

Consultation on Proposal to Introduce a Protein Crop Payment Pilot Scheme

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1. Introduction

This consultation document seeks your views on the proposal to introduce a Protein Crops Payment Pilot Scheme in 2021.

Protein crop production (peas, beans and sweet lupins) has traditionally been very limited in Northern Ireland. These crops are grown primarily to provide a break in cereal crop rotations which can have the effect of reducing soil borne cereal disease burdens and increasing soil nitrogen levels.

Northern Ireland is currently almost totally dependent on imported soya and other proteins in the manufacture of animal feed. In 2019, the use of soya alone in feedstuffs manufacture was 369,000 tonnes and adding other high protein animal feeds brings this total to over half a million tonnes. A Protein Crops Payment Pilot Scheme is proposed to be introduced in the context of Northern Ireland's continued dependence on imported plant protein and will also encourage best practice in crop rotation, pest management and crop diversity.

2. Scheme Details

The Protein Crops Payment Pilot Scheme will be a stand-alone scheme and applicants will not necessarily have to be claiming Basic Payment Scheme (BPS) to be eligible. However, on land used to grow protein crops, the same applicant may claim both BPS and the Protein Crops Payment. Dual claims will not be permitted, i.e. the BPS and Protein Crops Payment cannot be claimed by different claimants on the same field parcel.

Initially, this will be a 1 year pilot scheme for Scheme Year 2021 and will be reviewed following the end of the first year.

It is proposed that the payment rate will be £330/ha, which is similar to the 2019 rate of €365/ha for a similar protein scheme in the Republic of Ireland. This rate will result in a gross margin for protein crops which is comparable to that for other cereal crops. It is also proposed that the total area eligible for payment under the Pilot Scheme in 2021 will be capped at 1,000 hectares (ha). In 2020, 153 ha of Protein Crops were

grown in Northern Ireland so a cap of 1,000 ha will allow for considerable expansion while acting as a budgetary safeguard.

If more than 1,000 ha are determined as eligible, a linear scaleback will be applied to the determined Protein Crop Payment area to reduce it to 1,000 ha. Payment will be made on the scaled back area. An area cap is preferred to a budget cap as it makes it easier to avoid having to designate the payment as Amber Box under the World Trade Organisation (WTO) classification. Amber Box classification is for highly trade distorting schemes and it is desirable to avoid this if possible.

The maximum budget for the 2021 scheme will, therefore, be £330,000. This will be funded from the 2021/22 budget for direct payments. As this is 0.11% of the direct payments budget, the Protein Crop Payment will not have any significant impact on other direct payments (Basic Payment and Young Farmers' Payment).

The minimum claim size is 0.3 ha in total (the minimum field size remains at 0.1 ha, as for BPS). Any claims submitted for areas less than 0.3 ha will not be considered to be eligible for the Protein Crop Payment.

For this scheme, eligible protein crops are crops covered by land use codes NF1, NF2, NF3, NF4 and NF5 (see below for more detail).

- Spring Peas (feed pea, mange tout, marrow fat pea, snap pea, snow pea, vining pea) (usage code NF1);
- Spring Field Beans (includes broad beans, field beans, tic beans) (usage code NF2);
- Winter Field Beans (includes broad beans, field beans, tic beans) (usage code NF3);
- Spring Sweet Lupins (usage code NF4);
- Winter Sweet Lupins (usage code NF5).

The forage crops clover, alfalfa and lucerne are not eligible for aid under this Pilot Scheme.

Applications will be made through the 2021 Scheme year Single Application Form.

It is intended that payments under the Scheme will be paid alongside the Basic Payment Scheme from October 2021.

3. Eligibility Criteria

Applicants for the Protein Crops Payment Pilot Scheme will be required to meet the following eligibility conditions:

1. The minimum area claimed must be at least 0.3ha;
2. Applicants may only claim on land planted in protein crops. All crops must be sown in line with normal husbandry practices. This means that applicants must prepare the land and sow seeds in a manner, and at a seed rate, that would be expected to produce a normal marketable crop;
3. Areas of protein crops sown in a mixture with cereals or other crops will not be eligible for the scheme; and
4. Protein crops must not be harvested until after 31 July 2021.

