Following consultation with DAERA they have confirmed the following in relation to claims for Force Majeure/Exceptional circumstances (FM/EC) specifically in relation to the Gas to the West Project, with regards to the Basic Payment Scheme (BPS), Nitrates Action Programme (NAP), agri-environment schemes, forestry schemes and Cross-Compliance.

**When should DAERA be notified?** Once a farmer is aware that the work is going to commence he/she should notify DAERA in accordance with the rules of FM, which is **within 15 working days** of being in a position to do so. **Failure to notify DAERA within this time period may result in an unsuccessful application for FM.**

**Who should notify for FM?** It is the responsibility of the active farmer to apply for FM in relation to the BPS and the NAP. An application for FM with regards to the BPS will satisfy the FM requirements for the NAP. Please note with regard to agri-environment and forestry schemes, it is the agreement holder’s (person who has the management, responsibility and control of the land) responsibility to apply for FM.

**At which point would a farmer be deemed to have sufficient knowledge of the project and have to notify DAERA?** DAERA considers this to be the point when the farmer is **served written notice** that construction work will be commencing on their land. This is when he/she knows that the land will be rendered out of agricultural use.

**When will Written Notice be served?** The Option Agreement will contain a provision for the serving of a notice to commence works and will be served shortly before the works are due to commence. The point that the notice is subsequently served to start construction i.e. exercising the option is the point at which you will be deemed to have sufficient knowledge.

**What areas are included?** Farmers claiming FM should declare all impacted fields affording flexibility within the Option Corridor to allow for movement of the working Corridor.

**What if the time period of disruption extends beyond one year?** In relation to the Gas to the West project, and on the assurance that the land will be returned to agricultural use and the disruption is due to the construction of the pipeline and not because the land is being used for another purpose, and it is beyond the control of the farmer, then DAERA will accept FM for a second year.

Farmers must ensure that a FM application form (Form FML1) is received by DAERA in relation to each scheme year impacted by the Gas to the West project, i.e. any farmer who submitted a Form FML1 in say November 2017 must also submit Form FML1 for the 2018 scheme year no later than 15th May 2018. Applications for FM will only be considered for the scheme year in which the application is received.

**What should a farmer do if he/she is notified after 15th May 2018 that construction work will be commencing on their land?** If a farmer has submitted their Single Application and becomes aware that work will be starting prior to the end of the 2018 calendar year he/she should notify DAERA in accordance with the rules of FM, which is **within 15 working days** of being in a position to do so. **Failure to notify DAERA within this time period may result in an unsuccessful application for FM.**
What details do I need to include when completing Section 3 of Form FML1? You should ensure that you provide as much information as possible that is relevant to your application. A copy of the Notice to commence Works should be attached to your application. If the Notice has been addressed to a landowner, the farmer who is actively farming that land, or the agreement holder with regards to agri-environment and forestry schemes should acquire a copy of the Notice from the landowner and explain this in Section 3.

Further information on the requirements of area-based schemes is available at: