You can get a copy of this document in other formats, such as:

- Large print
- Braille
- Audio CD
- Computer disk
- Other languages

To get a copy of this document in another format contact:

Area-Based Schemes Transformation Management Branch
Orchard House
40 Foyle Street
Derry/Londonderry
BT48 6AT

Tel: 0300 200 7848
Email: transformation.team@dardni.gov.uk
Guide to the 2016 Areas of Natural Constraint Scheme

Table of Contents

1. Introduction ......................................................................................................................... 4

2. The Negative List ................................................................................................................ 6

3. Eligible Forage Land ........................................................................................................... 6

4. Eligible Stock ...................................................................................................................... 9

5. Stocking Density ................................................................................................................. 10

6. Cross-Compliance ............................................................................................................. 10

7. Level of Support ............................................................................................................... 11

8. How to Claim ..................................................................................................................... 12

9. Penalties ............................................................................................................................ 13

10. Rented Land including land rented under conacre arrangements ..................................... 13

11. Force Majeure/Exceptional Circumstances ...................................................................... 14

12. Review of Decisions ........................................................................................................ 15

13. Dard Privacy Notice ....................................................................................................... 16

Annex A................................................................................................................................. 18

   Your stocking density calculation ..................................................................................... 18
   LU values ............................................................................................................................ 18
   Land used to support dairy production ............................................................................. 18
   Stocking Density – example calculation ......................................................................... 20
   Area of eligible land .......................................................................................................... 21
   Stocking Density – Your Worksheet ................................................................................. 22

Annex B................................................................................................................................. 24

   General Information .......................................................................................................... 24
   Will my farm be inspected? ............................................................................................... 24
   Will any penalties be applied? .......................................................................................... 25
   Can I complain about the service I receive? ................................................................... 25

Annex C................................................................................................................................. 27

   Penalties ............................................................................................................................ 27
   Example 1: ....................................................................................................................... 28
   Example 2: ....................................................................................................................... 28
   Non-declaration of Land ................................................................................................. 29
   Declaration of DA land ..................................................................................................... 29
   Late Application Penalties ............................................................................................... 29
   Offset Recovery ................................................................................................................ 30
   Recovery of overpayments ............................................................................................ 30

Annex D.................................................................................................................................. 31

   Contact Us ........................................................................................................................ 31
1. Introduction

The 2016 Areas of Natural Constraint (ANC) Scheme will replace the Less Favoured Area Compensatory Allowances (LFACA) Scheme.

The ANC Scheme has been prepared as part of the Rural Development Programme 2014-2020, but this Programme has yet to be approved by the EU Commission. You should, therefore, note that:

(1) Should the EU Commission require any modifications to the Scheme you will be advised accordingly of any changed obligations or Scheme conditions and, if necessary, asked to provide further information; and

(2) In the event that the EU Commission does not approve the Scheme, any application you make on the Single Application Form (SAF) may become void with no payment being made.

A claim for the 2016 ANC Scheme must be made on the 2015 Single Application Form (SAF), which can be submitted online or on paper, and payment will be made (subject to EU Commission approval) in 2016.

The ANC Scheme provides for a payment to farmers with land in constrained areas (i.e. within the less favoured area until a new designation is in place) to compensate for all or part of the additional costs and income forgone related purely to the constraints for agricultural production in the area.

The Scheme will form part of the Rural Development Programme 2014–2020, and is part financed by the European Agricultural Fund for Rural Development (EAFRD) and the Department of Agriculture and Rural Development (DARD). The ANC Scheme (subject to EU Commission approval) comprises an area based payment for eligible hectares of land in the Severely Disadvantaged Area (SDA). This includes your share of Common Land located in the SDA. Unlike the previous LFACA Scheme, land in the Disadvantaged Area (DA), including your
share of Common Land located in the DA, will not be eligible for an ANC payment. Furthermore, unlike the previous LFACA Scheme, a cattle bonus is not part of the Scheme.

We must apply the rules of the ANC Scheme in line with EU Regulations and domestic legislation. Please make sure you fully understand the rules of the Scheme and can meet its requirements before you apply for the payment.

Administrative checks and on-the-spot checks (including farm inspections) will be used to check that you meet the requirements of the Scheme.

This booklet is not a full statement or interpretation of the law (which only the European Court of Justice can give) and it cannot replace advice on specific questions.

