



**An Roinn Talmhaíochta,
Bia agus Mara**
Department of Agriculture,
Food and the Marine

HELPSHEET / TERMS & CONDITIONS
AREAS OF NATURAL CONSTRAINTS (ANC)
AND
AREAS OF SPECIFIC CONSTRAINTS (ISLAND FARMING)
SCHEMES 2021



**'The European Agricultural Fund
for Rural Development: Europe
investing in rural areas'.**

IMPORTANT

This document contains the Terms and Conditions for the 2021 Areas of Natural Constraints (ANC) Scheme and Areas of Specific Constraints (Island Farming) (ASC) Scheme and **should be read in full and in conjunction with the Terms & Conditions of the 2021 Basic Payment and other area-based Schemes.**

Application for the ANC/ASC scheme must be made using the Basic Payment Online Application system by **ticking the appropriate box** on the Online application at www.agfood.ie

Please ensure that you have made an application when submitting your online form. Where an applicant fails to tick the appropriate box to indicate they wish to apply for the ANC scheme, they will not be eligible for payment under the 2021 scheme.

To qualify for the ANC/ASC Scheme you must -

Hold a valid herd number and farm eligible disadvantaged lands in your own right.

Maintain a minimum stocking density of 0.15 livestock units per eligible forage hectare for 7 consecutive months **within the 2021 calendar year.**

Maintain an annual average stocking density of 0.15 livestock units per eligible forage hectare **for the 2021 calendar year.**

Note: Arable lands, which are payable in designated areas under the scheme will not be subject to or taken into account in the calculation of stocking requirements.

Applicants with sheep and/or goats must have submitted a valid Sheep/Goat Census return within specified timelines.

- In cases where it is necessary to submit your flock register for sheep and goats, the **Original Flock Register** must be submitted - certified copies will not be accepted.

For animals with no national movement database i.e. horses/donkeys, **proof of ownership of such animals will be required each year.**

- In the case of equines, the **Original Passport** must be submitted - certified copies will not be accepted.

New entrants should note the specific stocking requirements under Section 7 - New Entrants.

Note: Further details in relation to above and other important details **in relation to the Terms and Conditions of the ANC/ASC scheme** are set out in this document.

Please ensure that you quote your herd number on all correspondence with the Department.

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Terms & Conditions applicable to the 2021

Areas of Natural Constraints and the Areas of Specific Constraints (Island Farming) Scheme

1. INTRODUCTION

The Areas of Natural Constraints (ANC) Scheme deals with areas of land situated on the mainland which are designated as disadvantaged/constrained. The ANC lands are designated in accordance with the provisions of Article 32 of Regulation (EU) No 1305/2013. The Areas of Specific Constraints (Island Farming) Scheme (ASC) deals with areas of land situated on offshore islands. The lands situated on offshore islands are designated as Areas of Specific Constraints in accordance with the provisions of Article 32 of (EU) Regulation No 1305/2013.

2. HOW TO APPLY FOR ANC / ASC - Mainland and Islands

Applications for the 2021 ANC/ASC Schemes must be made using the 2021 Basic Payment and other Area-based schemes online application.

It is necessary to tick the appropriate ANC applicant box and applicants' or their authorised agent must ensure that they have done so.

Where an applicant fails to tick the appropriate box to indicate they wish to apply for the ANC scheme, they will not be eligible for payment under the 2021 scheme.

It is also necessary to ensure that all other relevant areas of the Basic Payment and other area-based schemes application are completed in order to lodge a valid claim. The closing date for applications is 17th May 2021. Applications may be submitted up to midnight on that date.

If it is known that any of the lands situated in an ANC/ASC region will not be available to you for the full calendar year you **must** indicate this by identifying the relevant parcels when submitting your Online Application form.

3. CONDITIONS OF APPLICATION

By submitting an application for the ANC/ASC scheme applicants subscribe to the following scheme conditions -

All applicants must co-operate fully with Department staff, or its' Agents, in relation to any inspection or any request for documentation. Processing of applications cannot be completed until all outstanding documentation has been submitted.

All applicants must comply with Cross Compliance requirements, as set down in relevant EU legislation (Directives and Regulations), and the standards for Good Agricultural and Environmental Condition (GAEC), in the areas of environment,

climate change and good agricultural condition of land; public, animal and plant health and animal welfare. *Articles 91 - 94 of Regulation (EU) No 1306/2013 refer.*

It must be noted that an application will not be accepted or approval may be withdrawn if, in the opinion of the Minister or his officials, it is established that an applicant artificially created the conditions required to obtain grant aid with a view to obtaining an advantage contrary to the objectives of the Scheme.

4. LATE APPLICATIONS

The 2021 Basic Payment Scheme application is the application form for the 2021 Areas of Natural and Specific Constraints Schemes. Under EU Regulations, there is a 25-calendar day period after the 17th May 2021 closing date for the acceptance of late applications and any necessary supporting documentation. However, deductions to payments will apply to the applications, which are received during this period. Except in cases of force majeure / exceptional circumstances, applications will not be accepted after this 25-calendar day period has ended.

The rate of deduction is 1% per working day in respect of payments under Areas of Natural Constraints and Specific Constraints Schemes. The rate of deductions can be seen at Annex 1.

Force Majeure is defined in Article 2 of Regulation (EU) No 1306/2013:

For the purposes of the financing, management and monitoring of the CAP, "force majeure" and "exceptional circumstances" may, in particular, be recognised in the following cases:

- (a) the death of the beneficiary;
- (b) long-term professional incapacity of beneficiary;
- (c) a severe natural disaster gravely affecting the holding;
- (d) the accidental destruction of livestock buildings on the holding;
- (e) an epizootic or a plant disease affecting part or all of the beneficiary's livestock or crops respectively;
- (f) 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.

Where an applicant wishes to rely on force majeure/exceptional circumstances, the obligation is on the beneficiary to notify in writing, to the Department, the occurrence of such an event. The notification has to be submitted, with relevant evidence to the satisfaction of the Department, within fifteen working days from the date on which the beneficiary or the person entitled through him/her, is in a position of doing so.

5. SCHEME REQUIREMENTS AND ELIGIBILITY

To be eligible for payment under the 2021 ANC/ASC Scheme an applicant must in their own right:

- Submit, via the Basic Payment Online application system, a valid 2021 Basic Payment Scheme and other Area-based Schemes application form by the deadline of 17th May 2021 and **confirm application for ANC/ASC Schemes by ticking the ANC applicant box.**
- Hold a valid Herd Number issued by the Department of Agriculture, Food and the Marine. Applicants are required to be a holder of a registered herd number or have applied to the Local District Veterinary Office for a herd number on or before 17th May 2021. New entrants should also read the section regarding the requirements applicable to herd owners who receive their herd number after 1st June 2021 (See Section 7).
- Occupy and farm in their own right and at their own risk a minimum of 3 hectares of ANC land situated in an area within the State designated as an Area of Natural Constraints. While lands must be occupied and farmed under the ASC Island Farming Scheme it should be noted that there is no minimum land requirement under this scheme.
- Undertake to farm, manage and pursue a farming activity on all land applied for in 2021, and adhere to the definition of an “active farmer”, as defined in article 9 of Regulation (EU) No 1307/2013.
- Undertake to farm, manage and pursue a farming activity on all land applied on in 2021, for the full calendar year. If an applicant is aware or becomes aware that any of the land situated in an Area of Natural/Specific Constraints will not be available to them for the purposes of farming for the full calendar year in 2021, that person is required to notify the Department immediately, using the online application, documenting the parcel numbers of each parcel concerned and the relevant reason. Information in relation to the submission of amendments is outlined at (page 16 of the 2021 Basic Payment/Greening and other area-based schemes Helpsheet/Terms and Conditions.
- In the case of sheep and goats, a valid sheep census must be submitted for the year in question within the specified timelines.
- Have a holding that meets the minimum stocking levels as outlined in Section 7 of this document.

