

# Basic Payment Scheme full guidance

## Full guidance and rules for the Basic Payment Scheme

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Guidance for the Greening rules that form part of the Basic Payment Scheme.

# 1 Introduction

**Date published: 13 April, 2016**

To see recent changes to this guidance, [check the bottom of this page](#).

## Introduction

These notes cover the Basic Payment Scheme.

If you intend to take part in the Basic Payment Scheme you must read this guidance carefully and make sure you understand the requirements of the scheme.

We have described the basic rules but cannot cover every situation. If you do not understand anything please contact your local area office. If you need specific guidance, you should contact a professional adviser.

Our aim is to provide you with all the practical information you need but these notes for guidance do not provide a definitive statement of the law (which only the courts can give), nor can they substitute for advice on specific legal questions.

The following pages make up this guidance, please click on each to access each section.

- [Key dates](#)
- [Main features](#)
- [Eligible agricultural land](#)
- [Activating your entitlements](#)
- [Payments](#)
- [Transfer of entitlements](#)
- [Other aspects of the scheme](#)
- [Appeals](#)
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## Registering with Rural Payments and Services

To apply for this scheme, you must be registered with our new system, even if you were previously registered with us.

[You can find out more on how to register here](#)

## Important changes from the Single Farm Payment Scheme

### **Entitlement allocations**

We won't be able to 'rotate' your entitlements by swapping the entitlements you activate from year to year. That means if you've got more entitlements than land, you might lose them.

## Useful reminders and tips

**Look out for the bold text boxes in this guidance. In them, we have listed steps you can take to avoid some of the most common mistakes found which can lead to either delays to payment of claims or penalties. However, these are not exhaustive lists, just some of the more common examples.**

The following steps may seem simple but if you overlook them, they can have a serious effect on your payments.

- if you're submitting your Single Application Form on paper, don't forget to sign it. If you don't sign it, we will not be able to process it and you will not be paid
- it is your responsibility to make sure your Single Application Form reaches us by 15 May\*. If you are posting it you must remember to put the correct amount of postage on your envelope. The envelope may need more stamps than the usual first- or second-class delivery charge, especially if you are including other forms

- we recommend that you use a form of postage that will provide proof of receipt of your Single Application Form by us. You should keep the proof of postage slip provided by the Post Office and make sure that it clearly identifies beneath their stamp, that the item sent to us is your Single Application Form
- Royal Mail may not deliver the envelope to us in time to meet the 15 May\* deadline if the postage on the envelope is not correct. If you do not pay enough postage and Royal Mail delivers the application late, we will use the date that it arrives at our office as the lodgement date of that application. This might mean late submission penalties will be applied to your claim if the date of receipt is after 15 May\*
- read these guidance notes carefully. If you are not sure, ask your local area office or relevant professional adviser for guidance
- if your business structure has changed (for example, it has merged or split or there has been a change in the partners) you need to contact us immediately as the change can affect your entitlements and your Single Application Form

\* If this date falls on a weekend, the window will close the following Monday.

## Legal base

The general rules for the operation of the Basic Payment Scheme are based on Regulation 1307/2013 of the European Parliament and the council of 17 December, 2013, establishing rules for direct support schemes for farmers under the Common Agricultural Policy.

This is supplemented by Commission Delegated Regulation 639/2014 , dated 11 March, 2014 and Commission Implementing Regulation 641/2014, dated 16 June, 2014.

## Recent changes

Section	Change	Previous text	New text
<a href="#">Useful reminders and tips</a>	Clarification of the closing date if 15 May falls on the weekend.	-	* If this date falls on a weekend, the window will close the following Monday.

## Previous versions

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## 2 Key dates

**Date published: 15 March, 2018**

For recent changes to this guidance, please see the bottom of the page.

Guidance on how to complete your Single Application Form can be found below.

### [Single Application Form](#)

Date	Event
1 January	Start of the scheme year. You must meet all Cross Compliance conditions from this date. Start of management for EFA buffers and EFA field margins.
15 January	Start of management period for EFA fallow.
1 March	Start of no hedge cutting period.
2 April (or first working day after if this falls on weekend or public holiday)	Deadline for RPID to receive an application to transfer Basic Payment Scheme entitlements with an effective date of 15 May this year
1 May (to 30 June)	Period designated as the most relevant for calculating the shares attributable to different crop types for the purposes of crop diversification.
15 May	Land used to claim Basic Payment Scheme payment in the current scheme year has to be 'at your disposal' on this date.
15 May	Start of the Land Managers Options scheme year.
15 May	Basic Payment Scheme 2018 entitlements transfer window opens.
Midnight, 15 May	Deadline for Scottish Government Rural Payments and Inspections Division to receive form PF06 (Land maintenance) – land transfers (the land for the Basic Payment Scheme in any year must have been at the applicants disposal on 15 May of that year) and mapping changes (such as permanent changes to field boundaries or information about permanent ineligible features that are not already included on existing maps).
Midnight, 15 May	Deadline for Scottish Government Rural Payments and Inspections Division to receive Single Application Form / Basic Payment Scheme application.
31 May	Deadline for Scottish Government Rural Payments and Inspections Division to receive amendments or additions to your SAF (if we received it on or before 15 May) without reducing your payments.
9 June	Final deadline for us to receive your SAF. We will not accept your SAF after this date. We will not accept BPS and BPS National Reserve supporting documentation after this date. Last day for applications and supporting documentation for an allocation of BPS entitlements from National Reserve. Deadline for Scottish Government Rural Payments and Inspections Division to receive nominations or changes to preferred currency (euros or sterling) in which Direct Payments are to be received.
15 July	End of management period for EFA fallow.
1 August	End of management period for EFA nitrogen fixing crops.
31 August	Start of cutting period for hedges.
30 September	Euro exchange rate is set.
1 November	Green cover must be established.
31 December	End of scheme year. You must meet all Cross Compliance conditions until this date.

It is important to note that there is no provision in the scheme year to allow amendments to Single Application Forms without penalty after 15 June.

Changes can be made after this date for reasons of force majeure, withdrawals of all or part of your application, obvious errors and notified errors.

Outside these reasons, amendments can only be made between 16 June and 10 July by withdrawing the Single Application Form in its entirety, making the changes, and re-submitting.

In this case, you need to be aware that we will apply deductions to any subsequent payments for late submission.

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# 3 Main features

**Date published: 4 July, 2019**

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## Background to the scheme

The Basic Payment Scheme is a result of reforms to the Common Agricultural Policy that will affect farmers and crofters from 2015. The need for reform came from three reasons:

- so as to better address the challenges of:
  - food security
  - climate change and sustainable management of natural resources
  - looking after the countryside and keeping the rural economy alive
- to help the farming sector become more competitive and to deal with the economic crisis and increasingly unstable farm-gate prices
- to make the policy fairer, greener, more efficient and more effective and more understandable

The Basic Payment Scheme replaces the Single Farm Payment Scheme (SFPS). To be eligible to apply for the scheme you must fall into one or more of the following categories:

- automatic right of allocation – for businesses who were active in 2013 and declare land in 2015
- active farmers in 2013 – you must be able to supply evidence if you did not apply for SFPS. Please note definition of this point is still being looked into
- businesses in excluded sectors – fruit and vegetable producers or deer farms can apply

- businesses sold or leased – the buyer or lessee can take over the original business' qualification for subsidy

If none of the above apply to you, you may be eligible to apply to the [National Reserve](#).

## Participation

You can participate in the scheme and receive subsidy if you:

- are an active farmer – see below for more details
- hold Basic Payment Scheme entitlements, either through an original award or having acquired them by transfer – [see National Reserve for more information](#)
- submit a claim in the form of a Single Application Form (IACS) Aid Application
- farm a minimum of three hectares of eligible land
- have one eligible hectare of land for each entitlement
- be involved in agricultural activity
- maintain your land in Good Agricultural and Environmental Condition (GAEC) and meet a number of Statutory Management Requirements covering the environment, food safety, animal and plant health and animal welfare (Cross Compliance)
- undertake agricultural practices beneficial for the climate and the environment – commonly known as “Greening”. This is a compulsory part of Direct Payments and you could lose your right to payments if you fail to comply
- keep comprehensive, accurate, and up-to-date records

We may inspect your holding to verify your claim and it is a condition of receiving subsidy that you co-operate with any inspection.

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## Active farming – undertaking agricultural activity and the "Negative List"

An important part of being eligible to apply for the Basic Payment Scheme, is being able to meet the requirements of being a “farmer” who undertakes an “agricultural activity”. These separate but related requirements are explained below.

You must meet the legal definition of a “farmer” to participate in BPS. For this purpose, a farmer is a natural or legal person (or a group of natural or legal persons) whose holding (production units) are situated within Scotland.

You might not be classed as an “active farmer”.

You must also exercise an agricultural activity. An agricultural activity can include the production, rearing or growing of agricultural products, including harvesting, milking, breeding animals and keeping animals for farming purposes.

If you have land which is naturally kept in a state suitable for cultivation and grazing (essentially all land in Payment Regions Two and Three) **and it represents more than half of your holding (inclusive of any seasonal land)** you must also meet rules on exercising a [minimum activity](#) .

You must qualify as an “active farmer” each year that you apply for Basic Payment Scheme. You should declare on your SAF each year whether you operate activities under the Negative list or not. You will not be able to receive any payments until we have confirmed that you meet the “active farmer” requirements.

### **Exemption**

You will qualify as an “active farmer” automatically if the value of your claims under the Basic Payment Scheme, Scottish Upland Sheep Support Scheme or Scottish Sucker Beef Support Scheme in the previous year were worth €5,000 or less, before any penalties were applied or cross compliance reductions were made.

Farmers who didn't claim under any of these schemes in the previous year can still qualify automatically if their claim would have been worth €5000 or less, had they applied. You should contact your local RPID area office if unsure.

## 20 February 2018 Negative List Update

Under proposals to simplify CAP, the Scottish Government has removed the requirement of the negative list, an element of the active farmer requirement.

EU regulations currently prevent member states from automatically making direct payments over €5,000 to specific types of businesses – known as the negative list.

This includes claimants who operate permanent sporting and recreational grounds and other services such as railways or airports. Safeguards continue to be in place to ensure funds go to active farmers.

Announcing the change, Rural Economy Secretary Fergus Ewing said:

“I have made no secret of my belief that current CAP rules are too prescriptive, often place excessive administrative burdens on our farmers, and do not allow for enough flexibility at a local level.

“That is why I have taken the decision to allow for the removal of the negative list, which will reduce the administrative burden on our farmers and crofters. Although the question will continue to feature in the 2018 Single Application Form, I want to be clear that we will not be assessing that element.

## Entitlements

In order to receive support, [you will need entitlements](#) to claim from the Basic Payment Scheme.

For example, if you took part in the Single Farm Payment Scheme (SFPS), meaning that you submitted a Single Application Form in 2013 and 2014 and were paid on your SFPS entitlements, you will be eligible to receive an automatic allocation of entitlements.

To be paid on those entitlements, however, you must make an application to ‘activate’ them against eligible land. For your Basic Payment Scheme application to be valid, you must have at least three entitlements and activate them. That means you will need at least three hectares of eligible land to activate them.

If you are a young farmer (under 40 years of age) or new to farming (starting an agricultural activity in 2013 or later) [you need to apply to the National Reserve](#).

This is about how we will fund your entitlements but, if successful, you will be allocated Basic Payment Scheme entitlements, the same as those receiving an automatic allocation. The activation rules also apply to your entitlements.

The number of payment entitlements allocated in 2015 will equal the number of eligible hectares determined from your Single Application Form in each of payment regions you are involved in.

For example, if we determine that you have 50 hectares in Payment Region One, you will receive 50 entitlements for that region.

If you have 100 hectares in Payment Region Two or Three or a combination of both, you will receive 90 entitlements for those regions. This is because we have decided to apply a reduction co-efficient of 10 per cent to eligible hectares declared in those regions.

You can find out more about payment regions below.

### [Regionalisation of payments](#)

For the period after 2015, it will be possible to purchase or lease entitlements in order to receive Basic Payment Scheme payments.

These are transactions between individuals and we do not get involved beyond recording the change in ownership. If you are considering acquiring entitlements in this way, it is advisable for you to seek professional advice on the matter from a commercial broker.

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## Usage rules

All Basic Payment Scheme payment entitlements, including entitlements allocated from the National Reserve, are subject to a two-year usage rule.



The rule has changed, compared to the two-year usage rule that was in place for the Single Farm Payment Scheme. From 2015, over any two-year period you must activate (use) all of your Basic Payment Scheme payment entitlements in at least one year.

Therefore it will not be possible to rotate entitlements using some in year one and the remainder in year two. If you lease your Basic Payment Scheme entitlements out, you will be relying on that farmer to ensure the two-year usage rule is met.

If leased-in Basic Payment Scheme entitlements are not activated during the rolling two-year period they will revert to the National Reserve.

For example:

In the case of a farmer who had 50 Basic Payment Scheme entitlements allocated (and activated) in 2015, who then activates 30 Basic Payment Scheme entitlements in 2016 and 50 Basic Payment Scheme entitlements in 2017, they will have activated all 50 entitlements at least once in the two-year period.

However, if they had activated only 40 entitlements in 2017, they have not activated all 50 entitlements once in the two year period and the 10 entitlements not used will be withdrawn and revert to the National Reserve.

If you have entitlements in more than one region then usage will be considered within each region allocation. Where you have entitlements within the same region which have different values then the lowest value entitlements (owned or leased-in) will revert to the National Reserve first.

You may be exempt from the two-year usage rule if you can prove that you (or your business) were subject to exceptional circumstances or a force majeure event, which prevented you from activating the entitlements for the relevant Basic Payment Scheme year.

## Payment regions

The starting point for payments under the Basic Payment Scheme is the area of land farmed in 2015.

Because the agricultural potential of the land in Scotland varies, the Scottish Government has used objective criteria and factors such as the agricultural and economic characteristics of an area to identify three payment regions.

- **Payment Region One** – includes better quality agricultural land that has been used for arable cropping, temporary grass and permanent grass
- **Payment Region Two** – includes rough grazing with a Less Favoured Area (LFA) grazing category of B, C, D, or is outside the LFA
- **Payment Region Three** – including rough grazing with a Less Favoured Area (LFA) grazing category of A

## Transition period for payment rates

The Scottish Government is obliged to make sure all payment entitlements in the same payment region have the same value but has opted not to move to these regional rates in one-step.

Instead, it has opted for a phased approach where claimants will move to a wholly area-based payment system by 2019, in equal size steps. This means a five-year transition period with claimants receiving 100 per cent area based payments by 2019.

Under this system, some existing beneficiaries will see their payments rise (in comparison to what they received under SFPS) whilst other will see their payments fall.

This is an inevitable result of the change, required to meet European Commission regulations of switching from payments based on an individual farmer's historic agricultural activity to payment rates according to three different land regions.

These rates will not be fixed until we have calculated the number of entitlements to be allocated, the extent of successful National Reserve applications and the total of payments to young farmers.

All of this information, together with the land declared, will stem from the Single Application Forms submitted by 15 May, 2015. Consequently, it is not possible to say in advance what these rates payment will be.

As an indication of what the payment rates might be, the Scottish Government estimates are as follows:

- Payment Region One = €145.00
- Payment Region Two = €25.00
- Payment Region Three = €7.00

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## Capping

Capping is the progressive reduction of payments above a certain level with the reduction being used to supplement funding for rural development measures.

In Scotland, we will reduce the total of Direct Payments over €150,000 by five per cent. Direct Payments means Basic Payment Scheme and the sheep and beef support schemes.

In addition to this reduction, where the direct payments to be granted exceed €600,000 for calendar year 2018 or any subsequent calendar year, the sum in excess of that amount will be reduced by 100 per cent.

## Land at your disposal

For detailed guidance on what constitutes “eligible land”, please see below.

If you own the land or are a tenant, the land will be ‘at your disposal’ when you declare it on your Single Application Form on the qualifying date of 15 May. Whether or not a contract farming arrangement meets the definitions will depend on the details of the working arrangement. If you are in any doubt, please contact your area office with details of your contract farming agreement.

Where grazing is shared then all claimants must reach a joint agreement on how much of the land they are entitled to declare on their claim. This can be achieved by using the number of Livestock Units that each will be grazing during the season and apportioning the area of the land accordingly.

The terms of any sub-letting and contractual agreements can have an important effect on your ability to make a claim for payment.

You will need to reach a workable agreement that takes into account your responsibility for compliance with the Basic Payment Scheme and your ability to claim entitlements.

We recommend that all parties involved in the agreement include a clear breakdown of responsibility for each of the major Cross Compliance conditions, with a default position that the claimant will be responsible.

**In cases where more than one farmer carries out an agricultural activity on the same area of land, it should be made clear in any tenancy agreement who has the land ‘at their disposal’, and who is entitled to claim payment on it. Arrangements for common grazing in the crofting counties and other common land will continue as normal.**

**You cannot backdate agreements. You must be able to prove that you have land at your disposal not just through an agreement, but also through your practice on that land.**

If we find that you have under declared or over declared land then penalties may apply. For further information on penalties, please refer to our published guidance on Single Application Form

[Single Application Form](#)

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## Land eligible for this scheme

You can use only eligible land to activate entitlements for payment under Basic Payment Scheme.

Eligible land under the scheme is any agricultural area of the holding used as arable land or permanent pasture or permanent crops.

Permanent pasture is land:

- used to grow grasses or other herbaceous forage, either naturally (self-seeded) or through cultivation (sown)
- not included in the crop rotation for five years or longer
- was not taken out of production under some agri-environment scheme options

To determine whether your land is permanent pasture for the purposes of the scheme you should consider its status on 15 May each year.

This means that land will be classified as permanent pasture when declared as being in grass or herbaceous forage on six consecutive Single Application Forms (or IACS) applications.

For example, if you first declared a parcel as being in grass on 15 May, 2010 (that is, was first put down to grass some time during the period 16 May, 2009 to 15 May, 2010) and remains in grass on 15 May, 2015, then it will be classified as permanent pasture and you should declare it as such on your 2015 Single Application Form.

Where you did not declare land on a Single Application Form, the same principle applies. That is, it will be classified as permanent pasture when it has been in grass or herbaceous forage on 15 May in six consecutive years.

Land that you have re-sown with grass or other herbaceous forage during a five-year period is still counted as permanent pasture. However, land which is in long-term grass, but which you have reseeded following a catch crop such as stubble turnips in the last five years, is considered arable land.

Permanent crops are those defined as non-rotational crops (other than permanent pasture) that occupy land for five years or more and yield repeated harvests, including nurseries and short rotation coppice.

## Greening

Greening is the requirement to follow certain agricultural practices that are beneficial for the climate and the environment.

The Scottish Government will allocate 30 per cent of its budget for Direct Payments to payments linked to these practices. In order to access this funding, farmers will be required to follow a new set of three greening requirements, namely:

- crop diversification
- maintenance of permanent grassland
- establishment of Ecological Focus Areas on five per cent of arable land

Our latest information on the greening rules was published in leaflet form.

[You can download a copy here](#)

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## Cross border business

The European Commission's regulations governing agricultural support require that all the land farmed in the United Kingdom be covered by one single application form.

If you farm land in more than one region of the UK (Scotland, England, Northern Ireland and Wales), your Single Application Form will be made up of two or more forms applicable to each region involved.

You must submit all relevant forms together to the administration that will be dealing with your claim.

The handling administration is decided based on the region in which most of your farmland is situated. You will receive one payment, made up of all the entitlements held from the handling administration.

## Young Farmer payment

If you qualify for the Basic Payment Scheme, you may also receive the Young Farmer payment. You will receive this if you:

- submit a Single Application Form
- farm a minimum of three hectares in Scotland
- are a sole trader or head of the farm business

- less than 41 years of age on 31 December of the first year you apply for the Basic Payment Scheme

The level of Young Farmer payment is based on a maximum of 90 eligible hectares and rate is 25% of the average value of payment entitlements held for the scheme year concerned.