**Briefly to claim ANC support in 2015 you must:**

- farm at least 3 hectares of eligible forage land (as defined in Section 3) in the SDA (including your share of Common Land located in the SDA);
- keep at least enough eligible stock to meet the minimum 0.2 livestock units (LUs) per hectare (ha) stocking density requirement across your holding throughout the period from 1 April 2015 to 31 October 2015.;
- meet the Cross-Compliance requirements (see Section 6);
- complete the 2015 Single Application Form (SAF 1) and Field Data Sheet (SAF 2) properly; and
- meet additional requirements if you operate a business that is on the negative list (see Section 2).

*More detail on these points is given in this guidance booklet.*
2. The Negative List

Claimants to the ANC Scheme must be active farmers.

EU Regulations include a compulsory test for businesses that operate the following enterprises; (i) railway services; (ii) airports; (iii) waterworks; (iv) real estate services; or (v) permanent sporting and recreational facilities (i.e. a negative list). These types of businesses will be prohibited from receiving payments unless the business meets any one of the three following criteria:

- the farm businesses receives no more than €5,000 in direct payments (SFP) for the 2014 scheme year;
- the eligible agricultural area of the farm business as declared on the SAF (column G of the Field Datasheet) is at least 26 ha; or
- total receipts from agricultural activities represent at least 40% of total receipts of the business in the most recent financial year for which evidence is available.

3. Eligible Forage Land

You must farm at least three hectares of eligible forage land within the designated SDA (which may include your share of Common Land located in the SDA) in Northern Ireland.

Eligible forage land is a minimum of 3 ha of land which:

- DARD has identified as located in the SDA;
- Has been available to you to use for maintaining livestock or producing a forage crop for the entire seven-month period from 1 April 2015 to 31 October 2015; and
- Has been correctly declared on the 2015 Field Data Sheet under the land use codes FR1 (grass) and OT3 (grazed woodland). More details are given below.

FR1 GRASS (grass for grazing, hay and silage, rough grazing, grazed heather, lucerne, sainfoin, clovers, forage vetches),
Please note that heather is eligible if it is:

- accessible for grazing animals; and
- has significant forage value, and
- is used for agricultural purposes.

Heather is ineligible if it is:

- Inaccessible for grazing animals; or
- Abandoned, that is, not in agricultural use; or
- Not used for agricultural activity during the period of 1 April 2015 - 31 October 2015.

Heather will generally be deemed ineligible if it is over-mature, that is, more than 50 cm tall and with no evidence of management of any kind.

Land will be eligible only if agricultural activity is carried out on a **significant and consistent** basis during the period 1 April 2015 to 31 October 2015 and evidence of this is available on the day of inspection.

If agricultural activity takes place on part of the field, then only that part is eligible.

If you have heather in your field you need to follow the advice in the “Guide to Land Eligibility” booklet to decide whether or not the heather is eligible. If it is not eligible, you should not claim for this land. You only need to record the eligible land use at column H of your Field Data Sheet.

**OT3 Non-commercial grazed orchards, grazed woodlands or areas in agroforestry**

With the exception of single trees, a line of trees or a clump of trees (see below) grazed woodland or grazed orchards may be considered eligible if:
• The tree density does not exceed 50 trees per hectare and;
   Agricultural activities can be carried out in a similar way compared to a situation where
trees are not present i.e. the trees have no significant impact on agricultural activity.

If there is a single tree, a line of trees or a small clump of trees **with grazing available right up to the trees**, you do not need to make a deduction for the tree trunks. Tree density is not relevant to these small areas.

If there is no grazing available under the trees or woodland is not currently being grazed, **then it is ineligible even if it had been previously used to support claims**.

Agroforestry is eligible in the initial stages of tree establishment if agricultural activities remain predominant and are not significantly affected by the presence of the trees.

You will also need to follow the advice in the “Guide to Land Eligibility” booklet which contains more information on the eligibility of land parcels in general including those which contain trees, especially in relation to tree density.

**The same area of land cannot be used by more than one farm business to claim the ANC payment or by different farm businesses to claim the Basic Payment Scheme and ANC** (see rented land at Section 10).

In deciding whether any areas of land should be deducted from your ANC claim, you should pay careful attention to “Notes to help you fill in your 2015 Single Application Form”. You will receive this guide along with your Single Application pack.

