	Yes	Yes	Yes
Oilseed rape – winter sown	RA7	Arable		Brassica	napa	Yes	Yes	Yes
Onions/Leeks/Shallots/Garlic	ON2	Arable		Allium		Yes	Yes	Yes
Orchard – mixed	OR3	Permanent Crop				Yes	Yes	Yes
Oregano	OR2	Arable		Origanum		Yes	Yes	Yes
Osiers	OS1	Permanent Crop				Yes	Yes	Yes
Parsley	PA1	Arable		Petroselinu		Yes	Yes	Yes
Parsnips	PA2	Arable		Pastinaca		Yes	Yes	Yes
Pears	PE10	Permanent Crop				Yes	Yes	Yes
Peas – chickpeas	PE3	Arable	Nitrogen-fixing	Cicer		Yes	Yes	Yes
Peas (vining and other) – spring sown	PS2	Arable	Nitrogen-fixing	Pisum		Yes	Yes	Yes
Peas (vining and other) – winter sown	PS3	Arable	Nitrogen-fixing	Pisum		Yes	Yes	Yes
Plantains	PL3	Arable		Plantago		Yes	Yes	Yes
Plums/Greengages/Cherries/ Almonds	PL2	Permanent Crop				Yes	Yes	Yes
Ponds – eligible for BPS (refer to paragraph B18)	PD1					Yes	No	Yes
Potato – sweet	PO2	Arable		Ipomoea		Yes	Yes	Yes
Potatoes	PO1	Arable		Solanum	tuberosum	Yes	Yes	Yes
Radishes	RA2	Arable		Raphanus	sativus	Yes	Yes	Yes
Reeds	RE1	Other				No	Yes	No

### ANNEX 3: LAND / AREA DECLARATION AND USE CODES

Annex 3: Table 2: Crop/Land Description	Crop Code	Land Cover Classification	EFA Type	Genus	Species	BPS Eligible	Glastir Payable	Organic Payable
Rhubarb	RH1	Permanent Crop				Yes	Yes	Yes
Rocket	RO2	Arable		Eruca	sativa	Yes	Yes	Yes
Roses	RO1	Permanent Crop				Yes	Yes	Yes
Rushes	RU1	Other				No	Yes	No
Rye – (including Meslin) – spring sown	RY4	Arable		Secale		Yes	Yes	Yes
Rye – (including Meslin) – winter sown	RY5	Arable		Secale		Yes	Yes	Yes
Saffron	SA1	Arable		Crocus		Yes	Yes	Yes
Sage	SA9	Arable		Salvia		Yes	Yes	Yes
Sain Foin	SF1	Arable	Nitrogen-fixing	Onobrychis		Yes	Yes	Yes
Salsify	SA3	Arable		Tragopogon		Yes	Yes	Yes
Saltmarshes – grazed	SM2	Permanent Grass				Yes	Yes	Yes
Sand Dunes	SD1	Permanent Grass				Yes	Yes	Yes
Scorzonera	SC1	Arable		Scorzonera		Yes	Yes	Yes
Scrub/gorse/briar – stock excluded – not eligible for BPS	GS2	Other				No	Yes	No
Sorghum	SO3	Arable		Sorghum		Yes	Yes	Yes
Spelt Wheat – spring sown	SP8	Arable		Triticum	spelta	Yes	Yes	Yes
Spelt Wheat – winter sown	SP9	Arable		Triticum	spelta	Yes	Yes	Yes
Spinach	SP3	Arable		Spinacia		Yes	Yes	Yes
Strawberries	ST1	Permanent Crop				Yes	Yes	Yes
Streamside corridor – not eligible for BPS	SC3	Other				No	Yes	No
Sunflower seed	SU2	Arable		Helianthus		Yes	Yes	Yes

### ANNEX 3: LAND / AREA DECLARATION AND USE CODES

Annex 3: Table 2: Crop/Land Description	Crop Code	Land Cover Classification	EFA Type	Genus	Species	BPS Eligible	Glastir Payable	Organic Payable
Swedes	SW4	Arable		Brassica	napa	Yes	Yes	Yes
Temporary unusable area	TT99	Other				No	Yes	No
Tobacco	TO1	Arable		Nicotiana	tabacum	Yes	Yes	Yes
Tomatoes	TO2	Arable		Solanum	lycopersicum	Yes	Yes	Yes
Tracks – grazed	GT1	Permanent Grass				Yes	Yes	Yes
Trees with a tree preservation order	TP8	Other				Yes	Yes	Yes
Trefoils	TR5	Arable	Nitrogen-fixing	Lotus		Yes	Yes	Yes
Trefoils – Common Birdsfoot	TR9	Arable	Nitrogen-fixing	Lotus		Yes	Yes	Yes
Triticale – spring sown	TC4	Arable		Triticosecale		Yes	Yes	Yes
Triticale – winter sown	TC3	Arable		Triticosecale		Yes	Yes	Yes
Tulips	TU4	Arable		Tulipa		Yes	Yes	Yes
Turnips/Typhon/Colza	TU5	Arable		Brassica	rapa	Yes	Yes	Yes
Vetches	VE3	Arable	Nitrogen-fixing	Vicia		Yes	Yes	Yes
Wheat – spring sown	WT2	Arable		Triticum		Yes	Yes	Yes
Wheat – winter sown	WT1	Arable		Triticum		Yes	Yes	Yes
Woad	WO1	Permanent Crop				Yes	Yes	Yes

#### Annex 3: Table 3:

Crop Codes to declare land in the Field Data section, which have been entered into a Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contract and **are eligible for BPS subject to specific conditions** (refer to paragraphs B21 for guidance), i.e. they are considered set aside under an Agri Environment commitment or afforested under a woodland creation scheme.

