In accordance with section 50 (6) (d) of the Agriculture Act 2020 a draft of these Regulations has been laid for approval and resolution by the Assembly.

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2025 No. 0000

AGRICULTURE

The Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025

Made - - - - XXXX 2025

Coming into operation in accordance with regulation 1 (2) and (3)

The Department of Agriculture, Environment and Rural Affairs, in the exercise of the powers conferred by section 48 of and paragraphs 2(1) and 5(1) of Schedule 6 to, the Agriculture Act 2020(**a**) and Article 35 of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013(**b**) makes the following Regulations:

Citation and Commencement

1.—(1) These Regulations may be cited as the Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025 and shall come into operation as follows.

(2) Subject to paragraph (3), regulation 2(1) (in the definitions of "discrete areas of eligible woodland" and "land"), regulation 5(1)(a), regulation 6 and regulation 9(4) shall come into operation on the day they are made.

(3) All other regulations shall come into operation on 1 January 2026.

Interpretation

2.—(1) In these Regulations–

"agricultural parcel" has the same meaning as in paragraph 4(a) of Article 67 of the Horizontal Regulation;

"applicant" means an eligible farm business which has applied for a payment under the scheme;

"blanket bog" has the same meaning as in the Habitat Guide: Blanket Bog(**c**);

"the Commission Delegated Regulation" means Commission Delegated Regulation (EU) No. 640/2014(**d**) of 11 March 2014 supplementing Regulation (EU) No. 1306/2013 of the

(**a**) 2020 c. 21
(**b**) EUR 1307/2013
(**c**) The respective Habitat Guides are published in the current 2025 Northern Ireland Priority Habitat Guides at https://www.daera-ni.gov.uk/publications/habitat-guide-lowland-raised-bog
(**d**) EUR 640/2014

European Parliament and of the Council(**a**) with regard to the integrated administration and controls system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance;

"the Commission Implementing Regulation" means Commission Implementing Regulation (EU) No. 809/2014(**b**) of 17 July 2014 laying down the rules for the application of the Horizontal Regulation and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance;

"the Department" means the Department of Agriculture, Environment and Rural Affairs;

"the Direct Payments Regulation" means Regulation (EU) No. 1307/2013 of the European Parliament and Council of 17 December 2013 establishing the rules for direct payments to farmers under support schemes within the framework of the common agricultural policy;

"discrete areas of eligible woodland" means woodland parcels mapped on the LPIS which are less than 5 hectares;

"eligible farm business" means a farm business which has applied for a payment under the scheme on or before 9 June in each scheme year and meets all requirements of the scheme;

"the Horizontal Regulation" means Regulation (EU) No. 1306/2013 of the European Parliament and of Council on the financing, management and monitoring of the common agricultural policy;

"ineligible features and land uses" means features and land uses specified in Schedule 1;

"land" means land mapped on the LPIS and includes an agricultural parcel;

"lowland raised bog" has the same meaning as in the Habitat Guide: Lowland raised bog;

"LPIS" means the Land Parcel Identification System maintained by the Department;

"the Rural Development Regulation" means Regulation (EU) No. 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development;

"scheme" means the Farm Sustainability Payment Scheme administered by the Department;

"scheme year" means a year beginning on 1 January and ending on 31 December;

"soft features" means any vegetative features not included in Schedule 1;

"the Soil Nutrient Health Scheme" means the Soil Nutrient Health Scheme administered by the Department;

"training" means training provided by or on behalf of the Department;

"woodland block" means an area comprising a number of woodland parcels which, based on previous declarations or otherwise, appear to be managed as a single entity and together has an area of 5 or more hectares;

"zoological conservation land" means land on which animals not typically used in Northern Ireland for farming purposes are kept primarily for study, conservation or display of those animals to the public.

(2) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to an Act of the Assembly.

Fam Sustainability Payment; Conditionality requirements

3.—(1) An eligible farm business must have registered and completed training offered to it for the Soil Nutrient Health Scheme by 15 May 2027.

