

Guide to the 2018 Areas of Natural Constraint Scheme



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk



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



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1. Introduction

The ANC Scheme provides for a payment to farmers with land in the Severely Disadvantaged Area (SDA) to compensate for all or part of the additional costs and income forgone related purely to the constraints for agricultural production in the area

A claim for the 2018 ANC Scheme must be made on the 2017 Single Application Form (SAF), which can be submitted online or on paper, although online is strongly recommended, and payment will be made in 2018.

The Scheme forms part of the Rural Development Programme 2014–2020, and is financed by the European Agricultural Fund for Rural Development (EAFRD) and the Department of Agriculture, Environment and Rural Affairs (DAERA). The ANC Scheme comprises an area-based payment for eligible hectares of land in the SDA. This includes your share of Common Land located in the SDA.

We must apply the rules of the ANC Scheme in line with EU Regulations and domestic legislation. Please make sure you fully understand the rules of the Scheme and can meet its requirements before you apply for the payment.

Administrative checks and on-the-spot checks (including farm inspections) will be used to check that you meet the requirements of the Scheme.

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

Briefly to claim ANC support in 2017 you must:

- Farm at least 3 hectares of eligible forage land (as defined in Section 3) in the SDA□ (Including your share of Common Land located in the SDA);
- Keep at least enough eligible stock to meet the minimum 0.2 livestock units (LUs) per hectare (ha) stocking density requirement across your entire holding throughout the period from 1 April 2017 to 31 October 2017;
- Meet the Cross-Compliance requirements (see Section 6);
- Complete the 2017 Single Application Form (SAF 1) and Field Data Sheet (SAF 2) properly; and
- Meet additional requirements if you operate a business that is on the negative list (see Section 2).

More detail on these points is given in this guidance booklet.

2. The Negative List

Claimants to the ANC Scheme must be active farmers.

EU Regulations include a compulsory test for businesses that operate the following enterprises;

(i) railway services; (ii) airports; (iii) waterworks; (iv) real estate services; or (v) permanent sporting and recreational facilities (i.e. a negative list). These types of businesses will be prohibited from receiving payments unless the business meets any one of the three following criteria:

- Annual value of direct payments received is equivalent to at least 5% of the total receipts obtained from non-agricultural activities in the most recent fiscal year for which such evidence is available;
- The eligible agricultural area of the farm business as declared on the SAF (column G of the Field Datasheet) is at least 26 ha; or Total receipts from agricultural activities represent at least 40% of total receipts of the business in the most recent financial year for which evidence is available.

A minimum claim threshold of €5,000 has been set when applying the test. Businesses which received direct payments (BPS + Greening + Young Farmers' Payment) not exceeding €5,000

(Prior to the application of penalties) for 2016 scheme year will not be subject to this test and may therefore receive payments.

3. Eligible Forage Land

You must farm at least three hectares of eligible forage land within the designated SDA (which may include your share of Common Land located in the SDA) in Northern Ireland.

Eligible forage land is a minimum of 3 ha of land after the deduction of land used to support dairy production (see Annex A) and which:

- DAERA has identified as located in the SDA;
- Has been available to you to use for maintaining livestock or producing a forage crop for the entire seven-month period from 1 April 2017 to 31 October 2017; and
- Has been correctly declared on the 2017 Field Data Sheet (SAF2) under the land use codes FR1 (grass) and OT3 (grazed woodland). More details are given below.

FR1 GRASS (grass for grazing, hay and silage, rough grazing, grazed heather, Lucerne, sainfoin, clovers, forage vetches)

Please note that heather is eligible if it is:

- Accessible for grazing animals; and
- Has significant forage value,
- Is used for agricultural purposes.

Heather is ineligible if it is:

- Inaccessible for grazing animals; or
- Abandoned, that is, not in agricultural use; or
- Not used for agricultural activity during the period of 1 April 2017 - 31 October 2017.

Heather will generally be deemed ineligible if it is over-mature, that is, more than 50 cm tall and with no evidence of management of any kind.

Land will be eligible only if agricultural activity is carried out on a **significant and consistent** basis during the period 1 April 2017 to 31 October 2017 and evidence of this is available on the day of inspection.

If agricultural activity takes place on part of the field, then only that part is eligible.

If you have heather in your field you need to follow the advice in the “Guide to Land Eligibility” booklet to decide whether or not the heather is eligible. If it is not eligible, you should not claim for this land. You only need to record the eligible land use at column H of your Field Data Sheet.

