



Llywodraeth Cymru  
Welsh Government

# Sustainable Production Grant

# General Rules Booklet

## September 2019

The Welsh Government Rural Communities -  
Rural Development Programme for Wales

2014-2020



Cronfa Amaethyddol Ewrop ar  
gyfer Datblygu Gwledig  
Ewrop yn Buddsoddi mewn Ardaloedd Gwledig  
European Agricultural Fund for  
Rural Development  
Europe Investing in Rural Areas



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## Key Messages

- The Expression of Interest (EOI) has been developed digitally and is available through the RPW Online service. EOIs must be submitted through RPW Online by the publicised deadlines.
- 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 on 0300 062 5004 for further information.
- Guidance on completing your Sustainable Production Grant EOI (SPG) online is available at [Rural grants and payments | beta.gov.wales](#)
- The budget available for this SPG Expression of Interest is £8 million.
- When submitting an EOI, you must ensure that at least one member of the business, as registered under that CRN with Rural Payments Wales, has attended a Sustainable Farming Event. The attendee must ensure that they register their attendance using the CRN that will be submitting the EOI.
- The business applying must be registered with Farming Connect prior to a member of the business booking a place in advance of attending a Sustainable Farming Roadshow event.
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- You must follow the Welsh Government guidance and requirements for Competitive Tendering & Procurement Technical Guidance Notes via the following link: <https://beta.gov.wales/rural-development-programme-2014-2020-technical-guide-competitive-tendering-and-public-procurement>
- If you were selected in the first, second and third rounds of the SPG, you are not eligible to be considered for this round of the SPG. The grant provides a maximum 40% contribution towards capital investments in equipment and machinery that have been pre-identified to support farmers to address nutrient management and safeguarding and improving water, soil and air quality by reducing pollution.
  - The maximum grant award is £50,000
  - The minimum grant award is £12,000

The maximum project cost to receive a 40% grant contribution is £125,000. An EOI may exceed the maximum project cost by adding a single item. If selected, the related claim is capped to the maximum £50,000 grant.

- Annex A provides a list of the eligible capital investment items and is available to view on [Rural grants and payments | beta.gov.wales](https://beta.gov.wales)
- The application process is in two-stages. An Expression of Interest via RPW Online, open for 6 weeks and, if your EOI is selected, appraisal of submitted plans and supporting documents.
- If your EOI is selected, you will be required to complete and submit the following plans and supporting documents for appraisal by the Welsh Government:
  - 5 Year Business Plan
  - Core Criteria Statement
  - Nutrient Efficiency Plan
  - Water Efficiency Plan
  - 3 Years of Certified Accounts
  - Sustainable Drainage Systems (SuDS) Approving Body (SAB) approval<sup>1</sup> if appropriate
  - Planning Permission if appropriate
  - 3 Quotes for each investment item selected on the EOI
- If you are offered a contract following selection of your EOI and successful appraisal of supporting plans and documents, **all investment items in the contract must be purchased.**
- If you are offered and accept a contract and you buy items that are of the wrong kind or specification; or buy items before an SPG contract is accepted; or you do not buy all of the items listed in the contract, the claim will be rejected and any grant paid will be recovered.
- The SPG forms part of the Welsh Government Rural Communities - Rural Development Programme for Wales 2014-2020.

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<sup>1</sup> From 7 January 2019, all new developments where the construction area is of 100 square metres or more require sustainable drainage systems (SuDS) to manage on-site surface water. These must be designed in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers and the designs must then be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins.