6. PARTNERSHIPS

Farm partnerships involve the coming together of two or more farmers (including those persons who have acquired the relevant agriculture qualification) to operate the farm business as a single entity. Among the benefits of creating a farm

partnership are improved efficiency, a better work life balance and greater economies of scale at farm level. Within family farms the creation of a farm partnership often allows parents and children to begin the process of intergenerational transfer.

In order to encourage the development and maintenance of such partnerships the Department and the Revenue Commissioners operate a series of incentives. These include the granting of an enhanced 50% stock tax relief to members of registered farm partnerships; the recognition of such arrangements in the calculation of payments under the Pillar I and Pillar II Schemes; and the introduction of a Support for Collaborative Farming Grant Scheme for brand new farm partnerships. However in order to be eligible for these incentives, farm partnerships must be placed on the Department's Register of Farm Partnerships.

Under Irish National Regulations, applicants who are partners in a farm partnership can, subject to conditions outlined below, continue to benefit individually under the ANC/ASC Scheme based on the area of ANC/ASC land they contribute to the partnership.

Those wishing to have their farm partnership placed on the Register should submit their application to the Department's Farm Partnership Unit - see Department's website: <http://www.agriculture.gov.ie/farmingsectors/newfarmpartnershipregister>. Please note that all applications to place farm partnerships on the Department's Register must be received by the Farm Partnership Registration Unit by Friday 30th March 2021.

Once farm partnerships are placed on the Register, they will receive a Farm Partnership Registration Number (FPRN). This FPRN should be used when applying for all Department support schemes.

It is important to note that if any or all of the partners use an Agent to administer their applications, the Nominated Person (Precedent Partner) in the farm partnership should contact the Agent to organise the new login facilities.

Please note that a Registered Farm Partnership can only submit a 2021 Basic Payment Scheme and other area based scheme application through the Departments Online facility and should only use the Farm Partnership Registration Number when submitting the application. Individual members of the Partnership should not submit an application under their own herd number.

ANC/ASC and Partnerships

Applicants registered under Farm Partnership Registration are required to submit one 2021 Basic Payment Scheme and other Area-based Schemes application form through the Departments online facility. **In order to be considered under the ANC/ASC scheme at an individual level each partner should individually declare all land farmed by them within the partnership.**

All partners who declare designated ANC/ASC lands at individual level will be considered under the ANC/ASC scheme.

Individual maximum land thresholds will be applicable to each individual partner in respect of designated ANC/ASC lands declared.

Thereafter, scheme eligibility requirements in respect of the 7 month stock retention period and the annual average stocking density must be met at overall partnership level in respect of all forage hectares.

NOTE: Where the overall partnership holding fails to meet scheme eligibility requirements in respect of either the 7 month stock retention period or the annual average stocking density no payment will be due to the partnership or any of the partners in respect of forage hectares. Only one payment under ANC/ASC will issue to the Partnership. All Payments due to the individual partners will be combined into a single payment which will issue to the partnership.

7. STOCKING REQUIREMENTS

Only certain types of livestock are eligible for consideration under the ANC/ASC scheme. The following animals may be considered providing the relevant eligibility criteria are met - Cattle, Sheep, Goats, Horses, Donkeys and or Deer.

Stock Retention Period

The retention period for the 2021 scheme is 7 consecutive months within the calendar year i.e. 1st January 2021 to 31st December 2021, where the stocking density on the holding has to be equal to or greater than 0.15 livestock units per forage hectare.

Examples of seven consecutive month period are: 1st January to 31st July inclusive, 15th February to 14th September inclusive, 19th May to 18th December, 1st June to 31st December **inclusive**.

Minimum Stocking Density Requirements

In addition to meeting the 7 month retention period, applicants must also maintain an annual average of 0.15 livestock units calculated over the 12 months of the calendar year. Applicants must own, possess, hold and maintain the livestock required to maintain the minimum stocking level.

There will be a continued recognition of applicants who will not meet the minimum stocking requirement due to recognised constraints imposed on the holding. Where it is established that an applicant does not own the animals used to calculate the minimum stocking density the applicant will be deemed ineligible for payment under the Scheme except in the case of Contract Rearing.

In cases where a holding has been restricted due to the presence of an animal disease (e.g. TB) applicants are required to meet the minimum required stocking density within 10 days of the date of derestriction.

Arable Lands

Arable lands, situated in designated areas, are eligible for payment in 2021. It should be noted that these arable lands will not be subject to or taken into account in the calculation of stocking requirements.

New Entrants

For new entrants, where the allocation of a herd number is delayed beyond the 1st June 2021, the stocking density requirements will be calculated on a pro-rata basis from the date of allocation up to and including 31st December 2021. Applicants are however required to meet the minimum required stocking density within 10 working days of receiving their herd number. Supporting documentation must be submitted for sheep, goats, horses and donkeys e.g. original flock register, original horse/donkey passports

Sheep/Goat Census

Under EU Regulation 21/2004, all flock owners', sheep/goat keepers are obliged to count the sheep/goats present in their flock on their holding, record this number in the flock register and are legally obliged to return this number to this Department via the annual Sheep/Goat Census return. Where flock owners do not have sheep/goats at the time of the Census, but will have sheep during the following year they must still complete and return the Census. Where, in such circumstances, a Census Return is not forwarded by the Department the onus is on the herd owner to source the form through their District Veterinary Office.

The closing date for the December 2020 Sheep/Goat Census is 1st February 2021 for paper census forms. The deadline for online census submission is 15th February 2021. **However, Sheep/Goat Census returns received up to 17th May 2021 will be considered as valid for ANC/ASC purposes.**

ANC/ASC applicants failing to submit a Sheep/Goat Census in line with the dates and conditions above will be deemed ineligible for the ANC/ASC Schemes.

In cases where it is necessary to submit a flock register to prove stocking density requirements **only the ORIGINAL flock register will be accepted**. Certified copies will not be accepted.

Flock Registers must be complete and contain records of all sheep/goat movements on the holding. This should include the total number of lambs born in 2021 and lambing dates (by each week).

Equines (Horse/Donkey)

All premises where horses and donkeys are kept must be registered with the Department of Agriculture, Food and the Marine, in accordance with S.I. No. 8 of 2012, Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012.

All equines are required to have a valid passport in the applicants name. Where an equine is purchased it must have a valid passport at the time of purchase and same

must be updated to the applicants name thereafter in accordance with the governing regulation.

Equines will only be accepted for the ANC/ASC schemes from date of registration or transfer of ownership.

NOTE: Applicants seeking to fulfil stocking density using either Horses or Donkeys **must submit ORIGINAL passports** to the ANC section in Portlaoise. Certified copies will not be accepted. Passports can only be submitted after the minimum seven month retention period and annual total has been met, i.e. after the 31st July 2021.

Horses - Inclusion of breeding horse enterprises

While horses are not automatically eligible for the stocking density calculation, equine breeding enterprises continue to be eligible on the basis of the contribution they make to the local economy. Equine Breeding Enterprises are defined as follows: an applicant must, in the first instance, be an equine breeder and have bred a foal, in either 2019 or 2020, from a mare registered as on the applicant's holding in 2020, which was registered in a Stud Book approved by the Department of Agriculture, Food and the Marine, with pedigree recorded (sire and dam). Furthermore, the premises of all who meet this criteria must be registered with the Department of Agriculture, Food and the Marine, in accordance with S.I. No. 8 of 2012, Diseases of Animals Act 1966 (Registration of Horse Premises) Order 2012.