(**a**) EUR 1306/2013
(**b**) EUR 809/2014
(**c**) 1954 c.33(N.I.)

(2) An eligible farm business keeping bovine animals must have registered and completed training offered to it in relation to bovine genetics as the Department may require by 15 May 2028.

Land Eligibility Requirements

4.—(1) The following land or woodland is eligible for the scheme.

(2) Land is eligible for the scheme when–

(a) it has a boundary recognised by the Department including land with soft features or blanket bogs or lowland raised bogs;

(b) the applicant–

(i) has included as part of their application discrete areas of eligible woodland; or

(ii) has included as part of their application up to and including seventy per cent stones, scree, rock or scattered rock.

(3) Woodland that is or has been part of a forestry or agri-environment scheme administered by the Department on or after 1 January 2009 is eligible for the scheme.

5.—(1) Woodland which does not meet the eligibility requirements of regulation 4(3) is ineligible for the scheme if it is–

(a) not mapped on the LPIS on the date of the coming into operation of this regulation;

(b) a discrete area of woodland which is 5 hectares or more;

(c) part of a woodland parcel which is less than 5 hectares and is contained in a woodland block; or

(d) state-owned or on state-owned land.

(2) For the purposes of this regulation, "state-owned land" means land owned by a public authority as defined by the Rural Needs Act (Northern Ireland) 2016(**a**), or Northern Ireland Water Limited.

6. Where–

(a) land is to be mapped on the LPIS for the first time, an eligible farm business must provide such information in relation to the identification of and the applicant's title to that land as the Department may require; or

(b) land is already mapped on the LPIS, the proof of title as specified in paragraph (a) is required only if requested by the Department.

Use of the LPIS information

7.—(1) The Department shall use the information recorded on the LPIS to determine whether the requirements in regulations 4 to 6 are met.

(2) Information provided by the LPIS shall be deemed conclusive evidence unless otherwise rebutted or corrected to the satisfaction of the Department.

Amendment of the Common Agricultural Policy Basic Payment and Support Schemes Regulations (Northern Ireland) 2015

8.—(1) The Common Agricultural Policy Basic Payment and Support Schemes Regulations (Northern Ireland) 2015(**b**) shall be amended as follows.

(2) In regulation 2(1) in the appropriate places insert–

""agricultural activity" has the same meaning as in the Direct Payments Regulation;"

(**a**) 2016 c. 19 (N.I.)
(**b**) S.R. 2015 No. 191

""Farm Sustainability Payment Scheme" has the same meaning as in the Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025;" ;and

""management control" in relation to land means management control for the purpose of any agricultural activity in the relevant scheme year and includes authority from the owner of the land to carry out the agricultural activity;".

(3) In regulation 10A–

(a) The first paragraph shall be re-numbered (1);

(b) after that paragraph insert–

"(2) An applicant for the Farm Sustainability Payment Scheme must have management control of any agricultural activity carried out on land used to activate entitlements.

(3) An applicant for the Farm Sustainability Payment Scheme must carry out agricultural activity on at least 3 hectares of land used to activate entitlements.

(4) Where an applicant for the Farm Sustainability Payment Scheme submits a claim of less than 5 hectares of land to activate entitlements, the applicant must carry out agricultural activity on at least 2 hectares of land used to activate entitlements."

(4) For regulation 15 substitute–

"**15.** For the purposes of Article 11(1) of the Direct Payments Regulation, where the payments to be granted to a farmer pursuant to Chapter 1 of Title III of that Regulation for a given calendar year exceed the amount stated in Column 1 of the Table it must be reduced by the percentage stated in Column 2 or Column 3 of the Table in Schedule 2 of the Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025 as the case may be."

Amendment of the Farm Sustainability (Transitional Provisions) Regulations (Northern Ireland) 2025

9.—(1) The Farm Sustainability (Transitional Provisions) Regulations (Northern Ireland) 2025(**a**) shall be amended as follows.

(2) In regulation 3(1) for "From 1 January 2026" substitute "In the scheme year 2026".