**Please note** once your Glastir Entry or Advanced Contract finishes any associated set aside commitment also finishes. This land must then be declared with an appropriate land use code listed in table 2. If you declare land as set aside after a Glastir Contract has finished your claims may be reduced and over-declared penalties applied.

### ANNEX 3: LAND / AREA DECLARATION AND USE CODES

**\*\* Please note BW1 and CW1** are only eligible as an **EFA** if the land is afforested under Woodland Grant Scheme (WGS), Farm Woodland Premium Scheme (FWPS), Better Woodland for Wales (BWW), Improved Land Premium (ILP), Glastir Woodland Creation (GWC), Glastir Woodland Creation Premium (GWCP), Glastir Woodland Creation Premium (GCP), and or Glastir Woodland Creation Maintenance (GCM).

<b>Annex 3: Table 3: Crop/Land Description</b>	<b>Crop Code</b>	<b>Land Cover Classification</b>	<b>EFA Type</b>	<b>BPS Eligible</b>	<b>Glastir Payable</b>	<b>Organic Payable</b>
Field corners/woodland edge (stock excluded)	GC3	Other		Yes	Yes	No
Grass (stock excluded)	GR9	Other		Yes	Yes	No
Heathlands (stock excluded)	HE6	Other		Yes	Yes	No
Pond buffer zone created for Glastir	GC2	Other		Yes	Yes	No
Reed beds/swamps (stock excluded)	RE3	Other		Yes	Yes	No
Saltmarshes (stock excluded)	SM1	Other		Yes	Yes	No
Scrub/Gorse/Briar (stock excluded)	GS1	Other		Yes	Yes	No
Streamside corridor	SC2	Other		Yes	Yes	No
Streamside corridor – created for Glastir	GC1	Other		Yes	Yes	No
Woodland – broadleaf – stock excluded – eligible for BPS	BW1	Other	Afforested**	Yes	Yes	No
Woodland – coniferous – stock excluded – eligible for BPS	CW1	Other	Afforested**	Yes	Yes	No

#### **Annex 3: Table 4:**

Permanent features ineligible for BPS and certain Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 Contracts.

<b>Annex 3: Table 4: Crop/Land Description</b>	<b>Crop Code</b>	<b>Land Cover Classification</b>	<b>BPS Eligible</b>	<b>Glastir Payable</b>	<b>Organic Payable</b>
Woodland – coniferous – group	ZZ10	Other	No	Yes	No
Woodland – broadleaf – group	ZZ11	Other	No	Yes	No
Woodland – coniferous – scattered	YY14	Other	No	Yes	No
Woodland – broadleaf – scattered	YY15	Other	No	Yes	No

### ANNEX 3: LAND / AREA DECLARATION AND USE CODES

<b>Annex 3: Table 4: Crop/Land Description</b>	<b>Crop Code</b>	<b>Land Cover Classification</b>	<b>BPS Eligible</b>	<b>Glastir Payable</b>	<b>Organic Payable</b>
Woodland – trunks and stumps	YY16	Other	No	Yes	No
Woodland – coniferous – stock excluded – ineligible for BPS	TR2	Other	No	Yes	No
Woodland – broadleaf – stock excluded – ineligible for BPS	WS1	Other	No	Yes	No
Bracken – group	ZZ20	Other	No	Yes	No
Bracken – scattered	YY21	Other	No	Yes	No
Scrub/gorse/briar – group	ZZ22	Other	No	Yes	No
Scrub/gorse/briar – scattered	YY23	Other	No	Yes	No
Ponds – ineligible	ZZ30	Other	No	No	No
Rivers and streams	ZZ31	Other	No	No	No
Scree/rock outcrops/boulders/sand – group	ZZ40	Other	No	No	No
Scree/rock outcrops/boulders/sand – scattered	YY41	Other	No	No	No
Buildings/yards	ZZ89	Other	No	No	No
Hardstandings	ZZ92	Other	No	No	No
Roads	ZZ94	Other	No	No	No
Tracks – ungrazed	ZZ97	Other	No	No	No
Non-agricultural activities	NO1	Other	No	No	No

## ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

**This Section applies to those who hold Glastir Entry, Advanced and Woodland Management Contracts only.**

You are advised to refer to the management options as set out within your Glastir Contract before you complete the Field Data section of the SAF.

This table provides examples of land use/crop codes that can be used for land under a Glastir Management Option. You should use the codes that correctly describe that land cover as at 15 May 2019.

**Ensure all Permanent Features (e.g. rocks, trees, ponds and sand, etc.) within the parcel are also declared.**

The final three columns of the table show whether the option is applicable to Glastir Entry, Glastir Advanced, or Glastir Woodland Management.

**Important:** Codes for capital work options should only be used once the work has been completed. Prior to the completion of the capital works the crop/land use codes that correctly describe the land cover should be used, as listed in Annex 3.

The SAF also includes a section which allows you to declare whether you have undertaken the work required to meet each Glastir Management Option for 2019 as set out in your Glastir Contract.

**Please note** if you have indicated you have not completed your Management Option, a scheme breach penalty may be applicable unless we have received and agreed a derogation or a change to your Contract has been agreed.

### **For land entered into an eligible afforestation scheme:**

For land entered into an eligible afforestation scheme, if the land gave right to SPS payment in 2008 and was eligible for SPS or BPS when it was first planted, it can be considered eligible for BPS during the period it is subject to the terms and conditions of your Contract.

