STATUTORY RULES OF NORTHERN IRELAND

2025 No. 101

AGRICULTURE

The Farming with Nature Scheme Regulations (Northern Ireland) 2025

Made - - - -	*29th May 2025*
Coming into operation	*19th June 2025*

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:

Citation and commencement

1. These Regulations may be cited as the Farming with Nature Scheme Regulations (Northern Ireland) 2025 and shall come into operation on 19th June 2025.

Interpretation

2.—(1) In these Regulations—

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

"authorised person" means any person authorised by the Department to act in matters relating to these Regulations;

"designated watercourse" means a watercourse designated by the Drainage Council under the Drainage (Northern Ireland) Order 1973(**c**)

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

"eligible farm business" means a farm business operating on the land upon which one of the eligible scheme actions listed in Schedule 1 and eligible supporting items listed in Schedule 2 occur and meets the eligibility criteria listed in regulations 4 to 7;

"eligible scheme actions" means the actions listed in Schedule 1;

"eligible supporting items" means the items listed in Schedule 2;

"EFS" means the Environmental Farming Scheme administered by the Department under 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 and Commission Delegated Regulation (EU) No. 640/2014(**d**);

(**a**) 2020 c. 21
(**b**) EUR 1305/2013
(**c**) 1973 No. 69(N.I.1)
(**d**) EUR 640/2014

"farm business" means a farm business which holds a DAERA Farm Business ID number;

"gate and two posts" means a gate and two posts which meet the criteria in Schedule 2;

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

"management control" in relation to an applicant, means the power to manage the fields in which eligible scheme actions and eligible supporting items are implemented with a degree of autonomy in respect of those fields sufficient for the carrying out of eligible scheme actions and eligible supporting items;

"permanent grassland area" means designated as required by Article 32A of Regulation (EU) No 1307/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development(**a**) areas including peat and wetlands covered by either or both the Wild Birds Directive and the Habitats Directive which are environmentally sensitive and which need protection to meet the requirements of these directives;

"post" means a post which is—

(a) new and commercially available; and

(b) does not consist of wooden materials;

"protective fencing" means fencing which meets the criteria in Schedule 2;

"retention period" means the length of time stated in Schedule 1 for which the respective eligible scheme actions completed by the eligible farm business must be retained;

"scheme" means the Farming with Nature Transition Scheme administered by the Department;

"scheme payment" means a payment under regulation 8;

"scheme year" means–

(a) in the initial year of operation, the period beginning on 19th June 2025 and ending on 31st March 2026;

(b) in the second year, the period beginning on 1st April 2026 and ending on 31st March 2027;

"Tier 1 land" means fields that are within sites designated as special areas of conservation, special protection areas and Ramsar sites(**b**) by the Department;

"Tier 2 land" means fields that are within sites designated as biological Areas of Specific Scientific Interest by the Department;

"Tier 3 land" means Northern Ireland priority habitats(**c**) and species areas outside sites designated by the Department;

"watercourse" means any channel through which water may flow as identified by the Department using LPIS data.

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

Scheme duration

3. The scheme shall, subject to the ongoing scheme liabilities and obligations, operate for a period of two scheme years ending on 31st March 2027.

(**a**) EUR 1307/2013

(**b**) A Ramsar site is a wetland site designated to be of international importance under the Ramsar Convention, also known as "The Convention on Wetlands", an international environmental treaty signed on 2 February 1971 in Ramsar, Iran, under the auspices of UNESCO. Further information can be found here: Ramsar Sites | JNCC - Adviser to Government on Nature Conservation

(**c**) Northern Ireland Priority Habitats are those habitats which require conservation action because of their decline, rarity and importance. A list of Northern Ireland Priority Habitats can be found here: Northern Ireland Priority Habitat Guides | Department of Agriculture, Environment and Rural Affairs

(**d**) 1954 c.33(N.I.)

Eligibility requirements; general requirements

4.—(1) An eligible farm business shall—

(a) hold either a Category 1 or 2 DAERA Farm Business ID number; and

(b) not have an active EFS agreement in place.

(2) An applicant must have management control of the fields in which eligible scheme actions and eligible supporting items are implemented.

