STATUTORY RULES OF NORTHERN IRELAND

2026 No. 105

AGRICULTURE

The Farming with Nature Scheme (Amendment) Regulations (Northern Ireland) 2026

Made - - - -	*4th June 2026*
Coming into operation	*25th June 2026*

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by section 48 of, and paragraph 5 of Schedule 6 to the Agriculture Act 2020(**a**) and Article 28(10)(2)(d) of Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of 17 December 2013(**b**), makes the following Regulations:

PART 1

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Farming with Nature Scheme (Amendment) Regulations (Northern Ireland) 2026 and shall come into operation on 25 June 2026.

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

PART 2

Amendments to the Farming with Nature Scheme

Amendments to the Farming with Nature Scheme Regulations (Northern Ireland) 2025

2.—(1) The Farming with Nature Scheme Regulations (Northern Ireland) 2025(**d**) are amended as follows.

(2) In regulation 2(1)–

(a) for the definition of "permanent grassland area" substitute–

> ""permanent grassland sensitive area" means as required by Article 32A of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within

(**a**) 2020 c. 21
(**b**) EUR 1305/2013
(**c**) 1954 c. 33 (N.I.)
(**d**) S.R. 2025, No. 101

the framework of the common agricultural policy(**a**) areas including peat and wetlands covered by either or both the Wild Birds Directive(**b**) and the Habitats Directive(**c**) which are environmentally sensitive and which need protection to meet the requirements of these directives;".

(b) at the appropriate place insert–

" "machinery" includes–

(i) digging machines;

(ii) mobile cranes;

(iii) generators or compressors;

(iv) construction equipment, including wheel loaders, bulldozers, crawler tractors, crawler loaders, truck-type loaders, off highway vehicles and hydraulic excavators;

(v) agricultural equipment;

(vi) self-propelled agricultural vehicles including tractors and quad vehicles; and

(vii) fork-lift trucks".

(3) In regulation 4(1), omit sub-paragraph (b) and the word "and" immediately preceding.

(4) In regulation 8(2), for "£9,500" substitute "£20,000".

(5) Omit regulation 9.

(6) For regulation 10 substitute–

"**10.** In the application of Commission Implementing Regulation (EU) 640/2014 to this scheme–

(a) Article 19 shall not apply;

(b) in Article 36, the words from "The suspension" to the end of the article shall not apply.".

(7) In Schedule 1–

(a) for paragraph 1 substitute–

"**1.** An applicant planting a new hedgerow must–

(a) plant a hedgerow–

(i) where no hedgerow currently exists; or

(ii) where there is a continuous gap of 10 metres or more between existing hedgerows;

(b) ensure each individual length of new hedgerow planted is a minimum of 10 metres;

(c) plant three or more species of native hedge plants listed in Schedule 4 with an average of 6 native plants per metre;

(d) protect newly planted hedgerows from damage by grazing livestock or wildlife on all sides;

(e) manage the hedgerow to prevent growth being negatively affected by weeds;

(f) manage and maintain the full length of hedgerow planted;

(g) complete all work related to this action by 28th February 2027;

(h) retain evidence, as the Department may specify, of the quantity and species of native hedge plants used;

(**a**) EUR 1307/2013
(**b**) Directive 2009/147/EC
(**c**) Directive 92/43/EEC

(i) not plant a new hedgerow–

(i) on permanent grassland sensitive areas;

(ii) against an existing hedgerow;

(iii) on the field side of a 2 metre riparian buffer strip;

(iv) under the shade of an existing treeline or woodland; or

(v) against a stone wall; and

(j) ensure if erecting protective fencing it meets the eligibility criteria in Schedule 2.".

(b) for paragraph 3 substitute–

"**3.** An applicant creating a riparian buffer strip must–

(a) establish it–

(i) alongside a watercourse; or

(ii) alongside both sides of an internal watercourse;

(b) create a riparian buffer strip that is;

(i) a minimum distance of 2 metres from the edge of a watercourse; or

(ii) a minimum distance of 7 metres from the edge of a watercourse;

(c) erect continuous protective fencing adjacent to the entire length of the watercourse along–

(i) each field boundary; and

(ii) both sides of an internal watercourse;

(d) install a gate and two posts to riparian buffer strips 7 metres wide every 150 metres, or part thereof;

(e) ensure access to the watercourse for maintenance purposes is not obstructed;

(f) complete all work related to this action by 28th February 2027; and

(g) retain the riparian buffer strip for a period of at least 15 years beginning with 28th February 2027.".