Although not eligible for ANC payment, you must show all other land you had available over the qualifying period as it is used when calculating reductions for land used to maintain dairy production (see worked example at Annex A). If you do not declare all of your land in column G of the Field Datasheet, your ANC payment may be reduced (the way in which it may be reduced is set out at Annex C).
4. Eligible Stock

For the purposes of the ANC Scheme eligible stock are:

- Beef breed suckler cows and heifers over 24 months;
- Beef breed heifers over 8 months and up to and including 24 months;
- Breeding ewes;
- Breeding female goats; or
- Breeding female farmed deer 27 months and over;
- Breeding female farmed deer over 6 months but less than 27 months.

If your animals have been imported from the Republic of Ireland, then it is your responsibility to provide supporting documentary evidence to prove their eligibility for the Scheme. This information will then be included in the stocking density calculation for your claim.

For this Scheme you must have carried out, on a continuous basis, one or more of the following eligible activities throughout the entire period of 1 April 2015 to 31 October 2015. That is, maintaining:

- a herd of suckler cows that form part of a regular breeding herd for the rearing of calves for meat;
- a flock of sheep comprising eligible ewes;
- a breeding herd of farmed deer; and/or
- a herd of goats for milk or fibre production.
5. Stocking Density

To qualify for payment under this Scheme, your stocking density must be maintained at least 0.2 LU/ha of eligible stock across your holding throughout the entire seven month period of 1 April 2015 to 31 October 2015.

The number of heifers that can count as eligible stock must be no greater than 40% of your total livestock units of suckler cows and heifers.

If your holding has an Agri-environment Scheme (AES) agreement or similar agreement that sets a maximum stocking density at less than the ANC Scheme minimum of 0.2 LU/ha, we may consider allowing the stocking density set in the agreement to replace the ANC minimum stocking density requirement.

If you think this applies to you, you must provide a copy of the full agreement to enable us to consider your case. This document must be signed by the parties involved. It must also give the effective dates, clear details of the land covered and the stocking restrictions that apply.

You must produce the evidence we require in a form that is acceptable to us.

There is a worked example and a blank worksheet to help you calculate your stocking density at Annex A of this booklet.

6. Cross-Compliance

In return for ANC payment, you must maintain your land in Good Agricultural and Environmental Condition (GAEC). You must also comply with a number of specific legal requirements known as Statutory Management Requirements (SMRs). This is known as Cross-Compliance. We may carry out inspections to verify that all the requirements relevant to your business are being met.
You may be penalised and your payment reduced if you do not meet the requirements of GAEC and the SMRs. Penalties for breaches of Cross-Compliance will be proportionate to the severity, extent, permanence and repetition of the non-compliance.

Further information is available in the following booklets:

1. Cross-Compliance Verifiable Standards Summary (Revised 1 January 2015)

2. Cross-Compliance Verifiable Standards (Full Version)


Printed copies of the documents are available, on request, from your local DARD Direct office.

7. Level of Support

A payment rate for the Scheme will be determined by the number of applicants and budget availability, with final rates communicated via a press release.

The new EU Regulation requires that there must be degressivity of payments above a threshold level of area per holding. This means that an agreed full payment rate per hectare will be made on a set number of hectares claimed for the Scheme, followed by a reduced rate payment per hectare for eligible land claimed above that threshold. DARD has proposed payment of a full rate on the first 200 hectares of eligible forage land claimed, followed by 75% of the payment rate set on any eligible forage land claimed above 200 hectares. This proposal remains subject to approval from the EU Commission. Once approval has been received from the EU Commission, applicants will be advised of the final agreed rules on degressivity. This does not affect the completion of your claim.
8. How to Claim

Claims for this Scheme must be made on the 2015 Single Application Form which can be submitted online or on paper.

Before you start, make sure you have the latest version of your 2015 farm map and field information table. The map and field information table provides a maximum eligible area (MEA) for each field at Column E. The MEA is the maximum area of the field that you should use when claiming ANC (subject to Scheme rules). In some cases not all ineligible areas have been deducted from the MEA. It is your responsibility to check and ascertain the actual eligible area of each field. If the actual eligible area is lower than the MEA, you must claim on the lower area or penalties may be applied.

To apply for the ANC Scheme, you must complete Section 2 of the 2015 SAF 1 and Column H of the Field Data Sheet.