Eligible Scheme actions

5. An applicant carrying out eligible scheme actions in each specific scheme year must meet the criteria in Schedule 1.

6. An applicant carrying out eligible supporting items in each specific scheme year must meet the criteria in Schedule 2.

7. Eligible scheme actions and eligible supporting items are not permitted on Tier 1, Tier 2 or Tier 3 land under this scheme.

Scheme actions; payments

8.—(1) The Department shall not make a payment to an applicant until the applicant has returned to the Department a signed form of acknowledgement and understanding of scheme payment conditions declaration in such form as the Department may determine.

(2) Subject to regulations 5 and 6 and to paragraph (1), the Department shall pay an applicant an amount not exceeding £9,500 for work completed in relation to eligible scheme actions and eligible supporting items each scheme year.

(3) Schedule 3 lists the payments rates the Department will use to pay applicants for work completed for eligible scheme actions and eligible supporting items.

Modification of Regulation (EU) 1306/2013

9. In its application to this scheme, Title VI of Regulation 1306/2013 of the European Parliament and of the Council of 17 December 2013(**a**) shall not apply.

Modification of Commission Implementing Regulation (EU) 640/2014

10. In its application to this scheme, Article 19 of the Commission Implementing Regulation (EU) 640/2014 shall not apply.

Modification of Commission Implementing Regulation (EU) 809/2014

11. In its application to this scheme, paragraph 1 of Article 32 of the Commission Implementing Regulation (EU) 809/2014(**b**) shall be read as if for "5%" in each place there were substituted "1%".

Use of LPIS information

12.—(1) The Department shall use the information recorded on LPIS to determine whether the requirements in Schedule 1 are met.

(2) The LPIS information shall be conclusive evidence unless otherwise rebutted or corrected to the satisfaction of the Department.

(**a**) EUR 1306/2013
(**b**) EUR 809/2014

Withholding and recovery of overpayments

13.—(1) This regulation applies where an application for payment has been approved by the Department and it becomes aware that the applicant—

(a) is not eligible to receive that payment;

(b) has without reasonable cause obstructed an authorised person in the exercise of their powers under regulation 14; or

(c) has failed to provide reasonably required assistance to an authorised person under regulation 15.

(2) Subject to paragraph (3), the Department may—

(a) revoke the approval of the application for payment; and

(b) where payment has not been made withhold the payment or any part of it; or

(c) where payment has already been made, recover from the applicant an amount equal to the whole or any part of the payment—

(i) as a civil debt; or

(ii) by way of offsetting against any sum otherwise payable to the applicant by the Department.

(3) Before exercising the power under paragraph (2), the Department must by a withdrawal or recovery notice, ("the notice")—

(a) give the applicant a written explanation of the reasons for the proposed action; and

(b) afford the applicant the opportunity to make written representations within 14 days beginning with the date of the issue of the notice; and

(c) consider any representations made by or on behalf of the applicant.

Powers of authorised persons

14.—(1) An authorised person may exercise any of the powers specified in paragraphs (2) to (4) for the purposes of these Regulations.

(2) An authorised person on producing, if so required, a duly authenticated document showing the person's authority to do so, may at all reasonable hours enter any land other than a building used only as a dwelling house.

(3) An authorised person may—

(a) carry out any inquiries, checks, examinations, measurements and tests;

(b) take samples;

(c) inspect any part of the land (whether it is farmed or is withdrawn from agricultural production) have access to, inspect and copy any documents or records (in whatever form they are held) or remove such records to enable them to be copied;

(d) have access to, inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the documents or records; and for this purpose require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as is reasonably required and, where a document or record is kept by means of a computer, reasonably require the document to be produced in a form in which it can be taken away;

(e) take a photograph of anything on the land; and

(f) remove anything reasonably believed to be evidence of any failure to meet the eligibility conditions.

(4) An authorised person entering any premises or land by virtue of this regulation may take with them such other persons as they consider necessary.

(5) For the purposes of this regulation a computer includes any electronic device.

Assistance to authorised persons

15. An applicant or any employee, agent, contractor or tenant of an applicant shall give an authorised person such assistance as may be reasonably required to enable the authorised person to exercise the powers conferred by regulation 14.