Afforestation Scheme	Eligible Management Options	
Woodland Grant Scheme (WGS 3)	LEAP	Woodland for stock exclusion
	NB	New planting with Better Land Contribution.
	NC	New planting of coppice
	NK	New planting of coppice with better land contribution
	NP	New planting
	NS	New planting eligible for set-a-side
	NZ	New planting by natural regeneration (set-a-side)
Farm Woodland Premium Scheme (FWPS) *	Arable Land – outside LFA	
	Arable Land – DA	
	Arable Land – SDA	
Better Woodlands for Wales (BWW)	PLTD	New woodland already planted
Improved Land Premium (ILP)		



## ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Afforestation Scheme	Eligible management options	
Glastir Woodland Creation	PLTD	New woodland
Glastir Woodland Creation Premium (GWCP)		
Glastir Woodland Creation	PLTD	New woodland, planted since 2015
Glastir Woodland Creation Premium (GCP)		
Glastir Woodland Creation Maintenance (GCM)		

\* For Farm Woodland Premium Scheme your Contract may include the period after your annual payments have been made when you are prevented from felling those trees.

Land where trees have been planted under the above afforestation Contracts must use one of the following codes:

- BW1 – Broadleaf Woodland (Stock Excluded) – To be used if the area gave rise to SPS payment in 2008 and the land under Contract is in an eligible management option
- CW1 – Coniferous Woodland (Stock Excluded) – To be used if the area gave rise to SPS payment in 2008 and the land under Contract is in an eligible management option
- WS1 – Broadleaf Woodland (Stock Excluded) – To be used if the area did not give rise to SPS payment in 2008 or the land under Contract is not in an eligible management option
- TR2 – Coniferous Woodland (Stock Excluded) – To be used if the area did not give rise to SPS payment in 2008 or the land under Contract is not in an eligible management option.

Eligibility for BPS under these afforestation schemes is only available for 'new planting'. If you hold one of these agreements you should check whether your Contract contains one of the 'new planting' options for that land.

If you declare the land as BW1/CW1 and our checks discover your Contract does not contain an eligible option the land will not be eligible for BPS payment and over-declared penalties will be applied.

Once your afforestation commitment finishes you cannot continue to declare the land for BPS, and must either declare WS1 or another of the woodland codes.

## **ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE**

### **Land entered into Natural Resources Wales (NRW) Management Agreements**

Some of your land may have been designated as a Site of Special Scientific Interest (SSSI) by Natural Resources Wales (or its predecessor), including special areas of conservation or special protection areas.

The management policy that has been agreed will explain the reasons and include specific management regimes you are required to undertake. In some instances this could include excluding stock from grazing certain areas.

Since land can be considered eligible for BPS if you undertake minimum agricultural activities, including maintaining the land in a state suitable for grazing and cultivation (see Section B of this booklet), land under NRW management agreements will be assessed against the BPS land eligibility rules.

You should declare the land cover code that best reflects the condition of the land on 15 May each year, e.g. GR2 for permanent grassland or ZZ11 for groups of broadleaved trees.

You should not declare woodland areas as BW1/CW1 if those areas are included in a NRW management agreement, as this could result in an over-declared penalty when our checks discover the management agreement does not prevent the land being eligible for BPS.

## ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

You must declare a land use code to claim for your Glastir management options, if you declare an incompatible code your Glastir claim will be reduced and penalties may be applied. **Please note all Land Use Codes in a corresponding row are eligible for the options; e.g. for Glastir Options 7a, 7b, 8, 9a and 9b, all Land Use Codes GC1, SC2, SC3 GS1 and GS2 are eligible.**

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
3	Establish wooded strip	<p>BW1 – Broadleaf Woodland (Stock Excluded) – if eligible for BPS            WS1 – Broadleaf Woodland (Stock Excluded) – if not eligible for BPS</p> <p><i>CW1 – Woodland Coniferous (Stock Excluded) – if eligible for BPS            TR2 – Woodland Coniferous (Stock Excluded) – if not eligible for BPS            You may only use the equivalent codes for coniferous woodland if your Glastir Contract states conifer is permitted.</i></p> <p>GC3 – Field corners woodland edge (stock excluded)            GS1 – Scrub / gorse / briar (Stock excluded) for Glastir            GS2 – Scrub/gorse/briar – stock excluded – not eligible for BPS</p>	✓		

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
7a	Create s/side corridor (1 side)	GC1 – Streamside Corridor created for Glastir	✓		
7b	Create s/side corridor (2 sides)	SC2 – Streamside corridor			
		SC3 – Streamside corridor not eligible for BPS			
8	Manage existing streamside corridor	GS1 – Scrub / gorse / briar (Stock excluded) for Glastir			
9a	Create s/side corridor with tree planting (1 side)	GS2 – Scrub/gorse/briar – stock excluded – not eligible for BPS			
9b	Create s/side corridor with tree planting (2 sides)				
10	Convert arable land with archaeological sites	GR1 – Grass (temporary under 5 years) – to be used if the grass ley is younger than 5 years.  GR2 – Grass (permanent grass over 5 years) – to be used if the grass ley is older than 5 years  GR8 – Grass permanent – resown in last 12 months (in first year of commitment)  GR9 – Grass (Stock excluded)  FA4 – Fallow grass sown	✓		

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
11	Restore traditional orchard	AP4 – Apples NU2 – Chestnuts NU4 – Walnuts PL2 – Plums/greengages/cherries/almonds PE10 – Pears OR3 – Mixed orchard – only to be used where individual fruit/nut types are smaller than 0.01 hectares. TP8 – Trees with a tree preservation order	✓		
12	Create new orchard				
15	Grazed perm pasture (no inputs)	GR1 – Grass (temporary under 5 years) – to be used if the grass ley is younger than 5 years.	✓	✓	
15b	Grazed perm pasture (low inputs)	GR2– Grass (permanent grass over 5 years – to be used if the grass ley is older than 5 years.			
15c	Grazed perm pasture (no inputs/mix grazing)	GR8 – Grass permanent – resown in last 12 months (in first year of commitment)			
15d	Grazed perm pasture (low inputs/mix grazing)				
16	Upland heath	GR2– Grass (permanent grass over 5 years – to be used if the grass ley is older than 5 years.  HE7 – Heathlands (grazed)	✓		
17	Blanket bog				
18	Upland grassland				
19	Lowland marshy grassland				