## Section A - Introduction

- The Sustainable Production Grant is a Capital grant scheme available to farmers across Wales.
- These Guidance Notes explain the **Sustainable Production Grant (SPG)** and the application process. Please read them carefully. If you then consider your investment plans may qualify for grant and you want to apply for support under this scheme, please see **Section C** and refer to the How to Complete booklet available on [Rural grants and payments | beta.gov.wales](https://beta.gov.wales/rural-grants-and-payments)
- This guidance is for information only and the way it is operated and the rules for eligibility criteria may be subject to change.
- The Sustainable Production Grant is an important element of the Welsh Government Rural Communities - Rural Development Programme 2014-2020. It is designed to help farmers in Wales to improve the economic and environmental performance of their agricultural holdings in line with the Welsh Government and agriculture industry in Wales' vision for more sustainable, profitable and resilient farm businesses.
- The Welsh Government's intention, throughout the delivery of the SPG, is to continually review the performance of the scheme and to evaluate the criteria applied in each window to ensure they are relevant to the industry and individual businesses, as well as the Welsh Government's strategic priorities.
- The impacts of on-farm pollution affecting water quality and wildlife have increased recently, often due to poor slurry storage, dirty water handling facilities and air pollutants. The Welsh Government is targeting this round on supporting farmers to deliver on their objectives in terms of increased nutrient management, along with safeguarding and improving water, soil and air quality by reducing pollution.
- The scheme is discretionary. The amount of grant offered would relate to individual circumstances and would always be the minimum amount necessary to allow the investment to go ahead.

## Scheme Objectives

### The scheme objectives are:

- To enhance on-farm nutrient management
- To protect and enhance water, soil and air quality
- To increase on-farm water efficiency
- Increase on-farm resource efficiencies.

The SPG covers capital investments in equipment and machinery that have been pre-identified to address the impacts of on-farm pollution, offering clear and quantifiable benefits to your farm enterprise and the wider environment.

Applications for the SPG will need to address the strategic and thematic objectives of the Welsh Government.

Activities under the SPG address **at least one** of the following Welsh Government Rural Communities - Rural Development Programme 2014-2020 Priorities and Focus Areas.

## **Priority 2**

Enhancing competitiveness of all types of agriculture and enhancing farm viability:

Focus Area 2a - facilitating restructuring of farms facing major structural problems, notably farms with a low degree of market participation, market-oriented farms in a particular sector and farms in need of agricultural diversification.

## **Priority 5**

Promoting resource efficiency and supporting the shift towards a low carbon and climate resilient economy in agriculture, food and forestry sectors;

Focus Area 5a - increasing efficiency in water use by agriculture

Focus Area 5b - increasing efficiency in energy use in agriculture and food processing

Focus Area 5d - reducing green house gas and ammonia emissions from agriculture

## **Theme and cross-cutting areas**

The capital items and activities eligible under this scheme window support the Soil and Crop Management theme and the three cross cutting areas of Nutrient Efficiency, Energy Efficiency and Water Efficiency.

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*The Sustainable Production Grant has been approved by the European Commission. Any further changes will be publicised via the Welsh Government website ([www.gov.wales](http://www.gov.wales)) and GWLAD online ([beta.gov.wales/subscribe-farming-and-forestry-news-gwlad](http://beta.gov.wales/subscribe-farming-and-forestry-news-gwlad)) and where necessary we will also contact you directly.*

*Sustainable Production Grant is funded through the Welsh Government and the European Commission to form part of the Welsh Government Rural Communities - Rural Development Programme for Wales for 2014 to 2020.*

*Sustainable Production Grant is governed by The Rural Development Programmes (Wales) Regulations 2014 No. 3222(W327); Council Regulations (EU) No. 1305/2013, 1303/2013 and (EU) No. 1306/2013, Commission Implementing Regulation (EU) No. 808/2014 and (EU) No. 809/2014 and Commission Delegated Regulation (EU) 640/2014 and 807/2014 (all as amended from time to time). Copies of these regulations can be found at EUR-Lex web site ([eur-lex.europa.eu](http://eur-lex.europa.eu)) or copies can be requested from the Rural Payments Wales Customer Contact Centre.*

*Articles 107, 108 and 109 TFEU do not apply to grants provided under this scheme which are made pursuant to Regulation (EU) No 1305/2013 of the European Parliament and of the Council (Rural Development Regulations), within the scope of Article 42 TFEU.*

*Article 42 TFEU applies to activities in the primary production of agricultural products.*

*Grants provided under this scheme will comply with the maximum intervention rates and aid ceilings set out in Annex II of the Rural Development Regulations.*