For businesses where the young farmer is classed as head of the farm business, this means that person is the main shareholder / partner in the business, takes the majority share of any profits and makes the key business decisions.

The Young Farmer Payment is made to eligible applicants for a maximum of five years from the date of their first application submission.

Applicants who set up from calendar year 2014 onwards will be eligible to receive YFP for a period of five years from the date of first submission of an application for payment.

For example, a young farmer setting up in 2014 who submitted their first application for YFP in 2015 will continue to be eligible to apply for payments in 2016, 2017, 2018 and 2019. A young farmer setting up in 2014 who submits their first application for YFP in 2016 will continue to be eligible to apply for payments in 2017, 2018, 2019.

An eligible business can be active for many years before business members change. The Young farmer is eligible for up to 5 years from the year they took control of the business. For example a young farmer who took control in 2011 and submits an application for YFP in 2015 would be eligible up to 2016. So getting two years of YFP.

YFP must continue to be claimed annually by the eligible business and annual checks will be undertaken to ensure the business remains eligible for payment.

You can apply for the Young Farmer payment on the Single Application Form, where you will be asked to provide evidence of your eligibility. Full details of how to apply for the payment will be included in the guidance notes issued with your [Single Application Form](#) .

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## Cross Compliance

Payment under the scheme is conditional on meeting the Cross Compliance conditions.

Under Cross Compliance, you must continue to comply with the Statutory Management Requirements in force for public health, animal and plant health, environmental protection and animal welfare.

You must also maintain your land in Good Agricultural and Environmental Condition (GAEC).

Separate, detailed guidance is available below about Cross Compliance and all farmers should study the requirements and ensure that they understand what is involved. When you sign the Single Application Form, you are making a declaration that you have read all applicable guidance, including Cross Compliance requirements.

Failure to meet Cross Compliance conditions do result in penalties being applied to claims.

[Cross Compliance](#)

## Inspections

Farmers must allow us to inspect their holdings, at any reasonable time, to check that the scheme rules have been met. We are not required to provide advance notice of inspections.

If a farmer refuses to co-operate, or if an inspecting officer is obstructed or the farmer fails to give reasonable assistance, we are within our rights not pay the farmer and may commence a prosecution.

Further information on inspections can be found below.

[Inspections](#)

## Appeals

At present you can ask us, within a set timescale, to review any decision to refuse, reduce, or recover subsidy using the EU Agricultural Subsidy Schemes Appeal procedure.

This procedure has two stages: an in-house review and an appeal to the Scottish Land Court.

You can find out more about our appeals process in our appeals section.

[Appeals](#)

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## Payment in euros

We provide producers with the option of receiving certain payments in euros. These are, at present, those covered by the Direct Payments programme (Basic Payment Scheme and the sheep and beef support schemes).

The facility is not be available (for the time being) for other measures, such as the Less Favoured Area Support Scheme and certain agri-environment schemes.

If you wish to be paid in euros for these schemes, you must indicate by answering the relevant question on your Single Application Form. If we have paid you in euros in the preceding year (for example, SFPS in 2014) we will use the same account details for your payment.

You must keep us informed of any changes to your bank account details. If you have requested payment in euros and then change your mind, or requested payment in sterling and then decide you would prefer euros, you must inform us before 9 June.

When registering a new bank account or telling us of a change to your bank account, please note that we operate a 10-day "quarantine" period for your own security.

This means if you change your bank account details during the payment processing period, you will experience a delay to your payment.

## Publication of your payments

We will publish information on Direct Payments made to businesses. The European Commission has introduced new legislation that requires us to publish details about the payments you receive.

If you receive payments of more than €1,250 per annum we will publish your business name, locality (nearest town), postcode, and the amounts and schemes you have received payments for.

We will publish this from 31 May, 2015 and it will cover all payments made in the period 16 October, 2013 to 15 October, 2014.

## Further information

For further support and information, please get in touch with your nearest area office.

[Contact us](#)

## Recent changes

Section	Change
Young Farmer payment	Updated information on Young Farmer payments
<a href="#">Capping</a>	Updated information provided on capping.
<a href="#">Active farming - undertaking agricultural activity and the "Negative List"</a>	Negative List guidance replaced by update from February 2018

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# 4 Payment rates

**Date published: 5 April, 2019**

For recent changes to this guidance, please see the bottom of the page.

## Introduction

The 2014-2019 CAP system is designed to be simpler and fairer. By 2019, farmers and crofters with similar quality land will all receive the same payment per hectare if they carry out a minimum level of activity.

This will be done using regionalisation and convergence.

## Regionalisation

Under the new CAP, all farming land in Scotland has been categorised into three regions:

### **Payment Region 1**

This includes better quality agricultural land that has been used for arable cropping, temporary grass and permanent grass.

### **Payment Region 2**

This includes rough grazing with a Less Favoured Areas (LFA) grazing category of B, C, D or non-LFA.

### **Payment Region 3**

This includes rough grazing with an LFA grazing category A.

You can find out more about regionalisation on the following page.

[Regionalisation](#)

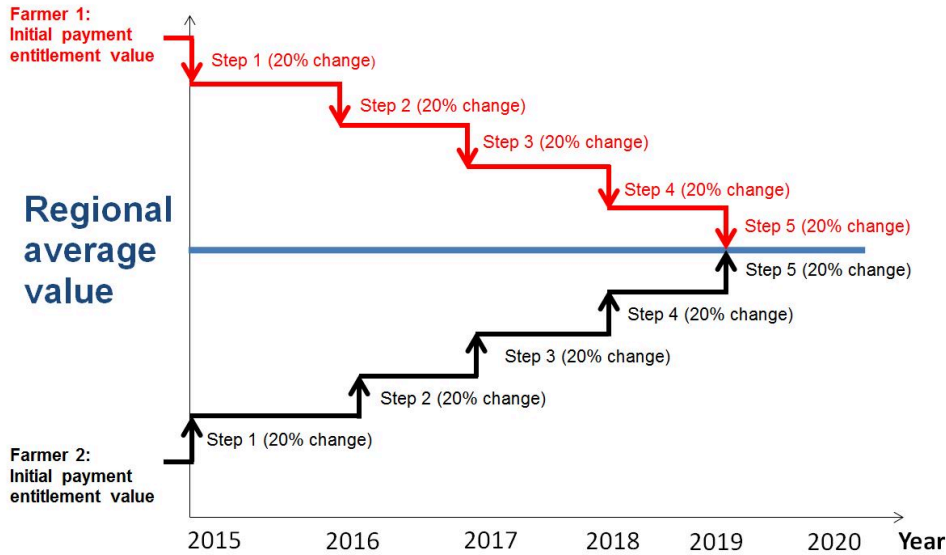
## Convergence

Because of the way entitlements were calculated in the past, their value in 2015 will have differed from business to business.

Convergence is being introduced to make this fairer, with the aim of paying everyone the same entitlement value per Payment Region by 2019.

We will carry out a convergence calculation, comparing the 2015 entitlement values with the 2019 target, and adjust the value of your entitlements from 2015 to 2019 in equal percentage steps.

This means the value will change, upwards or downwards, 20 per cent at a time towards the target until 2019. The following diagram shows how this will work.



## 2019 target rates per region

The value of each entitlement will be calculated once the payment rates for each region are finalised.

However, it is not possible to know what the final payment rates for each entitlement in each region will be at the end of convergence at this time.

## Payment rates

The below rates show the difference between 2015 and 2019. Your payments will gradually move from the 2015 rate to the 2019 rates as per the above diagram.

2015 fixed percentage: 64.86%

### 2015 flat payment rate

Region one	Region two	Region three
€145.25	€60.29	€18.19

### 2015 budget adjustment

Region one	Region two	Region three
0.98	1.0580943	1.08

### 2019 flat payment rate

Region one	Region two	Region three
€165.63	€36.16	€10.48

### 2019 budget adjustment

Region one	Region two	Region three
0.97	0.95	0.935

### 2015 Greening rate

Region one	Region two	Region three
€83.06	€13.96	€4.67

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# 5 Eligible hectares and minimum agricultural activity

**Date published: 1 June, 2017**

For recent changes to this guidance, please see the bottom of the page.

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Under the Single Farm Payment Scheme, you had to declare eligible hectares to receive payment. Eligible, in this context, meant:

- arable land
- permanent pasture
- land used to grow permanent crops or
- as a minimum, land that was maintained in good agricultural and environmental condition

This allowed anybody claiming to receive income support, even if they were not undertaking an agricultural activity, such as growing crops or keeping livestock.

The new Basic Payment Scheme is significantly different.

The aim of this is to make sure that income support is only provided to those undertaking a minimum agricultural activity on eligible hectares. In the sections below, we explain what we mean by eligible hectares and minimum agricultural activity.

## Eligible hectares

It's important that you only declare eligible hectares for the purposes of an allocation of entitlements in the first year and for activating those entitlements for payment.

If you declare hectares, for payment that are found not to be eligible in terms of the below activity requirements, this will be treated as an over-declaration. As such, all area-based payments you have claimed (Basic Payment Scheme, Greening, Young Farmer) will be subject to penalties. In extreme cases, this will mean non-payment or recovery of all Direct Payments for the year concerned – as well as the following year.

An eligible hectare is defined as any agricultural area of your business' land used for an agricultural activity.

This means that on each hectare declared by you as eligible, you must carry out an agricultural activity on it. Without the activity, the land is not eligible and should not be declared for the purposes the Basic Payment Scheme, either at the stage of allocating entitlements or for payment.

## Minimum agricultural activity

The Basic Payment Scheme is area-based and has been regionalised to reflect the variation in the traditional land quality of land across Scotland. There are three payment regions:

- Payment Region One – this includes better quality agricultural land that has been used for arable cropping, temporary grass\* and permanent grass\*\*
- Payment Region Two – this includes rough grazing with a Less Favoured Areas (LFA) grazing category of B, C, D or non-LFA
- Payment Region Three – this includes rough grazing with an Less Favoured Areas grazing category A

In addition, Payment Regions Two and Three have been designated 'land naturally kept in a state suitable for grazing'. This means that there is a presumption that there has been no meaningful activity by you to maintain the agricultural potential the land.

Consequently, you must undertake a specified activity in order to turn such land into eligible hectares.

The minimum agricultural activity you must undertake to make sure the land is eligible for the Basic Payment Scheme is related to the region or regions applicable to the land declared on your Single Application Form.

These requirements apply to everyone claiming to the scheme although where there is a choice of activity to be undertaken that is up to the individual business concerned.

## Claiming land for different schemes – dual use

Under the regulations governing direct payments, Basic Payment Scheme entitlements can only be allocated to the farmer who makes decisions about, benefits from and takes on the financial risks of the agricultural activity on the land. However, it is possible in certain circumstances for the same agricultural area to be used to support a claim by the landowner and a rural development application by the tenant (as grazier or someone who grows crops).

This is called dual use.

Advice from the European Commission is that this situation is allowed in principle but should be considered on a case-by-case basis. This should take into consideration the eligibility conditions and requirements under the respective schemes. The latter is a key consideration because the European Commission has also re-stated the principle that there should be no double funding of similar activities under either direct payments or the Scottish Rural Development Programme.

We will consider claims involving dual use as part of the assessment of eligibility. It is up to the landowner and tenant to follow our standing advice on determining who has the land at their disposal for support under each pillar of the Common Agricultural Policy.

This means that the lessor and lessee need to reach a workable agreement that takes into account their respective obligations to ensure that claims likely to result in double funding are avoided. It also means that the parties must have written evidence of their respective rights, responsibilities and land at their disposal as of 15 May.

This evidence could be a tenancy agreement, grazing licence or letter.

Dual use is not permitted where the Basic Payment Scheme and Less Favoured Area Support Scheme are involved because both schemes rely on the applicant meeting the same farmer / active farmer obligations.

The information in this guidance describes the principles. If you need further advice, please contact your local area office. If you need specific guidance about your own potential claims, you should contact a professional adviser.

## Activity within payment regions

The minimum agricultural activities for each of the payment regions have been set as follows:

### **Payment Region One**

Where agricultural production activities are undertaken, these can encompass production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes.

Where no agricultural production activities are undertaken, the land must be maintained actively in a state suitable for grazing or cultivation. This means various actions according to the land. Across all land, the business must take action to control injurious weeds to which the Weeds Act 1959(1) applies and maintain access to those areas for livestock or agricultural machinery.

On areas of permanent grassland, you must be able to demonstrate maintenance of existing stock-proof boundaries and water sources for livestock, whilst on arable land, you must take action to prevent the encroachment of scrub.

### Payment Regions Two and Three

The normal minimum agricultural activity is to undertake an average level of stocking of 0.05 livestock units per hectare on all hectares for 183 days in each scheme year. A lower stocking density, in terms of numbers or period, may be acceptable.

To calculate your livestock units, see Annex E.

This must be justified by evidence, such as chronological records kept for an extended period or other evidence in respect of the carrying capacity of the whole or part of the holding (e.g. flock records, herd registers).

Alternatively, evidence can be provided where stocking levels have been lowered, again in terms of numbers or period, across the whole or part of the holding below 0.05 livestock units per hectare, as a result of an environmental management agreement with Scottish Natural Heritage or an agri-environmental commitment as part of the Scottish Rural Development Programme.

As an alternative to minimum stocking levels, you can carry out an annual Environmental Assessment across the whole or part of the holding, where land lies in Payment Regions Two and Three.

This will consist of three elements:

- a map and description of the farm environment
- a breeding bird, mammal, butterfly survey
- monitoring of habitats including plant health survey

You can choose to carry out a combination of minimum stocking and an annual Environmental Assessment, provided the minimum agricultural activity requirement can be met on all hectares (e.g. stocking or survey).

For any part of the business where you have elected to undertake an Environmental Assessment, documentation of a survey in process must be made available to our inspecting officers and in any event, when complete, must be sent to the relevant area office no later than 31 August.

As completion of the survey is an eligibility requirement for the Basic Payment Scheme, no payments can be made unless the completed survey has been received.

The survey should be undertaken by an environmental consultant or someone similar with suitable skills, which may include a member of the agricultural business.

If you purchase a survey, our inspectors will expect to see the relevant invoices and receipts.

'Suitable skills' need to be assessed based on proven evidence of knowledge of ecology, species, and survey techniques (e.g. completion of other similar surveys, membership of professional or voluntary body, such as the Chartered Institute of Ecology and Environmental Management, Botanical Society Britain and Ireland or a relevant university degree).

Guidance on completing the survey is included as Annex A.

\* - Temporary grass (TGRS) is grass sown down or reseeded in a five-year period following the growing of an arable or break crop  
 \*\* - Permanent grass (PGRS) is grass that has not been reseeded in the last five years. It continues to be described as PGRS when reseeded provided no break crop (arable or catch) has been grown

+ - Rough Grazing (RGR) are areas of low productivity grasses and other herbaceous forage and are constrained by issues such as poor drainage, steep slopes and/or rock (scree). These areas would be 'unimproved' and would not receive applications of mineral fertiliser or manure

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## Annex A – How to complete the Environmental Assessment

Business owners must carry out an Environmental Assessment every year across the parts of their holding that are designated as land naturally kept in a state suitable for grazing.

This will be land classed as Payment Regions Two and Three and upon which the minimum stocking density is not being undertaken. This has three elements:

1. a map and description of the farm environment
2. a breeding bird, mammal, butterfly survey
3. monitoring of habitats including plant health survey

The reliability of the assessment is dependent on the observers used to collect the information. Using appropriately skilled and experienced observers is therefore essential.

### **A map and description of the farm environment**

You must carry out a habitat survey and record the information on a Environmental Map and Environmental Table. An example of a Environmental Map is shown in Annex C, and a Environmental Table is shown in Annex D.

The Environmental Map must clearly show the following:

- the boundaries of the land parcels subject to the farm audit and survey
- boundaries of the following protected places for nature: Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC); and boundaries of protected places for history, e.g. Scheduled Monument
- the habitat survey should map the UK Biodiversity Action Plan broad habitat types (listed below in Annex B)

The Environmental Table must include a row for each habitat identified in the Environmental Map setting out the following information:

- land use
- further detail on broad habitat types
- presence of any species of interest (as a minimum, must record all birds, mammals and butterflies recorded through the annual surveys)
- description of major pressures (e.g. presence of invasive species), environmental risks and opportunities for biodiversity
- description of habitat condition

### **Breeding bird survey**

Carry out an annual distribution and abundance survey of breeding birds. According to the habitats present on a holding there are a number of different techniques that could be used for surveying birds.

In cases where the main habitat present is rough grazings and/or open moorland it is recommended that surveys are undertaken in accordance with the methodology described below, adopted from Brown and Shepherd (1993).

The survey area and design must adequately cover the entire area of land naturally kept. The methodology requires four survey visits at least seven days apart.

These should cover the whole breeding season between mid-April and July, and be done between 0830 hours and 1800 hours. They should be carried out in a wind of Beaufort force four or less, and in dry weather.

For each survey, the date, time and weather conditions must be recorded. In order to maintain search intensity, the minimum time of 20–25 minutes per 500 metres x 500 metres should be maintained, this is equivalent to one minute per hectare.

The observer must follow a route walking through each area of land naturally kept such that all parts are approached to within at least 100 metres. At regular intervals (approximately every 100 metres) the observer should scan around with binoculars as far as terrain or weather allowed and listen for calls or song.

For each bird observation, the location, British Trust for Ornithology (BTO) species code, behaviour (such as singing, displaying, alarm calls and so on) and the number of birds must be recorded on a 1:25,000 scale map. You can view a list of BTO species codes below.

### [BTO species codes](#)

At the end of each visit the bird registrations on the map can be reviewed to identify breeding pairs / territories. At the end of the season all four maps will need to be combined to produce a final map identifying the total number and location of breeding birds present in the survey area.

If other habitats are present, e.g. open woodland, or if there is a rare or scarce bird species present a suitable method could be selected from the following books:

- Bird Monitoring Methods – Gilbert, G. et al, RSPB (1998)
- Raptors: A field guide for surveys and monitoring – Hardey, J. et al, Scottish Natural Heritage (2009)

For all survey methods a paper copy of all the maps should be retained as evidence of the activity.

We encourage submission of data to the BTO on-line recording system, [Birdtrack](#) , as a 'Species list' for your site.

Further details:

- Brown, A.F. & Shepherd, K.B. (1993) A method for censusing upland breeding waders. *Bird Study*, 40: 189–195
- Scottish Natural Heritage: [Recommended bird survey methods to inform impact assessment of onshore wind farms](#)

### **Mammal survey**

The survey activity must also cover observation of mammals on the transects and a separate record must be provided. When undertaking the four bird survey visits, record sightings or signs of mammals in the [specific form](#) .

Mammal survey results can be submitted to the National Biodiversity Network through the [iRecord](#) webpage.

A paper copy of the form must be retained as evidence of the completion of the activity.

### **Butterfly survey**

Carry out an annual survey of butterflies.

In order to cover every hectare of land, the survey must consist of two, parallel, one-kilometre transects (straight lines or as near to this as is physically possible) as a minimum, for every square kilometre (100 hectares), with a requirement of three site visits in the required season and timings.

Three visits are required in June, July and August (with at least 10 days between the three visits). Follow the more [detailed guidance](#) available from the UK Butterfly Monitoring Scheme.

Butterfly survey results can be submitted by post to Butterfly Conservation Scotland, Balallan House, 24 Allan Park, Stirling FK8 2QG.

A paper copy of the form for each visit must be retained as evidence of the completion of the activity.

### [Paper form](#)

### **Monitoring of habitats**

Vegetation monitoring must be carried out once a year across all broad habitats mapped as part of the habitat survey above. It will be targeted at two elements:

- an assessment of the impacts of grazing
- the presence or absence of invasive non-native species

Results must be recorded on the Environmental Table.

An assessment of grazing impacts:

Monitor 30 plots (two metres x two metres) per habitat to cover all the land designated as land naturally kept in a state suitable for grazing.