Where these criteria are met, the following equines will then be eligible for inclusion in the stocking density calculation for the 2021 Scheme subject to adherence to S.I. 357 of 2011, European Communities (Equine) Regulations 2011 and S.I. 189 of 2014 Equidea (Transfer of Ownership) Regulations 2014:

- All equines aged one year to five years, (aged using 1 January), registered in a Stud Book approved by the Department of Agriculture, Food and the Marine, with pedigree recorded (sire and dam) and registered in the name of the applicant in accordance with EU Regulation 504/2008 and maintained on his/her holding;
- Breeding mares, registered as having been on the applicant's holding in 2020, which have bred a foal in either 2019 or 2020. Both the mare and the foal **MUST** be registered in a Stud Book approved by the Department of Agriculture, Food and the Marine.

NB: Where horses from Equine Breeding Enterprises are used in calculating compliance with the minimum stocking density requirement the Department of Agriculture, Food and the Marine may directly verify the appropriate information in the relevant databases necessary to confirm that the eligibility of the animals.

Donkeys

Donkeys are eligible for inclusion in the stocking density calculation. They must be owned by the applicant who holds a valid passport with the donkey registered in the name of the applicant. All donkeys must be maintained on the applicants holding.

IMPORTANT - Following changes introduced in the 2020 scheme year, only 50% of stocking density requirement can be fulfilled using donkeys. Applicants will be required to use other livestock to fulfil the other 50% requirement.

Deer

While deer are eligible for inclusion in the stocking density calculation they will only be considered as eligible subject to an on-site inspection. The onus is on the applicant to request a deer inspection by the Department. It is preferable, for administration purposes, that such inspections be requested after 1st August 2021. To request a deer inspection, contact the Direct Payments Helpdesk on 0761 064420.

8. LIVESTOCK UNIT VALUES

The following livestock unit values are used for calculating compliance with the minimum stocking level of 0.15 livestock units per forage hectare for the entire area declared under the 2021 ANC/ASC Scheme. Where an applicant has indicated on the Online Application form that lands will not be available for the full calendar year the required stocking density will be recalculated on a pro rata basis with reference to the period for which the lands are available.

You must own, possess, hold and maintain for at least seven consecutive months of the year the livestock required to maintain the minimum stocking level. The only exempted cases from compliance with the minimum stocking level of 0.15 livestock units per forage hectare are applicants where a lower stocking level has been fixed based on the productivity of the land. In such cases the requirement to maintain animals for at least seven consecutive months of the year will apply to the number of animals per forage hectare which is the equivalent in livestock unit values to that lower stocking level.

In the case of commonage, the stocking density currently used in the calculation of the minimum stocking density for the holding is calculated using the most recent relevant stocking information available to the Department in respect of the commonage. The basis of these figures is the original Commonage Framework Plans (CFP). These figures were created with reference to the habitat types that are contained within the commonage.

The minimum commonage stocking density may be subject to change. The Department may request or propose a review of this figure at any time. Any such review must be supported by an assessment completed by an approved FAS advisor.

Type of animal	Livestock Unit value	Proof required
Female or male cattle over 2 years old	1.0 livestock unit each	Up to date Herd Register. CMMS compliance movements.
Female or male	0.6 livestock unit	Up to date Herd Register. CMMS

cattle 2 years old or under	each	compliance movements.
Female or male sheep	0.15 livestock unit each	Up to date Flock Register as per EU Regulation 21/2004. Sheep Census returned by deadline.
Female or male horses	1.0 livestock unit each	Equine Passport in your name and in accordance with governing EU Regulation
Female or male goats	0.15 livestock unit each	Up to date Flock Register as per EU Regulation 21/2004. Goat Census returned by deadline.
Female or male deer	0.3 livestock unit each	Inspection - on request - See Section 7.
Female or male donkeys	1.0 livestock unit each*	Equine Passport in your name and in accordance with governing EU Regulation

* **IMPORTANT** - Please note that only 50% of stocking density requirement can be fulfilled using donkeys. Applicants will be required to use other livestock to fulfil the other 50% requirement.

9. AREA ELIGIBILITY - AREA OF NATURAL CONSTRAINTS AND AREAS OF SPECIFIC CONSTRAINTS (ISLAND FARMING) SCHEMES

The area of an applicant's holding is each hectare of land or part thereof situated in an Area of Natural Constraint now referred to as Category 1, 2 or 3 Lands within the State or each hectare of land or part thereof situated in an Area of Specific Constraint under the Island Farming scheme. Eligible area can include crops as listed on Annex 2. In addition to satisfying these requirements, land entitled to benefit from payment under the scheme must have an agricultural activity carried out on it.

For land to be eligible for ANC/ASC a number of further conditions have to be complied with, namely:

- The land must be used and farmed by the applicant. The land must be suitable for and compatible with the farming enterprise.
- Parcels, including commonage parcels must be maintained in such a condition as to ensure the land is suitable for grazing or cultivation. Parcels, where it has been identified the condition of the land is such that would not be suitable for grazing or cultivation, will not be eligible to receive grant aid under the ANC/ASC Schemes.
- The agricultural activity must be the predominant activity on the area. Where non-agricultural activities also occur, that area shall be considered to be used predominately for agricultural activities provided that the agricultural activities

can be exercised without being significantly hampered by the intensity, nature, duration and timing of the non-agricultural activities

- In order to be eligible for payment, the land in question must be available to the applicant for the entire calendar year. Land farmed by the applicant on the basis of 11-month conacre agreements are also deemed eligible for payment under the ANC Scheme. If an applicant rents out some of the land declared on the 2021 application form or leases out or sells some of that land, or if an applicant is aware, or becomes aware, that any of the forage area situated in an ANC/ASC will not be available to him or her for the purposes of farming for the full calendar year, the applicant is required to notify the Department immediately, using the online application, documenting the parcel numbers of each parcel concerned and the relevant reason. Information in relation to the submission of amendments is outlined on page 16 of the Helpsheet/Terms and Conditions of the 2021 Basic Payment/Greening and other area-based schemes.
- There must be independent access for animals and/or machinery. Independent access means access by public or private roadway or by a defined right of way. Access over adjoining landowners land is not acceptable.
- There must be appropriate fencing for the farming enterprise. Appropriate fencing means stock-proof fencing that will control the applicant's animals and also neighbouring farmer's animals. In mountain/hill areas this generally means sheep fencing.
- There must be defined external boundaries, except in the case of commonage.
- At inspection an applicant claiming to be farming land with animals there must be handling facilities available to meet the animal welfare requirements.
- At inspection all of the above requirements must be evident on the day of the inspection.

The following types of lands are ineligible -

- Areas under roads, paths, buildings, farmyards, woods, scrub, rivers, streams, ponds, lakes, sand, areas of bare rock etc.
- Boglands unfit for grazing; sand/gravel pits, areas used for quarrying; areas fenced off from grazing use, inaccessible areas and areas not available for the rearing of animals under a recognised environmental plan.
- Areas used for permanent crops or horticultural crops.
- Areas used as sports fields, golf courses, pitch and putt courses.

- Any parcels/plots claimed that are not farmed by the applicant are not eligible for payment under the ANC/ASC Schemes.
- Any land, irrespective of eligibility status on which no farming activity is carried out is not eligible for payment.

Burning

Under Section 40 of the Wildlife Act, 1976, as amended by the Wildlife (Amendment) Act 2000, growing vegetation **cannot be burnt** between 1 March and 31 August of any given year, on any land not yet cultivated. Accordingly, such lands are not eligible for the purpose of payment under the Basic Payment Scheme. Please note, the burning of growing vegetation on uncultivated land between 1 March and 31 August is illegal.

Where land has been burned between the 1 March and the 31 August, it is not in a state suitable for grazing or cultivation and therefore is not eligible for the remainder of the year. The exception to this is where **controlled burning** has been carried out in full compliance with all relevant environmental legislative requirements and any other lawful requirements, having **first** consulted with and notified the Gardaí and the local fire service. In the case of Natura lands (lands designated as SAC and/or SPA), prior approval must be obtained through the Activities Requiring Consent (ARC) system as implemented by NPWS.