(3) In regulation 3(2) after "An applicant for the scheme" insert "in the scheme year 2026".

(4) For regulation 6 substitute–

"**6.**—(1) Subject to paragraphs (2) to (4), a farm business not eligible for the Farm Sustainability Payment Scheme in 2026 may transfer entitlements to an eligible farm business by 15 May 2026.

(2) Subject to paragraph (3), a farm business not eligible for the Farm Sustainability Payment Scheme in 2026 may not transfer entitlements under paragraph (1) to a farm business created with a new farm business identification number issued on or after XXXX 2025.

(3) The prohibition on transfer of entitlements in paragraph (2) shall not apply to a transfer of entitlements by way of actual inheritance.

(4) For the purposes of this regulation, actual inheritance has the same meaning as in Article 34 of the Direct Payments Regulation.".

Amendment of the Direct Payments Regulation

10.—(1) The Direct Payments Regulation shall be modified as follows.

(2) For Article 11, paragraph 1 substitute–

(**a**) S.R. 2025 No. 33

"(1) The relevant authority shall reduce the amount of payments pursuant to Chapter 1 of Title III for a given calendar year by the amount stated in regulation 15 of the Common Agricultural Policy Basic Payment and Support Schemes Regulations (Northern Ireland) 2015 for the relevant years.".

(3) In its application to the Farm Sustainability Payment Scheme, Article 31 paragraph 1(b) shall commence on 1 January 2026.

(4) In Article 32 paragraph 1A–

(a) in sub paragraph (ii), before "Scheme" insert "Payment"; and

(b) in sub paragraph (iii), before "Scheme" insert "Payment".

(5) In Article 32, in paragraph 2 after sub-paragraph (a) insert–

"(aa) any area of the holding comprising–

(i) blanket bog or lowland raised bog;

(ii) a discrete area of woodland less than 5 hectares;

(iii) such vegetative features as the relevant authority may determine; or

(iv) up to and including seventy per cent stones, scree rock or scattered rock;".

(6) In Article 32, omit paragraph 2 (b).

Amendment of the Commission Delegated Regulation

11.—(1) The Commission Delegated Regulation shall be amended as follows–

(2) In Article 13, omit paragraph 3.

(3) Omit Article 14.

(4) For Article 16 substitute–

"**Non-compliance**

16. If, for a given year, a beneficiary has not met the conditionality requirements in–

(a) regulation 3(1) of the Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025, they shall have the penalties in Table 1 of Schedule 3 of those Regulations applied to their scheme payment; or

(b) regulation 3(2) of the Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025, they shall have the penalties in Table 2 of Schedule 3 of those Regulations applied to their scheme payment.".

(5) In Article 19, omit paragraphs 2 and 3.

(6) In Article 19a, in paragraph 1, for "1,5" substitute "2" and omit paragraph 2.

Amendment of the Commission Implementing Regulation

12.—(1) The Commission Implementing Regulation shall be amended as follows–

(2) In Article 6–

(a) in paragraph 2(c) omit "and 14";

(b) for paragraph 2(d) substitute–

"(d) the amount resulting from the application of point (c) shall serve as a basis for the calculation of any reductions to be applied in a case of non-compliance of conditionality requirements in accordance with Article 16 of Commission Delegated Regulation (EU) No. 640/2014;";

(c) for paragraph 4 substitute–

"**4.** The amount resulting from the application of paragraph 2 shall serve as a basis for the calculation of any reductions to be applied in a case of non-compliance–";

(d) after paragraph 4 insert–

"(a) in accordance with Chapter II of Title IV of Commission Delegated Regulation (EU) No. 640/2014, identified after 1 January 2026; and

(b) of the Farm Sustainability Standards in accordance with Chapter II of Title IV of Commission Delegated Regulation (EU) No. 640/2014.".

(3) In Article 11, paragraph 4–

(a) in each place, for "26" substitute "30";

(b) for "the calendar day" substitute "five calendar days".