(c) for paragraph 4 substitute–

"**4.**—(1) An applicant planting trees must–

(a) not plant trees–

(i) on land within 5 metres of a designated watercourse;

(ii) on flood defence areas;

(iii) on riparian buffer strips;

(iv) within hedgerows; or

(v) on permanent grassland sensitive areas;

(b) plant three or more native tree species listed in Schedule 5;

(c) ensure a minimum of 0.05 hectares are planted at 2.5 metre spacing in the same plot at a planting rate of 1,600 trees per hectare;

(d) support and protect each newly planted tree from damage by grazing livestock or wildlife on all sides;

(e) exclude livestock from the area in which the new trees are planted;

(f) manage and maintain trees planted including the removal of grass or weeds negatively impacting tree growth;

(g) ensure that access to watercourses for maintenance purposes is unobstructed;

(h) retain evidence, as the Department may specify, of the quantity and native tree species used;

(i) complete all work related to this action by 28th February 2027;

(j) retain planted trees for a minimum period of 20 years beginning with 28th February 2027; and

(k) ensure if erecting protective fencing it meets the eligibility criteria in Schedule 2.".

(d) for paragraph 5 substitute–

"**5.**—(1) The criteria in paragraphs (2), (3), (4) and (5) apply to this action.

(2) This action may be completed on arable land on which is growing–

(a) cereal;

(b) oilseed rape;

(c) protein crop; or

(d) linseed.

(3) This action must not be completed on–

(a) permanent grassland sensitive areas; or

(b) stubble following the harvest of–

(i) maize; or

(ii) under-sown crops.

(4) An applicant may retain winter stubble on a minimum area of 0.1 hectare.

(5) An applicant retaining winter stubble must–

(a) not apply inorganic fertiliser after the harvest;

(b) not apply non-selective herbicides before or after the harvest;

(c) retain that winter stubble, in line with normal husbandry practice;

(d) retain it from after the harvest until 15th February 2027;

(e) ensure that straw is either–

(i) removed after the harvest;

(ii) stored in field as bales; or

(iii) left as chopped straw; and

(f) ensure stubble is not grazed or cut.".

(e) for paragraph 6 substitute–

"**6.**—(1) The criteria in paragraphs (2), (3) and (4) apply to this action.

(2) This action must be completed on arable land.

(3) An applicant establishing multi-species winter cover-crop must–

(a) not apply inorganic fertiliser;

(b) establish it across a minimum area of 0.1 hectare in line with normal husbandry practice;

(c) use a seed mix containing at least 4 species from 2 or more of the following plant families–

(i) brassicas;

(ii) legumes;

(iii) cereals or grasses; and

(iv) herbs;

(d) retain evidence, as the Department may specify, of the seed mix used; and

(e) retain it until 15th February 2027 and then destroy it in line with normal husbandry practice.

(4) This action must not be completed on permanent grassland sensitive areas.".

(f) after paragraph 6 insert–

"**Eligible scheme actions; Arable – unharvested cereal margin between 3 and 12 metres**

7. An applicant creating an unharvested cereal margin on arable land between 3 and 12 metres wide must–

(a) not create it on–

(i) permanent grassland sensitive areas; or

(ii) a maize crop;

(b) not apply–

(i) organic fertilisers;

(ii) inorganic fertilisers; or

(iii) lime;

(c) not apply plant protection products, except for the spot treatment of noxious or invasive weeds;

(d) create it along part of or for the entire field boundary, where the main field crop is cereal, in line with normal husbandry practice;

(e) create it in a minimum area of 0.1 hectare;

(f) protect it from grazing and damage by livestock or machinery; and

(g) ensure that it is retained until 28th February 2027.

Eligible scheme actions; Arable – grass margin between 3 and 12 metres

8. An applicant creating a grass margin on arable land between 3 and 12 metres wide must–

(a) not create it on permanent grassland sensitive areas;

(b) not apply–

(i) organic fertilisers;

(ii) inorganic fertilisers; or

(iii) lime;

(c) not apply plant protection products, except for the spot treatment of noxious or invasive weeds;

(d) create it along part or for the entire field boundary, where the main field crop is cereal in line with normal husbandry practice;

(e) create it in a minimum area of 0.1 hectare;

(f) establish it using an untreated seed mix of tussock forming grasses and fine grasses listed in Table 1 of Schedule 6;

(g) protect it from grazing and damage by livestock or machinery;

(h) retain evidence, as the Department may specify, of the seed mix used;

(i) establish it by 28th February 2027; and

(j) retain it for at least 5 years beginning with 28th February 2027.