## Section B – Sustainable Production Grant Eligibility

### You are eligible if:

- You are registered with the Welsh Government and have been issued with a Customer Reference Number (CRN). You must be registered with RPW Online.
- 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 on 0300 062 5004 for further information.
- Your Expression of Interest will only be considered as eligible for selection for SPG if one of the members of the business submitting the EOI has attended a Farming Connect Sustainable Farming Roadshow event.
- At least one member of the business applying has registered with Farming Connect, booked and attended a Farming Connect Sustainable Farming Roadshow event. You must register and/or book a place in advance of the event either through the Farming Connect website or phoning the Farming Connect Service Centre on 08456 000 813.
- You are applying as an organic farmer, your business is certified with an organic control body.
- You are a **Primary Producer** of agricultural products. The scheme is open to EOIs from a wide range of businesses involved in the primary production of agricultural products, such as:
  - sole traders
  - voluntary sector organisations
  - private and public limited companies (SME and Large Enterprises)
  - farming businesses and co-operatives
  - New businesses, including start-up businesses

The primary production of agricultural products includes the following farming sectors:

- arable
- beef
- dairy
- goats
- horticulture (including hydroponics and aquaponics)
- pigs
- poultry



- sheep

## **Group Eligibility**

A group of farmers may submit an EOI for SPG. To do so, all farmers that comprise the group must meet all the above eligibility conditions. In addition, the group must be registered with the Welsh Government and have been issued with a Customer Reference Number (CRN) for the group. The EOI must be submitted under the CRN as issued for the group.

### **You are not eligible if:**

- you are an Equine customer (including grazing horses)
- you are a Forestry customer (including woodland only owners)
- you have been selected under rounds one, two or three of the Sustainable Production Grant Scheme
- The capital equipment is to be used for contracting or leasing purposes

## **Eligibility of Activities**

### **Eligible Activities**

Support under SPG covers tangible investments in the primary production of agricultural products covered by Annex 1 of the Treaty on the Functioning of the European Union (TFEU), or cotton, but excluding fisheries products.

### **Ineligible Activities**

There are a number of investments that are not eligible for SPG

- investments to replace items previously purchased with EU or Welsh Government grant assistance (within the same business)
- upgrades to premises and / or equipment to meet requirements arising from statutory enforcement action
- activities related to primary production of agricultural products that are not undertaken by the primary producer, for example, agricultural contracting or leasing activities

## Eligibility of Investments

Only items included in the list of eligible capital Investment items set out in Annex A, which is available at [Rural grants and payments | beta.gov.wales](https://beta.gov.wales/rural-grants-and-payments), are eligible for funding under SPG and must meet the minimum specification described.

Second hand equipment is eligible (for SMEs only) where the applicant can demonstrate the following:

- it complies with current health and safety legislation
- is fit for purpose and
- has at least five years life expectancy remaining

## Ineligible Costs

If it is found that work has commenced prior to accepting the SPG contract, the Welsh Government will either reject the work started and allow the applicant to carry on with the eligible part of the application, or reject the whole application and approval.

Examples of commencement of work include the following:

- Entering into a legally binding contract (i.e. with a builder or supplier, etc.);
- Purchasing equipment/materials - accepting delivery of the same;
- Paying deposits / incurring expenditure in relation to the proposed application will all be viewed by the Welsh Government as commencement of work prior to grant approval.

## Maximum Grant Rate and Maximum Grant Threshold

- The grant amount is made up from the total public sector contribution to the investment project, which includes: monies from the EU; co-finance to the EU funds from Welsh Government; monies from other government departments and agencies, non-departmental public bodies and local authorities; monies from governmental controlled bodies such as the Small Business Service and the National Lottery; and monies from parafiscal taxes (levies).
- If other EU or UK public funds are obtained to support the costs of a project, they will be discounted against the Sustainable Production Grant.
- The maximum grant award is **£50,000**
- The minimum grant award is **£12,000**

- The grant provides a maximum 40% contribution towards capital investments in equipment and machinery that have been pre-identified as offering clear and quantifiable benefits to farm enterprises.
- The maximum project cost to receive a 40% grant contribution is £125,000. Your EOI may exceed the maximum project cost by adding a single additional item. If your EOI is selected, the related claim is capped to the maximum £50,000 grant contribution.