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
19b	Lowland marshy grassland (mix grazing)	GR2– Grass (permanent grass over 5 years – to be used if the grass ley is older than 5 years.  HE7 – Heathlands (grazed)	✓	✓	
20	Coastal and lowland heath				
20b	Coastal and lowland heath (mix grazing)				
21	Saltmarsh	SM2 – Saltmarshes (grazed)	✓	✓	
21b	Saltmarsh (mix grazing)	GR2 – Grass (permanent grass over 5 years – to be used if the grass ley is older than 5 years.			
22	Existing hay meadow	GR2 – Grass (permanent grass over 5 years) – to be used if the grass ley is older than 5 years	✓	✓	
23	Corners of fields to revert to grassland	GC3 – Field corners/woodland edge (stock excluded)	✓		
24	Woodland edge to extend into adjoining fields				
25	Sand dunes	SD1 – Sand dunes	✓	✓	
25b	Sand dunes (mix grazing)	GR2 – Grass (permanent grass over 5 years – to be used if the grass ley is older than 5 years.			

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
26	Rough grass margin (fixed)	<p>If the margin is to be adjacent to a root crop and therefore not established until after 15 May, you should declare the crop present on 15 May, but you will need to enter one of the following in the Secondary Crop column on the SAF;</p> <p>FA4 – Fallow – grass sown if the margin has been established on existing arable land, or            GR9 – Permanent grassland (stock excluded) if the margin has been established on existing pasture.            FM1 – Field Margins</p> <p>OR</p> <p>If the margin has been established by 15 May, you should use;            FA4 – Fallow – grass sown if the margin has been established on existing arable land, or            GR9 – Permanent grassland (stock excluded) if the margin has been established on existing pasture.            FM1 – Field Margins</p> <p><u>From the second year of this Management Option:</u></p> <p>If this margin has been rotated from the previous year, enter the crop codes as described above. If the margin has been retained in the same location from the previous year FA4 or GR9 (or FM1) should be used accordingly depending on whether the margin was originally established on existing arable land or existing pasture.</p>	✓		
26b	Rough grass margin (rotational)				

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
27	Fallow margin	FA3 – Fallow natural regeneration FM1 – Field Margins	✓	✓	
28	Retain Winter Stubbles	BA5 – Barley – spring sown BA4 – Barley – winter sown OA5 – Oats – spring sown OA4 – Oats – winter sown RY4 – Rye (including Meslin) – spring sown RY5 – Rye (including Meslin) – winter sown SP8 - Spelt Wheat – spring sown SP9 - Spelt Wheat – winter sown TC4 – Triticale – spring sown TC3 – Triticale – winter sown WT2 – Wheat – spring sown WT1 – Wheat – winter sown	✓	✓	
29	Undersown cereals next to water courses	BA5 – Barley – spring sown OA5 – Oats – spring sown RY4 – Rye (including Meslin) – spring sown SP8 – Spealt Wheat – spring sown TC4 – Triticale – spring sown WT2 – Wheat – spring sown	✓		



# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
30	Unsprayed spring sown cereals or legumes (pulses)	BA5 – Barley – spring sown OA5 – Oats – spring sown RY4 – Rye (including Meslin) – spring sown TC4 – Triticale – spring sown WT2 – Wheat – spring sown SP8 – Spelt Wheat – spring sown BN2 – Green beans BN3 – Soya beans BN4 – Beans – field – spring sown PS2 – Peas (vining and other) – spring sown BE11 - Mung Beans LU1 – Lupins MC3 – mixed arable crop (with confirmation of mix)	✓	✓	
31	Unsprayed spring sown cereals retaining winter stubbles	BA5 – Barley – spring sown OA5 – Oats – spring sown RY4 – Rye (including Meslin) – spring sown TC4 – Triticale – spring sown WT2 – Wheat – spring sown SP8 - Spelt Wheat – spring sown	✓	✓	
32	Unsprayed rootcrops (direct drilling)	BT1 – Beets/Mangolds SW4 – Swedes TU5 – Turnips/Typhon/Colza  <i>To be entered in the Secondary Crop column on the SAF if established after 15 May</i>	✓		

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
32b	Unsprayed rootcrops (no direct drilling)	BT1 – Beets/Mangolds SW4 – Swedes TU5 – Turnips/Typhon/Colza  <i>To be entered in the Secondary Crop column on the SAF if established after 15 May</i>	✓	✓	
33	Wildlife cover crop	FA5 – Fallow – sown wildlife cover	✓	✓	
34	Unharvested cereal headland	BA4 – Barley – winter sown BA5 – Barley – spring sown OA4 – Oats – winter sown OA5 – Oats – spring sown RY4 – Rye (including Meslin) – spring sown RY5 – Rye (including Meslin) – winter sown SP8 - Spelt Wheat – spring sown SP9 - Spelt Wheat – winter sown TC3 – Triticale – winter sown TC4 – Triticale – spring sown WT1 – Wheat – winter sown WT2 – Wheat – spring sown	✓	✓	