Eligible scheme actions; Arable – flower-rich grass margin between 3 and 12 metres

9. An applicant creating a flower-rich grass margin on arable land between 3 and 12 metres must–

(a) not create it on permanent grassland sensitive areas;

(b) not apply–

(i) organic fertilisers; or

(ii) inorganic fertilisers; or

(iii) lime;

(c) not apply plant protection products, except for the spot treatment of noxious or invasive weeds;

(d) create it along part or for the entire field boundary, where the main field crop is cereal, in line with normal husbandry practice;

(e) create it in a minimum area of 0.1 hectare;

(f) establish it using an untreated seed mix meeting the requirements in Schedule 7;

(g) protect it from grazing and damage by livestock or machinery;

(h) retain evidence, as the Department may specify, of the seed mix used;

(i) establish it by 30th September 2026; and

(j) retain it for at least 5 years beginning with 30th September 2026.

Eligible scheme actions; herbal ley

10. An applicant establishing a herbal ley must–

(a) not establish it on permanent grassland sensitive areas;

(b) not apply plant protection products, except for the spot treatment of noxious or invasive weeds;

(c) not apply inorganic fertilisers containing nitrogen;

(d) establish it using a minimum seed mix of 2 grass species, 2 herbs species and 2 legumes species respectively listed in Parts 1, 2 and 3 of Schedule 8;

(e) establish it so that it–

(i) is a minimum of 0.1 hectare;

(ii) does not exceed 10 hectares; and

(iii) is in line with normal husbandry practice;

(f) retain evidence, as the Department may specify, of the seed mix used;

(g) establish it by 28th February 2027; and

(h) retain it for at least 3 years beginning with 28th February 2027.

Eligible scheme actions; enhanced herbal ley

11. An applicant establishing an enhanced herbal ley must–

(a) not establish it on permanent grassland sensitive areas;

(b) not apply plant protection products, except for the spot treatment of noxious or invasive weeds;

(c) not apply inorganic fertilisers containing nitrogen;

(d) not cut the crop for forage;

(e) establish it using a minimum of 4 grass species, 4 herbs species and 4 legumes species respectively listed in Parts 1, 2 and 3 of Schedule 8;

(f) establish it so that it–

(i) is a minimum of 0.1 hectare;

(ii) does not exceed 10 hectares; and

(iii) in line with normal husbandry practice;

(g) retain evidence, as the Department may specify, of the seed mix used;

(h) establish it by 28th February 2027; and

(i) retain it for at least 3 years beginning with 28th February 2027.

Eligible scheme action; management of hedgerows

12. An applicant who planted a hedgerow between 19th June 2025 and 31st March 2026 which meets the criteria in paragraph 1 as it had effect on 19th June 2025 and disregarding any modification made on or after that date must–

(a) ensure growth is not negatively affected by weeds;

(b) replace dead species with species listed in Schedule 4 to maintain an average of 5 plants per metre;

(c) protect hedgerows on all sides as required from damage by grazing livestock and wildlife;

(d) if installed, maintain protective fencing in stock-proof condition; and

(e) complete all work relating to this action by 28th February 2027.

Eligible scheme actions; management of 7 metre riparian buffer strips

13. An applicant who created a 7 metre riparian buffer strip between 19th June 2025 and 31st March 2026 which meets the criteria in paragraph 3 as it had effect on 19th June 2025 and disregarding any modification made on or after that date must–

(a) not apply–

(i) organic fertilisers;

(ii) inorganic fertilisers; or

(iii) lime;

(b) not apply plant protection products, except for the spot treatment of noxious or invasive weeds;

(c) not cut the vegetation in the 2 metre width next to the watercourse;

(d) maintain protective fencing, access gate or gates and gate posts in stock-proof condition;

(e) cut the vegetation in the 5 metre width next to the field after the 31st August 2026 and remove the cuttings;

(f) ensure access to watercourses for maintenance purposes is not obstructed; and

(g) complete all work relating to this action by 28th February 2027.

Eligible scheme action; management of farmland tree planting

14. An applicant who planted trees between 19th June 2025 and 31st March 2026 which meet the criteria in paragraph 4 as it had effect on 19th June 2025 and disregarding any modification made on or after that date must–

(a) ensure each planted tree is supported, and protected from damage by grazing livestock and wildlife;

(b) replace dead trees with species listed Schedule 5 to maintain a minimum planting density of 1280 trees per hectare;

(c) ensure growth is not negatively affected by weeds;

(d) maintain protective fencing, access gate or gates and gateposts in stock-proof condition; and

(e) complete all work relating to this action by 28th February 2027.".