OT3 Non-commercial grazed orchards, grazed woodlands or areas in agro-forestry

With the exception of single trees, a line of trees or a clump of trees (see below) grazed woodland or grazed orchards may be considered eligible if:

- The tree density does not exceed 50 trees per hectare and agricultural activities can be carried out in a similar way compared to a situation where trees are not present i.e. the trees have no significant impact on agricultural activity.

If there is a single tree, a line of trees or a small clump of trees **with grazing available right up to the trees**, you do not need to make a deduction for the tree trunks. Tree density is not relevant to these small areas.

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

Agro-forestry is eligible in the initial stages of tree establishment if agricultural activities remain predominant and are not significantly affected by the presence of the trees.

You will also need to follow the advice in the “Guide to Land Eligibility” booklet which contains more information on the eligibility of land parcels in general including those which contain trees, especially in relation to tree density.

The same area of land cannot be used by more than one farm business to claim the ANC payment or by different farm businesses to claim the Basic Payment Scheme and ANC (see rented land at Section 10).

Although not eligible for ANC payment, you must show all other land you had available over the qualifying period as it is used when calculating stocking density across your entire holding and when calculating reductions for land used to maintain dairy production (see worked example at Annex A). If you do not declare all of your land on your Single Application your ANC payment may be reduced (the way in which it may be reduced is set out at Annex C).

4. Eligible Stock

For the purposes of the ANC Scheme eligible stock are:

- Beef breed suckler cows
- Beef breed heifers over 24 months;
- Beef breed heifers over 8 months and up to and including 24 months
- Breeding ewes;
- Breeding female goats; or
- Breeding female farmed deer 27 months and over ;
- Breeding female farmed deer over 6 months but less than 27 months.

If your animals have been imported from the Republic of Ireland, then it is your responsibility to provide supporting documentary evidence to prove their eligibility for the Scheme. This information will then be included in the stocking density calculation for your claim.

For this Scheme you must have carried out, on a continuous basis, one or more of the following eligible activities throughout the entire period of 1 April 2017 to 31 October 2017. That is, maintaining:

- A herd of suckler cows that form part of a regular breeding herd for the rearing of calves for meat;
- A flock of sheep comprising eligible ewes;
- A breeding herd of farmed deer; and/or
- A herd of goats for milk or fibre production.

5. Stocking Density

To qualify for payment under this Scheme, you must maintain a stocking density of at least 0.2 LU/ha of eligible stock across your entire holding (excluding area deducted for any dairy production) throughout the entire seven month period of 1 April 2017 to 31 October 2017.

The number of heifers that can count as eligible stock shall not exceed a number equal to two thirds of the number of suckler cows on the entire holding.

There is a worked example and a blank worksheet to help you calculate your stocking density at Annex A of this booklet.

If your holding has an Agri-environment Scheme (AES) agreement, come to the end of an Agri-environment Scheme agreement since 1 April 2015 or have in place a similar agreement that sets a maximum stocking density at less than the ANC Scheme minimum of 0.2 LU/ha, we may consider allowing the stocking density set in the agreement to replace the ANC minimum stocking density requirement.

If you think this applies to you, you must provide a copy of the full agreement to enable us to consider your case. This document must be signed by the parties involved. It must also give the effective dates, clear details of the land covered and the stocking restrictions that apply.

You must produce the evidence we require in a form that is acceptable to us.

6. Cross-Compliance

In return for ANC payment, you must maintain your land in Good Agricultural and Environmental Condition (GAEC). You must also comply with a number of specific legal requirements known as Statutory Management Requirements (SMRs). This is known as Cross-Compliance. We may carry out inspections to verify that all the requirements relevant to your business are being met.

You may be penalised and your payment reduced if you do not meet the requirements of GAEC and the SMRs. Penalties for breaches of Cross-Compliance will be proportionate to the severity, extent, permanence and repetition of the non-compliance.

Further information is available in the following booklets:

1. Cross-Compliance Verifiable Standards Summary (Effective from 1 January 2017)
2. Cross-Compliance Verifiable Standards (Full Version)

The documents, together with information on the calculation of Cross-Compliance penalties, are available at:

www.daera-ni.gov.uk/publications/cross-compliance-2017

7. Level of Support

A payment rate for the Scheme will be determined by the number of applicants and budget availability, with final rates communicated via a press release.