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
34b	Unfertilised/unsprayed cereal headland	BA4 – Barley – winter sown BA5 – Barley – spring sown OA4 – Oats – winter sown OA5 – Oats – spring sown RY4 – Rye (including Meslin) – spring sown RY5 – Rye (including Meslin) – winter sown SP8 - Spelt Wheat – spring sown SP9 - Spelt Wheat – winter sown TC3 – Triticale – winter sown TC4 – Triticale – spring sown WT1 – Wheat – winter sown WT2 – Wheat – spring sown	✓	✓	
35	Create pond (2012 option)	PD1 – Ponds (eligible for BPS) – To be used if the pond is up to 0.10 hectares in size	✓		
35b	Create pond	ZZ30 – Ponds (ineligible for BPS) – To be used if the pond is over 0.10 hectares in size			
36	Buffer existing ponds	GC2 – Pond buffer zone created for Glastir	✓		
39	Clearance of scrub from historic features	GR2 – Grass (permanent grass over 5 years) GR9 – Grass stock excluded	✓		

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
41a	Grazed open country	GR2 – Grass (permanent grass over 5 years)	✓	✓	
41b	Grazed open country (mix grazing)	HE7 – Heathlands - grazed			
100	Woodland – stock exclusion	BW1 – Broadleaf Woodland (Stock Excluded) – if eligible for BPS WS1 – Broadleaf Woodland (Stock Excluded) – if not eligible for BPS		✓	✓
101/ 420	Trees and scrub – establishment by planting	CW1 – Woodland Coniferous (Stock Excluded) – if eligible for BPS TR2 – Woodland Coniferous (Stock Excluded) – if not eligible for BPS			
102/ 421	Trees and scrub – establishment by natural regeneration	GC3 – Field corners woodland edge (stock excluded) GS1 – Scrub / gorse / briar (Stock excluded) for Glastir GS2 – Scrub/gorse/briar – stock excluded – not eligible for BPS			
103	Scrub – stock exclusion	GC2 – Pond buffer zone created for Glastir			
104	Wood pasture	ZZ10 – Grazed Coniferous woodland ZZ11 – Grazed Broadleafed woodland		✓	
106	Historic parks and gardens	YY14 – Scattered Coniferous woodland YY15 – Scattered Broadleafed woodland  CG1 – Coniferous – grazed –grazed Glastir Option 176  GR2 – Grass (permanent grass over 5 years)			

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
109	Calaminarian grassland	GR2 – Grass (permanent grass over 5 years)  HE7 – Heathlands (grazed)		✓	
115	Lowland dry heath with less than 50% western gorse				
116	Lowland dry heath with more than 50% western gorse				
117	Lowland wet heath with less than 60% purple moor-grass				
118	Lowland wet heath with more than 60% purple moor-grass				
119	Lowland heath habitat expansion – establishment on grassland				
120	Lowland unimproved acid grassland				
121	Lowland unimproved acid grassland – reversion (pasture)				
122	Lowland unimproved acid grassland – reversion (hay cutting)				

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
123	Lowland unimproved neutral grassland – pasture	GR2 – Grass (permanent grass over 5 years)  HE7 – Heathland (grazed)		✓	
124	Lowland unimproved neutral grassland – haymeadow				
125	Lowland unimproved neutral grassland – reversion (pasture)				
126	Lowland unimproved neutral grassland – reversion (hay cutting)				
128	Lowland unimproved calcareous grassland				
129	Lowland unimproved calcareous grassland – reversion (pasture)				
130	Lowland unimproved calcareous grassland – reversion (hay cutting)				

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
131	Conversion from arable to grassland (no inputs)	GR1 – Grass (temporary under 5 years) – to be used if the grass ley is younger than 5 years  GR2 – Grass (permanent grass over 5 years)		✓	
132	Conversion from improved grassland to semi-improved grassland (hay cutting)				
133	Lowland marshy grassland	GR2 – Grass (permanent grass over 5 years)  HE7 – Heathland (grazed)		✓	
134	Lowland marshy grassland – reversion (pasture)				
139	Lowland bog and other acid mires with less than 50% purple moor-grass				
140	Lowland bog and other acid mires with more than 50% purple moor-grass				
141	Lowland bog and other acid mires – restoration (no grazing)	RE3 – Reedbed/Swamp (Stock excluded) GS1 – Scrub / gorse / briar (Stock excluded) GS2 – Scrub/gorse/briar – stock excluded – not eligible for BPS HE6 – Heathlands (Stock excluded) GR9 – Grass (Stock excluded)		✓	

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
142	Lowland bog and other acid mires – reversion (pasture)	GR2 – Grass (permanent grass over 5 years) HE7 – Heathland (grazed)		✓	
143	Lowland fen				
144	Lowland fen – restoration (no grazing)	RE3 – Reedbed/Swamps (stock excluded) GS1 – Scrub / gorse / briar (Stock excluded) GS2 – Scrub/gorse/briar – stock excluded – not eligible for BPS HE6 – Heathlands (Stock excluded) GR9 – Grass (Stock excluded)		✓	
145	Lowland fen reversion (pasture)	GR2 – Grass (permanent grass over 5 years) HE7 – Heathland (grazed)		✓	
146	Reedbed – stock exclusion	RE3 – Reedbed/Swamps (stock excluded)		✓	
147	Reedbed – creation				
148	Coastal grassland (maritime cliff and slope)	GR2 – Grass (permanent grass over 5 years) SD1 – Sand dunes		✓	
149	Saltmarsh – restoration (no grazing)	SM1 – Saltmarsh (stock excluded)		✓	



## ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
150	Saltmarsh – creation	SM2 – Saltmarsh (grazed)		✓	
151	Coastal vegetated shingle and sand dunes – creation	SD1 – Sand dunes GR2 – Grass (permanent grass over 5 years)		✓	
153	Red clover ley	CL4 – Clover		✓	

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
156	Buffer zones to prevent erosion and run-off from grassland	GR1 – Grass (temporary under 5 years) – to be used if the grass ley is younger than 5 years  GR2 – Grass (permanent grass over 5 years) – to be used if the grass ley is older than 5 years  GR8 – Grass (Permanent resown in last 12 months)		✓	
157	Buffer zones to prevent erosion and run-off from grassland – ditch landscapes				
158	Buffer zones to prevent erosion and run-off from land under arable cropping				
159	Grassland managed with no inputs between 15 October and 31 January				
160	No lime on improved or semi-improved grassland over peat soils				
161	Grassland management for chough (feeding)				

