

Agricultural Development Scheme

LAND ELIGIBILITY

When applying to the Agricultural Development Scheme, you have to declare your eligible land area. You need to take care to provide accurate information as your payment will depend on this and inaccurate declarations may result in penalties being applied. This chapter provides guidance on how to assess your eligible and ineligible land area.

Eligible land

Please note that the eligibility criteria applies to land classified as Above or Below the Mountain Line, therefore both types of land must be recorded on your Application Form. Specific guidance is also provided in this chapter on how to assess bracken cover in relation to land eligibility on land Above or Below the Mountain Line. See Chapter 2 for more information on making an application to the Agricultural Development Scheme and Chapter 3 for more information regarding Land Classification.

For the purposes of the Agricultural Development Scheme, the following will be defined as eligible land and used to calculate the value of your Historic Entitlements and to determine your payments once these are made on the basis of ongoing farmed area.

- Land used for agricultural purposes as defined by the Department. Agriculture is defined as: the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping of animals for farming purposes or maintaining land in good agricultural and environmental condition.
- Walls associated with the land used for agricultural purposes.
- Paths, roads and tracks which are unfenced and un-surfaced. Where there are strips of vegetation growing between surfaced tracks, **only** the area of these green strips will be eligible for payment.
- Land used for non-agricultural uses which do not interfere with the primary agricultural use of the land including for walking, bird watching, school, college or university farm visits, cycling along defined paths or Rights of Way, fishing, competitions such as hedge laying, ploughing or demonstrations, game shooting, drag hunting and paragliding/hang gliding.
- Land used for non-agricultural use provided that the activity takes place on no more than 28 days between 1 April and 31 March annually: clay shooting, car parking, car boot sales, country fairs, shows and demonstrations with trade stands present, farm auctions and sales, ballooning, festivals and events.
- If you believe that non-agricultural activities may last more than 28 days, you must consult with the Department to ascertain whether or not land will be eligible for a payment from the Agricultural Development Scheme. Examples include: land used for TV or film locations, motor sports, camping, pipeline laying and other activities unrelated to agriculture. The Department will assess the impact the activity might



have on normal agricultural activity and whether or not the activity is likely to become permanent.

- Land used for biomass production from short rotation willow coppice. Other crops grown for this purpose will be considered on a case by case basis.
- Areas of dense, impenetrable and un-grazeable bracken of less than half an acre per field where land is classified as Above the Mountain Line, subject to the exception for small fields referred to on page 3 of this chapter.
- Areas of bracken in fields Above the Mountain Line where there is viable forage for grazing.
- Areas of bracken in fields Below the Mountain Line should be assessed according to page 4 of this chapter - "Assessing land size".
- The width of a hedge within the management of the applicant is likely to be to the middle of the hedge. Hedges up to a width of 8 feet from its centre line can be included in the eligible acreage. Trees forming part of a hedgerow should be included as eligible.
- Land up to the bank or edge of watercourses; where the watercourse is fenced off, the land between the fence and the edge of the watercourse can also be included.
- Areas of habitat are subject to a **Half Acre Rule**. Where any of the following types of habitat are found in a field and they **collectively** cover half an acre or less, they will be eligible for payment. You will need to assess each area of habitat according to the guidance given on page 4 "Assessing land size" and then add the acreages together in order to determine whether or not they are eligible for payment.

The habitats are:

1. Areas of water including, ponds, ditches, dubs, lakes, streams and rivers.
2. Woodland, copses and individual trees **provided** that there are no more than 25 trees per acre and they do not cover an area of more than half an acre - see page 4 "Assessing land size" for details of how to calculate this area.
3. Areas of scrub including gorse*.

* The Island has two types of gorse (Manx and European) and Manx gorse is often associated with important habitats such as dry and coastal heathland. Where these habitats are farmed, they will be eligible for payment provided that they meet the following criteria:

- They contain dwarf shrubs such as heathers and blueberries as well as Manx and European gorse and these make up 25-90% of plant cover.
- Gorse species (both Manx and European) must account for <50% cover. The remaining cover should be made up of grass species and these should be visible between the dwarf shrubs.
- Shrub height is on average <45cm (1.5ft) or about knee height.

Minimum eligible area and field size

The minimum eligible field parcel size is 0.25 acre. For fields covering 1 acre or less, the minimum eligible area has to be at least 50% of the field.



