

# Eligible hectares and minimum agricultural activity

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For recent changes to this guidance, please see the [bottom of the page](#) .

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Under the Single Farm Payment Scheme, you had to declare eligible hectares to receive payment. Eligible, in this context, meant:

- arable land
- permanent pasture
- land used to grow permanent crops or
- as a minimum, land that was maintained in good agricultural and environmental condition

This allowed anybody claiming to receive income support, even if they were not undertaking an agricultural activity, such as growing crops or keeping livestock.

The new Basic Payment Scheme is significantly different.

The aim of this is to make sure that income support is only provided to those undertaking a minimum agricultural activity on eligible hectares. In the sections below, we explain what we mean by eligible hectares and minimum agricultural activity.

## Eligible hectares

It's important that you only declare eligible hectares for the purposes of an allocation of entitlements in the first year and for activating those entitlements for payment.

If you declare hectares, for payment that are found not to be eligible in terms of the below activity requirements, this will be treated as an over-declaration. As such, all area-based payments you have claimed (Basic Payment Scheme, Greening, Young Farmer) will be subject to penalties. In extreme cases, this will mean non-payment or recovery of all Direct Payments for the year concerned – as well as the following year.

An eligible hectare is defined as any agricultural area of your business' land used for an agricultural activity.

This means that on each hectare declared by you as eligible, you must carry out an agricultural activity on it. Without the activity, the land is not eligible and should not be declared for the purposes the Basic Payment Scheme, either at the stage of allocating entitlements or for payment.

## Minimum agricultural activity

The Basic Payment Scheme is area-based and has been regionalised to reflect the variation in the traditional land quality of land across Scotland. There are three payment regions:

- Payment Region One – this includes better quality agricultural land that has been used for arable cropping, temporary grass\* and permanent grass\*\*
- Payment Region Two – this includes rough grazing with a Less Favoured Areas (LFA) grazing category of B, C, D or non-LFA
- Payment Region Three – this includes rough grazing with an Less Favoured Areas grazing category A

In addition, Payment Regions Two and Three have been designated 'land naturally kept in a state suitable for grazing'. This means that there is a presumption that there has been no meaningful activity by you to maintain the agricultural potential the land.

Consequently, you must undertake a specified activity in order to turn such land into eligible hectares.

The minimum agricultural activity you must undertake to make sure the land is eligible for the Basic Payment Scheme is related to the region or regions applicable to the land declared on your Single Application Form.

These requirements apply to everyone claiming to the scheme although where there is a choice of activity to be undertaken that is up to the individual business concerned.

## Claiming land for different schemes – dual use

Under the regulations governing direct payments, Basic Payment Scheme entitlements can only be allocated to the farmer who makes decisions about, benefits from and takes on the financial risks of the agricultural activity on the land. However, it is possible in certain circumstances for the same agricultural area to be used to support a claim by the landowner and a rural development application by the tenant (as grazier or someone who grows crops).

This is called dual use.

Advice from the European Commission is that this situation is allowed in principle but should be considered on a case-by-case basis. This should take into consideration the eligibility conditions and requirements under the respective schemes. The latter is a key consideration because the European Commission has also re-stated the principle that there should be no double funding of similar activities under either direct payments or the Scottish Rural Development Programme.

We will consider claims involving dual use as part of the assessment of eligibility. It is up to the landowner and tenant to follow our standing advice on determining who has the land at their disposal for support under each pillar of the Common Agricultural Policy.

This means that the lessor and lessee need to reach a workable agreement that takes into account their respective obligations to ensure that claims likely to result in double funding are avoided. It also means that the parties must have written evidence of their respective rights, responsibilities and land at their disposal as of 15 May.

This evidence could be a tenancy agreement, grazing licence or letter.

Dual use is not permitted where the Basic Payment Scheme and Less Favoured Area Support Scheme are involved because both schemes rely on the applicant meeting the same farmer / active farmer obligations.