In Section 2 you must mark an “X” in the relevant boxes to show the type of stock you will keep during the 7 months qualifying period, that is from 1 April 2015 to 31 October 2015. If you have eligible breeding ewes, breeding female deer or breeding female goats you must enter the total number held on the holding at the date of application.

As part of the checks on whether you have met the minimum stocking density requirement of 0.2 LU/ha, we will use:

- Sheep flock records;
- The cattle details held on the Animal and Public Health Information System (APHIS);
- Your goat herd register; and/or
- Documents relating to the breeding female farmed deer you keep.

You must declare your land on the Field Data Sheets (FDS). ANC Payment will only be made for eligible forage land within the SDA (including your share of Common Land located in the SDA) in
Northern Ireland. Use column H of the Field Data Sheet to identify the area of each field claimed. Only land declared as FR1 or OT3 in column F of the Field Data Sheet will be eligible for payment.

Land in the Disadvantaged Area (DA) and lowland is not eligible for the 2016 ANC Scheme and must not be used to claim the ANC Scheme.

The closing date for the Scheme is 15 May 2015.

If, after you have sent us your completed Single Application, you need to make changes, you should complete and return Form SAF3 to tell us about these.

You can use this form to increase, reduce or withdraw your application. You can amend your application to increase the area you have claimed up until 1 June without penalty. If we receive an application to increase the area you have claimed or the value of your claim after 1 June but on or before 9 June, we will reduce your payment for the field(s) in question by 1% for each working day, except in cases of force majeure and exceptional circumstances.

Any amendments received on or after Wednesday 10 June 2015 will be rejected (except in cases of force majeure or exceptional circumstances).

9. Penalties

If you do not meet the Scheme rules, or we find out that you have provided incorrect information, we will apply penalties. Annex C of this guidance booklet gives details of penalties.

10. Rented Land including land rented under conacre arrangements

You can claim the ANC Scheme for land you are farming including land that you lease or rent in under conacre arrangements provided you meet the Scheme eligibility requirements.
Both Basic Payment Scheme (BPS) and ANC claimants must be active farmers. This requirement has particular relevance for land let under conacre arrangements. The principle being that where land is let, then the farmer actively farming the land will be the tenant.

Claims for BPS and ANC from different farmers for the same field will not be accepted. It is very likely in such a situation that, providing the eligibility conditions for ANC have been met and it can be shown that the ANC claimant is farming this land, the BPS claim from another applicant for any dual use claim fields will be deemed ineligible.

11. **Force Majeure/Exceptional Circumstances**

If there were specific circumstances that prevented you from making a claim for ANC or meeting a Scheme requirement, you may want your case to be considered under Force Majeure/Exceptional Circumstances provisions. You must request consideration of Force Majeure/Exceptional circumstances in writing and within 15 days of being in a position to do so. You should send your request to Area-Based Schemes Payment Branch, Orchard House, 40 Foyle Street, Derry/Londonderry BT48 6AT

EU Commission guidance defines Force Majeure/Exceptional Circumstances, as “unusual circumstances, outside the control of the trader, the consequences of which, in spite of the exercise of all due care, could have not been avoided except at the cost of excessive sacrifice”.

The guidance highlights that there are two elements to be considered. The first is an objective element that requires us to determine if there was an exceptional circumstance outside your control. The second, a subjective element, requires us to consider if the effect of the exceptional circumstance could not have been avoided in spite of the exercise of all due care.

You will have to prove that Force Majeure/Exceptional Circumstances prevented you from meeting your obligations under the scheme, and that you did everything reasonably possible to overcome the circumstances. You must be able to provide information, supported by documents, of the steps you have taken to prevent or lessen the effect of these circumstances.

Examples of force majeure or exceptional circumstances include the following:
• The death of the beneficiary;
• Long term professional incapacity of the beneficiary;
• A severe natural disaster gravely affecting the holding;
• Accidental destruction of livestock buildings on the holding;
• An epizootic disease or plant disease affecting livestock (for example, Foot and Mouth disease) or crops respectively; or
• Expropriation of all or a large part of the holding if that expropriation could not have been anticipated on the day of lodging the application.

Note: It is important that you do not wait until the appeal stage to notify us of force majeure or exceptional circumstances, as this will normally be considered to be outside the 15 working day notification period.

12. Review of Decisions

If you consider that the Department has made an incorrect decision in relation to your claim to the ANC Scheme you have a right to request that the Department review its decision.