## **Section C – Applying for Sustainable Production Grant**

### **Submitting an Expression of Interest (EOI)**

#### **RPW Online**

You can apply for the Sustainable Production Grant by accessing Rural Payments Wales (RPW) Online only. If you already have a Customer Reference Number (CRN) you should have received a letter informing you of your Activation Code to set up your account. If you no longer have this, please telephone the Customer Contact Centre on 0300 062 5004 (Monday – Thursday 8:30 – 17:00, Friday 8:30 – 16:30) and tell the operator your CRN. They will send you a new Activation Code.

Once registered, you can access your RPW Online account from [www.wales.gov.uk/rpwonline](http://www.wales.gov.uk/rpwonline). The Sustainable Production Grant Expression of Interest is available from the “Applications and Claims” section of your account.

Agents acting on behalf of a client will need to register as a Rural Payments Wales agent. If you have yet to do this, you are advised to complete and return an Agent / Farming Union Customer Details (Wales) form immediately. This form is available on [www.wales.gov.uk/rpwonline](http://www.wales.gov.uk/rpwonline). Upon receipt of the form, we will send you an Agent Customer Reference Number (Agent CRN) and an RPW Online Activation Code. You will also need to complete an Association Authorisation Form to agree roles with your client. This form is available from [www.wales.gov.uk/rpwonline](http://www.wales.gov.uk/rpwonline).

If you have any questions about registering for RPW online or completing your EOI, please contact the Customer Contact Centre on 0300 062 5004. They will be able to provide advice, including the digital assistance that is available to you.

Please refer to the SPG guidance on [Rural grants and payments | beta.gov.wales](http://beta.gov.wales) for more information about RPW Online, how to complete an SPG EOI and the SPG investments available and specification requirements.

#### **Completing the EOI**

When completing your EOI, you will be required to select from a list of eligible capital investment items and provide an estimate of total cost for each item selected. The maximum total grant that can be approved is £50,000. An EOI total grant value over this amount will be capped to £50,000.

You are advised to obtain quotes for each investment item you submit on your EOI. If your EOI is selected, any grant awarded will not be higher than that submitted on your EOI or that was capped to £50,000.

Once the EOI is submitted, you cannot amend the items you have selected.

## The Scoring and Selection Process

Each capital investment item listed at Annex A has been scored against the three themes of:

- Nutrient Efficiency
- Energy Efficiency
- Water Efficiency

The resultant score is given in Annex A – List of Eligible Capital Investment Items against each individual item which is available on [Rural grants and payments | beta.gov.wales](https://beta.gov.wales/rural-grants-and-payments)

The purpose of this scoring is to allow Welsh Government to rank the EOIs against the funding available in each window.

It is a European Commission requirement that projects in the Welsh Government Rural Communities - Rural Development Programme 2014-2020 are not selected on a first past the post system. To meet this requirement, it is intended that the Welsh Government Rural Communities - Rural Development Programme 2014-2020 schemes will open and close for applications periodically through the life of the new programme, dependent upon available programme financial allocations.

The Sustainable Production Grant selection process assesses each Capital Works Project submitted by farming businesses through the EOI. A score will be assigned to each project listed in the EOI based on its ability to deliver an outcome towards the SPG objectives.

The EOIs will be scored and ranked in order according to the scoring criteria. The scoring system takes the total score value of the items you have applied for (as detailed in the Annex A) and divides this overall score by the estimated grant value of your EOI, based on your estimated cost, to arrive at a final score.

To be considered for selection, your Expression of Interest must exceed a minimum threshold of 0.0001.

You will be notified whether or not your EOI has been selected through your RPW online account.

### **Selected EOIs – Submitting your Plans and Documents for Appraisal**

If your EOI is selected, you must accept or decline the selection and return the Application Annex included with your selection notification letter to the Welsh Government via your RPW Online account by the date given in the letter.