The information in this guidance describes the principles. If you need further advice, please contact your local area office. If you need specific guidance about your own potential claims, you should contact a professional adviser.

## Activity within payment regions

The minimum agricultural activities for each of the payment regions have been set as follows:

### Payment Region One

Where agricultural production activities are undertaken, these can encompass production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes.

Where no agricultural production activities are undertaken, the land must be maintained actively in a state suitable for grazing or cultivation. This means various actions according to the land. Across all land, the business must take action to control injurious weeds to which the Weeds Act 1959(1) applies and maintain access to those areas for livestock or agricultural machinery.

On areas of permanent grassland, you must be able to demonstrate maintenance of existing stock-proof boundaries and water sources for livestock, whilst on arable land, you must take action to prevent the encroachment of scrub.

### Payment Regions Two and Three

The normal minimum agricultural activity is to undertake an average level of stocking of 0.05 livestock units per hectare on all hectares for 183 days in each scheme year. A lower stocking density, in terms of numbers or period, may be acceptable.

To calculate your livestock units, see Annex E.

This must be justified by evidence, such as chronological records kept for an extended period or other evidence in respect of the carrying capacity of the whole or part of the holding (e.g. flock records, herd registers).

Alternatively, evidence can be provided where stocking levels have been lowered, again in terms of numbers or period, across the whole or part of the holding below 0.05 livestock units per hectare, as a result of an environmental management agreement with Scottish Natural Heritage or an agri-environmental commitment as part of the Scottish Rural Development Programme.

As an alternative to minimum stocking levels, you can carry out an annual Environmental Assessment across the whole or part of the holding, where land lies in Payment Regions Two and Three.

This will consist of three elements:

- a map and description of the farm environment
- a breeding bird, mammal, butterfly survey
- monitoring of habitats including plant health survey

You can choose to carry out a combination of minimum stocking and an annual Environmental Assessment, provided the minimum agricultural activity requirement can be met on all hectares (e.g. stocking or survey).

For any part of the business where you have elected to undertake an Environmental Assessment, documentation of a survey in process must be made available to our inspecting officers and in any event, when complete, must be sent to the relevant area office no later than 31 August.

As completion of the survey is an eligibility requirement for the Basic Payment Scheme, no payments can be made unless the completed survey has been received.

The survey should be undertaken by an environmental consultant or someone similar with suitable skills, which may include a member of the agricultural business.

If you purchase a survey, our inspectors will expect to see the relevant invoices and receipts.

'Suitable skills' need to be assessed based on proven evidence of knowledge of ecology, species, and survey techniques (e.g. completion of other similar surveys, membership of professional or voluntary body, such as the Chartered Institute of Ecology and Environmental Management, Botanical Society Britain and Ireland or a relevant university degree).

Guidance on completing the survey is included as Annex A.

\* - Temporary grass (TGRS) is grass sown down or reseeded in a five-year period following the growing of an arable or break crop

\*\* - Permanent grass (PGRS) is grass that has not been reseeded in the last five years. It continues to be described as PGRS when reseeded provided no break crop (arable or catch) has been grown

+ - Rough Grazing (RGR) are areas of low productivity grasses and other herbaceous forage and are constrained by issues such as poor drainage, steep slopes and/or rock (scree). These areas would be 'unimproved' and would not receive applications of mineral fertiliser or manure

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## Annex A – How to complete the Environmental Assessment

Business owners must carry out an Environmental Assessment every year across the parts of their holding that are designated as land naturally kept in a state suitable for grazing.

This will be land classed as Payment Regions Two and Three and upon which the minimum stocking density is not being undertaken. This has three elements:

1. a map and description of the farm environment
2. a breeding bird, mammal, butterfly survey
3. monitoring of habitats including plant health survey

The reliability of the assessment is dependent on the observers used to collect the information. Using appropriately skilled and experienced observers is therefore essential.

### **A map and description of the farm environment**

You must carry out a habitat survey and record the information on a Environmental Map and Environmental Table. An example of a Environmental Map is shown in Annex C, and a Environmental Table is shown in Annex D.