EU Regulations require that there must be degressivity of payments above a threshold level of area per holding. This means that an agreed full payment rate per hectare will be made on a set number of hectares claimed for the Scheme, followed by a reduced rate payment per hectare for eligible land claimed above that threshold. In this Scheme the EU has approved DAERA to make payment of a full rate on the first 200 hectares of eligible forage land claimed, followed by 75% of the payment rate set on any eligible forage land claimed above 200 hectares.

8. How to Claim

Claims for this Scheme must be made on the 2017 Single Application which is online. Refer to the booklet: How to complete your Single Application Online in 2017 which is available on the Departments website at:

[//www.daera-ni.gov.uk/2017-single-application-online-help](http://www.daera-ni.gov.uk/2017-single-application-online-help)

Before you start, make sure you have the latest version of your 2017 farm map and field information table. The map and field information table provides a maximum eligible area (MEA) for each field at Column E. The MEA is the maximum area of the field that you should use when claiming ANC (subject to Scheme rules). In some cases not all ineligible areas have been deducted from the MEA. It is your responsibility to check and ascertain the actual eligible area of each field. If the actual eligible area is lower than the MEA, you must claim on the lower area or penalties may be applied.

To apply for the ANC Scheme, you must complete Section 2 of the 2017 SAF 1 and Column H of the Field Data Sheet.

In Section 2 of the 2017 SAF 1 you must mark an "X" in the box provided you intend to keep cattle throughout the qualifying period 1 April 2017 to 31 October 2017. If you have eligible breeding ewes, breeding female deer or breeding female goats you must enter the total number held on 1 April 2017 in the appropriate box.

As part of the checks on whether you have met the minimum stocking density requirement of 0.2 LU/ha, we will use:

- Sheep flock records;
- The cattle details held on the Animal and Public Health Information System (APHIS);
- Your goat herd register; and/or
- Documents relating to the breeding female farmed deer you keep.

You must declare your land on the Field Data Sheets (FDS). ANC Payment will only be made for eligible forage land within the SDA (including your share of Common Land located in the SDA) in Northern Ireland. Use column H of the Field Data Sheet to identify the area of each field on which you wish to claim payment.

Only land declared as FR1 or OT3 in column F of the Field Data Sheet will be eligible for payment.

Land in the Disadvantaged Area (DA) and lowland is not eligible for the ANC Scheme and must not be used to claim the ANC Scheme.

The closing date for applications to the Scheme is 15 May 2017.

If, after you have sent us your completed Single Application, you need to make changes, you should complete and return Form SAF3 to tell us about these.

You can use this form to increase, reduce or withdraw your application. You can amend your application to increase the area you have claimed up until 31 May 2017 without penalty. If we receive an application to increase the area you have claimed or the value of your claim from 1 June but on or before 9 June 2017, we will reduce your payment for the field(s) in question by 1% for each working day, except in cases of force majeure and exceptional circumstances.

Any amendments to increase the area claimed received after 9 June 2017 will be rejected (except in cases of force majeure or exceptional circumstances).

9. Penalties

If you do not meet the Scheme rules, or we find out that you have provided incorrect information, we will apply penalties. Annex C of this guidance booklet gives details of penalties.

10. Rented Land including land rented under conacre arrangements

You can claim the ANC Scheme for land you are farming including land that you lease or rent in under conacre arrangements provided you meet the Scheme eligibility requirements.

Both Basic Payment Scheme (BPS) and ANC claimants must be active farmers. This requirement has particular relevance for land let under conacre arrangements. The principle being that where land is let, then the farmer actively farming the land will be the tenant.

Claims for BPS and ANC from different farmers for the same field will not be accepted. It is very likely in such a situation that, providing the eligibility conditions for ANC have been met and it can be shown that the ANC claimant is farming this land, the BPS claim from another applicant for any dual use claim fields will be deemed ineligible.

11. Force Majeure/Exceptional Circumstances

If there were specific circumstances that prevented you from making a claim for ANC or meeting a Scheme requirement, you may want your case to be considered under Force Majeure/Exceptional Circumstances provision. You must request consideration of Force Majeure/Exceptional circumstances in writing and within 15 days of being in a position to do so. You should send your request to Area-based Schemes Payment Branch, Orchard House, 40 Foyle Street, Derry/Londonderry BT48 6AT.