If you accept, you will then need to provide specific information about your business and the investment proposals. Guidance on the content and format required for these documents is available at [Rural grants and payments | beta.gov.wales](https://beta.gov.wales/rural-grants-and-payments). To help applicants prepare and complete fully comprehensive documentation in support of their application,

guidance on the technical appraisal and verification procedures undertaken by the Welsh Government is available at <https://beta.gov.wales/sustainable-production-grant-supporting-document-guide>

Please ensure that you follow the guidance as failure to do so may delay appraisal.

The plans and documents that you are required to complete and submit are:

- 5 Year Business Plan
- Core Criteria Statement
- Nutrient Efficiency Plan
- Water Efficiency Plan
- 3 Quotes for each investment item selected on the EOI
- 3 Years of Certified Accounts
- Sustainable Drainage System (SuDS) Approving Body (SAB) approval if appropriate
- Planning Permission if appropriate

### **Five Year Business Plan**

You may provide your own plan or you may wish to contact a consultant to complete a plan with you. You may wish to consider doing this through Farming Connect, detail on the following link <https://businesswales.gov.wales/farmingconnect/business-planning>.

Your business plan is required to determine business viability and the validity of the proposed investment. Your plan must be a holistic plan for the whole business and must not simply focus on the capital grant requested.

### **Core Criteria Statement, Nutrient Efficiency and Water Efficiency Plans**

A form is available on this link [Rural grants and payments | beta.gov.wales](https://beta.gov.wales/rural-grants-and-payments) for you to provide details against the Core Criteria and Nutrient Efficiency and Water Efficiency plans. Please ensure that you complete all sections.

The Core Criteria Statement will ask for detail of the following

- Financial & Compliance

- Delivery
- Management of Operation
- Value for Money
- Indicators & Outcomes
- Suitability of Investment
- Cross cutting themes
- Long Term Sustainability

The Nutrient Efficiency Plan must demonstrate how the investment will improve the nutrient management on the farm as well as the impact it has on the Greenhouse Gases.

The Water Efficiency Plan must outline the current water requirements and cost to the farm along with options and how the capital investment will help improve water efficiency.

### **3 Quotes for each Investment Item**

You must refer to the Welsh Government Guidance and Requirements Competitive Tendering & Procurement Technical Guidance Notes via the following link:

<https://beta.gov.wales/rural-development-programme-2014-2020-technical-guide-competitive-tendering-and-public-procurement>

You will need to obtain and submit 3 separate quotes for each investment and select one as the preferred quote for the investment.

Only one quote is required when the purchase is under £5,000.

Please ensure that the quotes are submitted by the date in your selection letter.

### **3 Years of Certified Accounts**

Please provide copies of accounts for the last 3 years.

### **Sustainable drainage System (SuDS) Approving Body (SAB) approval**

If your investment requires SAB approval, which has not yet been issued, you must submit either the SAB approval documents or a receipt from the local SAB that the application for approval has been submitted. For an overview of what requires SAB approval and for more detailed guidance please visit the Welsh Government website at:

<https://gweddiill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>

The payment of any grant will not be made until SAB approval documents have been submitted and verified by the Welsh Government.

If the project has been considered by the local SAB not to require SuDS, you will need to provide evidence from the SAB to confirm this. While SAB approval is independent of planning permission, the evidence you submit will be assessed by the appraisal team in a manner consistent with its processes relating to planning consent (see below).

Some applications for construction with drainage implications which require approval by the SAB may not require planning permission from the local planning authority (for example, permitted development less than 100 square metres). It should, therefore, not be assumed that the absence of a requirement for planning permission would negate the need for SAB approval.

### **Planning Permission**

If your investment requires planning consent, which has not yet been issued, you must submit either the planning approval documents or receipt from the local planning authority that the planning application has been submitted.

The payment of any grant will not be made until planning approval documents have been submitted and verified by the Welsh Government.

If the project has been considered by the planning authority not to require planning consent, you will need to provide evidence from the planning authority to confirm. These documents will be assessed by the appraisal team for;

- their ability to meet the objectives set out in the scheme,
- the economic and environmental return on investment to the business and;
- the business need of the project proposals in accordance with the scheme eligibility rules.