Additional Area requirements under Areas of Specific Constraints (Island Farming) scheme

In order to be eligible for payment under the Areas of Specific Constraints (Island farming) sub measure, land must adhere to the following additional requirements;

- The land must be situated on an off-shore island with no permanent access to the mainland e.g. bridge or causeway.
- The land must be eligible for payment and have all of the ineligible features excluded.
- The land must have a farming activity carried out on it.
- The applicant must have confirmed on the BPS Application Form that he or she is carrying out a farming activity on the declared parcel.

10. AID LEVELS UNDER AREAS OF NATURAL CONSTRAINTS

The Areas of Natural Constraints Scheme provides for payment as follows:

Land Category	Area	2021 Rate
Category 1	1 st 12 ha	€148.00
Category 1	13 - 34 ha	€112.00
Category 2	1 st 10 ha	€111.00
Category 2	11 - 30 ha	€104.00
Category 3	1 st 8 ha	€93.00
Category 3	9 - 30 ha	€88.25

Note - Applicants maintaining a combination of Category 1, 2 and 3 land, will be paid up to a maximum of 30 hectares except where the area of Category 1 land declared is between 30 and 34 hectares. In these cases, the payment will be based on the number of hectares of Category 1 land declared.

Payment will be made in the order of Category 1, then Category 2 and lastly Category 3. This is to maximise the amount which can be paid to an applicant. The entire holding will be treated as one holding for the purposes of payment under the 2021 Areas of Natural Constraints Scheme.

Degressive Payments

Applicants who hold lands which are no longer eligible following the completed redesignation of ANC lands in 2019 will receive a degressive payment. This payment will be paid at a rate of €25 per qualifying hectare.

This payment will only be made where the applicant would in fact suffer a financial loss on foot of the redesignation of ANC lands. Where the applicant has sufficient eligible lands to claim full ANC payment no degressive payment will issue on the ineligible lands.

11. AID LEVELS UNDER AREAS OF SPECIFIC CONSTRAINTS (ISLAND FARMING)

A separate payment in respect of those farming off-shore islands applies. These islands are designated as Areas of Specific Constraints. An Island for the purpose of the scheme is defined as an area of land situated off-shore, which is not connected to the mainland by a permanent access route e.g. bridge or causeway. The holdings of Specific Constraints must meet the eligibility conditions as detailed above for ANC.

Rates payable in respect of each hectare of Specific Constraints are as follows:

Area Designation	Payment Rates	Payable Area
Areas of Specific Constraints (Island Farming)	€250.00	Up to and including the first 20 hectares of Areas of Specific Constraints or part thereof
	€170.00	Greater than 20 hectares or less than or equal to 34 hectares of Areas of Specific Constraints
	€ 70.00	Greater than 34 hectares or less than or equal to 40 hectares of Areas of Specific Constraints

Payment under the Areas of Specific Constraints category of ANC is subject to an overall maximum ceiling of 40 hectares.

12. THE LAND PARCEL IDENTIFICATION SYSTEM (LPIS)

The Land Parcel Identification System (LPIS) is the land parcel database that underpins all area based schemes including the Basic Payment Scheme. The database contains information on over 1 million parcels representing the land holdings of over 130,000 farmers.

The Department, as Competent Authority, is obliged to maintain and update the LPIS. The information on the LPIS is updated in the following ways:

- Information provided by the farmer at the time of application or through amendments;
- Information gathered from the standard 5% land eligibility inspections;
- The review of land parcel orthophotography (aerial photography) carried out by the Department as the accredited paying agency.

It is important that the LPIS is accurate from the farmer's perspective to ensure that there is no risk of an area over declaration penalty.

In addition to the standard 5% inspection rate, a Member State is obliged to review the eligibility status of all parcels on the LPIS as and when new ortho-photos become available and this may involve ground verifications checks.

Recovery of undue payments (also referred to as retroactive recovery and retrospection) is provided for in various EU Regulations to be listed hereunder. It refers to a process of examining land parcels in previous years to determine whether ineligible features identified in a current scheme year (by inspection/remote sensing/imagery review) are present in previous years. Where it can be established that such ineligible features existed in previous years, there is a requirement to reduce the area and apply the relevant financial reduction and/or penalty to the herdowner.

The relevant EU Regulations in this regard are as follows:

- [Article 80 of Commission Regulation 1122/2009](#)
- [Article 3 of Council Regulation 2988/1995](#)
- [Article 54 of Commission Regulation 1306/2013](#)
- [Article 58 of Commission Regulation 1306/2013](#)
- [Article 7 of Commission Implementation Regulation 809/2014](#)

13. [INSPECTIONS](#)

In line with requirements under EU Regulations 5% of ANC applicants will be selected for inspection. It should be noted that 100% of applications are subject to administrative checks and controls throughout the application process.

In submitting a 2021 BPS and Other Areas Based Schemes application form, applicants agree to permit officials or agents of the Department to carry out on-farm inspections, with or without prior notice and where notified at any reasonable time(s) and without prejudice to public liability. When notified of an on-farm inspection, the applicant should arrange to be present for the inspection or have a representative nominated in his/ her place to assist the inspecting officer. If applicants are farming land other than that indicated on the 2021 application form they must bring it to the attention of the inspecting officer on the day of the inspection.

Every on-the-spot (ground) inspection will be the subject of a report and the applicant or his/her representative will be given an opportunity to sign the report indicating his/her presence at the inspection, if they are so present at the inspection, and to add his/her observations if he/she so wishes. Signing this document does not imply that the applicant or his/her representative accepts the inspection findings. Applicants are reminded that no payment shall be made in favour of those for whom it is established that they artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of that support scheme.

An applicant has a number of appeal options available should he/she wish to avail of them.

To facilitate checks and on-farm inspections, applicants shall fully co-operate with Department staff, and reply fully to all queries providing any documentary evidence that may be requested in relation to their application. Failure to do so may lead to loss of all aid. If an on-farm inspection cannot be carried out through the fault or action of the applicant or his/her representative, the application shall be rejected. This will result in no payment, unless the Department determines an instance of force majeure.

It should be noted that in addition to on-the-spot controls inspections may be carried out using satellite imagery or aerial photography.

Additional information in relation to inspections is available in relevant sections of the Helpsheet/Terms and Conditions of the 2021 Basic Payment/Greening and other area-based schemes.

14. CROSS COMPLIANCE

Penalties for breaches of the Cross Compliance requirements and the standards for Good Agricultural and Environmental Condition of land will apply to payments under the Areas of Natural Constraints Scheme in the same way as for BPS.

If a farmer is found to be in breach of Cross Compliance through negligence, a penalty of 3% will normally apply but this can be reduced to 1% or increased to 5% depending on the extent, severity and permanence of the non-compliance. If 'reoccurrence', which is a repeated breach of the same Act, Standard or Requirement within 3 calendar years, applies the penalty will be multiplied by 3 to a limit of 15%. Reoccurrence of breaches after this will be considered as Intent.

Where the non-compliance is determined to be minor in nature, tolerance may be applied with the farmer advised to remedy the problem. Where not remedied within a certain period a penalty of at least 1% will apply.

Where the non-compliance is determined intentional the reduction shall normally be 20% but this may be reduced to 15% or increased up to 100% depending on the reoccurrence extent, severity and permanence of the non-compliance found. The penalty may also be extended outside of the year of the finding

Additional information in relation to Cross Compliance is available in relevant sections of the Helpsheet/Terms and Conditions of the 2021 Basic Payment/Greening and other area-based schemes.