Offences and penalties

16.—(1) Any person who—

(a) without reasonable cause obstructs an authorised person or a person accompanying the authorised person (see regulation 14(4)) in exercise of the power conferred on the authorised person by regulation 14; or

(b) without reasonable cause fails to comply with a requirement under regulation 15, shall be guilty of an offence.

(2) Nothing in paragraph (1) shall be construed as requiring any person to answer any question if to do so may incriminate that person.

(3) A person guilty of an offence under paragraph (1)(a) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of an offence under paragraph (1)(b) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 29th May 2025

L.S.

George Moffett
A senior officer of the Department of Agriculture, Environment and Rural Affairs

SCHEDULE 1

Regulations 2(1), 5 and 12(1)

Eligible Scheme Actions

Eligible scheme actions; planting new hedgerows

1. An applicant planting new hedgerows must—

(a) plant a new 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 length of new hedgerows planted is a minimum of 10 metres;

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

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

(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 the action by 31st March of the same scheme year;

(h) not plant a new hedgerow–

(i) against an existing hedgerow; or

(ii) under the shade of a treeline or woodland; and

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

2. An eligible farm business will receive a scheme payment for any protective fencing erected up to a maximum of twice the length of newly planted hedgerows which meet the eligibility criteria in paragraph 1.

Eligible scheme actions; creation of riparian buffer strips

3. An applicant creating a riparian buffer strip must—

(a) establish it alongside a 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 designated watercourse;

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

(i) each 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 where the riparian buffer strip is greater than 150 metres in length;

(e) complete all work by 31st March of the same scheme year; and

(f) retain the riparian buffer strip for a retention period of at least fifteen years beginning with 31st March of the same scheme year.

Eligible scheme actions; farmland tree planting

4. An applicant planting trees must—

(a) not plant trees on permanent grassland sensitive areas, breeding wader or peatland sites as identified by the Department and notified to an applicant;

(b) plant one 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) protect each newly planted tree with a guard and stake;

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

(f) manage and maintain trees planted including the removal of grass and weeds within tree guards;

(g) complete all work by 31st March of the same scheme year;

(h) retain planted trees for a minimum retention period of twenty years beginning with 31st March of the same scheme year; and

(i) ensure if erecting protective fencing it meets the criteria in Schedule 2.

Eligible scheme actions; retention of winter stubble

5.—(1) An applicant must meet the criteria in paragraphs (2), (3) and (4).

(2) This action can be completed on arable land determined by LPIS data on which is growing–

(a) spring-sown cereal;

(b) autumn-sown cereal;

(c) oilseed rape

(d) protein crop; or

(e) linseed.

(3) This action cannot be completed on–

(a) permanent grassland sensitive areas as identified by the Department and notified to an applicant; and

(b) stubble following the harvest of;–

(i) maize; or

(ii) under-sown crops.

(4) An applicant retaining winter stubble must—

(a) retain that winter stubble in the whole arable field, in line with normal husbandry practice;

(b) retain it from the harvest until 15th February the following year;

(c) ensure that straw is either—

(i) removed after the harvest;

(ii) stored in field as bales; or

(iii) left as chopped straw;

(d) ensure stubble is not grazed or cut; and

(e) not apply inorganic fertiliser after the harvest.

Eligible scheme actions; multi-species winter cover crop

6.—(1) An applicant must meet the criteria in paragraphs (2), (3) and (4).

(2) This action can be completed on arable land as determined by LPIS data.

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

(a) establish a multi-species winter cover crop across the whole arable field, as determined by LPIS data, in line with normal husbandry practice;

(b) use a seed mix containing at least two species from two or more of the following plant families—

(i) brassicas;

(ii) legumes;

(iii) cereals or grasses; and

(iv) herbs;

(c) not apply inorganic fertiliser; and

(d) establish the cover crop, retain it to 15th February the following year and then destroy it in line with normal husbandry practice.

(4) This action cannot be completed on permanent grassland sensitive areas as determined by the Department and notified to an applicant.

SCHEDULE 2

Regulations 2(1) and 6

Eligible supporting items

Protective fencing

1. An applicant installing protective fencing must–

(a) erect protective fencing using new and commercially available materials;

(b) erect protective fencing which is permanent; and

(c) construct the protective fencing using wire which–

(i) is galvanised;

(ii) is strained to straining posts; and

(iii) is erected with–

(aa) a minimum of five strands of wire; or

(bb) sheep mesh with two strands of wire.

