

## **Appendix 2: Eligibility in relation to applying to participate in Corncrake Farm Plan Scheme in new SPAs (designated 2011).**

### **2.1 Eligibility of participants.**

Applicants to the Pilot Corncrake Farm Plan Scheme (CFPS) must

- Be aged over 18 years on the date of application.
- Be actively farming their lands.
- Be registered with the Dept. of Agriculture, Fisheries and Food as a Herd or Flock owner. In certain cases where no stock are held on the farm the participant can satisfy this requirement by registering for a non animal reference number or by being registered as a tillage farmer. If there are two or more names registered on the Herd number then a joint application to the Pilot CFPS is required. Applicants, if not registered with Dept. of Agriculture, Fisheries and Food, must commit to doing so and provide proof they have been farming for past two years.
- Be able to provide proof of entitlement to farm the lands e.g. folio, long term lease to cover the full period of the plan. All lands owned, leased, and rented in or out, farmed or used by the applicant must be included in the plan.
- Have made an SPS return on all lands owned, leased, and rented in or out, farmed or used by the applicant, e.g. including turbarry and quarries, to the Dept. of Agriculture, Fisheries and Food in the current year.
  - This requirement in relation to SPS does not apply in cases where a parent, grandparent, aunt or uncle wishes to establish a young person in farming by transferring a full farm enterprise to them (see 2.3 split holdings). The transfer of a farm enterprise must include the transfer of management (though not necessarily the owner-ship) of the entire farm. Documentation in relation to land transfer must be included with the plan. The requirements as to land eligibility as out-lined in paragraph 2.2 still apply in these cases.
  - This requirement does not apply in cases where a new farming unit was created as a result of a court order e.g. following a marital separation or divorce.
  - Where a return has not been made in 2011, applicants must commit to making a return before May 2012.
- Not be participating in REPS. Where applicants were previously in REPS, their REPS number and official end dates must be declared.
- Not be participating in AEOS on the plots nominated for Pilot CFPS
- Not be in receipt of payments for any other agri-environmental scheme, on the nominated plots for Pilot CFPS without the consent of the NPWS. This includes such schemes as the Breeding Waders scheme. In practice NPWS may permit a Pilot CFPS contract to proceed provided the land in receipt of external funding is not due for payment under CFPS.

It is the responsibility of the CFPS planners and the participant to ensure that the above conditions are met.

### **2.2 Eligibility of lands for payment.**

To receive payments on lands in the Pilot CFPS, the lands must be owned by the applicant or a family member or held under a qualifying long-term lease (5 years from commencement date of plan if selected). All of the lands farmed by the applicant and declared on the current Single Payment Scheme return must be included in the plan. This includes lands that are ineligible for payment, e.g. conacre, turbarry plots or

lands rented to third parties or lands in a separate block in a different townland. No works are required on such lands and no payment will be made on them.

A participant remains free to sell, lease or rent out their property in any way they see fit. However if by exercising this right during the course of a Pilot CFPS contract they reduce the target area of their holding, it will result in a reduction in the payments made to them (and will necessitate a plan amendment).

Designated land farmed by an eligible applicant as outlined above is eligible to be considered for payment with the exception of the following;

- Rented or leased land where the unexpired lease period is less than five years from the commencement date of the agri-environmental plan under the scheme.
- Dwelling houses including associated buildings and grounds not used for farming;
- Public roads and tarmac or concreted farm roads.
- Lakes, wetlands such as swamps and other water bodies.
- All land on which forestry premia is being paid under Regulations (EEC) number 2080/ 92, 2328/ 91, 1257/ 1999, 1783/ 2003, 1698/ 2005, state aided forestry and commercial forestry. Orchards and coppices of native broadleaved trees (cutting cycles in excess of 10 years) are not considered as commercial forestry. Commercial forestry for the purposes of the NPWS Farm Plan Scheme is defined as including all of the following;
  - a) Plantations of conifers in excess of 0.1 hectares, whether grant aided or not.
  - b) Plantations of native tree species that are in receipt of forest premia payments.
  - c) Plantations of any other non native woody plant species e.g. Eucalyptus.
- Crops grown for the production of Bio-energy which are aided under the Bio-energy establishment scheme. These include all of the following.
  - a) Willow or other broadleaved trees, coppiced on cycles of less than 10 years for use as an energy crop.
  - b) Plantations of Elephant grass (*Miscanthus spp*).
- Land in public ownership unless a valid lease, with in excess of 5 years to run, is in place.
- Lands not managed for agriculture or as wildlife habitats, e.g. active quarries, active turbary, certain recreational areas e.g. golf courses, football pitches etc.
- Where an applicant has encroached onto commonage the applicant's share of the remaining commonage lands should be reduced accordingly. The sum of the encroached land and the commonage land should not exceed the shareholding in the commonage.

#### **Note**

Where payments were made on lands that are subsequently found to be ineligible, such overpayments shall be recouped by making an appropriate deduction from future payments under the scheme.

### **2.3 Split holdings.**

The NPWS will not approve applications to Pilot CFPS where it considers that holdings have been artificially created, enlarged or reduced. The NPWS may consult with the Dept. of Agriculture, Fisheries and Food in this regard.

### **2.4 Grazing of livestock owned by third parties.**

Taking in of stock belonging to a third party does not necessarily satisfy the requirement to be actively farming the land on which payment is sought. Participants in the scheme can allow the short term grazing of animals owned by others. provided;

- That the arrangement complies with current animal health regulations as laid down by the Dept. of Agriculture, Fisheries and Food.
- Any arrangement to take in stock belonging to third parties must be fully described in the Pilot CFPS plan. An NPWSc Form (form indicating third party interaction) must be signed by the applicant/participant and the owner of the livestock.
- The participant is responsible for the day to day management of the stock.
- If there are any changes to this arrangement during the course of the farm plan contract then the NPWS Agri-environment unit must be informed. An amended plan may be required in such cases.
- No breach of GAEC, the Statutory Management Requirements or the Nitrates Directive Regulations can be allowed to result from the operation of this agreement.
- It is the responsibility of the participant with the support of his/ her planners to ensure that the above conditions are met.