



Isle of Man
Government

Reiltys Ellan Vannin

Agricultural Development Scheme

A Land Classification Policy

for agricultural businesses

in the Isle of Man

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Land Classification

A Policy for the Isle of Man's agricultural industry

1. Introduction

As part of the Isle of Man's Vision for Agriculture approved by Tynwald in April 2008, a Countryside Care Scheme will be introduced in 2009. It will change the basis of support for farmers, making payments against historic entitlements initially and moving towards flat rate area payments over a ten year period. In order to prepare for an area-based payment scheme, the Department of Agriculture, Fisheries and Forestry (DAFF) commissioned research into an appropriate land classification system so that payments could be focussed on agricultural activity. The DAFF definition of agricultural activity is: "the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes or maintaining land in good agricultural and environmental condition". The contract was awarded to the Scottish Agricultural College (SAC) and a report was received in July 2008. A period of public consultation followed, including consideration by the Industry Advisory Committee which represents interests from Manx farming sectors and advises the Minister. Based on the findings, a Policy for Land Classification has been drawn up and will be used to inform decisions as the Countryside Care Scheme moves to making payments per acre of eligible farmed land.

2. Land Classification

The Isle of Man has a varied topography which has resulted in a wide range of agricultural land use capability within a small area. This varies from lowlands used for arable rotation, horticulture or grazing by dairy, sheep and beef animals to mountain moorland which can only support extensive grazing by upland sheep and cattle.

There are also areas of natural habitats which are managed by farmers and which the government wishes to see retained for their value to wildlife and the aesthetic quality of the landscape.

There are significant differences in the management costs of the different areas and the proposed payment scheme is intended to reflect this.

Following the consultation process, DAFF has accepted a recommendation that a Land Classification system based on definitions of "Above" and "Below" the "Mountain Line" would be most appropriate for the Isle of Man.

3. Definition of Mountain Line

In the Manx context, the Mountain Line correlates well with existing land use patterns because it is based on an observable and defining difference between improved land and moorland vegetation cover. Moorland vegetation is also widely found at and above the 200m contour line and this will help identify areas Above and Below the Mountain Line.

Moorland is defined as:

Land with predominantly semi-natural upland vegetation, or comprising predominantly of rock outcrops and semi-natural upland vegetation, used primarily for rough grazing. It includes enclosed land for example reverted in-bye or intake (intack) land.

A description of the species make-up of semi-natural upland vegetation can be found in Appendix 1.

The definition of Above the Mountain Line in the Isle of Man is:

1. *All land of mountain moorland character that is at and above 200m altitude plus land below 200m which has the same characteristics and which is contiguous with land of mountain moorland character above 200m; or*
2. *Areas exceeding 50 acres (20ha) below the 200m contour but of mountain moorland character will be classified as Above the Mountain Line. Examples of such areas are parts of the Point of Ayre, Calf of Man, Peel Hill and Bradda Head.*

Land Below the Mountain Line will include areas of enclosed improved or semi-improved grassland which cover more than 10 acres but which are surrounded by land of mountain moorland character will be classified as Below the Mountain Line. Land contiguous with that of mountain moorland character which has 50% or more improved or semi-improved grassland or where liming or fertilising has had a significant impact on the vegetation will also be classified as Below the Mountain Line. Areas below the 200 m contour but of mountain moorland character and less than 50 acres in extent will be considered to be Below the Mountain Line – examples of these include parts of Barony Head, Meayll Hill and Maughold Head.

Assessments of all land will follow existing boundaries in the vast majority of instances and verification of the vegetation types will be used to confirm the status of areas where necessary.