EU Commission guidance defines Force Majeure/Exceptional Circumstances, as “unusual circumstances, outside the control of the trader, the consequences of which, in spite of the exercise of all due care, could have not been avoided except at the cost of excessive sacrifice”.

The guidance highlights that there are two elements to be considered. The first is an objective element that requires us to determine if there was an exceptional circumstance outside your control. The second, a subjective element, requires us to consider if the effect of the exceptional circumstance could not have been avoided in spite of the exercise of all due care.

You will have to prove that Force Majeure/Exceptional Circumstances prevented you from meeting your obligations under the scheme, and that you did everything reasonably possible to overcome the circumstances. You must be able to provide information, supported by documents, of the steps you have taken to prevent or lessen the effect of these circumstances.

Examples of *force majeure* or exceptional circumstances include the following:

- The death of the beneficiary;
- Long term professional incapacity of the beneficiary;
- A severe natural disaster gravely affecting the holding;
- Accidental destruction of livestock buildings on the holding;
- An epizootic disease or plant disease affecting livestock (for example, Foot and Mouth disease) or crops respectively; or
- 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.

Note: It is important that you do not wait until the Review of Decision stage to notify us of *force majeure* or exceptional circumstances, as this will normally be considered to be outside the 15 working day notification period.

12. Review of Decisions

If you consider that the Department has made an incorrect decision in relation to your claim to the ANC Scheme you have a right to request that the Department review its decision.

Not all decisions can be reviewed, for example decisions on payment rates cannot be reviewed. The decision letter you receive will clearly outline your right to have the decision reviewed and will advise you of the deadline for a formal application.

We recommend that before requesting a formal review, you contact us on 0300 200 7848 and ask to speak to ANC Section to discuss the decision. This may enable the matter to be resolved without the need to request a formal review. Using this option does not affect your right to proceed with a request for a formal review but the deadline for return of your application for review will not be extended.

A formal review can only be undertaken on receipt of a properly completed application form. Your application for a review must be received by the Department on or before the stated deadline.

If your application is not received by the due date, the decision will not be reviewed. Force majeure or exceptional circumstances will not be considered.

You should note that it is your responsibility to ensure that your application for review is submitted on time. Proof of posting is not proof of receipt. The Department is not responsible for applications lost or delayed in the postal system. The Department will acknowledge receipt of your application. The Review process is outlined in full in the Review of Decisions Procedure Booklet. This booklet also explains how to obtain a Review application form.

13. DAERA Privacy Notice

The Department takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information supplied to it is dealt with in a way which complies with the requirements of the Data Protection Act 1998. This means that any personal information you supply will be processed principally for the purpose for which it has been provided. However, the Department is under a duty to protect the public funds it administers, and to this end may use the information you have provided for this purpose. It may also share this information with other bodies responsible for the audit or administration of public funds in order to prevent and detect fraud.

In addition, the Department may also use it for other legitimate purposes in line with the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

These include:

- Administration of the Common Agricultural Policy and other aid schemes;
- Administration of the Common Fisheries Policy;
- The production and safety of food;
- Management of land and other environmental controls;
- Animal health and welfare;
- Occupational health and welfare;
- The prevention and detection of fraud or maladministration (e.g. The Comptroller & Auditor General and HM Revenue & Customs.);
- Compilation of statistics;
- Disclosure to other organisations when required to do so; and
- Disclosure under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 where such disclosure is in the public interest.

Legislation introduced by the EU Commission in 2014 requires Member States 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 beneficiary 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 of the beneficiary will be withheld. The data will be updated annually and remain available for two years from the date it is published.

Annex A

Your stocking density calculation

The information below will help you work out the stocking density from your total eligible Livestock Units (LU's) and eligible hectares.

As well as the example below, we have included a blank form to help you work out your stocking density.

LU values

The LU values used are:

Beef breed suckler cow	1.0LU
Beef breed heifer over 24 months -	1.0 LU
Beef breed heifers from 8 months to 24 months -	0.6 LU
Breeding ewe -	0.15 LU
Breeding female goats -	0.15 LU
Breeding female farmed deer aged 27 months and over -	0.3 LU
Breeding female farmed deer over 6 months but less than 27 Months -	0.2 LU

Land used to support dairy production

Land used to maintain dairy production is not eligible for payment. The adjustment to land to account for dairy production will be as follows:

The area of land used for dairy enterprise will be calculated as the number of dairy breed animals on the holding divided by 1.71¹. We will deduct these notional hectares from non SDA land first, and then deduct any remaining notional hectares from SDA land claimed. This will maximise the payment due to you.