- vegetation monitoring of broad habitats must follow the methodology set out in the [Best Practice Guide to Habitat Impact Assessments: Principles in Practice](#). The monitoring should cover as a minimum two of the most widespread habitats. For example in upland areas, blanket bog and dwarf shrub heath are two of the habitats that tend to dominate

The methodology requires setting out 30 plots per habitat. These points are annually assessed for deer and herbivore impacts to provide an analysis of herbivore impacts and habitat condition.

Use one form per plot (each habitat as a different recording form, available from the [Best Practice Guides website](#) and provide an analysis of each habitat in the Environmental Table.

For each habitat provide an analysis:

1. average the frequency of each impact
2. look at the trend in the averages over time (i.e. is the impact increasing, decreasing or unchanged?)
  - for woodland habitats, the required methodology is set out in the [Woodland Grazing Toolbox](#)

The methodology assesses herbivore impacts based on assessing and quantifying the impacts on a series of seven universal indicators which comprise:

- basal shoots
- epicormic and lower shoots
- bark stripping and stem breakage
- seedlings and saplings
- preferentially browsed or grazed plants
- sward and
- ground disturbance

The method assesses how much in broad categories of the last 12 months' growth has been removed (e.g. greater than 90 per cent, greater than 50 per cent and less than 90 per cent, greater than 10 per cent and less than 50 per cent and less than 10 per cent).

This is done for each of the seven indicators (where they are present).

The presence and absence of invasive non-native species:

Record in the Environmental Table presence / absence of invasive species and extent. The key species to include are:

- rhododendron
- Japanese knotweed
- Himalayan balsam
- giant hogweed
- grey squirrel

Record in the Environmental Table encroachment of bracken on open habitats such as heathland, grassland and bogs where identified.

### **Plant health survey**

A survey of plant health must be carried out on an annual basis. Any sightings of emerging plant pests or diseases identified as part of the habitat survey must be recorded on the Environmental Table.

This must include any observations of symptoms that may be due to non-native Phytophthora diseases from visual inspection of areas of blueberry and juniper plants

*P. ramorum* and *kernoviae* are fungus-like pathogens causing serious and often fatal diseases on a wide range of trees and shrubs. The aim of this survey is to establish whether these pathogens have spread to blaeberrys in Scottish heathland.

Information about these diseases and how to recognise symptoms is available via the links below:

- [Juniper – Phytophthora austrocedri disease](#)
- [Blaeberry – Phytophthora ramorum / kernoviae disease](#)

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## Annex B – List of BAP broad habitat types

	Revised broad habitat types	Priority habitats
1	Broadleaved, mixed and yew woodland	Upland oak woodland Lowland beech Upland mixed ashwoods Wet woodlands Lowland wood pastures and parkland*
2	Coniferous woodland	Native pine wood
3	Boundary and linear features	Ancient and/or species rich hedgerows
4	Arable and horticulture	Cereal field margins
5	Improved grassland	Coastal and floodplain grazing marsh*
6	Neutral grassland	Lowland meadows Upland hay meadows
7	Calcareous grassland	Lowland calcareous grassland Upland calcareous grassland
8	Acid grassland	Lowland dry acid grassland
9	Bracken	
10	Dwarf shrub heath	Lowland heathland Upland heathland
11	Fen, marsh and swamp	Purple moor grass and rush pastures Fens Reedbeds
12	Bogs	Lowland raised bogs Blanket bog
13	Standing open water and canals	Mestrophic standing waters Euthropic standing waters Aquifer fed naturally fluctuating water bodies
14	Rivers and streams	Chalk rivers
15	Montane habitats	
16	Inland rock	Limestone pavements
17	Built up areas and gardens	

\* Priority habitats which are habitat complexes (e.g. grazing marsh or lowland wood pasture and parkland) represent distinctive and biologically important land-use systems which have given rise to characteristic habitat mosaics. Elements of these mosaics are drawn from a range of broad habitat types and therefore they cannot be assigned to a single type within the Broad Habitat Classification.

### Further references

See the [JNCC web site](#), which has a list of descriptions for each of the UK Biodiversity Strategy Broad Habitats and [descriptions for the UK Biodiversity Strategy Priority Habitats](#).

[Biodiversity Scotland's Broad Habitat definitions](#)



Scottish Natural Heritage commissioned report no 445, Inventory of terrestrial and freshwater BAP priority habitats and Annex I habitats

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## [Annex C – Environmental Assessment map example](#)



[Environmental Assessment map example \(PDF, Size: 144.2 kB\)](#)

Example of an Environmental Assessment map

## [Annex D – Environmental Table template example](#)



[Environmental Table template example \(PDF, Size: 135.9 kB\)](#)

Example of an Environmental Table template

## [Annex E – Agricultural activity: calculating 'Active Farmer' eligibility](#)

An important part of being eligible to apply for the Basic Payment Scheme is being able to meet the requirement of being an active farmer.

An active farmer is a farmer who produces, rears or grows agricultural products, including through harvesting, milking, breeding animals, and keeping animals for farming purposes.

In order for land to be eligible for claiming under the Basic Payment Scheme, you must undertake the minimum activity for the payment region your land is in.

In addition, if more than 50 per cent of your business' holding is land naturally kept in a state suitable for grazing or cultivation (this is all land designated as Payment Region Two or Three), you must undertake the production, rearing or growing of agricultural products on some of the Payment Region Two and/or Three land to be classed as an active farmer.

You do not need to undertake the minimum activity unless you wish to claim the land under the Basic Payment Scheme.

In summary, carrying out some agricultural activity on land naturally kept is enough to make you eligible to claim direct payments. But, for any land to be eligible to claim, including land naturally kept, the minimum agricultural activity rules must be met on it.

In terms of agricultural livestock production on land in Payment Regions Two and Three, the minimum activity is:

- a stocking density of 0.05 livestock units per hectare, or
- a stocking density of less than 0.05 livestock units per hectare where the farmer can demonstrate that such a stocking density is appropriate for the land by reference to the historic records kept in respect of the carrying capacity of the holding, or
- an environmental management agreement with Scottish Natural Heritage or an agri-environment commitment to which the farmer is subject the regulations for rural development support

For the purposes of the stocking density calculation, a 'livestock unit' means a unit of measurement of livestock numbers, and each of the following constitute one livestock unit:

- one beef cow over 24 months of age
- 1.66 beef cows over 20 months and up to and including 24 months of age
- one dairy cow over 24 months of age
- 1.66 dairy cows over 20 months and up to and including 24 months of age
- 6.66 breeding ewes, ewe hoggs or gimmers
- 6.66 breeding goats kept as part of a regular breeding herd for fibre production
- 3.33 breeding llamas kept as part of a regular breeding herd
- 2.5 farmed deer: adult stags (27 months and over)
- 3.33 farmed deer: hinds, including suckling calves (27 months and over)
- five farmed deer: juveniles (six to 27 months)

## [Recent changes](#)

Section	Change
<a href="#">Annex E</a>	Ewe hoggs added to livestock unit with ewes and gimmers.

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# 6 Assessing your land eligibility

**Date published: 9 June, 2017**

For recent changes to this guidance, please see the bottom of the page.

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## Introduction

The purpose of this guidance is to help you assess what land is ineligible for funding under the Basic Payment Scheme. We would advise that you read this guidance in conjunction with [Mapping rules for land managers](#).

### **Responsibility**

It is your responsibility as the applicant to ensure that you only claim eligible areas on your Single Application Form and that any ineligible features have been excluded. This can be done by either applying to have them mapped out of the parcel through submitting a Land Maintenance Form (PF06) or by reducing the claimed area.

[PF06 – Land Maintenance form](#)

### **Eligible land**

Under the Basic Payment Scheme, eligible land is:

- arable land
- permanent crops or permanent pasture on which the production, rearing or growing of agricultural products is undertaken
- maintaining the land under Good Environmental & Ecological Condition (GAEC)

### **Ineligible non-agricultural land**

This is land that consists of ineligible non-agricultural area such as:

- rock and scree
- roads, tracks, paths and hard standings
- buildings, including steadings, yards, hard standings, houses and garden sites
- water features such as ponds, watercourse's, lochs, lochans and rivers
- dense vegetative cover such as impenetrable gorse, scrub or monoculture stands of bracken with no forage at the base
- foreshore and marsh
- trees

This land also includes non-agricultural activities that affect agricultural activity, such as gravel extraction, land in-fill or pipelines. If you have these activities then you must measure them and deduct them from your claimed area.

## Making accurate deductions

Land managers who submit a Single Application Form should assess every parcel they declare with regards land eligibility and ensure they make accurate deductions for ineligible features.

Through making accurate assessments of the ineligible land cover within a parcel, you will be able to determine the maximum eligible area to claim.

## Declaring ineligible land on the Single Application Form

There is no requirement to declare ineligible land within a parcel on the Single Application Form under the unclaimed / other land column.

However, we encourage you to make use of this facility as it demonstrates your consideration towards assessing your land parcels. There are eleven codes available for use (see tables below) and applicants are encouraged to use them as appropriate.

Hard features - completely ineligible	
Description	Code
Ponds, rivers, streams or lochs	WAT
Roads or yards	ROAD
Buildings	BUI
Rocks	ROK
Scree (areas of smaller loose rock)	SCE
Foreshore	FSE

Soft features - partially ineligible	
Description	Code
Bracken	BRA
Gorse	GOR
Marsh	MAR
Scrub	SCB
Trees (not including orchards or nurseries)	TREE

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## Assessment of land

You should assess the areas of each land parcel covered by ineligible features.

In line with the Land Parcel Information System (LPIS) rules, permanent and defined ineligible features, such as bodies of water greater than one hectare and fenced-off house and garden sites within a parcel, may already be unregistered land.

Therefore, these do not need to be deducted from the gross area. An unregistered area within a parcel will appear on your IACS map as an area with a yellow boundary without a number to denote it has a Land Parcel Identifier.

Further information on mapping rules for unregistered land within parcels can be found in [Mapping rules for land managers](#).

If you do not have access to a map with an aerial photography background, please contact your local area office.

## Eligible internal features

Internal features such as ditches, burns and watercourses are accepted as being an eligible part of the agricultural parcel where the width is less than or equal to 2 metres. If the width of the feature is greater than 2 metres, then the area of the feature should be deducted.



### Completely ineligible features

When determining the eligible area of a land parcel, you may find ineligible land cover that prevents the land meeting the eligible land definition, known as Basic Payment Scheme exclusions.

Some of these are clearly and complete exclusions, for example buildings. In this instance the entire ineligible area should be deducted from the gross area of the parcel, thus leaving you with the maximum net eligible area of the field.

### Partially ineligible features

Many ineligible land cover features are not 100 per cent ineligible, such as gorse, bracken and scrub. Where dense vegetative cover is impenetrable to stock and prevents the growth of any vegetative understory for grazing then the area is ineligible for the Basic Payment Scheme and Less Favoured Area Support Scheme (LFASS) as forage.

Where land has areas where the vegetative cover is open grazeable mosaics, these areas are eligible for the Basic Payment Scheme and LFASS for forage.

As such, with gorse, bracken and scrub, a technical assessment (see [Technical assessment](#) section below) is required to assess the partial ineligible area that should be deducted from the gross area of the field.

Some types of 100 per cent permanently excluded features, such as rock, scree, water, marsh and foreshore, may also cover the land in a mosaic pattern with grazeable areas in between.

Therefore these features will also require a technical assessment to estimate eligible and ineligible areas.

### Process of calculating the eligible area

A parcel that is 100 per cent usable with no ineligible features is 100 per cent eligible. This means the gross field area equals the maximum eligible area.

You should follow the next steps to calculate the maximum net eligible area:

- confirm the parcel boundary is correct; this determines the gross area of the field
- assess how much area of the parcel is covered with 100 per cent ineligible features (such as roads, rivers or buildings)
- deduct these areas from the gross area
- assess how much area of the parcel is covered with partially ineligible features (such as gorse, bracken or scrub)
- assess what percentage of each of these partially ineligible features is actually ineligible (see [Technical assessment](#) section below)

- deduct these areas from the area calculated at point three; this leaves you with the maximum net eligible area of the field

## Land inspections

One of our inspectors' roles, while inspecting each claimed land parcel, is to determine the maximum eligible area. Where an inspector finds ineligible land cover, the area is mapped and deducted from the gross area of the land parcel, resulting in the maximum net eligible area.

As already described, some ineligible areas are clearly 100 per cent exclusions, such as buildings and metalled roads. In this case the entire ineligible area will be deducted from the gross area of the land parcel.

Other ineligible features, such as gorse, bracken and scrub, may cover the land in a mosaic pattern and are clearly not 100 per cent ineligible. In this instance the land inspector is required to technically assess the ineligibility of the land feature.

Land inspectors use the same procedures detailed in this guidance, though they capture this information using GPS equipment so that it can be held spatially on our mapping system for future maintenance.

Land inspectors use all the tools available to them to make assessments, including our base layer information which is MasterMap data from Ordnance Survey.

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## Land used for woodland creation

Please note that any land used for woodland creation will lose its eligibility for Less Favoured Area Support Scheme (LFASS) payments. Whilst there is an option to declare grazed woodlands and claim LFASS, in general, as soon as the land ceases to be classed as forage, it ceases to be LFASS eligible.

The changes to the Single Farm Payment Scheme brought about by the mid-term review of the Common Agricultural Policy included the introduction of a facility to activate Single Farm Payment Scheme entitlements on land used for the creation of a woodland. Previously, except in specific circumstances, like woodland grazing, land used for forestry was ineligible as far as the Single Farm Payment Scheme was concerned. This arrangement will continue under the Basic Payment Scheme.

It is important to be clear that not all types of forestry allow the land to be considered as Basic Payment Scheme eligible. If you wish to benefit from this new provision, you must meet the following conditions:

- the land used for the new woodland must have generated or been capable of generating a Single Farm Payment Scheme payment under the 2008 scheme. This means that the land must have been claimed for Single Farm Payment in 2008 and the business which claimed the land must also have held Single Farm Payment entitlements
- the land used for the new woodland must have been afforested for the first time after 31 December, 2008, and
- you must be in receipt of a payment or participating in:
  - (i) schemes under the previous Rural Development Plan (Council Reg 1257/1999), namely Woodland Grant Scheme and Farmland Premium Scheme, or
  - (ii) the scheme under the current Rural Development Plan (Council Reg 1698/2005), namely Woodland Creation as a Rural Priorities option, or
  - (iii) a national scheme which would meet the same European Commission criteria (i.e. first-time afforestation, producers are not also benefiting from an early retirement scheme and the afforestation does not involve Christmas trees). This latter sub-category (iii) could cover schemes run separately by the Forestry Commission

This arrangement is available to you for as long as your commitment to the forestry scheme continues. In other words, for so long as you continue to participate in the particular, eligible, forestry scheme and specifically the requirement to maintain the forest. For all practical purposes, providing the trees continue to stand, there is no concern with this particular test. The issue arises when the trees are felled during the period of Basic Payment Scheme eligibility as this could give rise to a conflict with the requirement that the land must be maintained in good agricultural and environmental condition to be assessed as Basic Payment Scheme eligible.

If your land qualifies under this arrangement, it is a facility unique to you and is non-transferrable.

It should be noted that nothing in the operation of this particular mechanism changes the traditional assessment of the farmer's activities. Woodland creation is clearly a silvacultural activity and the facility to claim the Single Farm Payment on such land is only intended as a means to activate entitlements.

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## Technical assessment

The purpose of the technical assessment is to establish a percentage of ineligible ground cover within a defined area.

Ineligible ground cover is a feature which prevents the access, growth and availability of eligible, usable forage. As such, technical assessments may be required for gorse, bracken and scrub.

However, they may also be required on mosaics of 100 per cent ineligible features, such as water, scree, rock marsh or foreshore.

Once the boundary of the ineligible feature is identified an assessment of the percentage ineligibility can then be made.

There are two methods for carrying out a technical assessment. You may choose to use both of them depending on the situation.

1. scorecards
2. compression

Once the scorecard and / or compression method has been used to estimate the percentage of ineligible land cover, the result must be matched to the appropriate technical assessment band, as described below, to obtain a partial ineligible percentage.

### **Scorecard method**

For areas that are considered to contain a mosaic or scattered features, it may be useful to apply the scorecard method to help determine the ineligible percentage. This technique is accepted as an industry standard, for example with potato tuber inspections.

Scorecards can be used to help assess the percentage ineligible area within parcels where there are numerous small bushes or clumps of scrub present and / or areas of scattered rock, giving a mosaic effect.

In these areas it is not feasible to measure the area taken up by each individual clump of vegetation or rock. The scorecard will assist in accurately identifying the percentage density or cover of the features concerned.

### **Scorecard procedure**

- areas of the parcel which are 100 per cent eligible or ineligible should be identified. They should not be included in the scorecard assessment
- scorecards should only be used to assess entire fields if the ineligible features are present across the entire field. In the vast majority of cases the assessment will relate to a small area of the field
- using the scorecards below as a guide, estimate the percentage area covered by ineligible features within the area you have defined by splitting the area to be assessed into a grid 10 x 10 representing 100 squares (100 per cent). Then identifying the number of squares which are ineligible
- the percentage area of ineligible cover estimated using the scorecard method must then be matched to the appropriate technical assessment band, as described below, to obtain a partial ineligible percentage

### **Scorecard examples**

The attached examples are based on percentage ground cover.

Where dense vegetative cover such as gorse is impenetrable to stock and prevents the growth of any vegetative understory for grazing, then the area of gorse is ineligible for the Basic Payment Scheme and LFASS as forage.

Having made a technical assessment, this ineligible area should be deducted from the gross area of the field.

Where the vegetative cover is open grazeable mosaics of gorse, then the area is eligible for the Basic Payment Scheme and LFASS as forage.



[Scorecard examples \(PDF, Size: 47.0 kB\)](#)

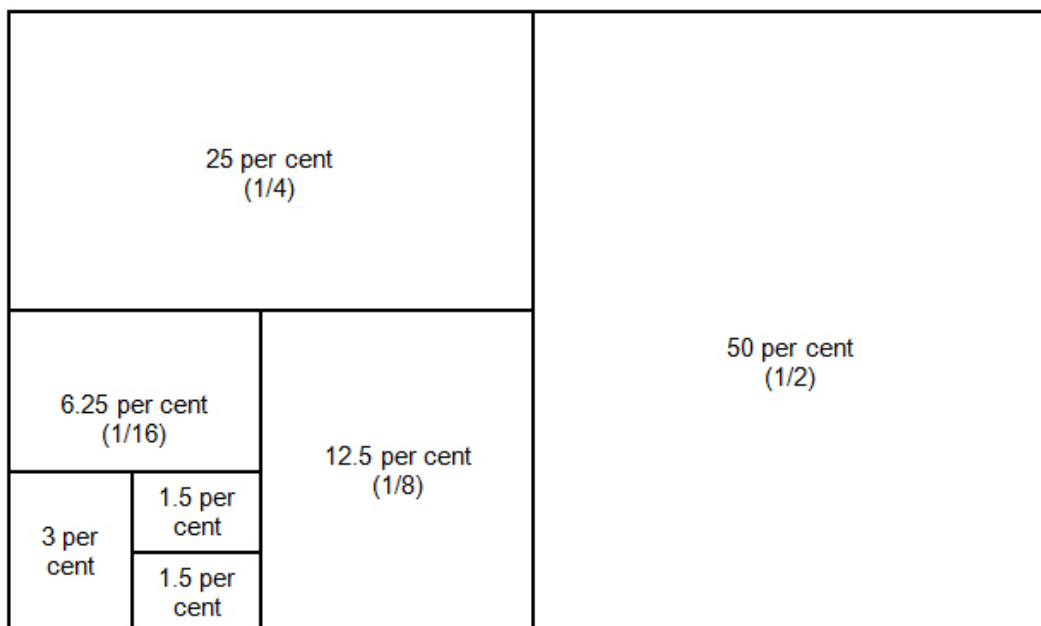
Examples for how to complete the scorecard assessment

### Compression method

First, assess the ineligible features on the ground within a parcel with the help of an IACS map and aerial photography. Then visually compress the ineligible features into the corner of the parcel and determine how much area is covered.