The Environmental Map must clearly show the following:

- the boundaries of the land parcels subject to the farm audit and survey
- boundaries of the following protected places for nature: Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC); and boundaries of protected places for history, e.g. Scheduled Monument
- the habitat survey should map the UK Biodiversity Action Plan broad habitat types (listed below in Annex B)

The Environmental Table must include a row for each habitat identified in the Environmental Map setting out the following information:

- land use
- further detail on broad habitat types
- presence of any species of interest (as a minimum, must record all birds, mammals and butterflies recorded through the annual surveys)
- description of major pressures (e.g. presence of invasive species), environmental risks and opportunities for biodiversity
- description of habitat condition

### **Breeding bird survey**

Carry out an annual distribution and abundance survey of breeding birds. According to the habitats present on a holding there are a number of different techniques that could be used for surveying birds.

In cases where the main habitat present is rough grazings and/or open moorland it is recommended that surveys are undertaken in accordance with the methodology described below, adopted from Brown and Shepherd (1993).

The survey area and design must adequately cover the entire area of land naturally kept. The methodology requires four survey visits at least seven days apart.

These should cover the whole breeding season between mid-April and July, and be done between 0830 hours and 1800 hours. They should be carried out in a wind of Beaufort force four or less, and in dry weather.

For each survey, the date, time and weather conditions must be recorded. In order to maintain search intensity, the minimum time of 20–25 minutes per 500 metres x 500 metres should be maintained, this is equivalent to one minute per hectare.

The observer must follow a route walking through each area of land naturally kept such that all parts are approached to within at least 100 metres. At regular intervals (approximately every 100 metres) the observer should scan around with binoculars as far as terrain or weather allowed and listen for calls or song.

For each bird observation, the location, British Trust for Ornithology (BTO) species code, behaviour (such as singing, displaying, alarm calls and so on) and the number of birds must be recorded on a 1:25,000 scale map. You can view a list of BTO species codes below.

### [BTO species codes](#)

At the end of each visit the bird registrations on the map can be reviewed to identify breeding pairs / territories. At the end of the season all four maps will need to be combined to produce a final map identifying the total number and location of breeding birds present in the survey area.

If other habitats are present, e.g. open woodland, or if there is a rare or scarce bird species present a suitable method could be selected from the following books:

- Bird Monitoring Methods – Gilbert, G. et al, RSPB (1998)
- Raptors: A field guide for surveys and monitoring – Hardey, J. et al, Scottish Natural Heritage (2009)

For all survey methods a paper copy of all the maps should be retained as evidence of the activity.

We encourage submission of data to the BTO on-line recording system, [Birdtrack](#), as a 'Species list' for your site.

Further details:

- Brown, A.F. & Shepherd, K.B. (1993) A method for censusing upland breeding waders. *Bird Study*, 40: 189–195
- Scottish Natural Heritage: [Recommended bird survey methods to inform impact assessment of onshore wind farms](#)

### **Mammal survey**

The survey activity must also cover observation of mammals on the transects and a separate record must be provided. When undertaking the four bird survey visits, record sightings or signs of mammals in the [specific form](#).

Mammal survey results can be submitted to the National Biodiversity Network through the [iRecord](#) webpage.

A paper copy of the form must be retained as evidence of the completion of the activity.

### **Butterfly survey**

Carry out an annual survey of butterflies.

In order to cover every hectare of land, the survey must consist of two, parallel, one-kilometre transects (straight lines or as near to this as is physically possible) as a minimum, for every square kilometre (100 hectares), with a requirement of three site visits in the required season and timings.

Three visits are required in June, July and August (with at least 10 days between the three visits). Follow the more [detailed guidance](#) available from the UK Butterfly Monitoring Scheme.

Butterfly survey results can be submitted by post to Butterfly Conservation Scotland, Balallan House, 24 Allan Park, Stirling FK8 2QG.