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
162	Unsprayed autumn sown cereal crop for corn bunting (nesting & feeding)	BA4 – Barley – winter sown OA4 – Oats – winter sown SP9 - Spelt Wheat – winter sown TC3 – Triticale – winter sown WT1 – Wheat – winter sown RY5 – Rye (including Meslin) – winter sown		✓	
163	Unsprayed spring sown barley crop for corn bunting (nesting & feeding)	BA5 – Barley – spring sown		✓	
164	Grassland management for curlew (nesting & chick feeding)	GR2 – Grass (permanent grass over 5 years)		✓	
165	Grassland management for curlew (adult feeding)	GR1 – Grass (temporary under 5 years) – to be used if the grass ley is younger than 5 years			
166	Haymeadow management for curlew (nesting)	GR8 – Grass (Permanent resown in last 12 months)			
167	Grassland management for golden plover (feeding)	GT1 – Grazed tracks			
168	Grassland management for				

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
169	Unsprayed spring sown cereals, oil seed rape, linseed or mustard crop for lapwing (nesting)	BA5 – Barley – spring sown OA5 – Oats – spring sown RY4 – Rye (including Meslin) – spring sown SP8 – Spelt Wheat – spring sown TC4 – Triticale – spring sown WT2 – Wheat – spring sown LI4 – Linseed – spring sown MU3 – Mustard MU5 – Brown mustard RA8 – Oilseed rape – spring sown MC3 – Mixed arable crop		✓	
170	Uncropped fallow plot for lapwing (nesting)	FA3 – Fallow natural regeneration		✓	
171	Grassland management for ring ouzel (feeding)	GR2 – Grass (permanent grass over 5 years)  GR1 – Grass (temporary under 5 years) – to be used if the grass ley is younger than 5 years  GR8 – Grass (Permanent resown in last 12 months)  GT1 – Grazed tracks		✓	

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
172	Orchard management	AP4 – Apples NU2 – Chestnuts NU4 – Walnuts PL2 – Plums/greengages/cherries/almonds PE10 – Pears OR3 – Mixed orchard – only to be used where individual fruit/nut types are smaller in area than 0.01 ha TP8 – Trees with a tree preservation order		✓	
173	Streamside corridor management	GC1 – Streamside Corridor created for Glastir SC2 – Streamside corridor SC3 – Streamside corridor not eligible for BPS GC3 – Field corners/woodland edge (stock excluded) GS1 – Scrub / gorse / briar (Stock excluded) for Glastir GS2 – Scrub/gorse/briar – stock excluded – not eligible for BPS		✓	

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
174	Rough grass buffer zone to prevent erosion and run-off from land under arable cropping	<p><u>For the first year of this Management Option:</u></p> <p>If the margin is to be adjacent to a root crop and therefore not established until after 15 May, you should declare the crop present on 15 May, but you will need to enter one of the following in the Secondary Crop column on the SAF:</p> <p>FA4 – Fallow – grass sown if the margin has been established on existing arable land, or            GR9 – Permanent grassland (stock excluded) if the margin has been established on existing pasture.            FM1 – Field Margins</p> <p><u>OR</u></p> <p>If the margin has been established by 15 May, you should use:            FA4 – Fallow – grass sown if the margin has been established on existing arable land, or            GR9 – Permanent grassland (stock excluded) if the margin has been established on existing pasture.            FM1 – Field Margins</p> <p><u>From the second year of this Management Option:</u></p> <p>FA4 or GR9 (or FM1) should be used accordingly depending on whether the margin was originally established on existing arable land or existing pasture.</p>		✓	
175	Management of rough grassland – enclosed land	GR2 – Grass (permanent grass over 5 years)		✓	

# ANNEX 4: GLASTIR MANAGEMENT OPTIONS LAND USE CODE TABLE

Glastir Option		Land Use Codes suitable for Glastir Management Options	Glastir Entry	Glastir Advanced	Glastir Woodland Management
176	Woodland – light grazing	<p>BG1 – Broadleaf woodland grazed specifically for Glastir option 176</p> <p>ZZ11 – Grazed Broadleafed woodland  YY15 – Scattered Broadleafed woodland  <i>You may need to use the equivalent codes for coniferous woodland listed within Annex 3 of this booklet (ZZ10, YY14, CG1).</i></p> <p>GT1 – Tracks – grazed  YY16 – Woodland – trunks and stumps  YY21 – Bracken – scattered  YY23 – Scrub/gorse/briar – scattered</p> <p>ZZ20 – Bracken – group  ZZ22 – Scrub/gorse/briar – group</p> <p>GR2 – Grass (permanent grass over 5 years)</p>		✓	✓

## ANNEX 5: KEY DATES

Date	Event
1 January 2019	Start of the BPS year.
1 January 2019	Cross Compliance requirements begin for 2019.
1 February to 31 July 2019	Fallow period for EFA.
4 March 2019	SAF 2019 available.
11 March 2019	Commencement of Digital Assistance appointments.
1 May to 15 July 2019	Crop diversification cultivation period.
30 April 2019	Closure of Transfer & Lease of BPS Entitlements 2019.
1 May to 15 July 2019	Fallow period for Crop Diversification.
15 May 2019	Closing date for receipt of SAF 2019 without penalty.
15 May 2019	Closing date for submission of documentary evidence to support claims made under the SAF 2019 without penalty.
15 May 2019 and present for 14 weeks after sowing or until 1st August 2019, whichever is the later	Growing period for Nitrogen-fixing crops.
2 June 2019	Final day to make amendments to the land declared on the SAF 2019 (without penalty), submitted by 15 May 2019.
10 June 2019	Final day for receipt of SAF 2019 (subject to late penalties). All SAFs received after 10 June will be rejected.
10 June 2019	Supporting documentary evidence received between 16 May and 10 June will be accepted but will incur a financial penalty. All Supporting documentary evidence received after 10 June cannot be accepted.
19 June 2019	Final day for response to the 'Preliminary Checks: Permanent Features and Duplicate Fields' letter to avoid penalties.
30 June 2019	When sowing for hemp takes place after 15 May, seed labels must be submitted no later than 30 June.
2 December 2019	Payment window for BPS payments open.
31 December 2019	End of the BPS year.