(4) In Article 30–

(a) for "For area-related schemes the control sample for on-the-spot checks carried out each year shall cover at least:" substitute "For area-related schemes the control sample for on-the-spot checks carried out each year shall be determined by the relevant authority.";

(b) omit paragraphs (a) to (d).

(5) In its application to the Environmental Farming Scheme administered by the relevant authority under the Rural Development Regulation (EU) No. 1305/2013, Article 32 shall be read as if–

(a) in paragraph 1–

(i) in the first and second sub-paragraphs, for "at least 5%" there were substituted "the appropriate percentage";

(ii) in the first sub-paragraph for "5%" there were substituted "the appropriate percentage";

(b) in paragraph 2a, in sub-paragraphs (a) and (b), in each place it occurs, for "5%" there were substituted "the appropriate percentage";

(c) in paragraphs 1 and 2a, "the appropriate percentage" was defined as "such percentage as the relevant authority may determine".

(6) In Article 72, omit paragraph 3.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on XXXX 2025

Senior Officer
A senior officer of the Department of Agriculture, Environment and Rural Affairs

SCHEDULE 1

Regulation 2(1)

Ineligible features and land uses
Areas of stone, rock or rocky outcrops and scree that are assessed by the Department at greater than 70 per cent
Areas fenced off within land used for storage, such as for silage bales, machinery or stones
Beaches
Buildings or building sites
Designated streams, rivers and watercourses maintained by the Department for Infrastructure
Golf courses and any other permanent sports facilities
Land used for growing Christmas trees
Land used for turf cutting
Land within the curtilage of an airstrip or airport whether used for agricultural activities or otherwise
Laneways where these are not grassed over

Land used for solar panels
Polytunnels not used for horticultural production
Ponds and lakes
Public gardens and parks whether used for agricultural activities or otherwise
Private gardens including lawns whether used for agricultural activities or otherwise
Quarries, sand pits or gravel pits
Racecourses or gallops
Roadways
Rock and cliff faces
Slurry store sites
Yards or hard-standing or concreted areas and paths
Zoological conservation land

SCHEDULE 2

Regulation 8(4)

Reductions

Column 1 Payment band	*Column 2 Capping reduction for 1 January 2026 to 31 December 2026 (%)*	*Column 3 Capping reduction for 1 January 2027 to 31 December 2027 and subsequent calendar years (%)*
£190,000.01 or more	100	100
£150,000.01 to £190,000.00	40	80
£100,000.01 to £150,000.00	30	60
£80,000.01 to £100,000.00	20	40
£60,000.01 to £80,000.00	10	20
£0 to £60,000.00	0	0

SCHEDULE 3

Regulation 11(4)

Penalties

Table 1

Penalty to be applied for 2027 calendar year (%)	*Penalty to be applied for 2028 calendar year onwards (%)*
10	15

Table 2

Penalty to be applied for 2028 calendar year (%)	*Penalty to be applied for 2029 calendar year onwards (%)*
10	15

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the requirements for farm sustainability payments provided by the Department. The payments made by the Department of Agriculture, Environment and Rural Affairs are to applicants who are eligible for farm sustainability payments.

The Scheme–

specifies the conditionality requirements for the scheme (regulation 3);

specifies the land eligibility requirements for the scheme (regulations 4, 5 and 6);

specifies the use of information on the LPIS for the scheme (regulation 7);

specifies amendments to the Common Agricultural Policy Basic Payment and Support Schemes Regulations 2015 (regulation 8);

specifies amendments to the Farm Sustainability (Transitional Provisions) Regulations (Northern Ireland) 2025 (regulation 9);

specifies amendments to the Direct Payments Regulation (regulation 10);

specifies amendments to the Commission Delegated Regulation (regulation 11);

specifies amendments to the Commission Implementing Regulation (regulation 12);

lists ineligible features and land uses for the scheme (see Schedule 1);

lists payment reductions for the scheme (see Schedule 2); and

lists penalties for the scheme (see Schedule 3).

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