A paper copy of the form for each visit must be retained as evidence of the completion of the activity.

### [Paper form](#)

### **Monitoring of habitats**

Vegetation monitoring must be carried out once a year across all broad habitats mapped as part of the habitat survey above. It will be targeted at two elements:

- an assessment of the impacts of grazing
- the presence or absence of invasive non-native species

Results must be recorded on the Environmental Table.

An assessment of grazing impacts:

Monitor 30 plots (two metres x two metres) per habitat to cover all the land designated as land naturally kept in a state suitable for grazing.

- vegetation monitoring of broad habitats must follow the methodology set out in the [Best Practice Guide to Habitat Impact Assessments: Principles in Practice](#) . The monitoring should cover as a minimum two of the most widespread habitats. For example in upland areas, blanket bog and dwarf shrub heath are two of the habitats that tend to dominate

The methodology requires setting out 30 plots per habitat. These points are annually assessed for deer and herbivore impacts to provide an analysis of herbivore impacts and habitat condition.

Use one form per plot (each habitat as a different recording form, available from the [Best Practice Guides website](#) and provide an analysis of each habitat in the Environmental Table.

For each habitat provide an analysis:

1. average the frequency of each impact
2. look at the trend in the averages over time (i.e. is the impact increasing, decreasing or unchanged?)
  - for woodland habitats, the required methodology is set out in the [Woodland Grazing Toolbox](#)

The methodology assesses herbivore impacts based on assessing and quantifying the impacts on a series of seven universal indicators which comprise:

- basal shoots
- epicormic and lower shoots
- bark stripping and stem breakage
- seedlings and saplings
- preferentially browsed or grazed plants
- sward and
- ground disturbance

The method assesses how much in broad categories of the last 12 months' growth has been removed (e.g. greater than 90 per cent, greater than 50 per cent and less than 90 per cent, greater than 10 per cent and less than 50 per cent and less than 10 per cent).

This is done for each of the seven indicators (where they are present).

The presence and absence of invasive non-native species:

Record in the Environmental Table presence / absence of invasive species and extent. The key species to include are:

- rhododendron
- Japanese knotweed
- Himalayan balsam
- giant hogweed
- grey squirrel

Record in the Environmental Table encroachment of bracken on open habitats such as heathland, grassland and bogs where identified.

### **Plant health survey**

A survey of plant health must be carried out on an annual basis. Any sightings of emerging plant pests or diseases identified as part of the habitat survey must be recorded on the Environmental Table.

This must include any observations of symptoms that may be due to non-native *Phytophthora* diseases from visual inspection of areas of blueberry and juniper plants

*P. ramorum* and *kernoviae* are fungus-like pathogens causing serious and often fatal diseases on a wide range of trees and shrubs. The aim of this survey is to establish whether these pathogens have spread to blueberries in Scottish heathland.

Information about these diseases and how to recognise symptoms is available via the links below:

- [Juniper – \*Phytophthora austrocedri\* disease](#)
- [Blueberry – \*Phytophthora ramorum\* / \*kernoviae\* disease](#)

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## Annex B – List of BAP broad habitat types

	Revised broad habitat types	Priority habitats
1	Broadleaved, mixed and yew woodland	Upland oak woodland Lowland beech Upland mixed ashwoods Wet woodlands Lowland wood pastures and parkland*
2	Coniferous woodland	Native pine wood
3	Boundary and linear features	Ancient and/or species rich hedgerows
4	Arable and horticulture	Cereal field margins
5	Improved grassland	Coastal and floodplain grazing marsh*
6	Neutral grassland	Lowland meadows Upland hay meadows
7	Calcareous grassland	Lowland calcareous grassland Upland calcareous grassland
8	Acid grassland	Lowland dry acid grassland
9	Bracken	
10	Dwarf shrub heath	Lowland heathland Upland heathland
11	Fen, marsh and swamp	Purple moor grass and rush pastures Fens Reedbeds
12	Bogs	Lowland raised bogs Blanket bog
13	Standing open water and canals	Mestrophic standing waters Eutrophic standing waters Aquifer fed naturally fluctuating water bodies
14	Rivers and streams	Chalk rivers
15	Montane habitats	
16	Inland rock	Limestone pavements
17	Built up areas and gardens	