Secondly, consider what area of the ineligible feature assessed prevents the growth of eligible forage. For permanent, full exclusion features, such as rock and water, this will be 100 per cent of the area determined. For features, such as gorse or bracken, you must assess how much of the area prevents growth.

For example, dense areas of vegetation with bare ground or deep leaf litter should have high percentage of ineligibility. Whereas areas that have vegetative cover with an eligible forage understory should have a low percentage of ineligible area applied.



Assess the ineligible land cover within the defined area in front of you:

Is the ineligible cover more or less than:

- 75 per cent of the defined area?
- 50 per cent of the defined area?
- 25 per cent of the defined area?

Once you have determined a range, for example 0–25 per cent, you should further divide this.

Is the ineligible cover more or less than:

- 20 per cent of the defined area?
- 10 per cent of the defined area?

Once a more accurate range has been decided you should conclude if the ineligible feature represents the top, bottom or middle of this range with a resulting ineligible area percentage.



This percentage must then be matched to the appropriate technical assessment band as described below to obtain a partial ineligible percentage.

### Area conversions

As a check, you can equate a calculated deduction area to a recognised size (an acre or a hectare). This process can be used to consider whether percentage deductions are reasonable for the ground cover and the parcel size.

0.01 hectares	10 x 10 metres	100 square metres
0.05 hectares	10 x 50 metres	500 square metres
0.10 hectares	10 x 100 metres	1000 square metres
0.40 hectares (1 acre)	10 x 400 metres	4000 square metres
1.00 hectare	100 x 100 metres	10,000 square metres

It may be useful to measure an area in the field, for example a 10 metres x 10 metres, or the area of a farm shed then use that as the basis of a known size and relate this to calculating an area to deduct.

### Technical assessment bands

To produce an accurate and consistent approach across all regions of Scotland, the technical assessment bands in the table below are applied.

After you deploy either the scorecard or compression method to derive a percentage area of ineligible land cover, this result must then be matched to the appropriate technical assessment band to obtain a partial ineligible percentage.

For example, if a land inspector considers that approximately 60 per cent of bracken found to be ineligible, it would be captured in the 50–70 per cent band and would result in a 60 per cent deduction of the eligible area.

Banding	Partial ineligible percentage
Less than 1 per cent	0.5 per cent
1 - 3 per cent	1 per cent
More than 3 - 10 per cent	5 per cent
More than 10 - 30 per cent	20 per cent
More than 30 - 50 per cent	40 per cent
More than 50 - 70 per cent	60 per cent
More than 70 - 90 per cent	80 per cent
More than 90 per cent	100 per cent

Technical assessment bands

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## Technical assessment examples

The following sections work through practical examples of assessing parcels for ineligible cover and calculating the maximum eligible area.

Process of calculating the eligible area:

- confirm the parcel boundary is correct; this determines the gross area of the field
- assess how much area of the parcel is covered with 100 per cent ineligible features, such as roads, rivers and buildings
- deduct these areas from the gross area
- assess how much area of the parcel is covered with partially ineligible features, such as gorse, bracken and scrub
- assess what percentage of each of these partially ineligible features is actually ineligible

- deduct these areas from the area calculated at point three. This leaves you with the maximum net eligible area of the field



### Example one

In this example the features are gorse and scrub (area in red), classified as GOR and SCB. The area of ineligibility is assessed in proportion to the size of the parcel.

The percentage of ineligibility is assessed for the area identified.

The gross area of the parcel = 3.60 hectares.

Assess parcel area of ineligible cover:

- less or equal to 100 per cent ? = less
- less or more or equal to 50 per cent - (1/2)? = more
- less or more or equal to 75 per cent - (3/4)? = equal

The area of gorse and scrub is 75 per cent of the parcel = 2.70 hectares.

Given that the ineligible area of gorse and scrub is 2.70 hectares we now need to assess what percentage is ineligible cover:

- less or more or equal to 50 per cent - (1/2)? = more
- less or more or equal to 75 per cent - (3/4)? = more
- less or equal to 100 per cent ? = equal

The whole area is deemed as being fully dense impenetrable vegetation with no grazing understory so the assessment equals 100 per cent exclusion.

The technical assessment bands are not applicable where ineligibility is assessed at 100 per cent. Hence the whole area of gorse (2.70 hectares) is ineligible.

Therefore the maximum eligible area = 3.60 hectares (gross field area) - 2.70 hectares (ineligible area) = 0.90 hectares.



### Example two

In this example the feature is gorse (areas in red), classified as GOR. The area of ineligibility is assessed in proportion to the size of the parcel.

The percentage of ineligibility is assessed for the area identified.

The gross area of the parcel = 3.70 hectares.

Assess parcel area of ineligible cover:

- less or equal to 100 per cent ? = less
- less or more or equal to 50 per cent - (1/2)? = less
- less or more or equal to 25 per cent - (1/4)? = equal

The area of gorse is 25 per cent of the parcel = 0.93 hectares.

Given that the ineligible area of gorse is 0.93 hectares we now need to assess what percentage is ineligible cover:

- less or equal to 100 per cent ? = less
- less or more or equal to 50 per cent - (1/2)? = less
- less or more or equal to 25 per cent - (1/4) = more

The areas are deemed as being 40 per cent covered in dense impenetrable vegetation with no grazing understory.

Using the technical assessment bands 40 per cent falls into the more than 30 to 50 per cent band, and therefore becomes a 40 per cent exclusion.

Exclusion area = 0.93 hectares x 0.40 per cent = 0.37 hectares.

Therefore the maximum net eligible area = 3.70 hectares (gross field area) - 0.37 hectares (ineligible area) = 3.33 hectares.



### Example three

In this example the features are gorse and scrub (area in red), classified as GOR and SCB. The area of ineligibility is assessed in proportion to the size of the parcel.

The percentage of ineligibility is assessed for the area identified. The gross area of the parcel = 12.00 hectares.

Assess parcel area of ineligible cover:

- less or more or equal to 50 per cent - (1/2)? = less
- less or more or equal to 25 per cent - (1/4)? = less

- less or more or equal to 12.5 per cent -  $(1/8)?$  = less
- less or more or equal to 6.25 per cent -  $(1/16)?$  = equal

The area of gorse and scrub is 6.25 per cent of the parcel = 0.75 hectares.

Given that the ineligible area of gorse and scrub is 0.75 hectares we now need to assess what percentage is ineligible cover:

- less or equal to 100 per cent ? = less
- less or more or equal to 50 per cent -  $(1/2)?$  = more
- less or more or equal to 75 per cent -  $(3/4)$  = less

The areas are deemed as being 60 per cent covered in dense impenetrable vegetation with no grazing understory.

Using the technical assessment bands 60 per cent falls into the more than 50 to 70 per cent band, and therefore becomes a 60 per cent exclusion.

Exclusion area = 0.75 hectares x 0.60 per cent = 0.42 hectares.

Therefore the maximum net eligible area = 12.00 hectares (gross field area) – 0.42 hectares (ineligible area) = 11.55 hectares.

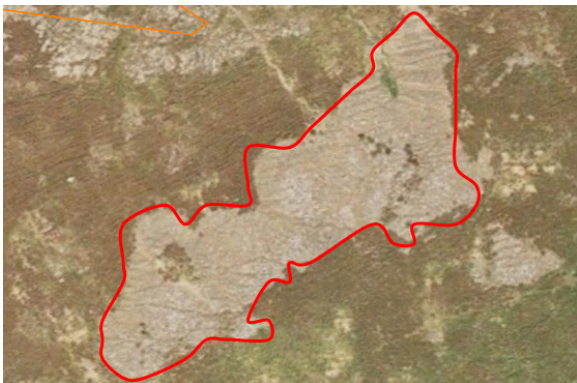
## Technical assessment of an ineligible feature within a parcel

If you have more accurate ways to measure features, such as GPS equipment, the determination of the area to be technically assessed may be more accurate, but the principles of assessing the area thereafter are the same.

Land inspectors will either use GPS to plot areas or use MasterMap shapes (TOIDs – **TO**pographic **ID**entifier) as the basis of their assessment.

Each MasterMap TOID has a fixed area that can be used by an inspector for the technical assessment.

## Technical assessment of a TOID



### **Example four**

In this example the feature is scree (area in red), the area of ineligibility is defined by the TOID and a percentage ineligible can be determined.

Assess percentage ineligible:

- less or more than 50 per cent -  $(1/2)?$  = more
- less or more than 75 per cent -  $(3/4)?$  = more
- less or equal to 100 per cent? = less

In this example the scree preventing the growth of usable forage is estimated as being 80 per cent ineligible. Using the technical assessment bands 80 per cent falls into the more than 70 to 90 per cent band, and therefore becomes an 80 per cent exclusion.

Regardless of which feature is being assessed and the percentage of ineligibility, you must first determine the boundary of the feature.

This boundary gives you the maximum area that can be attributed to the exclusion.



### Example five

In this example the feature is gorse, the area of ineligibility is defined by the TOID (orange line) and a percentage ineligible can be determined.

Assess percentage ineligible:

- less or more than 50 per cent - (1/2)? = more
- less or more than 75 per cent - (3/4)? = more
- less or equal to 100 per cent ? = less

In this example the dense impenetrable gorse, with no available grazing understory, is estimated as being 85 per cent ineligible.

Using the technical assessment bands 85 per cent falls into the more than 70 to 90 per cent band, and therefore becomes an 80 per cent exclusion.



### Example six

In this example the feature is gorse, the area of ineligibility is defined by the TOID (orange line) and the parcel boundary and a percentage ineligible can be determined.

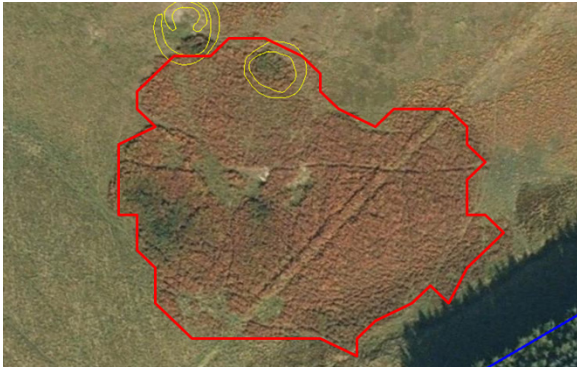
Assess percentage ineligible:

- less or more than 50 per cent - (1/2)? = less
- less or more than 25 per cent - (1/4)? = less

- less or more than 10 per cent -  $(1/10)?$  = less
- less or more than five per cent -  $(1/5)?$  = equal

In this example the dense impenetrable gorse, with no available grazing understory, is assessed as being five per cent ineligible.

Using the technical assessment bands five per cent falls into the more than three to 10 per cent band, and therefore becomes a five per cent exclusion.



### Example seven

In this example below the feature is bracken the area of ineligibility is defined by the TOID (red line) and a percentage ineligible can be determined.

Assess percentage ineligible:

- less or more than 50 per cent -  $(1/2)?$  = less
- less or more than 25 per cent -  $(1/4)?$  = more
- less or more than 37.5 per cent? = more

In this example the dense impenetrable bracken, with no available grazing understory, is assessed as being 40 per cent ineligible.

Using the technical assessment bands 40 per cent falls into the more than 30 to 50 per cent band, and therefore becomes a 40 per cent exclusion.



### Example eight

In this example the feature is trees, the area of ineligibility is defined by the TOID (red line) and a percentage ineligible can be determined.

Assess percentage ineligible:

- less or equal to 100 per cent? = equal

In this example the dense impenetrable trees, with no available grazing understory, is assessed as being 100 per cent ineligible.

The technical assessment bands are not applicable where ineligibility is assessed at 100 per cent.



### Example nine

In this example the feature is trees. The area of ineligibility is defined by the parcel boundary, which is also a TOID, and a percentage ineligible can be determined.

Assess percentage ineligible:

- less or more than 50 per cent - (1/2)? = less
- less or more than 25 per cent - (1/4)? = less
- less or more than 10 per cent - (1/10)? = more

In this example the dense impenetrable trees, with no available grazing understory, was assessed as being 20 per cent ineligible as the remainder was assessed as open grazed woodland.

Using the technical assessment bands, 20 per cent falls into the more than 10 to 30 per cent band, and therefore becomes a 20 per cent exclusion.

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## Recent changes

Section	Change
<a href="#">Introduction</a>	Guidance on eligible and ineligible land has been updated
<a href="#">Assessment of land</a>	Guidance on internal features including new graphic

## Previous versions

[Previous versions of this page](#)

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# 7 Mapping rules for land managers

Date published: 24 March, 2015

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## Overview

The Rural Payments and Inspections Division is responsible for keeping an accurate and up-to-date record of all land in Scotland being used for agriculture, forestry and other rural activities.

**This is, in part, to make sure funding is allocated properly. So it's vital you register your land with us and keep your information up-to-date as it could affect any funding claims.**

The maps we create and maintain use Ordnance Survey MasterMap information for their core data.

Ordnance Survey MasterMap is a continually updated mapping database containing a variety of geographical features at a scale of 1:2500 to 1:10,000. Ordnance Survey updates the Mastermap database every six weeks and this can result in changes to the field boundaries on your IACS map.

The maps are for subsidy purposes, and must be maintained in-line with the rules dictated by the European Commission.

- you are required to map all of your agricultural land and any non-agricultural land that is in support of agri-environmental or forestry funding
- it is your responsibility to ensure the boundaries of your parcels are correct

If you need to amend the boundaries of your land parcels please complete a Land Maintenance Form and return it to your [local area office](#).

[PF06 - Land Maintenance Form](#)

## Land parcels and maps

Our register of agricultural and forestry land parcels in Scotland is referred to as the Land Parcel Information System (LPIS). The system must have unique Land Parcel Identifiers and areas, against which all claims can be checked.

We hold the unique identifiers and gross areas for your land parcels on this register. This information is also on the maps we issue to you. You must use these unique Land Parcel Identifiers and areas when completing your Single Application Form.

Land located in other parts of the UK is subject to the land register system operated in that country.

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## Maps of your land on our system

We continually review the boundaries and ineligible areas within all land parcels held on the our register.

If you need to make a change to your land parcels you should complete and submit a Land Maintenance Form (PF06). You can download this (see [Overview](#) section above) or ask for a copy from your local area office.

It is important that you check the boundaries of your land parcels the map of your land we have on our system to ensure they are correct.

We have introduced aerial photography as a backdrop to our maps. Land parcels are identified by yellow boundaries with Land Parcel Identifiers and parcel gross areas listed in the table on the right hand side of the map.

Maps with aerial photography as a backdrop will only be issued when you notify us of changes to land parcels or a new map has to be issued.

The maps we previously issued show your land parcel boundaries in blue and black Ordnance Survey mapping (which shows roads, buildings, water features and general details) on a white background. Land Parcel Identifiers and land parcel gross areas are listed in the table on the right hand side of the map.

On both map types, the first column on the left hand side of the table shows a land parcel counter to identify the parcel on the map. The second column contains the unique Land Parcel Identifier and the third column lists the total gross area of the land parcel. You should use this to help you establish which Land Parcel Identifier belongs to each land parcel.

The claim you make using the Single Application Form is validated against our register. It is therefore essential that you use the most recent map sent to you to identify the land that you are claiming or declaring on your Single Application Form.

Your map shows the gross plan areas of your land parcel. They have been calculated on the assumption that the land parcel boundary is correct. These maps are for our purposes only and have no legal standing. They do not represent the ownership of the land.

## Disagreement over parcel area

If you do not agree with the area shown on your map, you should first check whether the boundary of the land parcel is shown correctly following the Land Parcel Information System mapping rules in the section below. If not, then amend it by completing and submitting a Land Maintenance Form (PF06), which you can download (see [Overview](#) section above) or request from your local area office.

If you agree with the land parcel boundary shown, but are unhappy with the area, you can make your own arrangements to have the land professionally measured and to submit those measurements to us for approval. Any plans you submit under these arrangements should be surveyed and certified by an independent person who must hold a qualification from the Royal Institution of Chartered Surveyors (RICS), the Institution of Civil Engineers (ICE) or a similar professional body.

Any map you provide under these arrangements should be drawn to scale and clearly show the areas in question, the underlying Ordnance Survey Master Map detail and the Ordnance Survey map reference number.

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## Maintaining the Land Parcel Information System

It is important that the register is maintained and up-to-date.

**It is your responsibility to ensure the register is correct by updating us of changes to boundaries and areas of land you manage.**

If any land is bought or sold or boundaries change, you should update the register by completing and submitting a Land Maintenance Form (PF06), which you can download (see [Overview](#) section above) or request from your local area office.

It is in your interest to submit the form before 15 May with your Single Application Form, as any changes submitted after this deadline may delay your payment.

If you submitted a Land Maintenance Form for one or more of your land parcels previously and it is not yet fully processed, your pre-printed Single Application data sheets (which detail your land parcels) will not reflect any of this information.

Where your outstanding Land Maintenance Form relates to the boundary (and therefore the gross area of the land parcel), the pre-printed area in column D on your Single Application Form data sheets will be the original gross area printed on the map we sent you.

Unless you are confident that a different area will supersede the pre-printed area, use the pre-printed area as the total area of your land parcel, or the pre-printed areas as the potential eligible area.

If you claim less than this, do not amend the pre-printed area, but enter the correct area claimed in the appropriate data sheet column.

If you claim more than the pre-printed area and the results of your Land Maintenance Form do not substantiate a larger area, we may have to apply penalties.

If an Agri-Environment Climate Scheme or Forestry Grant Scheme measure exists in the land parcel you may have to adjust the pre-printed areas.

It is your responsibility to ensure the accuracy of the area you claim.

## When to submit a Land Maintenance Form

You should submit a Land Maintenance Form in the following situations:

- when land is bought or sold
- when land is transferred from one holding to another for any reason other than change of owner
- when changes are made to the permanent boundary of a land parcel
- when internal boundaries are removed and land parcels are merged
- when internal boundaries are inserted and a land parcel is split
- when a land parcel is being registered for the first time

The Land Maintenance Form can be submitted either by the owner of the land parcel or by the long-term tenant on whose Single Application Form it appears.

Seasonal tenants should arrange for the owner or long-term tenant to submit a Land Maintenance Form. An agent can also submit a form on behalf of the owner or long-term tenant providing they have been authorised to do so.

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## Map requirements for existing applicants

When submitting a Land Maintenance Form with land parcel changes, you should supply a map with the details of every change clearly shown. If you have an existing map, you must use it to notify changes. Do not use correction fluid when altering your boundaries. Mark crosses on the line to be altered and (clearly) make any amendments in ink other than blue, or yellow for maps with aerial photography as the backdrop.

If you have a new land parcel that has not been registered, draw the boundaries clearly on your existing map. Check if the previous owner or occupier has already received a new unique Land Parcel Identifier and use this number. If the land parcel cannot be drawn on the map, supply another map showing the land parcel.

The map should be an Ordnance Survey map (or a professional equivalent) at 1:2500 (maps at 1:10,000) for land parcels up to 2000 hectares, and 1:10,000 (maps at 1:25,000) for land parcels above 2000 hectares. Make sure that the map sheet reference is marked on the map.

If you purchase or sell a land parcel which has already been registered you should enter the unique Land Parcel Identifier on the Land Maintenance Form showing the type of change, date of change, area etc. You do not need to submit a map if the boundaries have not changed.

## Map requirements for new applicants

Requirements differ depending on the size of the land parcel that needs to be registered.

When submitting a Land Maintenance Form to register your land for the first time you should supply the following types of map:

- for a new land parcel up to 2000 hectares, you must submit an Ordnance Survey map at a scale of at least 1:2500 (maps at 1:10,000 scale are also acceptable), or a professionally produced equivalent
- for a new land parcel above 2000 hectares, the map should be at a scale of at least 1:10,000 (maps at 1:25,000 scale are also acceptable)

Your map(s) must include:

- the code number of the holding
- for each land parcel, the land parcel boundary in blue and the estimated area in hectares. We cannot accept areas listed in acres. To convert from acres to hectares divide by 2.47
- for each land parcel, the reference number which you have used on your data sheet (if a Land Maintenance Form is submitted along with a Single Application Form)

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## Special categories

### **Common grazings**

The grazings clerk or other appointed person should submit a Land Maintenance Form relating to changes to the common grazing. Forms relating to apportionments from the common grazing must only be submitted once the apportionment has been officially approved and a final order produced by the Crofter's Commission.