The definition of a dairy animal for the purposes of the calculation is a dairy breed cow that has calved at least once or any female dairy breed animal of at least 30 months (which is not recorded as having calved).

Limitation on the number of heifers that may count as eligible stock

The number of beef breed heifers that you may count as eligible stock cannot exceed 2/3rds of the number of your suckler cows.

Example

You have 30 suckler cows, 15 beef breed heifers over 24 months and 15 beef breed heifers aged 8 months to 24 months.

2/3rds of 30 suckler cows = 20. Therefore you may count a maximum of 20 heifers.

15 heifers over 24 months = 15 x 1.0LU = 15.0LU

5 heifers aged 8 months to 24 months = 5 x 0.6LU =

3.0LU Total LUs from heifers = 15.0LU + 3.0LU = 18.0LU

¹ 1.71 is the average stocking rate per ha on a dairy farm situated in the SDA based on data from the NI Farm Business Survey

Stocking Density – example calculation

Eligible Livestock on your holding at any time during the period from 1 April 2017 to 31 October 2017	Number	LUs
Beef breed suckler cows (1 LU)	30	$30 \times 1 = 30 \text{ LU}$
Beef breed heifers over 24 months (1 LU)	15	$15 \times 1 = 15 \text{ LU}$
Beef breed heifers aged from eight months to 24 months (0.6 LU)	5	$5 \times 0.6 = 3 \text{ LU}$
Eligible ewes (0.15 LU)	60	$60 \times 0.15 = 9 \text{ LU}$
Breeding female goats (0.15 LU)	0	$0 \times 0.15 = 0 \text{ LU}$
Breeding female farmed deer aged 27 months and over (0.3 LU)	0	$0 \times 0.3 = 0 \text{ LU}$
Breeding female farmed deer aged six months but less than 27 months (0.2 LU)	0	$0 \times 0.2 = 0 \text{ LU}$
Total LUs		57 LU

Area of eligible land

Number of dairy breed animals on holding = 30

Deduction for dairy breed animals = $30 \div 1.71 = 17.54$ ha

Eligible land	Area	Notional hectares used for dairying	Hectares remaining after deduction for dairy animals on holding
Lowland / Disadvantaged Area	10 ha	10 ha	0 ha
Severely Disadvantaged Area (including any common land in an SDA)	60 ha	7.54 ha	52.46 ha
Total eligible forage area			52.46 ha

Stocking density equals total eligible LUs divided by total eligible forage area, therefore, 57 LU divided by 52.46 ha = 1.09 LU per hectare stocking density.

Note: the area of lowland and Disadvantaged Area (DA) will be taken from the area declared to establish and activate BPS entitlements (Column G of the field datasheet). If you have a dairy enterprise and you do not declare all of your lowland/DA in Column G, your ANC payment may be lower as a greater proportion of the notional hectares used for dairying may have to be deducted from your SDA area.

Stocking Density – Your Worksheet

Eligible Livestock on your holding at any time during the period from 1 April 2017 to 31 October 2017	Number	LUs
Beef breed suckler cows (1 LU)		
Beef breed heifers aged over 24 months (1 LU) ²		
Beef breed heifers aged from eight months to 24 months (0.6 LU)		
Eligible ewes (0.15 LU)		
Breeding female goats (0.15 LU)		
Breeding female farmed deer aged 27 months and over (0.3 LU)		
Breeding female farmed deer aged over six months but less than 27 months (0.2 LU)		
Total LUs		

²The number of heifers that can count as eligible stock shall not exceed a number equal to two thirds of the number of suckler cows on your holding e.g. if you have 30 suckler cows you can use a maximum of 20 heifers towards your stocking density calculation. When determining the number of eligible heifers that can be used towards your stocking density calculation, use your over 24 month heifers first, then apply heifers between 8 – 24months. Using the example, if you have 15 heifers over 24 months and 15 heifers between 8 – 24 months use the 15 heifers over 24 months and 5 of your heifers between 8 – 24months. This gives you your 20 heifers (2/3rds of the number of suckler cows) and gives you a total heifer livestock unit of 18 LUs (15 x 1.0 LUs and 5 x 0.6 LUs).