15. REDUCTIONS AND PENALTIES UNDER THE ANC SCHEME

Failure to adhere to scheme rules may result in a reduction in or loss of payment in addition to the application of a penalty. The revised penalty arrangements as per Article 19(a) of Regulation No. 640/2014, which took effect from scheme year 2016 and applies to the EU Basic Payment Scheme (BPS), the Young Farmers Scheme, the Areas of Natural Constraints Scheme and the Areas of Specific Constraints (Island Farming) Scheme will continue to apply. Article 54 of Commission Regulation 1306/2013 states *“for any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within 18 months after the approval”*. Article 58 of the same regulation also states that Member States shall *“recover undue payments plus interest”*. Furthermore Article 7 of Commission Implementation Regulation 809/2014 states that *“if undue payment is made, the beneficiary shall repay the amount in question plus, where applicable, interest.”*

The following reductions and/or penalties will apply in cases where the area determined (found) is less than the area declared.

For ANC purposes a crop group is an area that benefits from the same rate of aid under the Areas of Natural Constraints Scheme. That means that the area declared as Category 1, Category 2 or Category 3 that are eligible for payment, are separate crop groups and will be dealt with separately for the purposes of applying over-declaration penalties.

If the difference between the numbers of eligible hectares determined (found) and the number of hectares declared is less than 3% of the area found, payment will be based on the area. However, if the difference is greater than 2 hectares the penalties as outlined below will be applied irrespective of whether the difference is less than 3% or not.

The listed reductions and penalties will not apply provided that the aid payable on the determined area is not less than the aid payable on the claimed area.

ANC/ASC - Implications where differences are found between declared and determined area.

Difference between the number of eligible hectares determined (found) and the number of hectares declared	Level of Reduction/Exclusion
Where the difference is less than 3% or less than 2 hectares	Payment is based on the number of eligible hectares determined (found).

<p>If the difference is greater than 3% of the area determined</p> <p>or</p> <p>if the difference is greater than 2 hectares irrespective of whether the difference is less than 3% or not.</p>	<p>Payment is based on the number of eligible hectares determined (found) reduced by 1.5 times the difference (in hectares) between the area declared and area determined.</p> <p>The penalty will not exceed 100% of the amount based on the area declared. Where any amount of the penalty is not recouped in the current scheme year, it will be recouped from payments issuing over the following 3 years.</p>
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Penalties for under - declaration of agricultural parcels under the ANC Scheme

Commission Delegated Regulation (EU) No. 640/2014 provides for the application of penalties in the case of the non-declaration of agricultural parcels. The penalties provided for are as follows:

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

Please note that penalties for under-declaration of parcels may also be applied to other schemes.

Yellow Card

In addition to the revised penalty regime above the concept of a Yellow Card system also applies where the over-claim area determined is more than 3% and not more than 10%. A farmer can only avail of a Yellow Card once in respect of each individual scheme. Further details on how the Yellow Card provision is implemented are below. Where a farmer had a Yellow Card applied in 2020 or an earlier scheme year under ANC/ASC, they cannot avail of a further Yellow Card under ANC/ASC in 2021, in the event of a further over-declaration being determined.

- Where a farmer receives a penalty for an over-declaration for the first-time and the over-declaration does not exceed 10% of the area determined, the penalty is reduced by 50%
- Where a farmer benefits from the reduced 50% penalty calculation above in a given year, and again incurs an over-declaration resulting in a penalty in the following year, the full penalty will be calculated for that year and the amount of the reduced penalty from the previous year will be due to be repaid also.

Example of application of Yellow Card

<i>Scheme Year 2020</i>	<i>Claimed by Farmer</i>	<i>Determined by Dept.</i>
<i>Eligible Area</i>	<i>30ha in Category 1 crop Group</i>	<i>28ha in Cat 1 Crop Group</i>
<i>Difference</i>		<i>2 hectares</i>
<i>Penalty</i>		<i>7.14%</i>
<i>Rate of Penalty prior to application of Yellow Card</i>		<i>1.5</i>
<i>Yellow Card eligibility</i>		<i>Y</i>
<i>Rate of over-claim penalty post application of Yellow Card</i>		<i>0.75</i>
<i>Size of over-claim penalty</i>		<i>€ equivalent of 1.5ha</i>
<i>Scheme Year 2021</i>	<i>Claimed by Farmer</i>	<i>Determined by Dept.</i>
<i>Eligible Area</i>	<i>30ha in Cat 1 Crop Group</i>	<i>28ha in Cat 1 Crop Group</i>
<i>Difference</i>		<i>2 hectares</i>
<i>Penalty</i>		<i>7.14%</i>
<i>Rate of Penalty prior to application of Yellow Card</i>		<i>1.5</i>
<i>Yellow Card eligibility</i>		<i>N</i>
<i>Rate of over-claim penalty</i>		<i>1.5 for over-claim in 2021 Plus 0.75 for over-claim in 2020</i>
<i>Size of over-claim penalty</i>		<i>€ equivalent of 3ha for 2021 Plus € equivalent of 1.5ha for 2020</i>

For ANC a higher rate of aid is paid on the first 12 hectares of Category 1 lands, the first 10 hectares in Category 2 lands and the first 8 hectares in Category 3 lands. In the case of an over-declaration of any land Category, the level of aid payable will be based on the average rate of aid for such land. The average will be based on the aid payable on the number of hectares declared by the applicant for the crop group or payment category concerned.

For Areas of Specific Constraints (Island Farming) as there are three separate payment rates in respect of these areas of Specific Constraints, in the case of an over-declaration, the level of aid payable will be based on the average rate of aid for such land. The average will be based on the aid payable on the number of hectares declared by the applicant in respect of areas of Specific Constraints i.e. Island Land.

16. COLLECTION OF OUTSTANDING DEBTS - €100 MINIMUM

Any outstanding debts due to the Department in respect of the Direct Payment Schemes and payments under Rural Development Schemes will be subject to interest charges in accordance with the provisions of the SI No 13 of 2006, European Communities (Recovery of Amounts) (Amendment) Regulations, 2006. Such debts will be recovered from future payments due if not already refunded in full by the farmer.

In accordance with the Department's Debt Management Policy and Procedures, joint farmers remain liable for each other's debts or as provided for in a signed partnership agreement.

17. INHERITANCE ENQUIRY UNIT

The Inheritance Enquiry Unit is available to the family members and the legal personal representatives of deceased farmers to:

- Identify those schemes in which the deceased person participated and establish whether there are any outstanding payments due to the estate of the deceased.
- Assist the legal personal representatives in contacting various sections of the Department
- Advise on what legal documents are required
- Make arrangements for the issue of any outstanding payments due to estate of the deceased and for the transfer of payment entitlements (if any)

The Unit will act as a single repository for legal documentation submitted by representatives of the deceased thus removing the necessity for forwarding duplicate copies to several sections within the Department

As soon as possible, the legal personal representative of the estate of a deceased farmer and/or the solicitor acting on behalf of the estate should contact:

Inheritance Enquiry Unit,
Department of Agriculture Food and the Marine,
Knockmay Road,
Portlaoise,
Co. Laois.
R32 YK81.

Tel: 0761 064428

Fax: 05786 89990

Email: inheritance@agriculture.gov.ie

18. REVIEW / APPEALS PROCEDURE

Internal Review

Requests for review or appeal can arise for many reasons. The process provides in the first instance for an internal review within the Department followed by an external review if required.

Reviews can be sought in the first instance from the manager of the Areas of Natural Constraints Scheme. In the case of payments under the Areas of Natural Constraints Scheme, initial review requests should be addressed to: Decision maker name (usually HEO/Manager), Areas of Natural Constraints Scheme, Government Offices, Old Abbeyleix Road, Portlaoise, Co. Laois.

Agriculture Appeals Office

If the internal review does not resolve the position to the satisfaction of the farmer, appeals can be made to the Agriculture Appeals Office (AAO), which is an independent statutory agency, which provides an independent, impartial and free appeals service to farmers who are dissatisfied with decisions of DAFM regarding their entitlements under certain schemes.