Only common grazings not previously declared require a new map. If you are submitting a Single Application Form for the first time and you use a common grazing as part of your forage area, then we require a map of 1:25,000 scale covering the whole common grazing. Your application will not be processed until the map is supplied. Since only one map of the grazing is necessary, you may wish to arrange with others who share in the common grazing for this to be submitted to the relevant area office by the township clerk, grazing constable or other suitable person on behalf of the township, sheep stock club or grazings committee.

The boundary of the common grazing should be marked on the map and the person who submits the map should sign it on behalf of all shareholders. The map should show (or be accompanied by) a list of all shareholders with their allocated shares. Any apportionments granted should be clearly marked on the map and the map and the area of the common grazings (excluding apportioned land) should be marked in hectares. If you are having difficulties supplying a map or identifying apportionments please consult your local area office, who will advise on appropriate sources of information.

### **Closed agri-environment and forestry schemes**

A Land Maintenance Form is required and a Land Parcel Identifier given if an area has never previously been captured and is not part of an existing land parcel.

A Land Maintenance Form will be accepted and a Land Parcel Identifier given if the area is part of an existing land parcel, over 0.01 hectares and fenced-off from the remaining area of the land parcel, but only where the area is to be permanently enclosed, for example an area to be managed under an agri-environment scheme.

A Land Maintenance Form is not required when the area is part of an existing land parcel already covered by a unique Land Parcel Identifier and under 0.01 hectares, whether fenced off or not.

### **Scottish Rural Development Programme**

When registering land for the first time for Scottish Rural Development Programme purposes, an individual Land Parcel Identifier will not be allocated to buildings, car parks, paths, roads, areas of water over one hectare, sand or rocks. When completing a Land Maintenance Form for other new land parcels, the above should be excluded from the land parcel.

If you are registering land for the first time ensure where practical that these areas are not included in the land parcel.

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## Rules for mapping land

### **A. Mapping rules**

1. All land parcel boundaries new and old must be clearly identifiable on the ground.
2. If the current parcel boundary is on an identifiable feature (permanent stock-proof or otherwise) it can remain there, provided there are no internal permanent stock-proof boundaries.
3. The minimum size of a Basic Payment Scheme land parcel is 0.1 hectares.
4. The first permanent stock-proof boundary encountered will normally become the parcel boundary, subject to other mapping rules.
5. Where the parcel boundary is moved onto an identifiable feature inside an existing boundary, the area of land between new and old parcel boundary has to be either made a new land parcel or unregistered land (that is, if it is less than 0.1 hectares in area, is not definable or is not used for agriculture).

### **New parcel**

6. When the area between the new and old parcel boundary is made a new land parcel then the eligibility must also be addressed and recorded, as follows:
  - if totally ineligible for the Basic Payment Scheme but actively managed for a Scottish Rural Development Programme scheme (excluding LFASS) it requires a separate parcel down to a minimum of 0.01 hectares with a Basic Payment Scheme exclusion for the whole area
  - when the land is ineligible for the Basic Payment Scheme and not actively managed under agri-environment or forestry schemes it must be left as unregistered land

### **Internal features not touching the parcel boundary**

7. For internal features not touching the parcel boundary:
  - fenced Basic Payment Scheme ineligible areas within the parcel should be made unregistered land, for example a fenced house or garden site or fenced RYB. The minimum area for unregistered land is 0.01 hectares
  - internal sites undefined by a physical boundary, for example unfenced buildings, water tanks or hard standing, should always be made Basic Payment Scheme exclusions, with a minimum individual or multipart exclusion area of 0.01 hectares
  - internal eligible sites that are completely defined by a physical boundary (e.g. fence) and have an area greater than 0.1 hectares should become a separate new parcel

### **Fenced-off ditches**

8. If the land parcel has a boundary on a ditch and there is a permanent stock-proof fence on the inside of the ditch that the boundary is moved on to, then:
  - if managed for a Scottish Rural Development Programme scheme (excluding LFASS) the area between the ditch and fence must become a land parcel with its own Land Parcel Identifier and the eligibility must be assessed
  - if not managed for a Scottish Rural Development Programme scheme, the area is greater than 0.1 hectares and it is eligible for the Basic Payment Scheme, then it should become a land parcel with its own Land Parcel Identifier, or unregistered land if not eligible for the Basic Payment Scheme

### **Double-fenced hedges**

9. For double-fenced hedges:
  - if the parcel boundary is on the centre of the hedge and the total width to the fences is less than six metres (three metres in each parcel) there is no boundary change required

- if the parcel boundary is on the centre of the hedge, it is greater than three metres to the protecting fence and claimed under a Scottish Rural Development Programme scheme, the area should become a separate parcel with a full Basic Payment Scheme exclusion
- if the parcel boundary is on an existing fence and the whole hedge is in the parcel, do not move boundary but make the whole internal hedge a Basic Payment Scheme exclusion if greater than three metres wide

## **Dykes**

### 10. For dykes:

- a dyke itself is eligible for the Basic Payment Scheme up to a maximum width of three metres
- if a fence is greater than one metre from the dyke, the fence is the parcel boundary

## **Water**

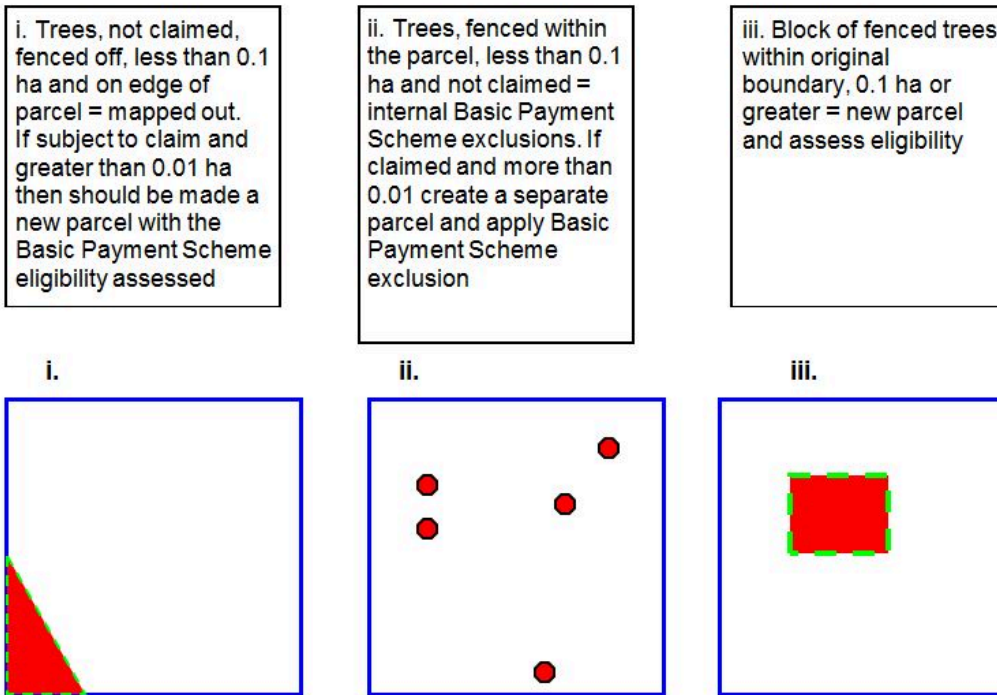
### 11. For water:

- an area of water greater than one hectare should be unregistered land
- an area of water less than one hectare, but greater than 0.01 hectares should be a Basic Payment Scheme exclusion
- where there are mosaics of water that are predominantly less than 0.01 hectares a technical assessment of the Basic Payment Scheme eligibility should be carried out

## **Trees**

### 12. For trees:

- a fenced area of woodland and forestry greater than 0.1 hectares in area should become a new land parcel and the Basic Payment Scheme eligibility assessed. Woodland parcels should not be split due to internal boundaries
- for fenced woodland and forestry with an area less than 0.1 hectares but greater than 0.01 hectares, and claimed under a Scottish Rural Development Programme scheme (but not LFASS), a new land parcel should be created and a Basic Payment Scheme exclusion should be applied to the whole area
- for fenced woodland and forestry, on the parcel boundary, less than 0.1 hectares, and not claimed under a Scottish Rural Development Programme scheme, the area should be made unregistered land
- for fenced woodland and forestry, not on the parcel boundary, less than 0.1 hectares, and not claimed under a Scottish Rural Development Programme scheme, the area should have an Basic Payment Scheme exclusion applied, where applicable
- for unfenced woodland and forestry open to field, Basic Payment Scheme eligibility should be assessed



## Foreshore and coastline

13. For foreshore and coastline:

- if the foreshore or coastal area is greater than 0.1 hectares, has identifiable boundaries all round and has eligible land cover, it can be made a land parcel. The Basic Payment Scheme eligibility within it must be assessed
- where there is no fenced boundary the new parcel boundary will be the end of the vegetative cover at the top of the cliff. If it is considered that there is utilisable vegetation beyond, the furthest point the boundary can be made from the vegetative line will be the high water mark and no further. The area between the vegetative line and the high water mark must be accompanied by a technical assessment of Basic Payment Scheme eligibility

## B. Considerations when amending a boundary

Once a new parcel boundary has been established, the area beyond that boundary must be considered and will either be:

### A new parcel

- if the area's main purpose is agricultural
- if definable on all sides
- if it achieves the minimum parcel size (which for the Basic Payment Scheme and LFASS is 0.1 hectares)
- if a parcel is under active agri-environmental management and smaller than 0.1 hectares then a new parcel must be created (although it will be ineligible for the Basic Payment Scheme and LFASS)

### An amendment to the neighbouring parcel

- if the neighbouring parcel is also incorrect and the new boundary serves as the boundary for both parcels

### Created as unregistered land

- if area is less than 0.1 hectares, has undefined boundaries, and / or is considered to be out of agriculture use

Please see examples C and below where the boundary has been moved to an internal fence and where the area beyond that must be considered to establish if it meets the criteria to become a new parcel or should become unregistered land.

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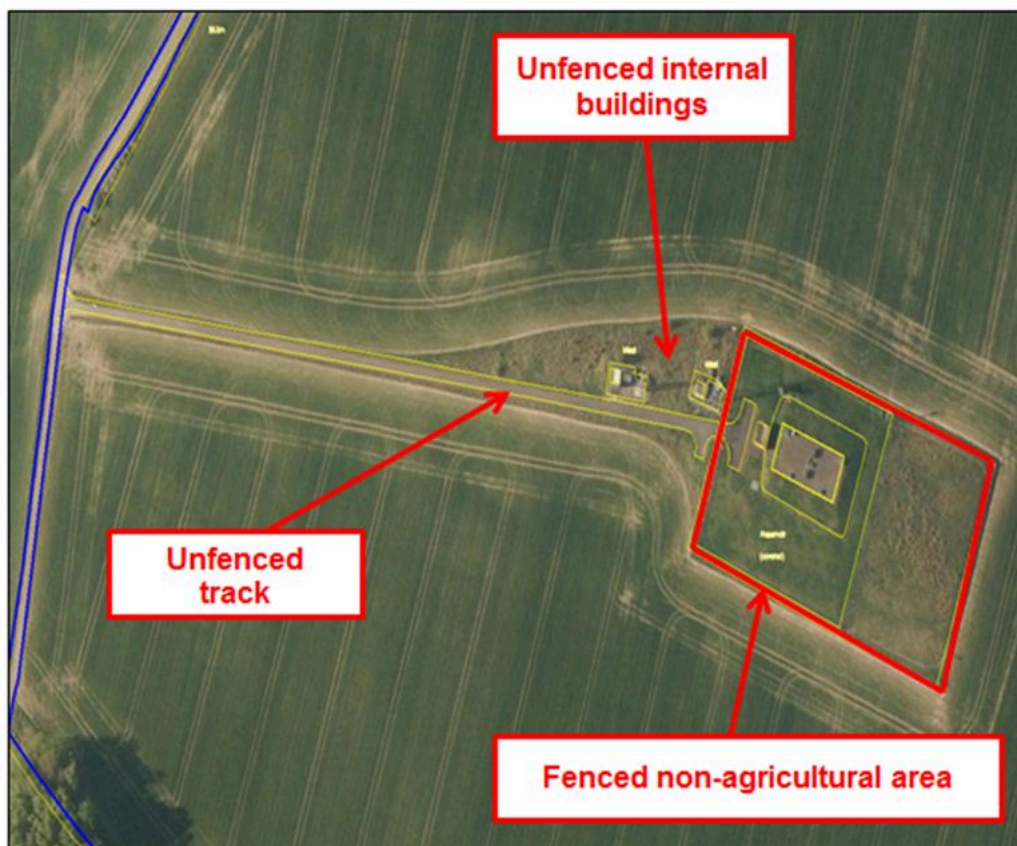
## Examples of parcel boundary rules

### Example A: Internal ineligible features

The aerial photograph below shows an internally-fenced non-agricultural area, two small unfenced buildings and an unfenced track leading to the parcel boundary (blue line).

- the fenced non-agricultural area should be made unregistered land
- exclusions should be applied to the unfenced track and two small buildings (if ineligible area is greater than 0.01 hectares)

This is an example of mapping rule 7.



### Example B: Internal ineligible features

- for non-agricultural features, such as the derelict building in photograph below, that are found within a parcel and not defined by a physical boundary, such as a fence, a Basic Payment Scheme exclusion should be applied to the area

This is an example of mapping rule 7(b).



### Example C: Fenced-off tracks

New parcels must not be created for fenced-off tracks. Fenced tracks that are purely created as access from one point to another are not deemed as agricultural parcels.

These areas must become unregistered land, so a Land Maintenance Form must be submitted to remove parcel.

This is an example of mapping rule 6.





**Example D: Double-fenced ditches**

New parcels must not be created for double-fenced ditches, (unless under agri-environmental management).

Double-fenced ditches that are purely created to prevent access to the watercourse from one point to another are not deemed as agricultural parcels.

These areas must become unregistered land, so a Land Maintenance Form must be submitted.

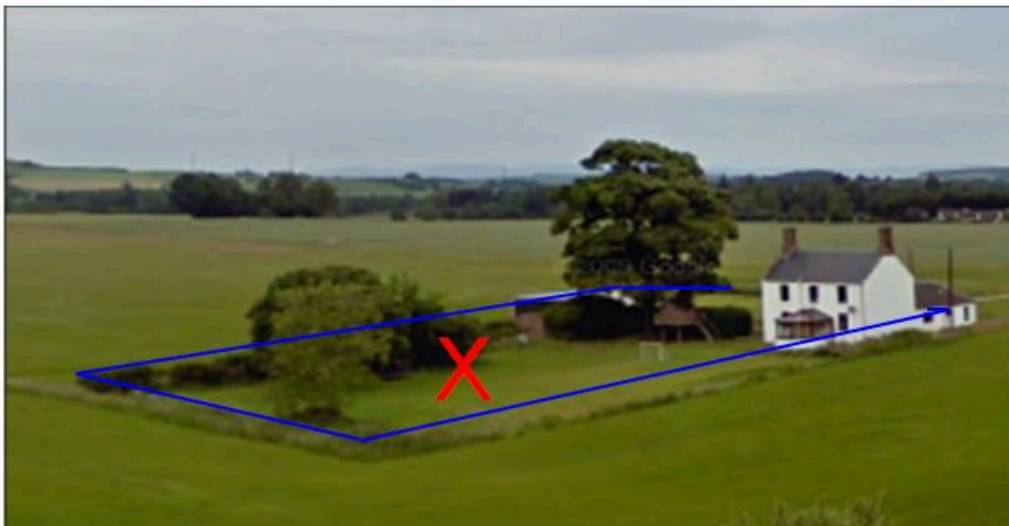
This is an example of mapping rule 8.

**Example E: Domestic garden sites**

New parcels must not be created for domestic garden sites. These areas are not deemed as agricultural parcels. These areas must become unregistered land so a Land Maintenance Form must be submitted.

This is an example of mapping rule 6.

Land owners and managers may wish to use these areas for grazing, but this land does not meet the definition of an agricultural parcel, and cannot be used to support a subsidy claim.

**Example F: Parcel boundary is a dyke**

As the fences are up against the dyke, if you find that there is only one Ordnance Survey line then the boundary can be left where it is.

This is an example of mapping rule 10.



#### Example G: Parcel boundary is on the centre of the hedge

Where you find a protected hedge that is currently the parcel boundary and the protecting fence is within three metres of the centre of the hedge then ignore the fence.

This is a United Kingdom derogation granted by the European Commission that allows newly-established hedges that will form the boundary time to mature.

Where the distance is greater than three metres then the fence must be mapped and the area beyond it considered. If the hedge is currently paid for under an agri-environment scheme then the area must be given its own Land Parcel Identifier, so a Land Maintenance Form must be submitted.



#### Example H: Internal stock-proof fence (1)

In this case, the current parcel boundary is on the right, on the far-left dyke.



Working from the centre of the field outwards, as there is an identifiable boundary a new Land Parcel Identifier must be created along the fence. So a Land Maintenance Form must be submitted.

This is an example of mapping rule 4.



The area between the old and new parcel boundary must be considered now to see if it can be deemed an agricultural parcel. This is an example of mapping rule 5.

- is the area's main purpose agricultural? **Yes**
- does it have a definable boundary on all sides? **Yes**
- is it greater than 0.1 hectares in size? **Yes**
- is it under current agri-environmental management? **n/a**

In this case the area is used for agriculture, it is greater than 0.1 hectares and has a clearly identifiable boundary, therefore the area becomes a new Land Parcel Identifier. This should be requested in the Land Maintenance Form submitted to move the boundary.

#### **Example I: Internal stock-proof fence (2)**

In this case, the parcel boundary, for the parcel on the left, is on the edge of the road.



Working from the centre of the field outwards, as there is an identifiable boundary a new Land Parcel Identifier must be created along the fence and so a Land Maintenance Form must be submitted.

This is an example of mapping rule 4.



The area between the old and new land parcel boundary must be considered now to see if it can be deemed an agricultural parcel.

This is an example of mapping rule 5.

- is the area's main purpose agricultural? **No**
- does it have a definable boundary on all sides? **No**
- is it greater than 0.1 hectares in size? **n/a**
- is it under current agri-environmental management? **No**

In this case the area is non-agricultural land as it is a roadside verge and it does not have a definable boundary on all sides. Therefore this area will become unregistered land. In the Land Maintenance Form

submitted to move the boundary, you should ask to have the area between the new boundary and the old boundary made unregistered land as it does not meet the criteria to be a land parcel.

### Example J: Internal stock-proof fence (3)

In this case, the Land Parcel Identifier boundary (blue line) is on the water's edge.



Working from the centre of the field outwards, there is a stock-proof boundary that protects a managed water margin (red line).

This is an example of mapping rule 4.