Not all decisions can be reviewed, for example decisions on payment rates cannot be reviewed. The decision letter you receive will clearly outline your right to have the decision reviewed and will advise you of the deadline for a formal application.

We recommend that before requesting a formal review, you contact us on 0300 200 7848 and ask to speak to ANC Section to discuss the decision. This may enable the matter to be resolved without the need to request a formal review. Using this option does not affect your right to proceed with a request for a formal review but the deadline for return of your application for review will not be extended.

A formal review can only be undertaken on receipt of a properly completed application form. Your application for a review must be received by the Department on or before the stated deadline. If
your application is not received by the due date the decision will not be reviewed. Force majeure or exceptional circumstances will not be considered.

You should note that it is your responsibility to ensure that your application for review is submitted on time. Proof of posting is not proof of receipt. The Department is not responsible for applications lost or delayed in the postal system. The Department will acknowledge receipt of your application. The Review process is outlined in full in the Review of Decisions Procedure Booklet. This booklet also explains how to obtain a Review application form.

13. DARD Privacy Notice

The Department takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information supplied to it is dealt with in a way which complies with the requirements of the Data Protection Act 1998. This means that any personal information you supply will be processed principally for the purpose for which it has been provided. However, the Department is under a duty to protect the public funds it administers, and to this end may use the information you have provided for this purpose. It may also share this information with other bodies responsible for the audit or administration of public funds in order to prevent and detect fraud.

In addition, the Department may also use it for other legitimate purposes in line with the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

These include:

- Administration of the Common Agricultural Policy and other aid schemes;
- Administration of the Common Fisheries Policy;
- The production and safety of food;
- Management of land and other environmental controls;
- Animal health and welfare;
- Occupational health and welfare;
- The prevention and detection of fraud or maladministration (e.g. The Comptroller & Auditor General and HM Revenue & Customs.);
- Compilation of statistics;
• Disclosure to other organisations when required to do so; and
• Disclosure under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 where such disclosure is in the public interest.

Legislation introduced by the EU Commission in 2014 requires Member States to publish details of the amounts paid to CAP beneficiaries. Data will be published for all beneficiaries on a searchable website, and will include the name and locality of the beneficiary and details of the amounts and schemes for which subsidy has been paid. However, for those receiving less than the equivalent of €1,250 in subsidies, the name of the beneficiary will be withheld. The first data to be published in this format will be made available from 31st May 2015 and will cover all payments made in the period 16/10/13 to 15/10/14. The data will be updated annually and remain available for two years from the date it is published.
Annex A

Your stocking density calculation

The information below will help you work out the stocking density from your total eligible Livestock Units (LU’s) and eligible hectares.

As well as the example below, we have included a blank form to help you work out your stocking density.

LU values

The LU values used are:

<table>
<thead>
<tr>
<th>Livestock Type</th>
<th>LU Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beef breed suckler cow or heifer over 24 months</td>
<td>1.0 LU</td>
</tr>
<tr>
<td>Beef breed heifers from 8 months to 24 months</td>
<td>0.6 LU</td>
</tr>
<tr>
<td>Breeding ewe</td>
<td>0.15 LU</td>
</tr>
<tr>
<td>Breeding female goats</td>
<td>0.15 LU</td>
</tr>
<tr>
<td>Breeding female farmed deer aged 27 months and over</td>
<td>0.3 LU</td>
</tr>
<tr>
<td>Breeding female farmed deer over 6 months but less than 27 months</td>
<td>0.2 LU</td>
</tr>
</tbody>
</table>

Land used to support dairy production

Land used to maintain dairy production is not eligible for payment. The adjustment to land to account for dairy production will be as follows:
The area of land used for dairy enterprise will be calculated as the number of dairy breed animals on the holding divided by $1.71^1$. We will deduct these notional hectares from non SDA land first, and then deduct any remaining notional hectares from SDA land claimed. This will maximise the payment due to you.

The definition of a dairy animal for the purposes of the calculation is a dairy breed cow that has calved at least once or any female dairy breed animal of at least 30 months (which is not recorded as having calved).