The checks will include full due diligence appraisal and eligibility checks and only at that point, will a final decision be taken to offer a grant.

There is no guarantee that an offer of grant will be approved. The appraisal process will take a maximum of 90 working days from receipt of your plans and supporting documents. The appraisal will not commence unless ALL the supporting documentation has been received by the Welsh Government.



## Successful Appraisal

If appraisal of your plans and documents is successful, you will be offered a SPG Contract via your RPW Online account. You will need to accept or decline this offer of Contract by selecting the Blue Accept/Decline button available on your RPW Online account within 30 days. If you do not accept the contract within 30 days, the offer of contract will be withdrawn.

If you accept your offer of contract you will also be required to complete a delivery profile to confirm the month and year in which you intend to submit your claim for each investment item approved on your contract. **Starting Work**

You must not start work until you have accepted your contract. If you do start work, the Welsh Government may reject the work started or terminate the contract and recover payments made.

You must purchase and claim for **all** the items on your contract via your RPW online account within **two years** of the contract offer.

## Withdrawing or Not Proceeding with Selection

If, after being selected, you decide not to proceed with your contract or fail to accept the offer of a contract within the time permitted, you will not be able to apply for SPG under any subsequent SPG rounds.

If you decide to withdraw from the contract prior to completing the work or if you do not complete all the work approved in your contract, you will not be able to apply for SPG under any subsequent rounds and may be required to repay any payments made.

You must purchase and claim for **all** the items on your contract via your RPW online account within **two years** of the contract offer.

## Conditions of Aid

- The award is made on the basis of statements and declarations made by you or your representatives in the application form and the claim form and any subsequent correspondence.
- You must meet any legal obligations imposed under EU and UK law, including animal or plant health and welfare legislation.
- No alterations may be made to the project, including, where applicable, the location of the activity, without the written approval of the Welsh Government.

- No equipment purchased with grant aid must be disposed of, transferred or sold without the prior written consent of Welsh Government, during the project delivery and for five years from the date of the approval.
- The applicant is required to comply with the rules on eligible expenditure as detailed in the Scheme Guidance Notes.
- You must confirm that none of the items covered by the application are replacements under an insurance claim.
- You must provide confirmation that no other public funding (whether from EU or UK sources) has been sought.
- Records concerning the application and claim for this grant, including all original invoices and any other related documents, must be retained for at least seven years after the date of approval.
- You must allow representatives of Welsh Government, the Auditor General for Wales, Audit Commission and the European Court of Auditors to inspect the project. On request, you must provide them with information and / or access to original documentation in relation to the project.
- Any publicity given to the project must make reference to the part played by both the European Union and Welsh Government in funding it.
- **You should be aware that, if successful, the Welsh Government and the European Commission reserve the right to publish the name of your business or company, the amount of grant you were awarded and a summary of your project.**

## Section D – Payments

### Claims

The Sustainable Production Grant will only be available to claim via your RPW Online account; payments will be made following the successful validation of your claim.

In order to be eligible to receive Sustainable Production Grant payments you must:

- Have accepted a Sustainable Production Grant contract within 30 days of the offer date and adhere to all the requirements.
- Ensure that you only purchase items listed in your contract after you have accepted the contract offer.
- Ensure that you have purchased, installed and completed **all** of the investment items listed in your contract before you submit your claim.
- Claim for **all** items on your contract via your RPW online account within **two years** of the contract offer.
- Submit a claim via your RPW online account using the Capital Works claim page within the deadline. A claim is not considered valid until all required supporting information is submitted.
- Submit supplier invoices for all investment items claimed. Invoices must be receipted and dated with the date paid and a bank statement showing the invoice paid. If payment is made by cheque, a scanned copy of the written cheque, before it is presented to the supplier, will be required, in addition to the bank statement.

### Supporting Documentation

You **must** submit invoices **and** evidence of defrayment for each investment item for your claim to be valid.