(8) For Schedule 3 substitute–

"SCHEDULE 3 Regulation 8(3)

Payment rates

Table 1

Eligible scheme actions	*Payment rate*
Arable – Flower-rich grass margin between 3 and 12 metres	£1,422 per hectare
Arable – Grass margin between 3 and 12 metres	£1,308 per hectare
Arable - Unharvested Cereal Margin between 3 and 12 metres	£1,170 per hectare
Creation of riparian buffer strip – 2 metres	£1.41 per metre
Creation of riparian buffer strip – 7 metres	£4.93 per metre
Enhanced herbal ley	£521 per hectare
Farmland tree planting	£6,756 per hectare
Herbal ley	£467 per hectare
Management of 7 metre riparian buffer strips	£0.04 per metre
Management of farmland tree planting	£112 per hectare
Management of hedgerows	£0.96 per metre
Multi-species winter cover crop	£226 per hectare
Planting new hedgerows	£6.49 per metre
Retention of winter stubble	£99 per hectare

Table 2

Eligible supporting actions	*Payment rate*
Drinking trough and concrete base	£169.70 per set
Gate and two posts	£310.29 per set
Pasture pump	£239.06 per unit
Protective fencing	£6.52 per metre".

(9) In Schedule 4, omit Table 2.

(10) For Schedule 5 substitute–

"SCHEDULE 5 Schedule 1, Paragraph 4(b)

Native tree species
Alder (Alnus glutinosa)
Aspen (Populus tremula)
Bay Willow (Salix pentandra)
Bird Cherry (Prunus padus)
Blackthorn/Sloe (Prunus spinosa)
Crab Apple (Malus sylvestris)
Damson (Prunus Insititia)
Dog Rose (Rosa canina)
Downy Birch (Betula pubescens)
Goat Willow (Salix caprea)
Gorse/Whin (Ulex europaeus)
Grey Willow (Salix cinerea)
Guelder Rose (Vibumum opulus)

Hawthorn (Crataegus monogyna)
Hazel (Corylus avellana)
Holly (Ilex aquifolium)
Juniper (Juniperus communis)
Pedunculate Oak (Quercus robur)
Poplar (Populus spp.)
Rowan (Sorbus aucuparia)
Scots Pine (Pinus sylvestris)
Sessile Oak (Quercus petraea)
Silver Birch (Betula pendula)
Spindle (Euonymus europaeus)
Whitebeam (Sorbus aria)
Wild Cherry (Prunus avium)
Wild Pear (Pyrus communis)
Wild Plum (Prunus domestica)
Willow (Salix spp.)
Wych Elm (Ulmus glabra)".

(11) After Schedule 5 insert–

"SCHEDULE 6 Schedule 1, Paragraph 8(f)

Table 1

Tussock-forming grasses (15% of mix)	*Fine grasses (85% of mix)*
Cocksfoot (Dactylis glomerata)	Common Bent (Agrostis capillaris)
Timothy (Phleum pratense)	Creeping Bent (Agrostis stolonifera)
Yorkshire Fog (Holcus lanatus)	Creeping Fescue (Festuca rubra)
	Crested Dog's-tail (Cynosurus cristatus)
	Meadow Foxtail (Alopecurus pratensis)
	Red Fescue (Festuca rubra)
	Rough-stalked Meadow Grass (Poa trivialis)
	Sheep's Fescue (Festuca rubra)
	Smooth Meadow Grass (Poa pratensis)
	Sweet Vernal Grass (Anthoxanthum odoratum)

SCHEDULE 7 Schedule 1, Paragraph 9(f)

Table 1

Species	*Minimum required*	*Composition of seed mix (%)*
Native Grass Species (see Table 2)	4	Less than 90%
Irish Native Wildflower Species (see Table 3)	8	No individual species more than 25% of the total wildflower seed weight

Table 2

Native Grass Species Seed List
Common Bent (Agrostis capillaris)
Crested Dog's-tail (Cynosurus cristatus)
Fescues (Fescua)

Sweet vernal grass (Anthoxanthum odoratum)