Species indicative of agricultural improvement include:

Perennial rye grass	<i>Lolium perenne</i>
Yorkshire fog	<i>Holcus lanatus</i>
Annual meadow grass	<i>Poa annua</i>
Cock's foot	<i>Dactylis glomerata</i>
White clover	<i>Trifolium repens</i>
Dandelion	<i>Taraxacum officinale</i> agg.
Daisy	<i>Bellis perennis</i>
Common Sorrel	<i>Rumex acetosa</i>
Curled dock	<i>Rumex crispus</i>
Broad-leaved dock	<i>Rumex obtusifolius</i>
Broad-leaved plantain	<i>Plantago major</i>
Common ragwort	<i>Senecio jacobaea</i>
Creeping buttercup	<i>Ranunculus repens</i>
Nettle	<i>Urtica dioica</i>
Creeping thistle	<i>Cirsium arvense</i>
Spear thistle	<i>Cirsium vulgare</i>

4. PAYMENT RATES

These will be of the order of £14 per acre for land Above the Mountain Line (AML) or of mountain character as defined in section 3 and £85 acre for land Below the Mountain Line (BML) as defined in section 3.

The payments will be referred to as Class 1 and Class 2 payments where land BML will attract the higher payment and land AML will attract the lower payment. Until payments are made on a Flat Rate Area basis only, farmers will be notified of the division of their land between the two categories and their historic entitlement will be assigned using a ratio of 1:6. For example, a farmer with an entitlement to £10,000 has 800 acres, with 500 acres classified Above the Mountain Line and 300 Below the Mountain Line. The holding will be issued with 500 Class 2 entitlements with a value of £4.35 and 300 Class 1 entitlements valued at £26.10.

Merging and averaging of the two types of entitlements is not permitted nor can Class 1 entitlements be claimed against land Above the Mountain Line or Class 2 entitlements against land Below the Mountain Line.

5. Eligible and Ineligible Land.

Whilst eligible land will attract payments relevant to either Above or Below the Mountain Line, ineligible land will receive no support under the Countryside Care Scheme. Details of eligible and ineligible land are given in Appendix 2.

6. Assessing Farms for Eligible and Ineligible Areas and for Class 1 and Class 2 rates of support.

6.1 Land Classification

Farmers will receive notification of the land classification assigned to their holdings on a field by field basis following an assessment process carried out by an independent contractor. The statement will include the calculation of historic entitlements using the 1:6 ratio as explained in section 4. If farmers are unhappy with the outcome, there is an appeal process which is described in section 7. Once appeals have been settled, the definition of land as either Above or Below the Mountain Line will remain unchanged.

6.2 Eligible and ineligible land

Farmers will be required to make a self declaration of their farmed area, that is, the area which is eligible for payment under the Countryside Care Scheme as set out in this Policy. Guidance and work shops will be provided to help with this process.

IMPORTANT

Farmers need to be aware that it is essential to make an accurate declaration of their **eligible farmed area**. This is not necessarily the same as their mapped, owned, or tenanted area. For the next five years, their historic entitlement will be divided by their farmed eligible acreage so the total value received remains the same although the value of individual entitlements may vary. Over that time, all farms will be inspected and queries, including mapping anomalies, will be corrected before payments are made on a flat rate area basis only.

Farmers should also note that penalties will be applied if it is found that the acreage recorded for 4 May in the annual census varies from that found on inspection. If the variation is found to be 10% or less, the number of incorrectly recorded acres will be doubled and the payment for that number of acres will be deducted. If the variation is between 11 and 20%, no payment

will be made that scheme year; if it is more than 20%, no payment will be made for the succeeding year as well. There is an appeal process available should farmers disagree with the basis for the imposition of penalties.

7. Appeals

Farmers will have the right to appeal if they feel that their land has been inaccurately mapped as either Above or Below the Mountain Line or as being ineligible for support from the Countryside Care Scheme. The process is described in more detail in the Countryside Care Scheme 2009 GC No 59/08 but in essence there will be two stages. A First Stage Appeal will be dealt with by DAFF officials not involved in making the initial decisions. It will check that the assessment guidelines and criteria have been applied correctly and that no administrative errors have occurred. If an applicant is not satisfied with the result of this process, a Second Stage appeal can be made to an Appeals Committee made up of a DAFF Officer, a representative of the Manx farming community and an independent person with some specialist knowledge of the subject. The Committee's findings will be sent to the Minister and a final decision notified to the applicant.

8. Cross Compliance

Farmers applying for support from the Countryside Care Scheme must meet Cross Compliance Standards (Statutory Management Requirements and Standards of Good Agricultural and Environmental Condition) for 12 months of the year and on all the land within their agricultural business regardless of whether or not it is used to initiate Countryside Care Scheme entitlements. The year will start annually from 1 April for the purposes of cross compliance with the exception of 2009 as noted below. Failure to meet cross compliance measures could incur penalties resulting in loss of support and, in some cases, prosecution.