Appeals must be submitted to the AAO within 90 days of the date of letter of notification to the farmers of the final decision of the Department. In certain cases, where the director considers it appropriate, this deadline can be extended on a case-by-case basis.

The Agriculture Appeals Act 2001, along with the Agriculture Appeals Regulations 2002 (as amended), set down the functions of the office, the decisions that may be appealed and the procedures to be followed in respect of agriculture appeals. From the date of receipt of all relevant documentation, the Appeals Office will aim to conclude its findings within a 3 month period.

Full details of appeals procedures, including details of the Schemes covered are available on the Agriculture Appeals Office website at www.agriappeals.gov.ie or from the Department's local offices. Appeals should be addressed to the Agriculture Appeals Office.

If at the end of the appeals procedure the farmer feels his/her case has not been dealt with properly they can seek the assistance of the Ombudsman by contacting the Office of the Ombudsman.

19. SUBMISSION OF DOCUMENTS, ETC TO THE DEPARTMENT

In the event that it is necessary to submit documents such as equine passports or flock registers to the Department you may be required to produce proof of postage. The only acceptable proof of postage is a Registered Post/Express post receipt.

Therefore please ensure that you retain and keep safe the express post/registered post receipt in case you need it at a later date.

Please ensure that you quote your herd number on all correspondence with the Department.

20. DATA PROTECTION NOTICE

Part A:

Information applicable to all Department of Agriculture, Food and the Marine (DAFM) customers:

1. The Department of Agriculture, Food and the Marine is fully committed to keeping all personal data submitted by its customers, fully safe and secure during administrative processes. All necessary technical measures have been put in place to ensure the safety and security of the systems which hold this data. Department staff are also considered as customers of the Department from a Data Protection perspective and may exercise their data protection rights in the same way.
2. Transparency and openness in the use of personal data held is important to the Department and therefore we aim to fully inform all our customers about the purpose(s) for which their data will be used and why, where it may be shared elsewhere and why and how long their data may be held by the Department. Information on the rights of the customers will also be provided.
3. The current legislation for Data Protection in Ireland is the Data Protection Act 1998 as amended by the 2003 Data Protection Act. The General Data Protection Regulations (EU 2016/679) will come into effect on 25 May 2019.
4. The Data Controller for the collection and processing of all personal data in the Department of Agriculture, Food and the Marine is the Department itself, as a legal entity.
5. The Data Protection Officer can be contacted as follows:
Data Protection Officer
Data Protection Unit, Corporate Affairs,
Department of Agriculture, Food and the Marine
Grattan Business Park, Dublin Road,
Portlaoise, Co Laois.
R32 RY6V

Phone: 057 8694301

Email: dataprotectionofficer@agriculture.gov.ie
6. Personal data processed by the Department will only be used for the specific purpose (s) as outlined when the data is collected, or in later communications,

and will only be used in accordance with the Data Protection legislation in force.

7. Rights of the individual in relation to personal data held by the Department:

When you, as a customer, provide personal data to the Department you have certain rights available to you in relation to that data. These rights are outlined below and can be exercised by contacting the Data Protection Officer, as detailed above, indicating which right(s) you wish to exercise:

Our customers have the following rights:

- access to their data
- rectification of their data
- erasure of their data
- right to lodge a complaint with the Supervisory Authority
- restriction of processing
- data portability
- objection to processing
- withdraw consent if they previously gave it in relation to processing of their personal data relating to automated decision making, including profiling.

Part B - Information specific to the personal data being collected

The following data is specific information in relation to the personal data processed for the submission of an application under the Areas of Natural Constraints and Areas of Specific Constraint (Island Farming) schemes.

8. Specified purpose:

The personal data sought from you, the applicant, is required for the purpose of making an application under the Areas of Natural Constraints and Areas of Specific Constraint (Island Farming) Schemes. Failure to provide all the personal data required to facilitate the processing of the application, including data testing, under the scheme will result in DAFM being unable to process the application.

The Department may also use data provided in submitting an application under the Areas of Natural Constraints and Areas of Specific Constraint (Island Farming) Schemes for the purposes of facilitating the processing of an application for participation in other related schemes operated by the Department of Agriculture, Food and the Marine or for the purposes of updating information on the relevant databases held by the Department in

connection with these schemes (e.g. mapping database).

Each scheme has its own legal basis as outlined under their own Terms and Conditions.

These schemes are:

- Basic Payments Scheme
- Protein Aid Scheme
- Agri Environment Scheme (AEOS)
- Green Low Carbon Emissions Scheme (GLAS) I, II, III
- Natura 2000 Scheme
- Beef Data and Genomics Programme (BDGP) I & II
- Organic Farming Scheme (OFS)
- Young Farmers Scheme
- National Reserve Scheme
- Sheep Welfare Scheme
- Knowledge Transfer Scheme (Beef, Dairy, Sheep, Poultry, Equine, Tillage)
- Land Parcel Identification System

9. Legal basis:

The Areas of Natural Constraints and Areas of Specific Constraint (Island Farming) schemes are implemented pursuant to EU Regulation 1305/2013 and is operated by DAFM. Other related schemes have their own legal basis, as outlined under their own Terms and Conditions.

10. Recipients:

Information provided as part of the Areas of Natural Constraints and Areas of Specific Constraint (Island Farming) schemes application will be shared, with other divisions within the Department, for the purposes of processing other related scheme applications in a timely and efficient manner.

When you submit an Areas of Natural Constraints and Areas of Specific Constraint (Island Farming) schemes application some of your personal data will be made available to other Government Departments/Agencies/Local Authorities or third party contractors, but only where there is a valid legal basis to do so. The purpose of this sharing of data is for audit, evaluation purposes, cross compliance controls, controls relating to the legislation underpinning cross compliance and all Rural Development measures, as required by Article 65 of Commission Implementing Regulation (EU) 809/2014. Also personal information may be released under the terms of the relevant Data Protection legislation in force and the Freedom of Information Act 2014.

Information, as outlined above, will be shared within the Department for the purposes of monitoring and evaluating CAP as per the Regulations (EU Regulation 1306/2013) in accordance with the Data Protection legislation in force.

Personal data may be used for statistical, research and analysis purposes in some circumstances, but will only be done so in compliance with the Data Protection legislation in force. Data used for such purposes will be pseudonymised (masked) or anonymised, as appropriate, to protect to the security and confidentiality of the data. The use of the data in this way may facilitate the Department in informing policy decisions into the future, which would benefit the Irish farmer and the Agriculture Sector.

The Department is also currently obliged by law to provide information concerning applicants in response to requests received from the Office of the Revenue Commissioners, An Garda Síochana, and other bodies, in accordance with Section 8 of the Data Protection Acts 1988 and 2003. The introduction of the General Data Protection Regulation in May 2019, and any further national Data Protection legislation, may change the requirements and the legislative basis for such requests.

As part of this scheme, if you are approved into the programme, you may be requested by the Department or relevant agents acting on its behalf, to supply data in relation to your participation to the Scheme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes as provided for under the Regulations (EU Regulation 1306/2013). Not to supply such information may invalidate/cancel your application.

11. Transferred outside the EU:

Information provided in support of an application under the Basic Payment Scheme is not currently transmitted outside of the EU.

12. Retention Period:

The data submitted in support of the application by the data subject under the Areas of Natural Constraints and Areas of Specific Constraint (Island Farming) schemes will be retained by DAFM only as long as there is a business need to do so in line with the purposes for which it was collected.

After this time, it will be marked for destruction and will be destroyed in line with internal guidelines or guidelines for destruction received from the National Archives Office or associated permissions received from them.

13. Data provision being statutory or contractual obligation:

The data provided for this purpose is being requested under the requirements of EU Regulation 1306/2013 and if the customer chooses not to provide this information their application for the Areas of Natural Constraints and Areas of Specific Constraint (Island Farming) schemes, and other related schemes cannot proceed.