## ANNEX 6: GLOSSARY OF TERMS

Acronyms and Terms	Explanation
Agricultural activity	<ul style="list-style-type: none"> <li>• The production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes</li> <li>• maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries. In Wales, this means the control of non-native invasive weeds and scrub</li> <li>• carrying out a minimum activity on agricultural areas naturally kept in a state suitable for grazing or cultivation. In Wales, agricultural areas naturally kept in a state suitable for grazing or cultivation are defined as areas of saltmarsh and sand dunes. The minimum activity required is that the area is grazed to a minimum average annual stocking density of 0.01 to 0.05 livestock units per hectare, or the control of non-native invasive weeds and scrub.</li> </ul>
Agricultural area	Any area taken up by arable land, permanent grassland and permanent pasture, or permanent crops.
Arable land	Land cultivated for crop production or areas available for crop production but lying fallow including areas set aside.
Area determined	<ul style="list-style-type: none"> <li>• For area related schemes, the area for which all eligibility criteria or other obligations relating to the conditions for the granting of the aid have been met, regardless of the number of the payment entitlements at the farmer/land manager's disposal; or</li> <li>• for area-related support measure, the area of plots or parcels as identified by means of administrative or on-the-spot checks.</li> </ul>
Artificiality	Farmers who artificially create the circumstances to gain advantage from any of the rules relating to the payment of BPS, including to avoid direct payment reductions (capping), or to avoid Greening by declaring/not declaring land at their disposal will be investigated and payments may be withheld or all claims rejected and monies paid recovered. This includes Young Farmer payment, Greening payment and entitlements allocated from the National Reserve.
BACS	Bankers Automated Clearing System.
Beneficiary	A farmer as defined above and in relation to Active Farmer, subject to Cross Compliance receiving direct payments or farmer/land manager receiving rural development support.

## ANNEX 6: GLOSSARY OF TERMS

Acronyms and Terms	Explanation
BPS	Basic Payment Scheme.
CAP	Common Agricultural Policy.
CPH	County Parish Holding number, identifies the location of the land. Farmers may have more than one CPH but all CPH numbers will be linked to one Customer Reference Number.
CRN	Customer Reference Number. A unique business identifier in the format A0098765.
Cross Compliance	The Statutory Management Requirements and the Good Agricultural and Environmental Conditions.
EC	European Commission.
EFA	Ecological Focus Area.
EOI	Expression of Interest.
ESPG	Areas designated as Environmentally Sensitive Permanent Grassland. Relates to the requirements for Permanent Grassland under Greening. These areas are: <ul style="list-style-type: none"> <li>• Special Areas of Conservation (SAC)</li> <li>• Special Protection Areas (SPA)</li> <li>• and areas falling within a biological 'Site of Special Scientific Interest' (SSSI) (excluding those designated for geological/earth science features).</li> </ul>
Farmer	A natural or Legal Person, or a group of natural or Legal Persons, whose holding is situated within a Community Territory and who exercises an agricultural activity.
GAEC	Good Agricultural and Environmental Condition.
Glastir management options	Areas of land where your Glastir Contract requires the land to be managed in a particular way. The management requirements will be different depending on the option chosen or the Contract you have signed. This includes Glastir Entry and Glastir Advanced Contracts and land in receipt of premium and maintenance payments under Glastir Woodland Creation.
Herbaceous forage	Any herbaceous plant traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows. These mixtures can include Lucerne, Sainfoin, forage vetches and clovers.

## ANNEX 6: GLOSSARY OF TERMS

Acronyms and Terms	Explanation
GWCP	Glastir Woodland Creation Premium.
GWM	Glastir Woodland Management.
Gwlad e-newsletter	Newsletter published online by the Welsh Government.
Holding	All the units used for agricultural activities, managed by a farmer situated within the territory of the same member state (includes owned and rented land).
IACS	Integrated Administration and Control System. This is the European Commission's base control for CAP and Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 schemes.
Keeper	As defined in the BCMS Cattle Handbook and the Sheep and Goat Handbook.
ILP	Improved Land Premium.
Lease	Rental agreement or similar temporary transaction.
LUs	Livestock Units.
Nurseries	<p>The following areas of young ligneous (woody) plants grown in the open air, for subsequent transplantation:</p> <ul style="list-style-type: none"> <li>• vine and root stock nurseries</li> <li>• fruit tree and berry nurseries</li> <li>• ornamental nurseries</li> <li>• commercial nurseries of forest trees excluding those for the holding's own requirements grown within woodland</li> <li>• nurseries of trees and bushes for planting in gardens, parks, at the roadside and on embankments (e.g. hedgerow plants, rose trees and other ornamental bushes, ornamental conifers), including in all cases their stocks and young seedlings.</li> </ul>
NRW	Natural Resources Wales.
Other parts of the UK	These are England, Scotland and Northern Ireland.
Paying Agency	<p>The organisation that administers a scheme and makes payments within an individual country:</p> <ul style="list-style-type: none"> <li>• Wales – Rural Payments Wales (RPW)</li> <li>• England – Rural Payments Agency (RPA)</li> <li>• Northern Ireland – Department of Agriculture, Environment and Rural Affairs (DAERA)</li> <li>• Scotland – Scottish Government, Rural Payments and Inspections Division (SGRPID).</li> </ul>