The following are of particular relevance to land classification matters and compliance with them comes into effect in 2009 as soon as Tynwald has approved the Countryside Care Scheme. SMR 1 – conservation of wild birds

SMR 2 – conservation of flora and fauna

GAEC 10 – undergrazing

GAEC 11 – Overgrazing

GAEC 14 - protection of habitats, wildlife areas, non-productive landscape features and archaeological sites

GAEC 15 – application of lime, fertilisers and pesticides to rough grazing and/or semi-natural areas

GAEC 16 – field boundaries

GAEC 17 – encroachment of unwanted vegetation

Farmers are advised that activities undertaken in an attempt to increase the area of eligible land in the future may in fact trigger penalties which could lead to an overall loss to the farmer. The following are examples of where this will occur:

- ponds and dubs may or may not be eligible for payments but if they are not retained or are allowed to deteriorate, this will be regarded as an intentional, severe and permanent breach of cross compliance and lead potentially to the loss of at least 50% of a Countryside Care Scheme payment for the year. It is unlikely that the small amount of extra land gained to set against future area payments will offset the costs of clearance work plus the penalties imposed so farmers are strongly advised to regard ponds as a positive asset.

- hedges are included in the area eligible for payments, serve many useful purposes such as wind breaks and boundaries and are an important wildlife habitat. They need to be retained and managed in accordance with the Manx Hedgerow Management Code of Best practice otherwise penalties will apply as described above.
- woodlands may or may not be a part of a farm's eligible acreage but they need to be retained and not allowed to deteriorate as described above and they are subject to separate legislation in respect of tree felling. Advice is available from the Forestry Division on the requirement for felling licences and Small Woods grants are available to farmers wishing to establish new areas of woodland.
- most rough grazing and areas of scrub are eligible for payment, subject to the definitions given in this Policy. Where they are not eligible, farmers are reminded that cross compliance conditions as described above apply and penalties will be applied.

Further details of Cross Compliance and Penalties can be found in Cross Compliance Penalties GC No 61/08 and Cross Compliance Standards GC 62/08.

9. Agri-Environment Scheme

Farmers entitled to payments from this Scheme will continue to receive payments once the Countryside Care Scheme comes into force. Over the next five years, and in advance of moving to a flat rate area payment, a full Agri-Environment Scheme will be put in place to support farmers with the creation and management of habitats. Details of the Scheme are not yet available but work on it will commence once the Countryside Care Scheme has been launched.

APPENDIX 1

Semi-natural upland vegetation consists mainly of species characteristic of grassy and shrubby upland heaths and moors, along with enclosed lands that have had little or no agricultural inputs or cultivations in recent times.

Examples of species indicative of semi-natural vegetation

Ferns

Bracken *Pteridium aquilinum*

Grasses

Bents *Agrostis spp.*

Fescues *Festuca spp.*

Wavy hair grass *Deschampsia flexuosa*

Purple moor-grass *Molinia caerulea*

Mat grass *Nardus stricta*

Shrubs or heath

Heather *Calluna vulgaris; Erica spp*

Bilberry *Vaccinium myrtillus*

Crowberry *Empetrum nigrum*

Gorse *Ulex spp.*

Rushes, sedges, bog mosses

Cotton grass *Eriophorum spp.*

Deer-grass *Trichophorum cespitosum*

Heath rush *Juncus squarrosus*

Bog mosses *Sphagnum spp*

APPENDIX 2

The following guidance will be used to define what should and should not be included in total eligible acreage for the purposes of determining the value of historic entitlements, and for claiming support from the Countryside Care Scheme once payments are made on the basis of farmed areas.