---

$^1$ 1.71 is the average stocking rate per ha on a dairy farm situated in the SDA based on data from the NI Farm Business Survey.
## Stocking Density – example calculation

<table>
<thead>
<tr>
<th>Eligible Livestock on your holding at any time during the period from 1 April 2015 to 31 October 2015</th>
<th>Number</th>
<th>LUs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beef breed suckler cows or heifers aged over 24 months (1 LU)</td>
<td>20</td>
<td>20 X 1 = <strong>20 LU</strong></td>
</tr>
<tr>
<td>Beef breed heifers aged from eight months to 24 months (0.6 LU)</td>
<td>10</td>
<td>10 x 0.6 = <strong>6 LU</strong></td>
</tr>
<tr>
<td>Eligible ewes (0.15 LU)</td>
<td>60</td>
<td>60 x 0.15 = <strong>9 LU</strong></td>
</tr>
<tr>
<td>Breeding female goats (0.15 LU)</td>
<td>0</td>
<td>0 x 0.15 = <strong>0 LU</strong></td>
</tr>
<tr>
<td>Breeding female farmed deer aged 27 months and over (0.3 LU)</td>
<td>0</td>
<td>0 x 0.3 = <strong>0 LU</strong></td>
</tr>
<tr>
<td>Breeding female farmed deer aged six months but less than 27 months (0.2 LU)</td>
<td>0</td>
<td>0 x 0.2 = <strong>0 LU</strong></td>
</tr>
<tr>
<td><strong>Total LUs</strong></td>
<td><strong>35 LU</strong></td>
<td></td>
</tr>
</tbody>
</table>
**Area of eligible land**

Number of dairy breed animals on holding = 30

Deduction for dairy breed animals = \(30 \div 1.71 = 17.54\) ha

<table>
<thead>
<tr>
<th>Eligible land</th>
<th>Area</th>
<th>Notional hectares used for dairying</th>
<th>Hectares remaining after deduction for dairy animals on holding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowland / Disadvantaged Area</td>
<td>10 ha</td>
<td>10 ha</td>
<td>0 ha</td>
</tr>
<tr>
<td>Severely Disadvantaged Area (including any common land in an SDA)</td>
<td>30 ha</td>
<td>7.54 ha</td>
<td>22.46 ha</td>
</tr>
<tr>
<td><strong>Total eligible forage area</strong></td>
<td></td>
<td></td>
<td><strong>22.46 ha</strong></td>
</tr>
</tbody>
</table>

**Stocking density equals total eligible LUs divided by total eligible forage area, therefore, 35 LU divided by 22.46 ha = 1.56LU per hectare stocking density.**

**Note:** the area of lowland and Disadvantaged Area (DA) will be taken from the area declared to establish and activate BPS entitlements (Column G of the field datasheet). If you have a dairy enterprise and you do not declare all of your lowland/DA in Column G, your ANC payment will be lower as a greater proportion of the notional hectares used for dairying will have to be deducted from your SDA area.
### Stocking Density – Your Worksheet

<table>
<thead>
<tr>
<th>Eligible Livestock on your holding at any time during the period from 1 April 2015 to 31 October 2015</th>
<th>Number</th>
<th>LUs</th>
</tr>
</thead>
</table>
| Beef breed suckler cows or heifers aged over 24 months  
(1 LU) | | |
| Beef breed heifers aged from eight months to 24 months  
(0.6 LU)² | | |
| Eligible ewes  
(0.15 LU) | | |
| Breeding female goats  
(0.15 LU) | | |
| Breeding female farmed deer aged 27 months and over  
(0.3 LU) | | |
| Breeding female farmed deer aged over six months but less than 27 months  
(0.2 LU) | | |

**Total LUs**

**Dairy adjustment (if you have dairy animals)**

| Enter number of dairy breed animals on holding | |

² The number of heifers that can count as eligible stock must be no greater than 40% of your total livestock units of suckler cows and heifers
Divided by 1.71 equals:  

ha

Apply your dairy notional hectares to lowland/DA land first:

<table>
<thead>
<tr>
<th>Eligible land</th>
<th>Area</th>
<th>Notional Hectares used for dairying</th>
<th>Hectares remaining after deduction for dairying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowland /DA</td>
<td>ha</td>
<td>ha</td>
<td>ha</td>
</tr>
<tr>
<td>SDA(including any Common Land located in the SDA)</td>
<td>ha</td>
<td>ha</td>
<td>ha</td>
</tr>
<tr>
<td><strong>Total eligible forage area</strong></td>
<td></td>
<td></td>
<td><strong>ha</strong></td>
</tr>
</tbody>
</table>

**Stocking density (total eligible LUs / total eligible forage area)**  
____________ / __________ = LU per hectare

*Note: If your stocking density is less than 0.2LU per hectare at any time during the period of 1 April 2015 to 31 October 2015 you will not receive any ANC payment unless we have agreed that it need not apply (see stocking density, Section 5).
Annex B

General Information

Can someone make the application on my behalf (nomination of an authorised person)?