Invoices must clearly display the word 'invoice' on the document and include the following:

- a unique identification number
- your company name, address and contact information
- the invoicing company name and address
- a clear description of what you're being charging for
- the date the goods or service were provided (supply date)
- the date of the invoice
- the amount(s) being charged
- VAT amount if applicable
- the total amount owed

Defrayment should be evidenced by bank statements. If the value of the transaction does not match the invoice value (for instance if you have bought non project items from the same supplier) a breakdown of the whole payment with supporting invoices will be required.

If making payments by cheque, then a scan of the written cheque, before it is presented to the supplier, will be required **in addition to** the bank statement.

You can submit the invoices and evidence of defrayment by scanning them and sending them via “My Messages” in your RPW Online account or by bringing the original invoices/bank statements to your nearest Divisional Office.

### **Incorrect claims and penalties**

You have a responsibility to make sure that the claim submitted is only for investment items as detailed and approved in your contract.

Your claim for payment is ineligible if you:

- Have bought investment items that are of the wrong kind or specification; or
- have bought items before the contract was accepted; or
- have not bought all of the items listed in the contract

If the claim is incorrect, then your claim will be reduced to the amount that is eligible and the grant to be paid will be calculated accordingly. However, if the error is more than 10% of the total amount claimed, then a financial penalty will also be applied.

**Your whole claim could be rejected and any grant paid may be recovered.**

### **Offences**

- Regulation 13 of the Rural Development Programmes (Wales) Regulations 2014 (No. 3222 (W.327)) establishes criminal offences and penalties in relation to certain aspects of rural development funding. That Regulation and those offences are applicable to the Sustainable Production Grant Scheme. Examples of offences include knowingly or recklessly providing false or misleading information in relation to rural development funding, obstructing an inspector or official and refusing to provide information when requested to do so.

### **Monitoring Of Projects**

- It is a European Commission requirement that all grant awards are monitored and the effect of the grant on the business is evaluated.

- It is a requirement that equipment purchased with the aid of a Sustainable Production Grant, must be kept in situ, operational and in good repair, and used for the same purpose as set out in the original application for five years of the final payment.
- You must allow officials from Welsh Government and the European Commission, or their representatives, to inspect the investment at any reasonable time within this five year period.

## **Section E – Changes to Scheme Rules**

### **Legislation Changes (Including Changes in Interpretation)**

- European regulations may change from time to time and you will be required to abide by any changes imposed following notification from the Welsh Government.

### **Changes to Scheme Rules**

- We may need to make changes to your contract for a number of reasons. For example, we may need to update the management conditions to take account of the latest scientific advice, amend scheme rules to take account of any changes within the Welsh Government Rural Communities - Rural Development Programme for Wales 2014-2020 or revise payment rates. We will publicise changes on the Welsh Government website at [www.gov.wales/agrischemes](http://www.gov.wales/agrischemes) and, where necessary, contact you directly.

## **Section F - Inspections and Record Keeping**

- The Welsh Government must enforce the Sustainable Production Grant rules. Inspections will include on farm inspections.
- Your claim may be selected for inspection before the payment is made to you or it may be inspected after the payment has been made.
- All the details in your EOI, Application, the details in your claim and the declarations that you made in submitting the EOI, Application and claim will be checked at inspection. This will include a check on the business turnover figure, the dates on which the investment was bought, who the invoice or invoices were made out to and the specification of the equipment (where appropriate).

### **On Farm Inspections**

- The Welsh Government and the specialist control bodies will try to ensure that visits cause you the minimum of disruption, but some checks require inspections to be unannounced, which means it may not be possible to give you notice of a visit. Inspections may occur more than once during a calendar year.
- If you refuse to allow an inspection, or obstruct an inspector or fail to give reasonable assistance, you will lose your payment and you may be prosecuted.

### **Record keeping**

- You must keep all records and information you need to evidence that you have provided complete and accurate information and have complied with your undertakings.
- You will also be required to:
  - Supply to the Welsh Government any information about your Sustainable Production Grant contract and supply that information within the period determined by the Welsh Government.
  - Make available to the Welsh Government, its authorised persons or its agents, records, accounts, receipts and other information including access to computer data relating to your Sustainable Production Grant contract. Permit the Welsh Government to remove any such document or record to take copies or extracts from them.