1. Land used for non-agricultural use

Provided that a claimant meets the eligibility criteria for the Countryside Care Scheme, land used for non-agricultural use can be included in a farm's eligible land acreage as follows:

Category A – activities permitted without restriction to support received from the Countryside Care Scheme:

- walking
- bird watching
- school, college or university farm visits
- small scale equestrian activities
- bicycle riding along defined paths or bridleways
- fishing
- competitions including hedge-laying, ploughing or demonstrations within applicable rules
- game shooting
- drag-hunting
- paragliding/hang gliding

Category B – support from the Countryside Care Scheme will be unrestricted provided that the following activities take place on no more than 28 days per year (1 April to 31 March):

- clay shooting
- car boot sales
- car parking
- country fairs, shows and demonstrations with trade stands present
- farm auctions and sales
- ballooning
- festivals and events
- caravan sites

Where land is used for TV or film locations, motor sports or other non-agricultural activities (including engineering works unrelated to the farming enterprise) and these are expected to last longer than 28 days, farmers are advised to contact DAFF to check whether or not their payment under the Countryside Care Scheme could be jeopardised. DAFF will take into account the degree to which the activity intrudes on normal agricultural activity and whether or not the activity is likely to become permanent.

Category C - Activities inconsistent with land being considered as remaining in agricultural use and therefore not eligible for support from the Countryside Care Scheme. This category includes situations in which the principal purpose of the land is for recreational or other uses eg a golf course, permanent sports facility and areas taken up by pens for game rearing remaining in the same position for more than 28 days. Land given up to engineering works will also be ineligible for payment until it has been reinstated and brought back into agricultural use.

2. Areas of land which are ineligible for support – non agricultural features

The following areas will not be eligible for payment under the Countryside Care Scheme:

- infrastructure including: houses & associated garden areas, buildings, surfaced airstrips, yards, metalled or surfaced paths, tracks or roads (including Rights of Way)
- areas taken up by structures where the primary purpose is non-agricultural
- land used to grow crops on permanent surfaces e.g. on concrete or hard standing; land declared as under glass
- quarries and reservoirs
- grass airstrips used for any flying activity
- ponds, woodlands, dubs and lakes which form more than the cumulative area of half an acre of habitat within one field as described in section 3.

For clarity, the width taken up by hedges is eligible for payment but care must be taken to claim only the area which is a part of the holding. Adjacent holdings will therefore only be able to claim to the boundary which in most cases will be the middle of the hedge.

With regard to watercourses, land up to the edge or bank of a watercourse will be eligible for payment under the Countryside Care Scheme. Where watercourses are fenced off, the land between the fence and the edge of the watercourse can be included in the eligible land area for payment under the Countryside Care Scheme.

3. Areas of land which are ineligible for support – vegetation cover

Woodland, scrub, bracken and gorse are examples of vegetation cover which may or may not be considered to be remaining in agricultural use.

In marginal areas, DAFF may consider assessing the eligibility of land in this category on a percentage basis to take into account the density of ineligible vegetation cover.

a) Woodland

- forest and commercial woodland including crops of Christmas trees
- discrete areas of woodland plus other areas of habitat which individually or cumulatively make up half an acre per field or more

Note that short rotation willow coppice for biomass production will be considered as being eligible for payment under the Countryside Care Scheme. Other crops grown for this purpose will be considered on their merits.

b) Scrub and other habitat areas

Fields may contain small areas of marshy ground, willows, ponds/dubs and patches of heath with or without areas of scrub which may be dense or accessible by stock. Scrub may consist of a mix of plants including bracken and gorse or may be dominated by one species.

Where a field contains one or more habitat areas, including ponds, woodland and/or scrub, an assessment must be made of the total amount of such habitat coverage. If the habitat area totals half an acre or more within a field then all of that habitat area will be ineligible for payment.

With regard to bracken, where it is being grazed or there is sufficient grass growth to deem it capable of being grazed, the area will be eligible for payment under the Countryside Care Scheme. However, where the density of bracken litter is such that it **limits** the growth of viable forage, it should be included in the mix of habitat areas when calculating the total acreage of land falling into this category.

Areas greater than half an acre, including stands of dense bracken, will be ineligible for support under the Countryside Care Scheme. Please see the table below:

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%

Farmers should be aware that DAFF reserve the right to inspect land where it is believed that fencing has taken place in order to maximise CCS payments. New field boundaries must be needed for agricultural business purposes and farmers may be required to justify their development.