You can authorise another person to fill in the SAF and act on your behalf in relation to the processing of your ANC claim so long as they have been properly authorised. To do this you must complete the Nomination of an Authorised Person form which is available on the DARD website.

When will payments be made?

Payments for the 2016 ANC Scheme (if approved by the EU Commission) are expected to be made in early 2016. In the event that the EU Commission does not approve the Scheme, any application you make on the Single Application Form (SAF) may become void with no payment being made.

Will my farm be inspected?

By submitting a single application, you agree to permit the Department to carry out on-the-spot checks, with or without prior notice at any reasonable time.

When notified of an on-the-spot check you should arrange to be present. It is not necessary for you to walk the fields with the inspector. However, you should arrange to be present at the end of the inspection to discuss the findings and sign off the inspection report. If you are unavailable, please nominate a representative in your place to sign the inspection report in your absence. No payment will be made if you, or others acting on your behalf, prevent an on-the-spot check being carried out.

We will make use of satellite and/or aerial photographs (ortho-imagery) to carry out on-the-spot checks or as part of the inspection process. This helps us to identify ineligible features such as buildings, laneways as well as dense and scattered patches of scrub, whin, bogs and so on.
If you are not present at an inspection where irregularities are found we will send you a copy of the report.

We must inspect the farms of approximately 5% of beneficiaries. Approximately 1% of those are chosen randomly, in accordance with EU requirements. We choose the remaining 4% considering factors such as the length of time since their last inspection, results of previous inspections and changes in areas claimed for.

Approximately 1% of applicants will also be selected for verification of the Cross-Compliance standards.

We may give you notice of an inspection as long as this does not jeopardise the purpose of the inspection. For land inspections, we can give notice up to 14 days before the proposed inspection. For inspections involving livestock, we will not give more than 48 hours notice. If you, or anyone acting for you, prevent an inspection from being carried out, we will not pay you the allowance.

Inspectors cannot tell you how their findings will affect your claim. If penalties are applied to your claim, we will let you know.

**Will any penalties be applied?**

There may be penalties if you do not comply with the Scheme rules. See Annex C.

**Can I complain about the service I receive?**

If you do not receive the quality of service you expect, tell us and we will fully and fairly investigate your complaint. You can do this in person or by letter or phone.

You should first speak or write to the person who has been dealing with your application or with your local office manager. Give them as much information as possible and they will try to settle your complaint quickly. If you do not get a satisfactory answer, you will be given the name of a senior manager who you can contact if you want to continue with your complaint.
If you would like more information about our complaints procedure you can download a copy of the leaflet from our website at:


You can also pick up a leaflet from any of our Dard Direct offices.

**Fraud**

We will pay allowances only where eligibility can be confirmed beyond reasonable doubt. We do everything possible to identify fraudulent claims and we take action against those making fraudulent claims.

**DARD Fraud Hotline Number:** FREEPHONE 0808 100 2716
Annex C

Penalties

Under Article 19 of Delegated Regulation (EU) No 640/2014, we can reduce the amount of land we pay allowances for. These reductions are called penalties.

There may be penalties for over-declaring the land on the holding (that is, if the area declared on your application is greater than the area actually found).

We will decide whether there has been an over-declaration of area which you have declared for the 2016 ANC Scheme. If there is an over-declaration, the penalties are as follows:

<table>
<thead>
<tr>
<th>Difference between the declared area and the actual area</th>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 3% or two hectares</td>
<td>Area reduced without penalty</td>
</tr>
<tr>
<td>More than 3% or two hectares, but not more than 20%</td>
<td>The area of the land will be reduced by twice the difference found</td>
</tr>
<tr>
<td>More than 20%</td>
<td>No payment for the land concerned in the current scheme year</td>
</tr>
<tr>
<td>More than 50%</td>
<td>No payment will be made in the scheme year, and an amount equal to that which corresponds to the difference between the area declared and the actual area will be taken off any allowances or other aid payments you claim in the following three years. If the amount cannot be fully recovered the balance will be cancelled.</td>
</tr>
</tbody>
</table>
Some examples are shown below:

Example 1:
The farm business has over-declared severely disadvantaged land by between 3% or two hectares but not more than 20% of the actual area.