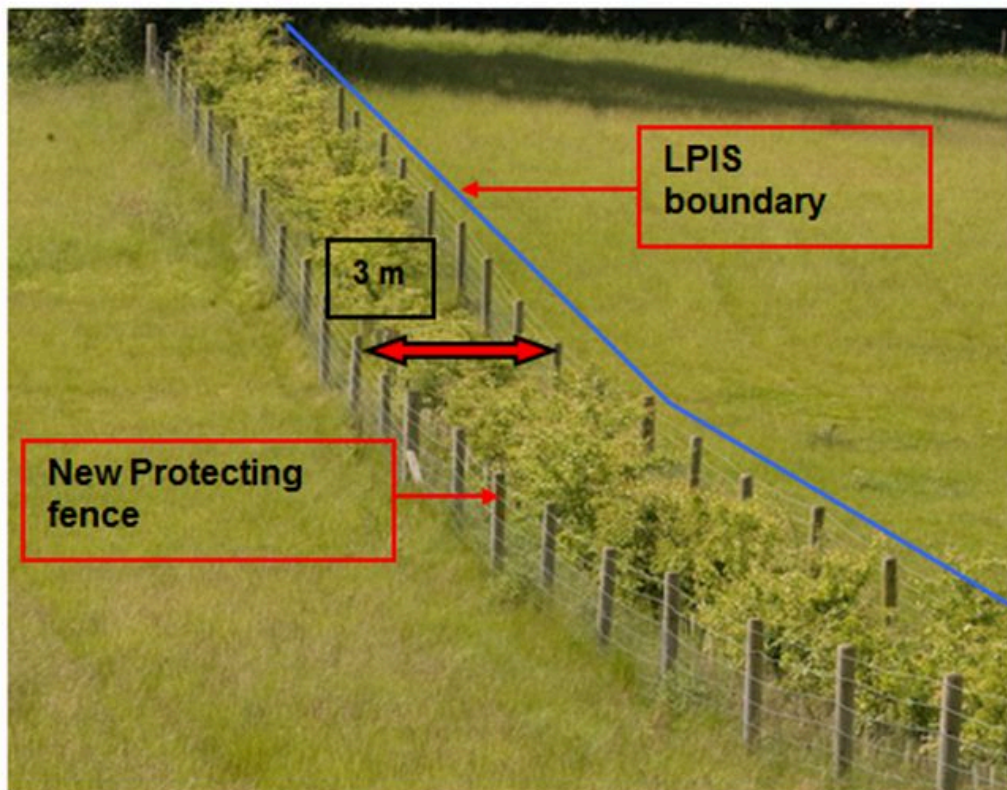
As the red line is a stock-proof boundary, it must be mapped as the new parcel boundary. This is an example of mapping rule 5. Therefore the area beyond it must now be considered.

- is the area's main purpose agricultural? **No**
- does it have a definable boundary on all sides? **Yes**
- is it greater than 0.1 hectares in size? **n/a**
- is it under current agri-environmental management? **Yes**

In this case the area is not agricultural but is part of the agricultural business's agri-environmental management scheme, therefore a new Land Parcel Identifier should be created for the area between the red and blue lines and a Land Maintenance Form submitted.

### Example K: Double-fenced hedge

In this case, the Land Parcel Identifier boundary is on the original fence (right-hand side).



Where you find a protected hedge that is against the land parcel boundary and the protecting fence is within three metres of the boundary then ignore the protecting fence.

Where the distance is greater than three metres then the fence must be mapped and the area beyond it (the hedge area between the two fences) considered. If the hedge is currently paid under the Agri-Environment Climate Scheme, then the area must be given its own Land Parcel Identifier, so a Land Maintenance Form requires to be submitted.

If not part of a Scottish Rural Development Programme scheme, it should be made unregistered land.

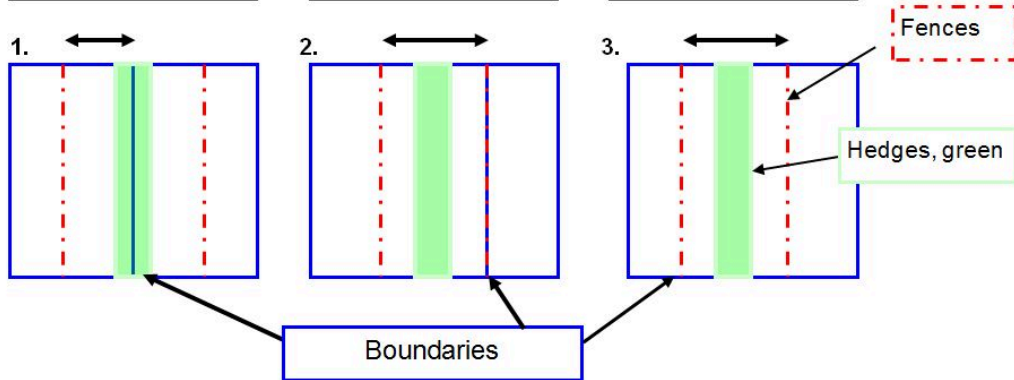
These are examples of mapping rule 9.

### **Summary of the Land Parcel Information System boundary rules and protected hedges**

1. Where the distance between a protecting fence and hedge is less than 3 m and the boundary is on the centre of the hedge you are not required map the fences

2. Where the boundary is a fence next to a hedge and there is another fence, more than 3 m away on the other side of the hedge. Both fences should be made boundaries for their respective parcels, and the area between should be made unregistered land, or a new parcel if the hedge is under PII management

3. Where there is a bounded hedge that splits a parcel and there is currently no boundary on the hedge or fences, one of the fences must be made a new boundary then the rules at 1 or 2 applied



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## 8 How to apply

**Date published: 19 January, 2017**

For recent changes to this guidance, please see the bottom of the page.

To apply for this scheme and to claim your entitlements, you must submit a Single Application Form. This is normally sent to you in March each year, unless you are a new claimant or did not claim the previous year.

The easiest and quickest way to complete the form is through [registering and logging in to Rural Payments and Services](#).

If you prefer to complete a paper application form, please contact your local area office to be sent the form and guidance. You can find out more about the Single Application Form below.

### Single Application Form

The closing date for the Single Application Form is 15 May. If we receive your form after 15 May, we will apply late claim penalties and your payment will be reduced by three per cent for each working day it is late, up to 25 calendar days after the closing date.

If we receive your claim over 25 calendar days late, all payments for this and future years will be lost.

If your claim is late due to force majeure or exceptional circumstances, we may accept your claim. However, you must write to your area office with the relevant evidence within 10 working days of your knowledge of the incident.

It is your responsibility to obtain and submit a Single Application Form on or before 15 May each year.

**The easiest way to submit a Single Application Form is online by registering with Rural Payments and Services. If you submit your form online, we will:**

- calculate your totals automatically
- reduce the chance of you making mistakes
- provide 24-hour access and give you an instant receipt
- give you up to date Single Farm Payment Scheme entitlement information

**For help and assistance to register online, please visit our Customer services section**

[Customer services](#)

## Usage rules

All Basic Payment Scheme payment entitlements, including entitlements allocated from the National Reserve, are subject to a two-year usage rule.

The rule has changed, compared to the two-year usage rule that was in place for the Single Farm Payment Scheme. From 2015, over any two-year period you must activate (use) all of your Basic Payment Scheme payment entitlements in at least one year.

Therefore it will not be possible to rotate entitlements using some in year one and the remainder in year two.

If you lease your Basic Payment Scheme entitlements out, you will be relying on that farmer to ensure the two-year usage rule is met. If leased-in Basic Payment Scheme entitlements are not activated during the rolling two-year period they will revert to the National Reserve.

For example:

In the case of a farmer who had 50 Basic Payment Scheme entitlements allocated (and activated) in 2015, who then activates 30 Basic Payment Scheme entitlements in 2016 and 50 Basic Payment Scheme entitlements in 2017, they will have activated all 50 entitlements at least once in the two-year period.

However, if they had activated only 40 entitlements in 2017, they have not activated all 50 entitlements once in the two year period and the 10 entitlements not used will be withdrawn and revert to the National Reserve.



If you have entitlements in more than one region then usage will be considered within each region allocation. Where you have entitlements within the same region which have different values then the lowest value entitlements (owned or leased-in) will revert to the National Reserve first.

You may be exempt from the two-year usage rule if you can prove that you (or your business) were subject to exceptional circumstances or a force majeure event, which prevented you from activating the entitlements for the relevant Basic Payment Scheme year.

**Remember:**

**Submit your application in plenty of time – don't leave it until the last minute. Make sure that you get an acknowledgement letter and that the details are correct. If you don't, it means we did not receive your application.**

## Recent changes

Section	Change
Using your entitlements changed to Usage rules	Text updated to provide more clarity on the guidance

## Previous versions

[Previous versions of this page](#)

## Download guidance

Click 'Download this page' to create a printable version of this guidance that you can save or print out.

# 9 Payments

**Date published: 16 March, 2015**

## How we will pay you

We will make payments to your nominated bank account. If you want to change your bank account details, you can do so online by [registering and logging in to Rural Payments and Services](#).

Using the online service is the quickest and easiest way to make sure your details are correct.

You can also use the forms below to change your details.

- [PF03 - Register your bank details form – Sterling](#)
- [PF04 - Register your bank details form – Euros](#)

These forms are also available from your local area office.

Your payment can be paid to you in either pounds sterling or euros. If you wish to be paid in euros you must tick the relevant box in your Single Application Form. To enable us to pay you in euros you will need to open a euro account and submit PF04 form.

Once you have submitted your claim, you have until 9 June to confirm your choice of payment. After that date, you are tied to that method of payment for all Single Application Form related schemes for that year only. It is very important that you understand that we cannot guarantee to settle your claim on any particular day.

We will do our best to pay as many producers as possible, as soon as possible after the payment window opens but payment depends upon a claim being fully validated and valid bank account details being supplied. Each year, for some producers it can take some time for their claims to reach this point.

Consequently, if you are contemplating entering into a currency exchange contract that depends on payment of your claim in euros on a certain day, you must recognise that there is a commercial risk that your payment might be delayed.

We will not be liable for any costs incurred – such as bank charges, exchange rate losses – by a delayed claim.

Your payment will be based on the unit values in euros of your entitlements and the total number of eligible hectares claimed, using the euro / sterling exchange rate set on 30 September in the year of your claim.

## Our targets

The payment window opens on 1 December of the scheme year and closes on 30 June. We start to process your claim when we receive your Single Application Form, correctly completed with any supporting documents.

## Download guidance

Click 'Download this page' to create a printable version of this guidance you can save or print out.

# 10 Transfer of entitlements

**Date published: 21 March, 2018**

For recent changes to this guidance, please see the bottom of the page.

## Table of Contents

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[Appendix A – Example of a sale or other means of agreement with land \(supplement to supporting documentation\)](#)

[Appendix B – Negative List Declaration for first time claimants wishing to receive entitlements](#)

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## About this guidance

This guidance provides further information about the transfer of Basic Payment Scheme payment entitlements through sale, lease or inheritance.

You must read this guidance carefully before you complete a [PF23 – Application to transfer entitlements form](#).

RPID also has specialist units to help with queries about the transfer notification process. If you need further information after reading this guidance, please contact one of the offices below depending on where your current area office is.

**Elgin, Inverurie, Galashiels or Dumfries** please send your application to:

RPID

Entitlement Transfer Unit

10 Keith Street

Stornoway

HS1 2QG

Telephone: 01851 702 392

E-mail: [sgrpid.stornoway@gov.scot](mailto:sgrpid.stornoway@gov.scot)

**Perth, Hamilton or Ayr** please send your application to:

RPID

Entitlement Transfer Unit

Cameron House

Albany Street

Oban

PA34 4AE

Telephone: 0300 244 9340

E-mail: [sgrpid.oban@gov.scot](mailto:sgrpid.oban@gov.scot)

**Lerwick, Kirkwall, Thurso, Golspie, Inverness, Portree, Stornoway, Benbecula or Oban** please send your application to:

RPID  
Entitlement Transfer Unit  
Balivanich  
Isle of Benbecula  
HS7 5LA

Telephone: 0300 244 9600

E-mail: [sgrpid.benbecula@gov.scot](mailto:sgrpid.benbecula@gov.scot)

Please note, this guidance does **not** cover the transfer of entitlements for:

- business splits
- business mergers
- whole holding transfers

A **whole holding transfer** is where all of the land claimed on the Single Application Form (SAF) and entitlements is transferred from the seller to the purchaser after the 15 May and prior to any payment for that scheme year being issued.

An **example** of this would be where a 200 Ha farm with 150 region one entitlements and 50 region 2 entitlements is sold on 16 June 2017 the whole 200 ha is transferred to the purchaser and the Basic payment for 2017 is going to be paid to the purchaser.

You cannot use a Whole Holding Transfer where a unit is sold along with entitlements after the 15 May in any scheme year and the seller is retaining the Basic Payment for the year of sale.

In this situation entitlements should be transferred using an [Entitlement Transfer Application \(PF23\)](#).

An **example of an entitlement transfer** would be where 200 Ha farm with 150 region one entitlements and 50 region 2 entitlements is sold on 16 June 2017 seller is retaining the Basic Payment for 2017 and transferring the entitlements to the purchaser for the 2018 scheme year.

There is specific guidance and requirements to be considered before these types of transfer can be authorised.

[Contact your local RPID area office](#) for this information.

## Background

Scottish entitlements are only tradable within Scotland: the EU Regulations governing the Basic Payment Scheme allow farmers and crofters who have established their entitlements to transfer these to others, but those receiving entitlements must be farmers within the same region.

To establish their entitlements, farmers had to submit a 2015 Single Application Form, and, where required, complete an allocation of entitlements application form, fulfilling various conditions, after which they were free to transfer, subject to other rules surrounding transfers in general.

## Part 1 – Are you eligible to transfer your entitlements?

1.1 If you own Basic Payment Scheme entitlements you may be eligible to transfer them. This includes entitlements allocated to you in 2015, and those you have since been allocated, have purchased or have inherited.

1.2 You can transfer your entitlements with or without land, subject to the conditions laid down in [Part 2](#). You can sell your entitlements, or lease them for a specific period, after which at the end of the lease we will return them to you.

1.3 The person or business that will take over your entitlements must meet the definition of a 'farmer' as determined by the European Regulations **at the time of transfer**. That is a natural or legal person (or a

group of natural or legal persons) whose holding (production units) is situated within Scotland, and who exercises an agricultural activity.

An agricultural activity means:

- the production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes
- maintaining an agricultural area in a state which makes it suitable for grazing or cultivation

or

- carrying out a minimum activity on agricultural areas naturally kept in a state suitable for grazing or cultivation. In Scotland, this is all land assigned to Payment Regions 2 and / or 3

The transferee might not be classed as an “active farmer” if their business operates any of the following (known as the Negative List):

- railway services
- airports
- waterworks
- real estate services
- permanent sport and recreational grounds

If the purchaser is a first time claimant they will need to declare that they have no involvement in business activities which are on the Negative List. The declaration can be found at [Appendix B](#) and must be submitted along with the application form for these cases.

Refer to the full [Basic Payment Scheme guidance](#) sections for more information on agricultural activity and the Negative List.

**Please note: If the buyer or lessee does not meet this definition the request to transfer will be rejected.**

1.4 A key part of the ‘farmer’ definition is the requirement to have an agricultural holding (production units). The minimum size of a holding is 0.3 hectares. However, to receive payment under the Basic Payment Scheme, an applicant must declare a minimum of three hectares of eligible land. Please note that we may ask for evidence to prove that the transferee is indeed a ‘farmer’ at the time of transfer.

1.5 All Basic Payment Scheme payment entitlements, including entitlements allocated from the National Reserve, are subject to a two-year usage rule.

Refer to the [Main feature](#) section of the full Basic Payment Scheme guidance regarding the usage rules.

1.6 Payment entitlements can only be used for payment by land assigned to the same payment region as them. For example, you cannot use Payment Region 1 entitlements using Basic Payment Scheme eligible land assigned to Payment Region 2.

1.7 We calculate payment entitlements to two decimal places. This means you can transfer fractions of entitlements that are no smaller than 0.01 hectares.

### Usage rules

1.8 All Basic Payment Scheme payment entitlements, including entitlements allocated from the National Reserve, are subject to a two-year usage rule.

The rule has changed, compared to the two-year usage rule that was in place for the Single Farm Payment Scheme. From 2015, over any two-year period, you must activate (use) all of your Basic Payment Scheme payment entitlements in at least one year.

Therefore, it will not be possible to rotate entitlements using some in year one and the remainder in year two. If you lease your Basic Payment Scheme entitlements out, you will be relying on that farmer to ensure the two-year usage rule is met.

If leased-in Basic Payment Scheme entitlements are not activated during the rolling two-year period they will revert to the National Reserve.

For example:

In the case of a farmer who had 50 Basic Payment Scheme entitlements allocated (and activated) in 2015, who then activates 30 Basic Payment Scheme entitlements in 2016 and 50 Basic Payment Scheme entitlements in 2017, they will have activated all 50 entitlements at least once in the two-year period.

However, if they had activated only 40 entitlements in 2017, they have not activated all 50 entitlements once in the two year period and the 10 entitlements not used will be withdrawn and revert to the National Reserve.

If you have entitlements in more than one region then usage will be considered within each region allocation. Where you have entitlements within the same region which have different values then the lowest value entitlements (owned or leased-in) will revert to the National Reserve first.

You may be exempt from the two-year usage rule if you can prove that you (or your business) were subject to exceptional circumstances or a force majeure event, which prevented you from activating the entitlements for the relevant Basic Payment Scheme year.

## Part 2 – The types of transfer

2.1 The European Regulations allow entitlements to be sold or leased; entitlements can also be transferred to another farmer as a gift, or through inheritance. All these types of transfer can be done with or without land.

2.2 If you wish to **trade** you can do so through a private arrangement with another farmer or between your representatives (solicitors or advisory firm). Alternatively, you can buy or sell publicly through brokers and auction marts.

2.3 If you **lease with land**, the start and end dates of the lease must be the same for the entitlements and land.

2.4 To apply under **inheritance** the executor should complete a [PF23 – Application to transfer entitlements form](#). Supporting documents must be provided with the application (see part 4.2 for guidance on supporting documentation). Inheritance transfers without land are not subject to a siphon.

2.5 If you **transfer entitlements with land** you must do so with an equivalent number of eligible hectares and the land you transfer must be eligible to support a claim under the Basic Payment Scheme.

2.6 An **assignation** between an outgoing tenant (assignor) and incoming tenant (assignee), with the landlords consent, will be considered as a transfer with land. The documentation supporting any transfer of this type should clearly state that the transfer is assignation.

In a farming situation the **assignation of a tenancy** takes place where the outgoing tenant transfers his existing tenancy to a new tenant with the landlord's agreement. In this situation there is no change to the type of tenancy and there is no break in the tenancy and this will be considered as a with land transfer no siphon will be applied.

Where the outgoing tenant gives up his tenancy to the landlord and the landlord then relets the farm to a new tenant this cannot be considered an assignation. In this situation this is a without land transfer and the siphon will be applied.

Short Term Limited Duration Tenancies (SLDT) cannot be assigned. Limited Duration Tenancies (LDT) can be assigned.

In **Crofting areas the assignation of the tenancy of a croft** will be approved by the Crofting Commission and in this situation no siphon will apply.

If the assignation of tenancy is not approved by the Crofting Commission it will not be accepted as an assignation and the siphon will be applied.

2.7 If you transfer entitlements without land, we will apply a siphon and will reduce the value of the entitlements transferred.

The European Regulations governing the implementation of the Basic Payment Scheme contain a provision to apply a siphon on all entitlements traded without land.

Scottish Ministers, through a public consultation, asked for views on the use of this option, the result of which now leads to a reduction to the value of the entitlements transferred by 30 per cent at the point of transfer for 2018 scheme year.

Convergence will apply to the post siphon value to ensure all payment entitlements within a region are the same value in 2019.

2.8 Note that although the value deducted will be lost to the transferee, it will go to the National Reserve and help provide additional funds for other farmers.

2.9 If the tenant owns the payment entitlements and transfers them to the landlord at the end of a seasonal let or tenancy agreement, the transfer will be considered a transfer without land and the entitlements will be subject to siphon.