Dairy adjustment (if you have dairy animals)

Enter number of dairy breed animals on holding	
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Divided by 1.71 equals:	ha
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Apply your dairy notional hectares to lowland/DA land first:

Eligible land	Area	Notional Hectares used for dairying	Hectares remaining after deduction for dairying
Lowland /DA	ha	ha	ha
SDA(including any Common Land located in the SDA)	ha	ha	ha
Total eligible forage area			ha

Stocking density (total eligible LUs / total eligible forage area)

_____ / _____ = LU per hectare

***Note:** If your stocking density is less than 0.2LU per hectare at any time during the period of 1 April 2017 to 31 October 2017 you will not receive any ANC payment unless we have agreed that it need not apply (see stocking density, Section 5).

Annex B

General Information

Can someone make the application on my behalf (nomination of an authorised person)?

You can authorise another person to fill in the SAF and act on your behalf in relation to the processing of your ANC claim so long as they have been properly authorised. To do this you must complete the Nomination of an Authorised Person form which is available on the DAERA website.

When will payments be made?

Payments for the 2018 ANC Scheme are expected to be made in early 2018.

Will my farm be inspected?

By submitting a single application, you agree to permit the Department to carry out on-the-spot checks, with or without prior notice at any reasonable time.

When notified of an on-the-spot check you should arrange to be present. It is not necessary for you to walk the fields with the inspector. However, you should arrange to be present at the end of the inspection to discuss the findings and sign off the inspection report. If you are unavailable, please nominate a representative in your place to sign the inspection report in your absence. No payment will be made if you, or others acting on your behalf, prevent an on-the spot check being carried out.

We will make use of satellite and/or aerial photographs (ortho-imagery) to carry out on-the-spot checks or as part of the inspection process. This helps us to identify ineligible features such as buildings, laneways as well as dense and scattered patches of scrub, within, bogs and so on.

If you are not present at an inspection where irregularities are found we will send you a copy of the report.

We must inspect the farms of approximately 5% of beneficiaries. Approximately 1% of those are chosen randomly, in accordance with EU requirements. We choose the remaining 4% considering factors such as the length of time since their last inspection, results of previous inspections and changes in areas claimed for.

Approximately 1% of applicants will also be selected for verification of the Cross-Compliance standards.

We may give you notice of an inspection as long as this does not jeopardise the purpose of the inspection. For land inspections, we can give notice up to 14 days before the proposed inspection.

For inspections involving livestock, we will not give more than 48 hours notice. If you, or anyone acting for you, prevent an inspection from being carried out, we will not pay you the allowance.

Inspectors cannot tell you how their findings will affect your claim. If penalties are applied to your claim, we will let you know.

Will any penalties be applied?

There may be penalties if you do not comply with the Scheme rules. See Annex C.

Can I complain about the service I receive?

If you do not receive the quality of service you expect, tell us and we will fully and fairly investigate your complaint. You can do this in person or by letter or phone.

You should first speak or write to the person who has been dealing with your application or with your local office manager. Give them as much information as possible and they will try to settle your complaint quickly. If you do not get a satisfactory answer, you will be given the name of a senior manager who you can contact if you want to continue with your complaint.

If you would like more information about our complaints procedure you can download a copy of the leaflet from our website at:

www.daera-ni.gov.uk/publications/how-do-i-make-complaint-if-i-am-unhappy-quality-service-i-received

You can also pick up a leaflet from any of our DAERA Direct offices.

Fraud

We will pay allowances only where eligibility can be confirmed. We do everything possible to identify fraudulent claims and we take action against those making fraudulent claims.

DAERA Fraud Hotline Number: FREEPHONE 0808 100 2716

Annex C

Penalties

In 2016, the EU Commission introduced new lower penalty thresholds¹ for over declaration of land.

How the new penalty regime works

- Small over declarations that are up to 3% of the area determined or 2 hectares are not penalised but the payment is reduced and based on the area determined as eligible by us.
- Where the over declaration is more than 3% of the area determined or 2 Ha, the payment is calculated based on the area determined as eligible by us and reduced by 1.5 times the area of the land that has been over declared. The penalty shall not exceed 100% of the amount payable based on the area declared.
- In cases where the applicant did not previously receive an over declaration penalty for the same scheme and the difference between the area declared and the area determined is less than 10% of the area determined, the administrative penalty is reduced by 50%. This is known as the 'yellow card' penalty. However, if it is found that the applicant has an over declaration again in the following year, the full penalty will be imposed for both years.
- Where an over declaration is made for more than 200 hectares, the digressive payment regime that forms part of the ANC Scheme will also be taken into account. In these cases, the payment rate per hectare is based on an average of the two payment rate amounts (less than 200 ha and more than 200 ha) in relation to the respective areas declared.