14. Automated Decision Making:

Personal data provided in the submission of an application under the Areas of Natural Constraints and Areas of Specific Constraint (Island Farming)

schemes will be processed automatically for the purpose of the efficient running of the scheme, and the timely payment of participants.

Automated decision making will also be used for the purposes of selecting participants for inspection in accordance with the regulations (EU Regulations 1306/2013 & 809/2014).

15. In accordance with EU Regulation 1306/2013, the Department is obliged to ensure annual ex-post publication of all of the beneficiaries of CAP funding, both legal and non-legal persons. In accordance with this Regulation the Department must, by 31 May each year, publish the following data:

- The name of the beneficiary (unless the amount of payment under CAP funds is less than €1,250, in which case the individual will be identified by a code)
- The municipality where the beneficiary is resident
- The amount of payment corresponding to each measure received by a beneficiary, and
- The nature and description of each measure

The data contained in this publication may be processed by auditing and investigating bodies of the Communities and the Member States for the purposes of safeguarding the Communities' financial interests. The data therein cannot be used for direct marketing or other purposes and this will be made clear on the website.

16. System generated text messages

The Department uses personal data supplied to it in order to issue system generated text messages in relation to the scheme to applicants. These text messages may relate to correspondence issued or payments.

17. Technical information on data collected:

Technical information on the cookies used on our Department's website is available at the following link:

<https://www.gov.ie/en/organisation-information/ef9f6-data-protection/>

ANNEX I

Deductions for Late Applications

Day	Date	Month	% Reduction to apply per working day	No of Calendar days	Day	Date	Month	% Reduction to apply per working day	No of Calendar days
Monday	17	May	Closing Date	N/A					
Tuesday	18	May	1%	1	Monday	31	May	10%	14
Wednesday	19	May	2%	2	Tuesday	01	June	11%	15
Thursday	20	May	3%	3	Wednesday	02	June	12%	16
Friday	21	May	4%	4	Thursday	03	June	13%	17
Saturday	22	May	4%	5	Friday	04	June	14%	18
Sunday	23	May	4%	6	Saturday	05	June	14%	19
Monday	24	May	5%	7	Sunday	06	June	14%	20
Tuesday	25	May	6%	8	Monday (Bank Holiday)	07	June	14%	21
Wednesday	26	May	7%	9	Tuesday	08	June	15%	22
Thursday	27	May	8%	10	Wednesday	09	June	16%	23
Friday	28	May	9%	11	Thursday	10	June	17%	24
Saturday	29	May	9%	12	Friday	11	June	18%	25
Sunday	30	May	9%	13	Saturday	12	June	100%	

ANNEX 2

Eligible ANC: A “Y” in this column indicates that the "crop" can be used to draw down payment under the ANC scheme in 2021.

Those marked “Y*” denote forage crops which have stocking density requirements.

Crop	Eligible BPS	Eligible ANC	Eligible EFA Area	Grass land	Tillage	Arable	Grouping Greening
100% Destocked Area	Y	Y*		Y			
Alfalfa	Y	Y*	Y	Y			
Apples	Y	N					
Arable Habitat	Y	N			Y	Y	
Arable Silage (Grass)	Y	Y*		Y	Y	Y	
Arable Silage (No Grass)	Y	Y		N	Y	Y	
Artichoke	Y	Y					
Asparagus	Y	Y					
Aubergines	Y	Y			Y	Y	
Baby Leaf Spinach	Y	Y			Y	Y	Spinacia
Barley - Spring	Y	Y			Y	Y	
Barley - Winter	Y	Y			Y	Y	
Basil	Y	Y			Y	Y	
Beans - Spring	Y	Y	Y		Y	Y	
Beans - Winter	Y	Y	Y		Y	Y	
Beetroot	Y	Y			Y	Y	Beta
Blackberries	Y	N					
Blackcurrants	Y	N					
Blueberries	Y	N					
Borage	Y	Y			Y	Y	
Broccoli - Spring	Y	Y			Y	Y	Brassica oleracea
Broccoli - Winter	Y	Y			Y	Y	Brassica oleracea
Brussel sprouts	Y	Y			Y	Y	Brassica oleracea
Cabbage - Spring	Y	Y			Y	Y	Brassica oleracea
Cabbage - Winter	Y	Y			Y	Y	Brassica oleracea
Calabrese	Y	Y			Y	Y	Brassica oleracea
Camelina	Y	Y			Y	Y	
Carrots	Y	Y			Y	Y	
Cauliflowers - Spring	Y	Y			Y	Y	Brassica oleracea
Cauliflowers - Winter	Y	Y			Y	Y	Brassica

Crop	Eligible BPS	Eligible ANC	Eligible EFA Area	Grass land	Tillage	Arable	Grouping Greening
							oleracea
Celeriac	Y	Y			Y	Y	Apium
Celery - Spring	Y	Y			Y	Y	Apium
Celery - Winter	Y	Y			Y	Y	Apium
Cherries	Y	N					
Chives	Y	Y			Y	Y	Allium
Christmas Trees	N	N			N	N	
Clover	Y	Y*	Y	Y			
Copse	N	N	Y				
Coriander	Y	Y			Y	Y	
Courgettes	Y	Y			Y	Y	Cucurbita pepo
Cranberries	Y	N					
Cucumbers	Y	Y			Y	Y	
Daffodils	Y	Y			Y	Y	
Damsons	Y	N					
Designated Habitat	Y	N					
Dill	Y	Y			Y	Y	
Endives	Y	Y			Y	Y	
Environmental Mgt. of Fallow Land	Y	Y				Y	Fallow
Fallow	Y	Y		Y		Y	Fallow
Fallow - Greening	Y	Y	Y	Y		Y	Fallow
Fennel	Y	Y			Y	Y	
Flax	Y	Y			Y	Y	Linum
Fodder Beet	Y	Y			Y	Y	Beta
Foliage	Y	N					
Forage Rape	Y	Y			Y	Y	
Forestry Eligible	Y	N	Y				
Forestry Setaside	Y	N					
Forestry ESB Corridor Eligible	N	Y					
Garlic	Y	Y			Y	Y	Allium
Glasshouse	Y	N					
Gooseberries	Y	N					
Grapes	Y	N					
Grass Seed	Y	Y		Y		Y	
Grass Silage	Y	Y*		Y			
Grass Year 1	Y	Y*		Y		Y	
Grass Year 2	Y	Y*		Y		Y	
Grass Year 3	Y	Y*		Y		Y	
Grass Year 4	Y	Y*		Y		Y	
Grass Year 5	Y	Y*		Y		Y	
Grassmeal	Y	Y		Y		Y	

Crop	Eligible BPS	Eligible ANC	Eligible EFA Area	Grass land	Tillage	Arable	Grouping Greening
Hemp	Y	Y			Y	Y	
Hops	Y	N					
Horseradish	Y	Y			Y	Y	
Kale	Y	Y			Y	Y	Brassica oleracea
Kohl-rabi	Y	Y			Y	Y	Brassica oleracea
Leeks - Spring	Y	Y			Y	Y	Allium
Leeks - Winter	Y	Y			Y	Y	Allium
Lettuce	Y	Y			Y	Y	
Lilies	Y	Y			Y	Y	
Linnet Habitat	Y	Y	Y		Y	Y	Fallow
Linseed	Y	Y			Y	Y	Linum
Loganberries	Y	N					
Low Input Permanent Pasture	Y	Y*					
Lucerne	Y	Y	Y	Y			
Lupins	Y	Y	Y		Y	Y	
Maize	Y	Y			Y	Y	Zea
Mange Tout Peas	Y	Y			Y	Y	Pisum
Mangolds	Y	Y			Y	Y	Beta
Marrows	Y	Y			Y	Y	Cucurbita pepo
Millet	Y	Y			Y	Y	
Mint	Y	N					
Miscanthus Sinensis	Y	Y					
Mixed Cropping	Y	Y			Y	Y	
Mixed Grazing	Y	Y*		Y			
Mushrooms	Y	Y			Y	Y	
Mustard	Y	Y			Y	Y	
Nursery	Y	N					
Oats - Spring	Y	Y			Y	Y	
Oats - Winter	Y	Y			Y	Y	
Oilseed Rape - Spring	Y	Y			Y	Y	Brassica napus
Oilseed Rape - Winter	Y	Y			Y	Y	Brassica napus
Onions	Y	Y			Y	Y	Allium
Orchard	Y	N					
Other cut flower / bulb crops	Y	Y			Y	Y	
Pak Choi	Y	Y			Y	Y	Brassica rapa
Parsley	Y	Y			Y	Y	
Parsnips	Y	Y			Y	Y	
Pears	Y	N					