## **Section G – Appeals and Complaints Procedure**

### **Appeals Procedure**

**There are no grounds for appeal if your Expression of Interest is unsuccessful.**

If a claim is rejected, the reasons for rejection will be spelt out clearly.

**NOTE – there are no force majeure circumstances in this grant scheme.**

If you consider there are any grounds that the administrative process has not been followed correctly then please submit a full, detailed written explanation using your RPW Online account or write to the Customer Contact Centre address listed in the contacts section no later than 60 days following the date of the decision.

If an application is rejected, an appeals procedure will be established which will take the form of an oral or written submission to persons appointed by and independent of the Welsh Ministers.

### **Complaints Procedure**

Complaints will be dealt with under the Welsh Government's Code of Practice on Complaints. Further advice on how to make a complaint can be obtained on the Welsh Government website.

In addition, you can write to any Member of the National Assembly for Wales about your complaint and you may also choose to contact:

Public Services Ombudsman for Wales,  
1 Ffordd y Hen Gae  
Pencoed  
CF35 5LJ



## Section H – General Data Protection Regulation: Privacy Notice

This notice informs you about the Welsh Government's use of the information provided in 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 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)

The information will be processed and managed by the Welsh Government in accordance with its obligations and duties under the following European Regulations:

- Council Regulation (EU) No. 1303/2013
- 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 for financial support. 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. 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.

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.

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.

Your information will be stored in accordance with the Commission Implementing Regulation (EU) No 908/2014, "Conservation of Accounting Information".

## **Reasons for sharing personal data**

EU legislation requires checking of scheme eligibility, and to conduct these checks Welsh Government may share information with:

- Natural Resources Wales
- Animal and Plant Health Agency
- Veterinary Medicine Directorate
- Welsh Local Authorities
- Food Standards Agency Wales
- DEFRA
- Other UK Government Agriculture Offices.
- Regulatory authorities, such as HM Revenue and Customs, Local Authorities, Health and Safety Executive and the Police.

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
- 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
- shared with fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify your identity
- publication of certain information and responding to requests for information.

## **The Publication and Disclosure of Information**

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.

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.

## **Rights under the General Data Protection Regulation (GDPR)**

The GDPR gives individuals rights in respect of the personal data held on them. These rights include:

- the right to be informed (this notice)
- the right to ask for and receive copies of the personal data that 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.

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

Telephone: 01625 545 745 or 0303 123 1113

Website: [www.ico.org.uk](http://www.ico.org.uk)

## Contacts

### 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. The Customer Contact Centre is open between 08:30 and 17:00.

The contact details for the Customer Contact Centre are as follows:

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 between 09:00 and 16:30 Monday to Friday. 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.

Caernarfon Regional Office  
Welsh Government  
Victoria Dock  
Caernarfon  
Gwynedd LL55 1TH

Carmarthen Divisional Office  
Government Buildings  
Picton Terrace  
Carmarthen SA31 3BT

Aberystwyth Area Office  
Welsh Government  
Rhodfa Padarn  
Llanbadarn Fawr  
Aberystwyth  
Ceredigion SY23 3UR

Newtown Area Office  
Ladywell House  
Park Street  
Newtown SY16 1JB

Llandrindod Wells Divisional Office  
Government Buildings  
Spa Road East  
Llandrindod Wells LD1 5HA

Llandudno Junction Regional Office  
Sarn Mynach  
Llandudno Junction  
Conwy LL31 9RZ

Rural Payments Wales  
Welsh Government  
West Core 4th Floor  
Cathays Park  
Cardiff CF10 3NQ

### Access to Welsh Government 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's website at [www.gov.wales/agriscemes](http://www.gov.wales/agriscemes). 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

Gwlad is the Welsh Government's magazine 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. The March/April 2016 edition of Gwlad was the final one issued in hard copy. Following the final copy one of the ways that we communicate with you is through the Gwlad e-newsletter. 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 [www.gov.wales/gwlad](http://www.gov.wales/gwlad)