## ANNEX 6: GLOSSARY OF TERMS

Acronyms and Terms	Explanation
Permanent crops	Non-rotational crops other than permanent grassland that occupy the land for five years or longer and yield repeated harvests including nurseries, and short rotation coppice.
Permanent grassland	Land used to grow grasses or other herbaceous forage naturally (self seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or longer, excluding land that has been set aside under any Welsh Government Rural Communities – Rural Development Programme for Wales 2014 – 2020 scheme during that period.
RPW Online	The Welsh Government’s online system. Farmers and their Agents/Farming Unions can enrol on this system in order to submit applications, view correspondence, payments, maps etc. and to liaise with RPW.
SAC	Special Areas of Conservation.
SAF	Single Application Form.
Sale	The sale or any other definitive transfer or ownership of land or payment entitlements; it does not include the sale of land where land is transferred to public authorities or for use in the public interest and where the transfer is carried out for non-agricultural purposes.
Short rotational coppice	Areas planted with tree species that consist of woody, perennial crops, the rootstock or stools of which remain in the ground after harvesting, with new shoots emerging in the following season and with a maximum harvest cycle of 20 years.
SMR	Statutory Management Requirement.
SPA	Special Protection Areas.
SSSI	Site of Special Scientific Interest.
Transfer	The lease or sale or actual inheritance or anticipated inheritance of land or payment entitlements or any other definitive transfer thereof; it does not cover the reversion of entitlements upon expiry of a lease.

## ANNEX 7: LIST OF REFERENCE DOCUMENTS

Below is a list of documents that are available to farmers in Wales. In addition, guidance on a wide variety of issues concerning the schemes covered by the Single Application Form have been published in the Gwlad e-newsletter and is available on the [Welsh Government's website](#).

Document	What it Covers
Cross Compliance: Farmers Factsheets	Detailed information to help farmers meet the Statutory Management Requirements (SMRs) and the standards to keep land in Good Agricultural and Environmental Condition (GAEC) plus contacts for further information.
SAF Guidance	'2019 Single Application Form (SAF) Online How To Complete Guide' '2019 Single Application Rules Booklet'.
BPS – Transfer of Entitlements	Guidance notes on the transfer process for BPS Entitlements.

## ANNEX 8: CONTACTS

The [Welsh Government's website](#) and the Gwlad e-newsletter contain information on the BPS and other schemes covered by the SAF.

### RPW Online

Access the RPW Online service via the [Welsh Government website](#). To request access to RPW Online or, if you have any queries on using the online system, please call the Customer Contact Centre on 0300 062 5004 (Monday – Thursday 8.30 – 17.00, Friday 8.30 – 16.30). Please note that the Customer Contact Centre is closed for training purposes between 11:00 and 11:45 am on a Tuesday morning.

### Farmer Enquiries – Customer Contact Centre

Your first point of contact for all telephone enquiries and email correspondence should be the Customer Contact Centre where staff are on hand to provide information and answer queries.

You can use the 'Messages' page on your RPW Online account to send an enquiry to the Customer Contact Centre. Alternatively you can use the following contact details:

Tel: 0300 062 5004

PO Box address: Rural Payments Wales, PO Box 1081, Cardiff, CF11 1SU

### Regional and Area Offices

Offices at Aberystwyth, Caernarfon, Carmarthen and Llandrindod Wells will continue to be open for visitors Monday to Thursday between 09:00 and 16:30, and Friday 09:00 and 16:00. Area offices are open less frequently to visitors and so farmers are advised to check our website or ring the Customer Contact Centre on 0300 062 5004 for opening hours. N:B: Pre-arranged appointments are required for assistance with Online applications. Appointments can be made by contacting the Customer Contact Centre.

Caernarfon Divisional Office  
Welsh Government  
Victoria Dock  
Caernarfon  
Gwynedd  
LL55 1TH

Llandudno Junction Area Office  
Sarn Mynach  
Llandudno Junction  
Conwy LL31 9RZ

Carmarthen Divisional Office  
Government Buildings  
Picton Terrace  
Carmarthen SA31 3BT

Rural Payments Wales  
Welsh Government  
4th Floor  
Cathays Park  
Cardiff CF10 3NQ

Llandrindod Wells Divisional Office  
Government Buildings  
Spa Road East  
Llandrindod Wells LD1 5HA

Aberystwyth Regional Office  
Welsh Government  
Rhodfa Padarn  
Llanbadarn Fawr  
Aberystwyth SY23 3UR

## **ANNEX 8: CONTACTS**

### **Access to RPW Offices for people with disabilities or special needs**

If you have any special needs which you feel are not met by our facilities contact the Customer Contact Centre on 0300 062 5004. Welsh Government officials will then endeavour to make arrangements to accommodate your requirements.

### **Welsh Government Website**

For all of the latest Agricultural and Rural Affairs information, visit the [Welsh Government website](#). By visiting the website, you can also sign up to receive the Rural Affairs e-newsletter which delivers the latest news directly to your e-mail inbox.

### **Gwlad**

The Gwlad e-newsletter is the Welsh Government's e-newsletter for farm and forestry businesses and all those involved with agriculture and rural Wales. It contains news stories, guidance and information in an accessible, easy-to-read format. To keep informed and up to date with all the latest agriculture news and developments in future we would encourage you to sign up to receive the Gwlad e-newsletter. You can do this either at [www.gov.wales/news-alerts](http://www.gov.wales/news-alerts) or at <https://beta.gov.wales/subscribe-farming-and-forestry-news-gwlad>.