Table 4.1 - Examples of minimum eligible parcel size for fields covering 1 acre or less

	Size of field	Amount of eligible land	Eligible land as % of total field	Area eligible for payment
Example 1	1 acre	0.5 acre	50%	1 acre
Example 2	1 acre	0.4 acre	40%	Nil
Example 3	0.8 acre	0.4 acre	50%	0.8 acre
Example 4	0.7 acre	0.3 acre	40%	Nil

From Scheme year 2015, when claims are not entirely based on Historic Entitlements, a minimum of 12.5 eligible acres will be required in order to claim a payment.

Ineligible land

- Homes and associated gardens on the holding.
- Buildings and yards.
- Metalled or surfaced paths, tracks or roads including Rights of Way (except for grass strips as explained previously); paths, tracks or roads which are permanently fenced out from existing land parcels; or where they have field numbers, are surfaced or not and are predominantly used to aid the movement of machinery and livestock.
- Surfaced airstrips and grass airstrips used for any flying activity.
- Areas taken up by structures whose primary purpose is non-agricultural.
- Land used to grow crops on permanent surfaces, for example, concrete or hard standing or land under glass.
- Turf cutting.
- Forest and commercial woodland including crops of Christmas trees.
- Please see information on eligible areas of habitat and the Half Acre Rule given above. Areas of habitat which collectively cover more than half an acre are ineligible for a payment from the Scheme.
- Quarries and reservoirs.
- Areas of dense bracken of more than half an acre per field where land is classified as Above the Mountain Line.
- Areas of bracken in fields Below the Mountain Line should be assessed according to "Assessing land size".
- Land which is used primarily for recreational or other non-agricultural uses. This would include: golf courses, permanent sports facilities, land used for game rearing pens where these are in place for more than 28 days and land given up to engineering works until such time as it has been reinstated to agricultural use.



- Allotments are not eligible as they are not deemed to be “*at your disposal*”. The area must therefore be noted as “given up” on application forms. Allotments are defined as “*pieces of land rented or leased by individuals or associations and used to produce fruit and vegetables for personal and family use*”. Cross compliance does not apply to such land but the Department may wish to see current, signed rental or lease agreements to validate its status. When agreements lapse, the land comes back under Cross Compliance measures and can be re-entered into the Agricultural Development Scheme.

Assessing land size

Please use the following guidance in assessing areas for inclusion as eligible land:

- Water bodies – assess the area of water plus any areas of associated habitat, for example, willows.
- For scrub, ignore individual clumps or bushes, and assess all areas which cover more than 10 sq yards.
- To calculate the eligibility of groups of trees within a field, first measure the area enclosed by the boundary of the trees, that is, the spread of their canopies. If this covers less than half an acre when combined with other habitat areas within the field parcel, the area will be eligible. If this covers more than half an acre, and the density of trees exceeds 25 trees per acre the area will be ineligible.

Example:

- Canopy area of trees covers 3 acres. The 3 acres contain 10 trees. Therefore 1 acre contains 10 trees so the area is eligible.
- To assess whether bracken covered land is eligible or ineligible for a payment from the Agricultural Development Scheme when it is found in fields classified as Below the Mountain Line, please assess the amount of bracken cover during the winter, and use the table below to calculate the amount of eligible land within your field(s).

Table 4.2 – assessing bracken cover

WINTER BRACKEN COVER		
% ground cover of bracken litter viewed close up	Viable grass growth beneath the bracken	Proportion of bracken-covered land which is eligible to claim on
91-100	No	0%
61-90	A little	30%
31-60	Yes	60%
Less than 30	Yes	100%



Help with assessing eligible areas

If required, Field Officers can help you to make an assessment of your eligible land area, using criteria which would be applied during an inspection. However, you should be aware that they will not undertake the completion of your Agricultural Development Scheme application form, and the responsibility for what is entered onto the form will remain with you. Please also note that you will need to return the Agricultural Development Scheme claim form by the due date to avoid penalties.

The importance of assessing scrub

It is important to assess areas accurately, both in terms of size and eligibility, as errors found during a Cross Compliance inspection may lead to the imposition of penalties and a reduction in your payment.