Crop	Eligible BPS	Eligible ANC	Eligible EFA Area	Grass land	Tillage	Arable	Grouping Greening
Peas	Y	Y	Y		Y	Y	Pisum
Peppers	Y	Y			Y	Y	
Permanent Pasture	Y	Y*		Y			
Perpetual Spinach	Y	Y			Y	Y	Spinacia
Plums	Y	N					
Potatoes - Early	Y	Y			Y	Y	Solanum
Potatoes - Maincrop	Y	Y			Y	Y	Solanum
Potatoes - Seed	Y	Y			Y	Y	Solanum
Protein Mix	Y	Y			Y	Y	
Pumpkins	Y	Y			Y	Y	Cucurbita pepo
Quinoa	Y	Y			Y	Y	
Radish	Y	Y			Y	Y	
Raspberries	Y	N					
Red Clover	Y	Y*	Y	Y			
Redcurrants	Y	N					
Reed Canary Grass	Y	Y*					
Rhubarb	Y	N					
Riparian Zone	Y	N					
Rocket	Y	Y			Y	Y	
Rosemary	Y	N					
Rough Grazing	Y	Y*		Y			
Rye	Y	Y			Y	Y	
Sage	Y	Y			Y	Y	
Salsify	Y	Y			Y	Y	
Scallions	Y	Y			Y	Y	Allium
Shallot	Y	Y			Y	Y	Allium
Short Rotation Coppice	Y	Y	Y				
Soya Bean	Y	Y			Y	Y	
Species Rich Grassland	Y	Y*		Y			
Squash	Y	Y			Y	Y	Cucurbita pepo
Strawberries	Y	Y			Y	Y	
Sugar Beet	Y	Y			Y	Y	Beta
Sunflower	Y	Y			Y	Y	
Swede	Y	Y			Y	Y	Brassica napus
Sweetcorn	Y	Y			Y	Y	Zea
Switchgrass	Y	N					
Thyme	Y	Y			Y	Y	
Tobacco	Y	Y			Y	Y	
Tomatoes	Y	Y			Y	Y	
Trad. Sustainable	Y	Y*		Y			

Crop	Eligible BPS	Eligible ANC	Eligible EFA Area	Grass land	Tillage	Arable	Grouping Greening
Grazing							
Traditional Hay Meadow	Y	Y*		Y			
Triticale - Spring	Y	Y			Y	Y	
Triticale - Winter	Y	Y			Y	Y	
Tulips	Y	Y			Y	Y	
Turnips	Y	Y			Y	Y	Brassica rapa
Vetch	Y	Y			Y	Y	
Wheat - Spring	Y	Y			Y	Y	
Wheat - Winter	Y	Y			Y	Y	
Whitecurrants	Y	N					
Wild Bird Cover	Y	Y	Y		Y	Y	Fallow
Willow	Y	Y	Y				

ANNEX 3

CONTACT DETAILS

Section	Telephone No/Email Address
Inheritance Enquiry Unit	0761 064428 inheritance@agriculture.gov.ie
Direct Payments Help Desk (Basic Payment Scheme/Areas of Natural Constraints Scheme/Transfer of Entitlements/ National Reserve/Young Farmers Scheme)	0761 064420 DirectPaymentsCorrespondence@agriculture.gov.ie
Queries regarding online Registration	076 1064424 agfood@agriculture.gov.ie
Transfer of Entitlements helpdesk	transferofentitlements@agriculture.gov.ie
Usage of Entitlements helpdesk	usageofentitlements@agriculture.gov.ie
Agricultural Appeals Office	0761 064418 appeals.office@agriculture.gov.ie
Farm Partnership Unit	01 6072857 farmpartnerships@agriculture.gov.ie

BURNING OF GROWING VEGETATION

Under Section 40 of the Wildlife Act, 1976, as amended by the Wildlife Amendment Act, 2000 growing vegetation cannot be burnt between 1 March and 31 August of any given year, on any land not yet cultivated.

You must be aware of further legal constraints when planning a controlled burning operation:

Under Section 39 of the Wildlife Act, 1976 (as amended), it is prohibited to burn any vegetation within one mile of a wood, without prior notification to the Gardai and the owner of the wood.

Under Section 74 of the Wildlife Act, 1976, (as amended), a person guilty of an offence shall be liable to a fine not exceeding £50,000 (€63,490) or a prison term not exceeding 2 years, or both a fine and a prison term.

DIAL BEFORE YOU BEGIN BURNING

REMEMBER - YOU MUST ALWAYS TELEPHONE THE REGIONAL FIRE CONTROL CENTRE BEFORE YOU BURN, STATING CLEARLY YOUR INTENTION TO CARRY OUT A CONTROLLED BURNING OPERATION, GIVING YOUR NAME, CONTACT TELEPHONE NUMBER, THE EXACT LOCATION AND EXPECTED DURATION OF THE PLANNED OPERATION FOR THE DAY IN QUESTION.

The Regional Fire Control Centres can be contacted via the normal Emergency Services telephone numbers:

999/112

DIAL WHEN YOU ARE FINISHED BURNING

TELEPHONE AGAIN WHEN OPERATIONS ARE COMPLETED AND ALL FIRES ARE FULLY EXTINGUISHED.

IF IN DOUBT, DO NOT BURN

The Department has produced a Prescribed Burning Code of Practice in order to provide guidance to landowners who use controlled burning as a land management tool and a shorter version issued to farmers in high fire risk areas throughout the country in 2013. Both publications are available on the Department's website at <https://www.gov.ie/en/publication/642e6-forestry/> or from the Forest Service, Johnstown Castle, Co. Wexford.

NOTE: There will be a greater focus on identifying those suspected of engaging in uncontrolled burning, through the use of farm inspections under Cross Compliance rules, which could result in penalties being imposed under the 2021 Scheme.

BEFORE BURNING YOUR LAND



ARE YOU BREAKING THE LAW?

THE BURNING OF GROWING VEGETATION ON UNCULTIVATED LAND BETWEEN 1st MARCH AND 31st AUGUST IS ILLEGAL!

1. CAN YOU CONTROL THE FIRE?
2. **HAVE YOU TAKEN ALL THE NECESSARY PRECAUTIONS TO ENSURE THE FIRE WILL NOT SPREAD OUT OF CONTROL?**
3. **ARE YOU WITHIN ONE MILE OF WOODS?**
4. **ARE YOU PREPARED FOR THE CONSEQUENCES?**

YOU MUST NOTIFY YOUR LOCAL GARDA STATION AT LEAST 7 DAYS PRIOR TO BURNING.

UNCONTROLLED LAND BURNING PUTS LIVES AT RISK AND DAMAGES PROPERTY.

For more information log on to
<https://www.gov.ie/en/publication/642e6-forestry/>

**REMAIN VIGILANT, AND IF IN DOUBT
DO NOT BURN**



**An Roinn Talmhaíochta,
Bia agus Mara**
Department of Agriculture,
Food and the Marine



Forest Service