ENTITLEMENT TRANSFERS			
SALE		LEASE	
With Land	Without Land	With Land	Without Land
The area of land being sold must be equal to or greater than the number of entitlements being transferred.	In 2016 & 2017 siphon of 50% will be applied to the value of the transferred entitlements. <b>2018 onwards the siphon will be 30%.</b>	The area of land being sold must be equal to or greater than the number of entitlements being transferred.	In 2016 & 2017 siphon of 50% will be applied to the value of the transferred entitlements. <b>2018 onwards the siphon will be 30%.</b> The start and end dates for the land and entitlements must be the same date.
INHERITANCE		GIFT	
With Land	Without Land	With Land	Without Land
The area of land being sold must be equal to or greater than the number of entitlements being transferred.	Inheritance without land is not subject to siphon.	The area of land being sold must be equal to or greater than the number of entitlements being transferred.	In 2016 & 2017 siphon of 50% will be applied to the value of the transferred entitlements. <b>2018 onwards the siphon will be 30%.</b>

### Part 3 – When can I transfer my entitlements?

3.1 You can transfer your entitlements at any time but you must tell us about all transfers within the 'notification period'. This begins on 16 May of the calendar year preceding the first year the transferee could include the entitlements in a claim for the Basic Payment Scheme, and it ends on 2 April in the first calendar year the transferee could include the entitlements in such a claim.

3.2 Help us process your application by giving us as much advance notice as you can. To allow us time to carry out administrative checks against your application, such as a validation check against our field register, please send a [PF23 – Application to transfer entitlements form](#) to your Entitlement Transfer Unit as soon as possible.

3.3 Note that if you intend to transfer your entitlements in time for the Basic Payment Scheme you must complete a [PF23 – Application to transfer entitlements form](#) and send it to the Entitlement Transfer Unit by 2 April [\*].

This is because there is a 'notification period' set in Regulation which begins on 16 May of the calendar year preceding the first year the transferee could include the entitlements in the claim for the Basic Payment Scheme and ends on 2 April in the first calendar year the transferee could include the entitlements in such a claim.

[\*] When 2 April is a Saturday, Sunday, bank holiday or other public holiday, the date falls to the next working day. As 2 April, 2016 falls on a Saturday, the date for the 2016 was changed to 4 April.

## Part 4 – The application process

4.1 Please send a [PF23 – Application to transfer entitlements form](#) to your Entitlement Transfer Unit.

4.2 You must provide confirmation of the number of entitlements being transferred and whether the transfer is with or without land together with the following information for each of the categories below:

### **For transfers with land**

**Sale with land** - concluded missives clearly showing the details of the land and entitlements being transferred, written confirmation the sale has concluded and the date of entry is required. The land must transfer on the same day as the entitlements (and it should match the application details). This agreement must be signed by both parties.

**For Leases with land** - We will accept the following types of tenancy:

- Short Term Limited Duration Tenancy of up to five years
- Limited Duration Tenancies which must be for a minimum period of 15 years
- Grazing/mowing leases for not more than 364 days. Under the Agricultural Holdings (Scotland) Act 2003

The lease must be signed by both parties, clearly showing the following:

- land (LPIDs and areas of eligible Basic Payment Scheme land)
- start and end date of the lease – this must be the same date for both entitlements and land and must match the date entered at part 3 of the application

**For Crofting sub-lets with land** – We will accept the following types of crofting lets:

- Approved sublet from the Crofting Commission
- Owner occupied croft short term let for a period not exceeding ten years. Approved by the Crofting Commission

The application must be accompanied by a letter from the Crofting Commission confirming the lease of the croft and/or common grazing share(s) and the lease start and end dates.

The supplementary pro-forma available at [Appendix A](#) must also be signed by both parties and submitted with the application form.

**Inheritance with land** – written confirmation of your executor status, together with a copy of the will.

**Other with land** – disposition for the land transfer and supplementary pro-forma to show entitlements have also transferred, the date of transfer on the disposition must match the date on the pro-forma.

The pro-forma must be signed by both parties and is available at [Appendix A](#) .



**Assignations with land** – a formal assignation agreement signed by the landlord and by both, outgoing and incoming tenants clearing showing the land and entitlements being transferred.

**Crofting assignations with land** – confirmation letter from Crofting Commission showing the croft has transferred with the date of transfer plus the supplementary pro-forma signed by both parties. Supplementary pro-forma is available at [Appendix A](#) .

#### For transfers without land

**Inheritance without land** – written confirmation of your executor status, together with a copy of the will (inheritance transfers without land are not subject to siphon)

ENTITLEMENT TRANSFER WITH LAND				
Sale	Lease	Other	Inheritance	Assignment
Supporting documentation to be provided				
<p><b>For sales with land</b> - Concluded missives clearly showing the details of the land and entitlements being transferred, written confirmation the sale has concluded and the date of entry is required. The land must transfer on the same day as the entitlements (and it should match the application details). This agreement must be signed by both parties.</p>	<p><b>For Leases with land</b> - We will accept the following types of tenancy:</p> <ul style="list-style-type: none"> <li>Short Term Limited Duration Tenancy of up to 5 years</li> <li>Limited Duration Tenancies which must be for a minimum period of 15 years</li> <li>Grazing/ mowing leases for not more than 364 days. Under the Agricultural Holdings (Scotland) Act 2003</li> </ul>	<p><b>For example a gift with land</b> - Disposition for land transfer and supplementary pro-forma to show entitlements have also transferred, the date of transfer on disposition must match date on pro-forma and application form.</p>	<p><b>For Inheritance Cases</b> - Written confirmation of your executor status, together with a copy of the will</p>	<p><b>For assignations of tenancies with landlords consent</b> A formal assignation agreement, signed by landlord and by both, outgoing and incoming tenants</p>

4.3 You can make **multiple transfers** (for example, some entitlements with land and some entitlements without land) using the same form, as long you are transferring these to the same business. Otherwise you must use a separate form for each transfer.

## Part 5 – Who will receive the payments?

5.1 We will pay on entitlements held as at 15 May. So, the effective date of transfer will determine who gets paid in any given year. For example, if you wish the transferee to receive payment, you must inform us on or before 2 April [\*]. If it takes place after 2 April, any payment that is due will go to you if you have submitted a valid Single Application Form.

5.2 Note that if for any reason we have to reject your application, and you have submitted it near to 2 April (as explained above), you will not be able to submit another application in time to allow the transferee to claim for the entitlements in that year. In this scenario you will be the one responsible for the use of these entitlements in that year.

5.3 Both parties should also be aware that if after finalising a transfer we discover that the seller / lessor should not have been awarded the entitlements, we must take back the appropriate entitlements and ask both parties to repay, with interest, any monies not due to them.

5.4 Recipients of traded entitlements are still subject to scheme conditions and eligibility criteria for payment. In order to receive payment under the Basic Payment Scheme, all farmers and crofters must have eligible land at their disposal, and be engaged in a recognised agricultural activity.

## Part 6 – Legal base

6.1 The trading of entitlements is permitted under Article 34 of Regulation (EU) No 1307/2013, Article 25 of Commission Delegated Regulation (EU) No 639/2014 and Commission Implementing Regulation (EU) No 641/2014.

## [Appendix A – Example of a sale or other means of agreement with land \(supplement to supporting documentation\)](#)



[Supplementary proforma \(PDF, Size: 36.3 kB\)](#)

Supplementary pro-forma for land transfers

## [Appendix B – Negative List Declaration for first time claimants wishing to receive entitlements](#)



[Negative List Declaration \(PDF, Size: 55.6 kB\)](#)

Negative List Declaration for new entrants

## [Recent changes](#)

Section	Change
Part one	New section added on Usage
Part two	New table added in
Part 4	Text clarification under For transfers with land

## [Previous versions](#)

[Previous versions of this page](#)

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# 11 Other aspects

Date published: 16 March, 2015

## Penalties

Penalties, reductions, and exclusion will be applied to your payment if:

- your Single Application Form is submitted after the deadline (midnight on 15 May) and / or
- you have breached scheme rules, for example in relation to land declarations and / or
- your farming practice fails to meet the requirements relating to cross compliance

Details of the various penalties are contained in our guidance for completing your Single Application Form.

### [Single Application Form](#)

Copies are available to download from the above link or from your local area office for a copy.

## Whole holding transfers

If you are transferring your farm in its entirety complete with entitlements to another farmer, after 15 May, and you wish that farmer to receive the basic payment for the year in question, you need to complete a "whole holding transfer" form, available from your local area office.

There are separate rules covering this type of transfer.

## Force majeure or exceptional circumstances

There may be situations where you may be able to avoid the penalty element of any reduction or recovery of payment.

This would only happen if your circumstances fall into the force majeure or exceptional circumstances scenario.

Examples of force majeure or exceptional circumstances are:

- the death of the farmer
- the long-term professional incapacity of the farmer
- a severe natural disaster gravely affecting the holdings agricultural land
- the accidental destruction of livestock buildings on the holding
- an epizootic affecting part of or all of the farmer's livestock (for example, Foot and Mouth Disease)

You should bear in mind that these are only examples and they are not, by themselves, sufficient to qualify as force majeure or exceptional circumstances.

Normal commercial risks cannot be considered as force majeure or exceptional circumstances.

**If you are not able to fulfil the requirements of the Basic Payment Scheme because of force majeure or exceptional circumstances, you must write to your area office with relevant evidence within 10 working days of your knowledge of the incident.**

## Direct Payments ceiling

The Scottish Government has been granted a maximum budget by the European Commission for the Basic Payment Scheme and other Direct Payments.

If, when all these payments have been calculated, we find we have exceeded the budget, we may have to scale back all payments. If we need to do this, we will provide further information with your payment advice letter.

## Financial discipline

If the overall European Commission budget for direct aid payments is in danger of being exceeded, there is a mechanism (Financial Discipline) which reduces payments being made across all European Union Member States.

This provision is designed to protect European Union taxpayers from budget increases. If we need to do this, we will provide further information with your payment advice letter.

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# 12 Reductions and penalties

Date published: 24 September, 2016

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[Reductions and administrative penalties](#)

[Over declaration penalties](#)

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## Reductions and administrative penalties

### Failure to declare your land

Each year, you must declare all the permanent and seasonal land that you own or lease on 15 May of the year you submit your Single Application Form.

If we find a difference between the total area you declare on your Single Application Form and the total land that you should have declared, we will reduce any payments due to you as follows:

Difference between land that is declared and what we find	Penalty applied
Up to 3%	No penalty
More than 3% and up to 20%	1% reduction
More than 20% and up to 50%	2% reduction
More than 50%	3% reduction

If you have any doubt about what areas you should declare, you should contact your local area office or seek professional advice.

### Discrepancies in area claimed

We cannot issue payments on an area greater than the area you claim on your Single Application Form. If we find an area greater than the area you claim on your form, we will only pay on the area you claim.

### Basic Payment Scheme

If we find a difference between the number of Basic Payment Scheme payment entitlements you hold and the number of eligible hectares you claimed on your Single Application Form, we will calculate your basic Payment on the lower number.

If the eligible area we find for the Basic Payment Scheme is less than the area you claimed on your form, we will calculate your payment on the eligible area we found or the number of Basic Payment Scheme payment entitlements you hold, whichever is the lesser.

For 2015, the first year of the Basic Payment Scheme, the difference is calculated between the area you claimed on your form and the eligible area found.

Entitlements will not be taken into account in the first year as they will be allocated based on the lesser of the claimed or eligible area.

## Over declaration penalties

These rules apply in cases where the number of hectares of eligible land determined (found) is less than the number of hectares you claim on your Single Application Form.

If we find that the ineligible land has been claimed in a previous year, we may have to penalise these claims too and recover some or all of the payments we have made.

Where we find a difference between the number of hectares you claimed and the number of hectares found, penalties will apply as follows:

- if the difference is more than either 3 per cent or two hectares, but not more than 20 per cent of the eligible land found, we will reduce the area eligible for payment by twice the difference we found
- if the difference is more than 20 per cent of the eligible land found, we will not pay you a Basic Payment Scheme payment

If the difference is more than 50 per cent of the eligible land found, we will not pay you a Basic Payment Scheme payment for that year.

In addition to losing this payment, we will then calculate a further penalty amount to be taken from any subsequent pillar one or pillar two payments due to you over the next three years until the penalty is fully repaid.

If this penalty amount is not repaid over the following three years, the remaining is written off and no further reductions will be made in relation to this penalty.

Where there are multiple claimants on a land parcel, we will calculate penalties in proportion to the area of the land parcel you claimed.

### **Basic Payment Scheme**

For the Basic Payment Scheme, from scheme year 2016, whether penalties are appropriate depends on a comparison between

- the number of hectares of eligible land claimed
- the number of eligible hectares found
- the number of entitlements held

For 2015, the first year of the scheme, the comparison will be between the number of hectares of eligible land claimed and the number of eligible hectares found. For example:

- if the total eligible area we find is less than the land you claimed and the land you claimed is equal to or less than the number of entitlements you hold, we will calculate the penalty on the difference between the land claimed and found
- if the total eligible area we find is less than the land you claimed but the land you claimed is greater than the number of entitlements you hold, we will calculate the penalty on the difference between the land found and the number of entitlements held

We will not penalise your payment for an over declaration (ie overclaim) of eligible areas if the total eligible area we find is equal to or greater than the number of payment entitlements you hold.

If we penalise your payment because there is a difference between the number of hectares of eligible land you claimed and the number of eligible hectares we find, and you hold entitlements of different values, we must pay you on the average value.

To calculate this average, firstly, we take the number of hectares you have claimed under the BPS on your Single Application Form.

We then take this number and match it to your entitlements, applying the basic scheme usage rules, using the highest value first down to the lowest value.

Secondly, we add all these entitlements together and their values, and calculate the average value of your declared entitlements. We then take this average and multiply it by the area found, after any penalty reductions, to give you your gross payment.

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# 13 Appeals

**Date published: 30 June, 2015**

Updates to last version:

- the previous request for review form (RFR1) has been replaced with 'PF19 - Appeal on rural grant: Request for review form'

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## Making an appeal

If we have written to tell you we have already – or soon will – refuse, reduce or recover your payment and you are not sure why we have made this decision, you should urgently contact your area office for more information.

[Contact us](#)

If after this you are not satisfied with our decision, you may wish to ask us to formally review our decision under the EU Rural Payments Appeals procedure.

To do this you must submit a written request to your area office no later than 60 days (legal timescale) from the date of our original decision letter on a request for review form (see below).

[PF19 - Appeal on rural grant: Request for review form](#)

Area office staff will then arrange to meet with you – or phone you if you prefer – to formally review your appeal in more detail. By law we must do this no later than 60 days from the date we receive your request for review.

This conversation will give you the opportunity to explain to a senior member of staff why you think our decision is incorrect, provide additional evidence, ask any related questions and seek relevant clarification.

Our area office member of staff will explain why the initial decision was taken, the relevant Scottish and European Commission legislation and, if relevant, why we applied a penalty.

The area office must then send you a written report of the review meeting within 60 days. The report will either confirm, amend or alter our original decision, or revoke it entirely and substitute a new decision.

You can download the request form below and copies are also available from our area offices.

## Further action

If the review upholds the original decision and you wish to continue with your case, you need to submit a formal appeal directly to the Scottish Land Court.

The court will then make its own arrangements to deal with it.

Your appeal to the court needs to be made within 60 days of the day that you received the written report of the review meeting.

Find out more information on the Scottish Land Court.

[Scottish Land Court](#)

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# 14 Complaints

**Date published: 14 December, 2018**

For recent changes to this guidance, please see the bottom of the page.

To see recent changes to this guidance, [check the bottom of this page](#).

A complaint is an expression of dissatisfaction with our standard of service, procedures, or processes that you feel requires a response or explanation from us. You or your representative can complain in person by phone, by email or in writing.

All complaints will be treated seriously by us and you will receive a full response.

Our complaints procedure has two stages:

- stage one – frontline resolution
- stage two – investigation

## Stage one – frontline resolution

Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Under this part of the procedure you should direct your complaint to the officer in charge of the staff you have been dealing with.

This person is likely to be located in your area office or in our office in Edinburgh. They may be able to answer your concerns to your satisfaction. We aim to address your stage one complaint in five working days.

[Contact us](#)

If you are dissatisfied with our response you can ask us to consider your complaint at stage two.

## Stage two – investigation

We will look at your complaint at this stage if you are dissatisfied with our response at stage one. We also look at some complaints immediately at this stage, if it is clear that they are complex or need detailed investigation before we can resolve the issue.

We will acknowledge receipt of your complaint within three working days. For stage two complaints we will appoint an independent investigating officer who has an in-depth knowledge of the issue you are complaining about and you will receive a report at the end of the investigation.

We aim to issue this report as soon as possible but no later than 20 working days.

You can obtain further information about our complaint handling procedure by visiting the Scottish Government website or by [emailing us](#).

[Scottish Government complaints procedure](#)

## Scottish Public Services Ombudsman

If you are not satisfied with the decision reached in the Stage Two report, you or your representative have the right to ask the Scottish Public Services Ombudsman (SPSO) to investigate your case.

The SPSO cannot normally look at:

- a complaint that has not completed our complaints procedure
- events that happened, or that you became aware of, more than a year ago
- a matter that has been or is being considered in court for example the Scottish Land Court

The SPSO may, however, consider that in certain cases there are 'special circumstances' that mean a complaint is considered even though it has breached the time limit. Further guidance on 'special circumstances' that may be taken into account can be found on the SPSO website.

You can contact the SPSO in the following ways:

- by post – Freepost SPSO (this is all you need to write on the envelope, and you don't need a stamp)
- by phone – Freephone 0800 377 7330 or 0131 225 5300 (chargeable call)
- by fax –0800 377 7331

[Scottish Public Services Ombudsman website](#)

## [Scottish Forestry and Scottish Natural Heritage complaints](#)

If your complaint relates to Scottish Forestry or Scottish Natural Heritage, you can contact them directly through their own complaints procedures.

[Scottish Forestry complaints procedure](#)

[Scottish Natural Heritage complaints](#)

## [Recent changes](#)

Section	Change	New text
<a href="#">Scottish Public Services Ombudsman</a>	Addition of text on 'special circumstances' SPSP may consider	The SPSO may, however, consider that in certain cases there are 'special circumstances' that mean a complaint is considered even though it has breached the time limit. Further guidance on 'special circumstances' that may be taken into account can be found on the SPSO website.

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# 15 Greening

**Date published: 16 March, 2015**

Greening was introduced to improve the environmental performance of farming.

[You can view the current Greening guidance.](#)

A new Greening payment 'for agricultural practices beneficial for the climate and environment' will be paid on top of the Basic Payment Scheme from 2015.

Thirty per cent of Scotland's Pillar One budget will be allocated to the Greening payment.

Under the Common Agricultural Policy reform, it is mandatory for applicants to the Basic Payment Scheme to comply with Greening requirements, where relevant on their land.

In return for this, an additional Greening payment will be made. The Greening requirements cover:

- permanent grassland
- crop diversification
- Ecological Focus Areas (EFAs)

To make sure you receive the Greening payment with your basic payment, you must comply with Greening requirements.

Many businesses already comply with Greening requirements as part of their normal agricultural practices.

However, it is important you read the full guidance to see which Greening requirements apply to you.

# 16 Cross-border holdings

Date published: 1 April, 2015

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- [How to apply](#)
- [When to apply](#)
- [Meeting the Basic Payment Scheme rules](#)
- [Active farming](#)
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- [Basic Payment Scheme eligible land](#)
- [The Greening rules](#)
- [Cross Compliance](#)
- [Payments over &#8364;150,000](#)
- [Reductions and penalties](#)
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## Introduction

On 1 January 2015, the Single Payment Scheme / Single Farm Payment was replaced by the Basic Payment Scheme.

Farmers will receive one payment for the land they claim in the whole of the UK under the Basic Payment Scheme (including the Greening payment and any top-up payment for young farmers).

Farmers with a 'cross-border' holding (land in two or more parts of the UK: England, Northern Ireland, Scotland and Wales) need to submit a Basic Payment Scheme application to each part of the UK where they have land.

### What is a holding?

A holding is all of the land a farmer manages and uses for agricultural activities in the UK (England, Northern Ireland, Scotland and Wales).

It can include more than one County Parish Holding (CPH) number and land farmed at more than one location. Farmers with land in two or more parts of the UK will need to submit a Basic Payment Scheme application to each paying agency where they have land.

There are different rules for Basic Payment Scheme in England, Northern Ireland, Scotland and Wales.