Table 3

Irish Native Wildflower Species Seed List
Agrimony (Agrimonia eupatoria)
Betony (Stachys officinalis)
Birdsfoot Trefoil (Lotus corniculatus)
Black/Common Knapweed (Centaurea nigra)
Black Medic (Medicago lupulina)
Common Mallow (Malva sylvestris)
Corn Cockle (Agrostemma githago)
Cow Parsley (Anthriscus sylvestris)
Devils-bit Scabious (Succisa pratensis)
Dropwort (Filipendula vulgaris)
Field Scabious (Knautia arvensis)
Great Mullein (Verbascum Thapsus)
Hedge Bedstraw (Galium mollugo)
Ivy-leaved Speedwell (Veronica hederifolia)
Lady's Bedstraw (Galium verum)
Meadow Sweet (Filipendula ulmaria)
Meadow Vetchling Lathyrus pratensis)
Musk Mallow (Malva moschata)
Oxeye Daisy (Leucanthemum vulgare)
Plantain (Plantago)
Ragged Robin (Silene flos-cuculi)
Red Campion (Silene dioica)
Red Clover (Trifoilium pratense)
Salad Burnet (Sanguisorba minor)
Self-Heal (Prunella vulgaris)
Sheep's Sorrel (Rumex acetosella)
Tufted Vetch (Vicia cracca)
White Campion (Silene latifolia)
White Clover (Trifolium repens)
Wild Carrot (Daucus carota)
Yarrow (Achillea millefolium)

SCHEDULE 8 Schedule 1, Paragraphs 10(d) & 11(e)

Herbal Ley Seed Mix Lists

Part 1

Grasses
Cocksfoot (Dactylis glomerata)
Festulolium (Festuca x Lolium)
Hybrid Ryegrass (Lolium boucheanum)
Italian Ryegrass (Lolium multiflorum)
Meadow Fescue (Lolium pratense)
Perennial Ryegrass (PRG) (Lolium perenne)
Sheep's Fescue (Festuca ovina)
Tall Fescue (Festuca arundinacea)
Timothy (Phleum pratense)

Part 2

Legumes
Alsike Clover (Trifolium hybridum)
Bird's Foot Trefoil (Lotus corniculatus)
Lucerne (Medicago sativa)
Meadow Vetching (Lathyrus pratensis)
Red Clover (Trifolium pratense)
Sainfoin (Onobrychis vicifolia)
Sweet Clover (Melitotus officinalis)
Tufted Vetch (Vicia cracca)
White Clover (Trifolium repens)

Part 3

Herbs
Burnet (Sanguisorba minor)
Chicory (Cichorium intybus)
Plantain (Plantago)
Sheep's Parsley (Petroselinum crispum)
Yarrow (Achillea millefolium)".

PART 3

Amendments to assimilated law

Amendment of the Horizontal Regulation

3.—(1) Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (the Horizontal Regulation)(**a**) is amended as follows.

(2) In Article 96–

(a) in paragraph 3, for "Schedule 1, Part 1" substitute "this Title";

(b) in paragraph 4, for "Schedule 1, Part 1" substitute "this Title".

(3) In Article 99–

(a) in the second sub-paragraph of paragraph 1, for from "paragraphs 2" to the end of the sub-paragraph substitute "paragraph 2";

(b) for paragraph 2 substitute–

"2. The minimum penalty to be applied in respect of any non-compliance determined shall be the sending of a warning letter by or on behalf of the competent authority and an obligation to complete mandatory training.

The maximum penalty to be applied shall not exceed 100% of all payments made or due to be made in the scheme year in which that non-compliance was determined and exclusion from payment from all schemes for the two scheme years immediately following.

The highest penalty in respect of each standard shall be applied as a reduction in accordance with paragraph 1.

(**a**) EUR 1306/2013

Completion of mandatory training will be required for any first occurrence of a breach of any underpinning requirement.".

Amendment of the Commission Implementing Regulation

4.—(1) Commission Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance(**a**) (the Commission Implementing Regulation) is amended as follows.

(2) In Article 72–

(a) in the second sub-paragraph of paragraph 4, omit from "or the coordinating authority" to the end of the sub-paragraph;

(b) in the third sub-paragraph of paragraph 4, omit from "or the coordinating authority" to the end of the sub-paragraph.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 4th June 2026

L.S.

Richard Johnston
A senior officer of the Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make the following amendments–

Regulation 2 amends the Farming with Nature Scheme Regulations (Northern Ireland) 2025;

Regulation 3 amends the Horizontal Regulation; and

Regulation 4 amends the Commission Implementing Regulation.

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(**a**) EUR 809/2014

£8.90

http://www.legislation.gov.uk/id/nisr/2026/105

ISBN 978-0-33-802647-7

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