¹ Article 19 of Delegated Regulation (EU) No 640/2014 (as amended by Commission Delegated Regulation (EU) No 2016/1393)

Yellow card for 2016 over declarations

If you over declared on your 2016 SAF for ANC 2017, and were one of those farmers eligible to benefit from the 'yellow card' reduced penalty, we will be writing to you, or have already written to you, to provide you with details of your ANC 2017 payment.

The reduced penalty can only be applied once to a farm business for a particular scheme.

Yellow card for ANC 2018 over declarations

If you over declare on your ANC 2018 application (2017 SAF), you can receive a reduced administrative penalty if this is a 'first offence,' in respect of small over declarations.

The '**yellow card**' **penalty** reduction only applies where the difference between the area declared and the area determined **is 10% or less of the area determined**.

If it is more than 10% of the area determined, the penalty is based on 1.5 x by the difference between the area declared and area determined.

If you benefitted, or will be benefitting from the 'yellow card' penalty for ANC 2017, a reduced penalty cannot be applied again should you over declare in ANC 2018. If this should occur, the full penalty will be applied for both 2018 and 2017 (i.e. The 2017 rebate will be recouped).

A worked example of how these penalties are applied can be viewed on the DAERA website at www.daera-ni.gov.uk

You should take care when completing your 2017 Single Application Form to ensure that it is accurate and avoid over declaration penalties.

If you appoint an agent to complete your application it is still your responsibility to ensure the land declared on the SAF is correct.

Non-declaration of Land

Under Article 16 of Delegated Regulation (EU) No. 640/2014 penalties may apply if you fail to declare all the agricultural land on your holding.

On your SAF1 and Field Data Sheet you must declare all the agricultural land you have on 15 May in the Scheme year. This includes forestry and Common Land, even though you may not be using some of the land to support your claim.

If there is a difference between the total area you declare and the total agricultural land that you should have declared, your payment may be reduced as follows:

Difference	Reduction
Up to 3% or 2ha	No reduction in payment
More than 3% and not more than 20%	1% reduction
More than 20% and not more than 50%	2% reduction
More than 50%	3% reduction

Any DA land declared for ANC under column H of the Field Data Sheet will be treated as an obvious error and no penalty will be applied.

Late Application Penalties

The closing date for the Scheme is 15 May 2017.

Late applications i.e. those received after 15 May 2017 and on or before 9 June 2017 are subject to a 1% reduction in the payment due for each working day the application is late (except in cases of force majeure or exceptional circumstances).

We will reject all applications received on or after 10 June 2017 (except in cases of force majeure or exceptional circumstances) and no payment will be made.

If, after you have sent us your completed SAF and you need to make changes, you should complete and return Form SAF3 to tell us about these amendments.

You can use this form to increase, reduce or withdraw your application. You can amend your application to increase the area you have claimed up until 31 May 2017 without penalty.

If we receive an application to increase the area you have claimed or the value of your claim on or after 1 June 2017 but on or before 9 June 2017, we will reduce your payment for the field(s) in question by 1% for each working day, except in cases of force majeure and exceptional circumstances.

Any amendments received on or after 10 June 2017 will be rejected (except in cases of force majeure or exceptional circumstances).

Reductions and withdrawals can be made at any time provided we have not notified you of an irregularity or an intention to carry out an inspection.

Offset Recovery

Penalties resulting from over-declaration which exceed the level of payment due or undue payments to be recovered as a consequence of irregularity or negligence can be offset against aid payments under other support measures. These measures are listed under Regulation (EU) No 1305/2013 and Regulation (EU) No 1307/2013. They include the Basic Payment Scheme, Greening Payment, Young Farmers' Payment and measures under the Rural Development Programme 2014-2020.

Recovery of overpayments

When offset recovery is not an option we will issue a recovery order for overpayments.

Annex D

Contact Us

If you need any help with your application, please contact us as shown below.

Phone: 0300 200 7848

Website Address:

www.daera-ni.gov.uk/topics/grants-and-funding

Grants and Funding Helpline: Tel: 0300 200 7848

Email: areabasedschemes@daera-ni.gov.uk

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