This guidance gives more information for farmers with a cross-border holding about how to:

- apply for a Basic Payment Scheme payment
- meet the Basic Payment Scheme rules on their holding – including the active farmer and Greening rules
- meet Cross Compliance rules
- apply for entitlements
- apply for the Young Farmer payment

### Who manages the schemes in different parts of the UK?

These 'paying agencies' manage the schemes and make payments:

- England – Rural Payments Agency (RPA)
- Northern Ireland – Department of Agriculture and Rural Development (DARD)
- Scotland – Rural Payments and Inspections Division (RPID)

- Wales – Rural Payments Wales (RPW)

## Where to find scheme rules and guidance

You can access scheme rules and guidance for each part of the UK using the links below:

- [Scotland](#)
- [England](#)
- [Wales](#)
- [Northern Ireland](#)

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## How to apply

Farmers with a cross-border holding need to submit a Basic Payment Scheme application in all the parts of the UK where they have land. They need to do this even if they are not claiming Basic Payment Scheme in all those parts of the UK.

### Example

A farmer with land in England and Wales needs to submit an application to both:

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

This farmer will still need to submit an application in both England and Wales even if they are not claiming Basic Payment Scheme in one of those parts of the UK.

In future, all applications will need to be made online. However, in 2015, most farmers with land in Northern Ireland, Scotland or Wales will be sent a paper application form but will also have the choice of applying online.

Read the guidance for the relevant part of the UK to find out which farmers will be sent paper application forms. Farmers in England will need to register online and then complete a paper application.

### In 2015 farmers can apply for BPS:

England	Register online and apply using a paper application
Northern Ireland	Paper and online
Scotland	Paper and online
Wales	Paper and online

Farmers need to declare on their Basic Payment Scheme application whether they have land in more than one part of the UK.

They need to do this for each application they submit (one to each paying agency where they have land).

Farmers will be paid by the paying agency in the part of the UK where most of the land on their holding is located.

However, if a farmer's most recent Single Payment Scheme / Single Farm Payment payment was made by a different paying agency, they can choose for their 2015 Basic Payment Scheme payment to be made by that paying agency, even though most of their land is not in that part of the UK.

If farmers wish to nominate a different paying agency (as described in the previous paragraph), they need to tell the paying agency that paid their most recent Single Payment Scheme / Single Farm Payment payment by 9 June.

In England and Wales, farmers indicate this on their Basic Payment Scheme application form.

In Northern Ireland, this is done by telephoning 0300 200 7848 and in Scotland it is done by telephoning 0300 244 9564 or by emailing [Direct\\_Payments@gov.scot](mailto:Direct_Payments@gov.scot).

The choice of paying agency won't make any difference to the farmer's payment or the rules the farmer needs to meet.

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## When to apply

To avoid a penalty, farmers must send all Basic Payment Scheme applications and supporting documents to the relevant paying agencies by the Basic Payment Scheme application deadline set by the paying agency which is paying them.

More details about penalties can be found below. Read the guidance for each part of the UK for information about application deadlines – see above.

## Meeting the Basic Payment Scheme rules

For some scheme rules (such as rules on land eligibility – see below), farmers need to meet the rules set by the part of the UK where the relevant land is located.

For other rules (such as rules on the minimum claim size – see below), farmers need to meet the rules set by the part of the UK where most of the land on their holding is located. This applies even if the farmer has chosen to be paid by a paying agency for a different part of the UK.

The rest of this leaflet provides detail on which rules apply.

## Active farming

To claim Basic Payment Scheme, a farmer must be an ‘active farmer’. There are two parts to the active farmer test – the first is about business activity and the second part is about ‘land naturally kept in a state suitable for grazing or cultivation’.

This second part does not apply to land in England or Northern Ireland.

In 2015, the test about business activity does not apply to farmers who had a 2014 Single Payment Scheme / Single Farm Payment (and Scottish Beef Scheme) claim worth €5,000 or less for the entire holding, before any penalties were applied or cross compliance reductions were made.

Read the guidance for each part of the UK for more information on the active farmer rule – see above.

In Northern Ireland, the term ‘active farmer’ is also used when land is rented out under short term lets or conacre. This is not the same as the Basic Payment Scheme active farmer rules referred to in this leaflet.

### **Business activity**

Businesses operating certain non-agricultural activities (sometimes called the ‘negative list’) won’t be able to apply for the Basic Payment Scheme, unless they can prove they meet one of the ‘readmission criteria’.

Applicants will need to meet the rules set in the part of the UK where most of their land is, and will need to show they meet these rules through the paying agency for that part of the UK.

Some re-admission criteria are based on the amount of eligible land a farmer has. This is all the land on a farmer’s holding (covering all land in the UK).

If a farmer doesn’t meet the active farmer rules, they won’t be able to claim on any of their land, apply for entitlements or receive transferred entitlements, anywhere in the UK.

#### **Example**

A farmer with most of his land in Scotland but some land in England:

- must read the ‘negative list’ of business activities listed in the Basic Payment Scheme guidance for Scotland; and
- if they are operating one of these business activities anywhere in the UK, they must meet the readmission criteria that apply in Scotland

They must send any evidence to show they meet the readmission criteria to the paying agency in Scotland. That evidence must relate to the farmer’s whole holding. For example, evidence using agricultural receipts across the UK

### **Naturally kept land**

There is no designated ‘naturally kept land’ in England or Northern Ireland.

In Scotland, 'naturally kept land' is considered to be all land located in Payment Regions Two and Three (read [Scotland's Basic Payment Scheme guidance](#) for details of those regions).

In Wales, salt marshes and coastal sand dunes are considered to be 'naturally kept land'.

Farmers with 'naturally kept' land in Scotland or Wales won't be able to apply for Basic Payment Scheme for land anywhere in the UK if:

- their naturally kept land is more than 50 per cent of the agricultural land on their holding (including any agricultural land in other parts of the UK); and
- on their naturally kept land they don't carry out the minimum activity set out in the scheme guidance for Scotland (for naturally)

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## [Basic Payment Scheme entitlements](#)

Each part of the UK has different Basic Payment Scheme entitlements. To claim Basic Payment Scheme, farmers must have the right number and type of entitlements for their land.

### Example

A farmer has 20 hectares of eligible land in the Scottish Basic Payment Scheme Payment Region one and 10 hectares of eligible land in the English moorland region.

To receive a Basic Payment Scheme payment on all their eligible land, the farmer would need:

- 20 entitlements for Scottish Basic Payment Scheme Payment Region one, and
- 10 entitlements for the English moorland region.

In England, Single Farm Payment entitlements automatically became Basic Payment Scheme entitlements on 1 January 2015.

In Wales, Scotland and Northern Ireland, farmers have to apply for new Basic Payment Scheme entitlements as part of their 2015 Basic Payment Scheme application.

Only farmers who successfully applied for the Single Payment Scheme or the Single Farm Payment (or the Scottish Beef Scheme) anywhere in the UK in 2013 will get entitlements.

However, there are some exceptions to this 2013 requirement – information about these can be found in the scheme guidance for Wales, Scotland and Northern Ireland.

In addition, farmers may be able to apply for entitlements from a national reserve (see below).

### **Applying for Basic Payment Scheme entitlements from a national reserve**

England, Northern Ireland, Scotland and Wales each have a national reserve (sometimes referred to as a 'regional reserve').

Some farmers, such as new and young farmers, will be able to apply for Basic Payment Scheme entitlements from these national reserves.

To obtain more entitlements, eligible farmers need to apply for them to all the paying agencies where they:

- have eligible land; and
- wish to be allocated more entitlements

### Example

A farmer has eligible land in England, Wales and Scotland and wants to apply to the national reserve for entitlements in Wales and Scotland. They need to apply to the paying agencies for Wales and Scotland.

The same principle applies if eligible farmers with entitlements in Northern Ireland, Scotland or Wales wish to apply to the national reserve to have the value of these entitlements increased to the regional average entitlements value.

The farmer also needs to meet the rules for the national reserve set in the part of the UK in which they are applying.

For example, farmers applying to the national reserve in Northern Ireland need to have a level two qualification in agriculture (or a related subject containing at least one farm business management module) to be eligible for an allocation of entitlements from the national reserve in relation to any land in Northern Ireland.

#### Example

A young farmer:

- has 15 hectares of eligible land in the English moorland region, and they already hold 10 entitlements in this same region; and
- has 12 hectares of eligible land in Scottish Payment Region one, but wouldn't be allocated any entitlements in this region because they didn't claim Single Payment Scheme or Single Farm Payment (or the Scottish Beef Scheme) anywhere in the UK in 2013

They could apply to the paying agency in England and the paying agency in Scotland for new entitlements from the national reserve. They would be allocated five additional English moorland entitlements and 12 entitlements for Scottish Payment Region one.

### When to apply for Basic Payment Scheme entitlements

To avoid a penalty, paying agencies must have received entitlement applications and the relevant supporting evidence by the application deadline set by the paying agency which is paying them.

Read the guidance for each part of the UK for information about application deadlines – see above.

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## Minimum claim size

Farmers must meet the minimum claim size set by the part of the UK where most of the land on their holding is located. The minimum claim sizes are shown below.

If farmers don't meet the relevant minimum claim size, they can't claim for land anywhere in the UK.

Minimum claim size	
England	Five hectares
Scotland	Three hectares
Wales	Three hectares (or €100 for farmers claiming voluntary coupled support)
Northern Ireland	Five hectares

#### Example – meeting the minimum claim size in Scotland

Most of the land on a farmer's holding is in Scotland. This means that the minimum claim size they need to meet is three hectares. The farmer must claim for at least three eligible hectares (with three entitlements) in total across the UK.

If the farmer doesn't claim for at least three eligible hectares, they can't claim for Basic Payment Scheme anywhere in the UK.

Some farmers may find themselves on the threshold of the minimum claim size. The examples below show how to work out if a farmer is meeting the minimum claim size.

#### Example

A farmer has a five hectare holding. They claim for five hectares of eligible land: three hectares in England and two hectares in Wales (with the right entitlements to support them)

Most of the land on this farmer's holding is in England, so they must meet the minimum claim size under the Basic Payment Scheme rules set by England (five hectares). Their claim will be accepted as they have claimed on a total of five eligible hectares (with five entitlements).

#### Example

A farmer has a three hectare holding. They claim for three hectares of eligible land: two hectares in England and one hectare in Scotland (with the right entitlements to support them).

Most of the land on this farmer's holding is in England so they must meet the minimum claim size under the Basic Payment Scheme rules for England (five hectares). Their claim will not be accepted as they have claimed on a total of only three eligible hectares (with three entitlements). They will not be paid on the Basic Payment Scheme anywhere in the UK.

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## Young Farmer payment



If a farmer is 40 years old or younger in the year of their first Basic Payment Scheme application, they may be eligible for a young farmer payment. Applicants will need to apply in each part of the UK where they want to receive this payment.

The Young Farmer payment is a top-up payment made on the number of eligible hectares (with entitlements) a farmer uses to claim Basic Payment Scheme.

The Young Farmer payment works differently in different parts of the UK (see table below).

	Can get the Young Farmer payment on:	Minimum age to apply:
England	Up to 90 hectares	18 years old
Northern Ireland	Up to 90 hectares	No minimum
Scotland	Up to 90 hectares	16 years old
Wales	Up to 25 hectares	16 years old for sole traders and partnerships 18 years old for limited companies

The payment is first made for whichever part of the UK the farmer claims most eligible land (with entitlements). This can't exceed the maximum set in that part of the UK (see table above.)

If the farmer has claimed less than 90 eligible hectares (with entitlements) there, they could also receive the payment in other parts of the UK – as long as they do not exceed the maximum that applies in those other parts of the UK.

A young farmer can't receive a payment on more than a total of 90 hectares (with entitlements) for their holding (land in all parts of the UK).

#### Example

A young farmer has claimed 80 eligible hectares (with entitlements) in England and 20 eligible hectares (with entitlements) in Scotland.

As most of their claimed land is in England, that is used first for the Young Farmer payment. They can receive the payment on all 80 hectares in England. As this is less than the overall maximum of 90 hectares, they can also receive the payment on 10 hectares in Scotland, not the full 20 hectares the farmer applied for. This gives a total of 90 hectares.

#### Example

A young farmer has claimed 80 eligible hectares (with entitlements) in Wales and 70 eligible hectares (with entitlements) in England.

As most of their claimed land is in Wales, that is used first for the Young Farmer payment. They can receive the payment on 25 hectares in Wales (the maximum set in Wales). As this is less than the overall maximum of 90 hectares, they can also receive the payment on 65 hectares in England. This gives a total of 90 hectares.

#### Example

A young farmer has claimed 50 eligible hectares (with entitlements) in England and 30 eligible hectares (with entitlements) in Wales.

As most of their claimed land is in England, that is used first for the Young Farmer payment. They can receive the payment on all 50 hectares in England. As this is less than the overall maximum of 90 hectares, they can also receive the payment on 25 hectares in Wales (the maximum set in Wales). This gives a total of 75 hectares.

Farmers applying for the Young Farmer payment in Northern Ireland need to have a level two qualification in agriculture (or a related subject containing at least one farm business management module) to be eligible for the payment on any land in Northern Ireland.

Read the guidance for each part of the UK for more information – see above.

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## [Basic Payment Scheme eligible land](#)

The land used to claim BPS payments must meet the rules that apply in the part of the UK where the land is located. Read the guidance for each part of the UK for more information – see above.

## [The Greening rules](#)

Farmers need to meet the greening rules on crop diversification and ecological focus areas (EFAs) at a 'holding' level, not separately for land in each part of the UK.

This means that they need to include all of the land on their holding (covering all land in the UK) when working out:

- what their crop diversification and EFA requirement is; and
- whether they meet those requirements

Farmers should also include all of their holding (covering all their land in the UK) when working out if they can use any of the greening exemptions. The greening exemptions are the same across the UK for crop diversification and EFAs.

Read the guidance for each part of the UK for more information – see above.

### What this means for the crop diversification rules

The crop diversification rules prescribe how many crops a farmer must grow and over what percentage of their arable land.

A farmer should include all of the eligible land on their holding (covering all their land in the UK) to work out:

- their arable area
- the percentage of their arable area taken up by each crop; and
- whether any of the crop diversification exemptions apply to them

A farmer doesn't have to have the required number, and shares, of crops in each part of the UK they have land – they only need to meet the crop diversification rules across their holding as a whole.

#### Example

A farmer has more than 30 hectares of arable land (which includes land in England and Wales). They would need three crops to meet the crop diversification rules.

In this case, the main crop can't cover more than 75 per cent of their arable land and the two main crops can't cover more than 95 per cent of their arable land.

They plant as follows:

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

They would meet the crop diversification rules for their holding (covering all their land in the UK).

Each part of the UK has lists of crops that qualify under crop diversification. Farmers need to use the lists that apply where their land is located.

### What this means for Ecological Focus Areas

Farmers with more than 15 hectares of arable land also need to have EFAs that are the equivalent to at least five per cent of their arable land, unless they qualify for an exemption. Read the guidance for each part of the UK for more information on the exemptions – see above.

A farmer should use all the eligible land on their holding (covering all their land in the UK) to work out:

- their arable land;
- their five per cent EFA requirement; and
- whether any of the EFA exemptions apply

Farmers can use areas and / or features on any part of their holding (in any part of the UK) to meet the five per cent EFA requirement.

This means that a farmer doesn't have to meet the five per cent in each part of the UK they have land – they only need to meet it across their holding as a whole.

A farmer must meet the EFA rules that apply in the part of the UK where the land or feature being used for EFA is located.

There are differences in which areas and features a farmer can use for EFA in each part of the UK. There are also differences in what areas and features are worth as part of EFA.

The table below shows which features and areas can be used in each part of the UK.

Type of EFA	England	Northern Ireland	Scotland	Wales
Fallow land	Yes	Yes	Yes	Yes
Hedges	Yes	Yes		Yes
Field margins			Yes	
Ditches		Yes		
Traditional stone walls		Yes		Yes
Earth banks		Yes		
Archaeological features		Yes		
Buffer strips	Yes		Yes	
Agro-forestry		Yes		
Catch crops or green cover	Yes		Yes	
Short rotation coppice		Yes		Yes
Afforested areas		Yes		Yes
Nitrogen-fixing crops	Yes	Yes	Yes	Yes

#### Example

A farmer's holding includes land in England and Wales. They could use areas or features on their English land, their Welsh land or both to count towards their five per cent EFA requirement.

The farmer could choose to use a catch crop on their English land to meet the requirement, but couldn't use a catch crop on their Welsh land.

#### Permanent grassland

Farmers must meet the rules that apply in the part of the UK where their permanent grassland is located. Read the guidance for each part of the UK for more information – see above.

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## Cross Compliance

Farmers need to meet the cross compliance rules that apply in the part of the UK where the land, or livestock, is located.

Read the guidance for each part of the UK for more information – see above.

## Payments over €150,000

If a farmer's 2015 Basic Payment Scheme payment (excluding the Greening payment and any Young Farmer payment) is more than €150,000, the amount over €150,000 will be reduced.

The table below shows the reductions that apply in different parts of the UK:

Reductions	
England	Amounts over €150,000 will be reduced by five per cent
Northern Ireland	Amounts over €150,000 will be reduced by 100 per cent
Scotland	Amounts over €150,000 will be reduced by five per cent
Wales	Amounts: - over €150,000 and up to €200,000 will be reduced by 15 per cent

- over €200,000 and up to €250,000 will be reduced by 30 per cent
- over €250,000 and up to €300,000 will be reduced by 55 per cent
- over €300,000 will be reduced by 10 per cent

Reductions are worked out based on the proportion of the total value of entitlements a farmer has used to claim payment in each part of the UK. Then the reduction rates above are applied.

The example below shows how reductions are worked out.

#### Example

A farmer's Basic Payment Scheme payment (excluding Greening and any Young Farmer payment) would be €250,000. Out of the total value of the farmer's entitlements used to claim payment:

- 25 per cent of the total value of entitlements were used in Northern Ireland
- 75 per cent of the total value of entitlements were used in Scotland

Therefore €100,000 (the amount over €150,000) will be reduced as follows:

- 25 per cent under reduction rates for Northern Ireland
- 75 per cent under reduction rates for Scotland

Northern Ireland:

Multiply the amount to be reduced (€100,000) by the share of the value of entitlements to be used in Northern Ireland (25 per cent). Then multiply the answer by the reduction rate for Northern Ireland (100%).

$$€100,000 \times 0.25 \times 1 = \mathbf{€25,000}$$

For entitlements in Northern Ireland the payment is reduced by €25,000

Scotland:

Multiply the amount to be reduced (€100,000) by the share of the value of entitlements used in Scotland (75 per cent). Then multiply the answer by the reduction rate for Scotland (five per cent).

$$€100,000 \times 0.75 \times 0.05 = \mathbf{€3,750}$$

For entitlements in Scotland the payment is reduced by €3,750

Total reduced payment:

Original payment: €250,000

Minus the reduction for Northern Ireland: €25,000

Minus the reduction for Scotland: €3,750

Total Basic Payment Scheme payment (excluding Greening and any Young Farmer payment): **€221,250**

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## Reductions and penalties

If a farmer doesn't meet the scheme rules, reductions and penalties may be applied. They may be applied if a farmer:

- makes an application for payment or application for entitlements late
- makes certain changes to their application after the deadline
- doesn't meet the scheme eligibility, Greening or Cross Compliance rules; or
- doesn't declare all of their agricultural land parcels

All of the land on a farmer's holding (covering all their land in the UK) is treated together for the purposes of calculating reductions and penalties.

More details about reductions and penalties are available in the scheme guidance for each part of the UK – see above for more information.

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# 17 Greening guidance (2018)

**Date published: 1 April, 2015**

- Greening - Introduction and updates for 2017
- Greening - overview
- Greening - Permanent Grassland
- Greening - Crop diversification
- EFA Ecological Focus Areas
- Greening - case studies
- Greening - Glossary and abbreviations
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# 19 Greening guidance (2020)

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