2. Where an applicant plants new hedgerows any protective fencing they erect must be no more than an average of 3 metres from the centre of the hedgerow.

3. Where paragraph 2 applies then the maximum protective fencing for which payment may be made is twice the length of the hedgerow.

4. Where an applicant plants farmland trees any protective fencing they erect must be no more than an average of 3 metres from the trees.

5. Where paragraph 4 applies the maximum protective fencing that for which payment may be made is 150 metres per plot (see paragraph 4(c) of Schedule 1).

Gate and two posts

6. Where an applicant installs a gate and two posts, they must–

(a) erect that gate and two posts using materials which are new and commercially available;

(b) not use wooden posts; and

(c) install gates of at least 4.27 metres (14ft) wide.

Drinking trough

7. Where an applicant installs a drinking trough they must–

(a) install one which is new and commercially available;

(b) place it on a concrete base; and

(c) install the drinking trough and its concrete base at least 10 metres from any watercourse.

Pasture pump

8. Where an applicant installs a pasture pump, they must–

(a) install one which is new and commercially available; and

(b) install it at least 10 metres from any watercourse.

SCHEDULE 3

Regulation 8(3)

Payment rates

Table 1

Eligible scheme actions	*Payment rate*
Planting new hedgerows	£6.49 per metre
Creation of riparian buffer strip – 2 metres	£1.41 per metre
Creation of riparian buffer strip – 7 metres	£4.93 per metre
Retention of winter stubble	£93.00 per hectare
Farmland tree planting	£6,756.00 per hectare
Multi-species winter cover crop	£225.00 per hectare

Table 2

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

SCHEDULE 4

Schedule 1, Paragraph 1(c)

Table 1

Native hedge plant species
Blackthorn/Sloe
Dog Rose
Gorse/Whin
Guelder Rose
Hawthorn
Hazel
Holly
Spindle

Table 2

Native hedge tree species
Alder
Crab Apple
Downy Birch
Oak
Rowan
Scot's Pine
Silver Birch
Wild Cherry
Willow

SCHEDULE 5

Schedule 1, Paragraph 4(1)(b)

Native tree species
Alder
Aspen
Bay Willow
Bird Cherry
Blackthorn/Sloe
Crab Apple
Downy Birch
Dog Rose
Goat Willow
Gorse/Whin
Grey Willow
Guelder Rose
Hawthorn

Hazel
Holly
Juniper
Pedunculate Oak
Poplar
Rowan
Scots Pine
Sessile Oak
Silver Birch
Spindle
Whitebeam
Wild Cherry
Wild Pear
Wild Plum/Damson
Willow
Wych Elm

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the Farming with Nature Transition Scheme. The Scheme provides for payments to be made by the Department to eligible farm businesses which meet the eligible scheme actions and eligible supporting item requirements.

The Scheme–

specifies the duration of the scheme (regulation 3);

specifies the eligibility criteria for eligible farm businesses (regulation 4);

specifies the eligibility criteria for eligible scheme actions and eligible supporting items (regulations 5, 6 and 7);

specifies payments available and criteria for receiving payments (regulation 8);

specifies Title VI of Regulation 1306/2013 of the European Parliament and of the Council of 17 December 2013(**a**) will not apply to the scheme (regulation 9);

specifies Article 19 of the Commissioning Implementing Regulation (EU) 640/2014(**b**) will not apply to the scheme (regulation 10);

specifies paragraph 1 of Article 32 of the Commissioning Implementing Regulation (EU) 809/2014(**c**) will state on the spot checks will be 1% for the scheme (regulation 11);

specifies the use of LPIS information; (regulation 12);

provides the powers for withholding and recovery of overpayments (regulation 13);

provides the powers of authorised persons (regulation 14);

specifies the assistance to authorised persons (regulation 15);

provides for the offences and penalties (regulation 16);

specifies eligible scheme actions (Schedule 1);

(**a**) EUR 1306/2013
(**b**) EUR 640/2014
(**c**) EUR 809/2014

specifies eligible supporting items (Schedule 2);

specifies payment rates for eligible scheme actions and eligible supporting items (Schedule 3);

specifies native hedge plant species (Schedule 4); and

specifies native tree species (Schedule 5).

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