<table>
<thead>
<tr>
<th>Type of land</th>
<th>Declared</th>
<th>Actual</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severely disadvantaged land</td>
<td>20 hectares</td>
<td>18.5 hectares</td>
<td>1.5 hectares</td>
</tr>
</tbody>
</table>

The over-declaration is worked out as 8.11%. This is worked out by dividing the difference of 1.5 hectares by the 18.5 hectare actual area (1.5 divided by 18.5 X 100 = 8.11%)

Result

The area to be paid will be reduced by twice the difference (2 X 1.5 hectares = 3 hectares), which is subtracted from the 18.5 hectares actual, leaving 15.5 hectares.

Example 2:

The farm business has over-declared severely disadvantaged land by more than 20% of the actual area.

<table>
<thead>
<tr>
<th>Type of land</th>
<th>Declared</th>
<th>Actual</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severely disadvantaged land</td>
<td>50 hectares</td>
<td>40 hectares</td>
<td>10 hectares</td>
</tr>
</tbody>
</table>

The over declaration is worked out as 25%. This is worked out by dividing the difference of 10 hectares by the 40 hectares actual area (10 divided by 40 X 100 = 25%).

Result

There will be no payment for the land concerned.
Non-declaration of Land

Under Article 16 of Delegated Regulation (EU) No. 640/2014 penalties may apply if you fail to declare all the agricultural land on your holding.

On your SAF1 and Field Data Sheet you must declare all the agricultural land you have on 15 May in the Scheme year. This includes forestry and Common Land, even though you may not be using some of the land to support your claim.

If there is a difference between the total area you declare and the total agricultural land that you should have declared, your payment may be reduced as follows:

<table>
<thead>
<tr>
<th>Difference</th>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 3% or 2 ha</td>
<td>No reduction in payment</td>
</tr>
<tr>
<td>More than 3% and not more than 20%</td>
<td>1% reduction</td>
</tr>
<tr>
<td>More than 20% and not more than 50%</td>
<td>2% reduction</td>
</tr>
<tr>
<td>More than 50%</td>
<td>3% reduction</td>
</tr>
</tbody>
</table>

Declaration of DA land

Any DA land declared for ANC under column H of the Field Data Sheet will be treated as an obvious error and no penalty will be applied.

Late Application Penalties

The closing date for the Scheme is 15 May 2015.

Late applications i.e. those received after 15 May 2015 and on or before 9 June 2015 are subject to a 1% reduction in the payment due for each working day the application is late (except in cases of force majeure or exceptional circumstances).
We will reject all applications received on or after Wednesday 10 June 2015 (except in cases of force majeure or exceptional circumstances) and no payment will be made.

If, after you have sent us your completed SAF and you need to make changes, you should complete and return Form SAF3 to tell us about these amendments.

You can use this form to increase, reduce or withdraw your application. You can amend your application to increase the area you have claimed up until 1 June without penalty.

If we receive an application to increase the area you have claimed or the value of your claim after 1 June but on or before 9 June, we will reduce your payment for the field(s) in question by 1% for each working day, except in cases of force majeure and exceptional circumstances.

Any amendments received on or after Wednesday 10 June 2015 will be rejected (except in cases of force majeure or exceptional circumstances).

Reductions and withdrawals can be made at any time provided we have not notified you of an irregularity or an intention to carry out an inspection.

**Offset Recovery**

Reduced payments resulting from the “more than 50%” over-declaration or undue payments to be recovered as a consequence of irregularity or negligence can be offset against aid payments under other support measures. These measures are listed under Regulation (EU) No 1305/2013 and Regulation (EU) No 1307/2013. They include the Basic Payment Scheme and measures under the Rural Development Programme 2014-2020.

**Recovery of overpayments**

When offset recovery is not an option we will issue a recovery order for overpayments.
Annex D

Contact Us

If you need any help with your application, please contact us as shown below.

Phone: 0300 200 7848

Website Address: www.dardni.gov.uk/grants-and-funding

Grants and Funding Helpline: Tel: 0300 200 7848

Email: areabasedschemes@dardni.gov.uk