3. Equality, Rural Needs and Regulatory Impacts

Section 75 of the NI Act 1998 (the Act) requires the Department of Agriculture, Environment and Rural Affairs (DAERA) to comply with two statutory duties¹:

In carrying out our functions relating to NI, we are required to have due regard to the need to promote equality of opportunity between:

- Persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- Men and women generally;
- Persons with a disability and persons without; and
- Persons with dependants and persons without.

DAERA's arrangements for assessing our compliance with the Section 75 statutory duties are outlined in our Equality Scheme; for example arrangements for monitoring; assessment of impact of policies; consultation, training, publication, complaints, access to information and services and review. At this stage equality considerations have been undertaken to:

- Determine the extent of differential impact upon the relevant groups as listed above; and
- Consider whether that impact has a negative impact on groups or individuals in relation to one of more of the nine equality categories.

In line with the Equality Scheme, an equality screening exercise has been completed. It has demonstrated that there will not be a differential impact because of an individual's religious belief, national identity, racial group, age, marital status, sexual orientation, gender, disability or whether or not he/she has dependents, therefore, the options are screened out from a full EQIA.

A Rural Needs Assessment has been carried out and determined that no specific design features are required to address rural issues.

¹ <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/daera-equality-scheme-2016-2020.PDF>

A Regulatory Impact Screening was carried out and showed that there would be minimal additional compliance or administrative burdens placed on farm business. Northern Ireland would not be placed at a disadvantage compared with other businesses elsewhere in the UK, nor would it have any special advantages which might breach anti-discrimination rules on free movement of goods and services. For these reasons, a full Regulatory impact Assessment has been screened out.

All of the screening documents are available on the DAERA website as part of this wider consultation exercise. The Department welcomes views on these screening exercises as part of this consultation process.

4. Capturing stakeholder views – next steps

DAERA welcomes responses and comments from stakeholders on the questions outlined in this paper to help develop details for a Pilot Protein Crop Scheme.

How to respond

This engagement exercise uses the following website <https://www.daera-ni.gov.uk/consultations/daera-consultation-proposal-introduce-protein-crops-payment-pilot-scheme-2021>, as the primary means of response, in order to make it as accessible as possible. However, you may download a response template from the DAERA consultation website and reply by e-mail or hard copy respectively to:

Proteincropsconsult@daera-ni.gov.uk

or

Protein Crops Payment Scheme Consultation
Department of Agriculture, Environment and Rural Affairs
Brexit Division
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast
BT4 3SB

Deadline for responses

The closing date for responses is 15 January 2021. Please ensure your response is submitted by that date.

Publication of Responses

The Department will publish a summary of responses following the closing date for receipt of views. Your response, and all other responses to this publication, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses and they will give you guidance on the legal position about any information given by you in response to this publication.

Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request.

Section 8(e) of the Data Protection Act 2018 permits processing of personal data when necessary for an activity that supports or promotes democratic engagement. Information provided by respondents to this stakeholder consultation exercise will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation.

For more information and to view the DAERA Privacy Statement please go to: <https://www.daera-ni.gov.uk/publications/daera-privacy-statement-document>.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a stakeholder consultation exercise. The Department cannot automatically consider as confidential information supplied to it in response to a stakeholder consultation exercise. However, it does have the responsibility to decide whether any information provided by you in response to this stakeholder consultation exercise, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public, please include an explanation in your response, including any harm you believe such a disclosure might cause.

This means that information provided by you in response to the stakeholder consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- The Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and

- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office, or see web site at:

<http://www.informationcommissioner.gov.uk/>.

5. Consultation Questions

You may find the following questions useful in helping to structure your response.

1. Please outline your views on whether or not support for protein crops should be introduced for 2021 and give your reasons.
2. What are your views on eligible crops being those in crop codes NF1 – NF5 as outlined above?
3. Do you agree that the payment rate should be set at £330/ha? If not please state your preferred payment rate and why?
4. Do you agree that the budget for this scheme for 2021 should be capped at £330,000? If not, please state an alternative cap alongside reasons.
5. What are your views on the equality, rural needs implications and regulatory impact of the scheme?
6. Do you have any other comments you wish to make on support for protein crops?



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