Assessing scrub for eligibility

For the purposes of the Scheme, the term scrub includes gorse and brambles but it does not include bracken as separate rules apply to this (covered in Chapter 4, page 4).

Individual clumps of scrub which cover 10 sq yards or less are eligible for payment. Where areas are larger than this, they will fall under the **Half Acre Rule**. Such areas need to be measured, together with any woodland or ponds in the same field, using the guidance given on page 4 of Chapter 4. Where these areas collectively amount to Half an Acre or less, they must be included in the eligible acreage.

Where they collectively amount to more than Half an Acre within the field, their acreage should be deducted from the total size of the field. The remainder of the field will be eligible for payment provided that it does not contain any ineligible areas listed on pages 3 and 4, for example, buildings or surfaced paths. These would also need to be measured and deducted from the total field area and cannot be included within the Half Acre rule.

Areas of scrub may change over time so it is important to assess it annually when completing an Agricultural Development Scheme application form. It can increase and decrease and thus the amount of eligible acres on a farm can change. However, the notes below will enable you to understand the implications of management, or lack of it, as these activities can, in some circumstances, result in penalties being applied, following a Cross Compliance inspection.

Scrub Management

Scrub management can continue to be a part of normal work on the farm. However, it needs to take into account conditions set out in Chapter 6 of the Farmers' Handbook – Cross Compliance. It should not take place between 1st March and 31st August or be undertaken on land deemed to be semi-natural unless the Department has been consulted and permission given. Where land is designated as ASSI or there is an Agri-Environment or Section 30 Management Scheme in place, the requirements of these must be met and, in doing so, Cross Compliance will also be met.

Attention should be given in particular to the following in Chapter 6:



- SMR 1: Conservation of Wild Birds
- GAEC Standard 6 – Heath Burning Code
- GAEC Standard 10 – Undergrazing
- GAEC Standard 14 – Protection of habitats, wildlife areas, non-productive landscape features and archaeological sites
- GAEC Standard 17 – Encroachment of unwanted vegetation

Mapping

Digital field maps have been provided to all farmers for their holdings and are held by the Department. These will form the basis of all enquiries relating to eligible land queries.

In the majority of cases, only land in agricultural use has been mapped and areas such as glens, woods and cliff tops would not have been included. At your first Cross Compliance inspection, you will be asked about unmapped areas. If there are any, these will be mapped by the Field Officer and will appear on your next year's application form, classified as either Above or Below the Mountain Line. You will need to declare whether or not they include any eligible acres. Penalties will be applied if you under or over declare these as described in the section on penalties in this chapter.

If you feel that there are mistakes in the mapping of your land, you need to contact the Department to discuss them. Any changes will have to be agreed and verified with the Department before they can be recorded onto the Department's mapping database. A Field Mapping form will be used to record changes and can be obtained from the Department or downloaded from the Agricultural Development Scheme website.

Field Boundaries

Any changes to permanent field boundaries will need to be notified to the Department so that farm holdings maps can be updated. Please obtain a Field Mapping form from the Department or from the Agricultural Development Scheme website in order to record any desired changes.

The Department reserves the right to inspect where it is believed that fencing has taken place solely in order to maximise Agricultural Development Scheme payments. New field boundaries should be needed for agricultural purposes and farmers may be required to justify their development. You may wish to consult with the Department before undertaking fencing work. Where the Department rules that a field boundary is not justified, Agricultural Development Scheme payments will remain based on the original field parcels irrespective of the presence of any new fencing.

Penalties

Penalties will be applied if it is found that the eligible acreage recorded for 4th May of the relevant Scheme year on the Agricultural Development Scheme application form varies from that found on inspection. Examples of penalty calculations can be found in Appendix I.

Note that penalties will only be applied once the declarations on each field on the holding have been checked. If an over and under declaration balances out, no penalty will be applied.



Offences

Please note that it is an offence under Section 1 of the Agriculture and Fisheries (Miscellaneous Provisions) Act 1998 (c.7) to make a false statement in order to obtain a payment under this Scheme. You therefore might face prosecution if you under or over declare your eligible acreage.

Declaring errors

If you realise that you have made a mistake in declaring your eligible acreage, you should obtain a Claim Amendment Form from the DEFA website and complete and return it without delay. A full explanation of the use of this form is provided in Chapter 2.