\* Priority habitats which are habitat complexes (e.g. grazing marsh or lowland wood pasture and parkland) represent distinctive and biologically important land-use systems which have given rise to characteristic habitat mosaics. Elements of these mosaics are drawn from a range of broad habitat types and therefore they cannot be assigned to a single type within the Broad Habitat Classification.

### Further references



See the [JNCC web site](#), which has a list of descriptions for each of the UK Biodiversity Strategy Broad Habitats and [descriptions for the UK Biodiversity Strategy Priority Habitats](#).

[Biodiversity Scotland's Broad Habitat definitions](#)

Scottish Natural Heritage commissioned report no 445, Inventory of terrestrial and freshwater BAP priority habitats and Annex I habitats

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## [Annex C – Environmental Assessment map example](#)



[Environmental Assessment map example \(PDF, Size: 144.2 kB\)](#)

doc\_external\_url: <https://www.ruralpayments.org/media/resources/Annex-C---assessment-map-example.pdf> Example of an Environmental Assessment map

## [Annex D – Environmental Table template example](#)



[Environmental Table template example \(PDF, Size: 135.9 kB\)](#)

doc\_external\_url: <https://www.ruralpayments.org/media/resources/Annex-D---example-template-for-FEA.pdf> Example of an Environmental Table template

## [Annex E – Agricultural activity: calculating 'Active Farmer' eligibility](#)

An important part of being eligible to apply for the Basic Payment Scheme is being able to meet the requirement of being an active farmer.

An active farmer is a farmer who produces, rears or grows agricultural products, including through harvesting, milking, breeding animals, and keeping animals for farming purposes.

In order for land to be eligible for claiming under the Basic Payment Scheme, you must undertake the minimum activity for the payment region your land is in.

In addition, if more than 50 per cent of your business' holding is land naturally kept in a state suitable for grazing or cultivation (this is all land designated as Payment Region Two or Three), you must undertake the production, rearing or growing of agricultural products on some of the Payment Region Two and/or Three land to be classed as an active farmer.

You do not need to undertake the minimum activity unless you wish to claim the land under the Basic Payment Scheme.

In summary, carrying out some agricultural activity on land naturally kept is enough to make you eligible to claim direct payments. But, for any land to be eligible to claim, including land naturally kept, the minimum agricultural activity rules must be met on it.

In terms of agricultural livestock production on land in Payment Regions Two and Three, the minimum activity is:

- a stocking density of 0.05 livestock units per hectare, or
- a stocking density of less than 0.05 livestock units per hectare where the farmer can demonstrate that such a stocking density is appropriate for the land by reference to the historic records kept in respect of the carrying capacity of the holding, or
- an environmental management agreement with Scottish Natural Heritage or an agri-environment commitment to which the farmer is subject the regulations for rural development support

For the purposes of the stocking density calculation, a 'livestock unit' means a unit of measurement of livestock numbers, and each of the following constitute one livestock unit:

- one beef cow over 24 months of age



- 1.66 beef cows over 20 months and up to and including 24 months of age
- one dairy cow over 24 months of age
- 1.66 dairy cows over 20 months and up to and including 24 months of age
- 6.66 breeding ewes, ewe hoggs or gimmers
- 6.66 breeding goats kept as part of a regular breeding herd for fibre production
- 3.33 breeding llamas kept as part of a regular breeding herd
- 2.5 farmed deer: adult stags (27 months and over)
- 3.33 farmed deer: hinds, including suckling calves (27 months and over)
- five farmed deer: juveniles (six to 27 months)

## Recent changes

Section	Change
<a href="#">Annex E</a>	Ewe hoggs added to livestock unit with ewes and gimmers.

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