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# THE BURREN PROGRAMME - TERMS AND CONDITIONS

## TRANCHE 3 AND 4



Department of Agriculture, Food and the Marine

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# THE BURREN PROGRAMME

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The Burren region is internationally recognised for the uniqueness, wealth and diversity of its heritage and flora. It contains a variety of priority habitats including limestone pavements, orchid-rich grasslands and turloughs. As a result, much of the Burren has been designated as part of the Natura 2000 Network under the EU Habitats Directive. Two very successful initiatives, the BurrenLIFE Project 2005-2010 and the Burren Farming for Conservation Programme 2010-2015 developed and tested a new model of sustainable agriculture for the Burren to conserve and renew these habitats. At the heart of these initiatives is the recognition of the role that farmers and farming practices play in the conservation of habitats.

The successor to these initiatives is The Burren Programme - a locally-led measure under the Rural Development Programme 2014-2020, introduced under Article 28 of Regulation 1305/2013. The Burren Programme is an agri-environment climate measure which encompasses both results-based habitat management and complementary non-productive capital investment site works and aims to deliver qualitative environmental goals on the participating holdings. It is an agri-environmental measure focussed specifically on the conservation of the unique farming landscape of the Burren in counties Clare and Galway (See Appendix A).

The administrative provisions for the implementation of the Burren Programme are drawn up in accordance with Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17<sup>th</sup> December 2013.

## 1. OBJECTIVES OF THE PROGRAMME

The primary objectives of the Burren Programme are:

- To ensure the sustainable agricultural management of high nature value farmland in the Burren;
- To contribute to the positive management of the Burren landscape and the cultural heritage of the Burren;
- To contribute to improvements in water quality and water usage efficiency in the Burren.

## 2. DEFINITIONS

For the purposes of the Burren Programme:

- 2.1 'Department' shall mean the Department of Agriculture, Food and the Marine.
- 2.2 'Minister' shall mean the Minister for Agriculture, Food and the Marine.

- 2.3 'Advisor' shall mean a person or persons who are Farm Advisory Service (FAS) approved and who have attended and completed all the relevant Burren training as required by the Department and the Burren Team.
- 2.4 'Burren Programme' shall mean the measure approved by the European Commission and included in Ireland's Rural Development Programme 2014-2020.
- 2.5 'Commonage' which may be eligible for payment shall mean lands included in the Department's commonage container and farmed in common. Payment of commonage land under I-1 is based on the Maximum Eligible Area for the area as determined by the Basic Payment Scheme.
- 2.6 'Commonage Advisor' shall mean an Advisor who has completed the Department's Commonage Training module and is registered on the Department's central database as approved to prepare Commonage Management Plans.
- 2.7 'Commonage Farm Plan' (CFP) shall mean a management plan prepared by an advisor for each commonage less than or equal to 10 hectares.
- 2.8 'Commonage Management Plan' (CMP) shall mean a management plan prepared by an approved commonage advisor for each commonage as delineated on the Department's online GLAS mapping system.
- 2.9 'Family Member' shall mean spouse, civil partner, parent, brother, sister, son, daughter, grandchild or favoured niece or nephew.
- 2.10 'Farmer' shall mean an individual agricultural producer, whether a natural or legal person or a group of natural or legal persons, whatever legal status is granted the group and its members by national law whose holding is within the State.
- 2.11 'Farming' shall include dairy farming, livestock production, cultivation of fodder and tillage crops, and the growing of horticultural crops.
- 2.12 'GLAS' shall mean the Green, Low-Carbon, Agri-Environment Scheme approved by the European Commission as a measure included in Ireland's Rural Development Programme 2014-2020.
- 2.13 'I-1 land' is the area of species-rich grazed habitat identified (on a field basis) as being eligible for payment under Intervention 1 (See Section 4). The farmer is contractually committed to manage the habitat for 5 years of their contract. This corresponds with the area of 'agricultural land' as set out in Article 28(2) of Regulation 1305/2013.
- 2.14 'IACS' shall mean the Integrated Administration and Control System established under Council Regulation (EC) No. 1305/2013 and Commission Regulation No. 809/2014.
- 2.15 'Intervention 2 year' shall mean the year beginning 1<sup>st</sup> April and ending 31<sup>st</sup> March. In year 5 of contract the Intervention 2 year shall be deemed to end on 31<sup>st</sup> December of that year.
- 2.16 'Lease' shall mean a term of absolute possession of the holding by the licensee to cover the full duration of the contract.
- 2.17 'Maximum Eligible Area' (MEA)
- 2.18 'Natura 2000' shall mean lands designated under Directive 79/409/EEC 92/43/EEC and Directive 2000/60/EC (Birds and Habitat Directives) as delineated on the Department's online GLAS mapping system.

- 2.19 'Partnership' shall mean a legal partnership registered on the Register of Partnerships maintained by the Department of Agriculture, Food and the Marine.
- 2.20 'Transfer' means the lease or sale or actual inheritance or anticipated inheritance of land.

### 3. ELIGIBILITY AND SELECTION CRITERIA

#### 3.1 ELIGIBILITY CRITERIA

To be eligible for the Burren Programme applicants must be:

- 18 years or over on the closing date for the tranche;
- an active herdowner, i.e. submit a valid annual application under the Basic Payment Scheme, including the declaration of all lands farmed;
- farming a holding which includes at least one grazed Annex I habitat in the Burren region as defined in the EU Habitats Directive (see map in Appendix A). Annex I habitats are listed at Appendix B.

A participant farmer must undertake to adhere to the conditions of the Programme, as outlined in these Terms and Conditions and accept that failure to meet the requirements may result in forfeiture of all or part of the payment, and expulsion from the scheme.

#### 3.2 SELECTION CRITERIA

Eligible applicants into the Burren Programme are scored by the Department according to key selection criteria:

- Previous participation and performance in the Burren Farming for Conservation Programme and preceding projects;
- Area of designated land in the Burren on holding;
- Proportion of designated land in the Burren on holding;
- Area of lands grazed under a Grazing Agreement with the NPWS.

In addition, for Tranche 3 applications, farms in the Burren region that have little or no designated land but which does contain undesigned Annex I habitats (as confirmed by the Burren Team) will be considered in the selection process.

### 4. THE BURREN PROGRAMME STRUCTURE - OVERVIEW

The programme is based on both **actions** undertaken by the farmer and on **performance** in reaching environmental goals, measured through field assessment. It will be delivered on the ground by a specialist locally-based intermediary layer appointed through competitive tender (hereafter 'the Burren Team'). The Programme will be overseen by a Steering Group composed of

representatives from the Department of Agriculture, Food and the Marine, the National Parks and Wildlife Service, the National Monuments Service, a Burren farmer representative, and a Burren Farm Advisor.

The Programme is delivered by means of two types of intervention which participants will undertake in line with their 5-year plan; firstly a performance/results-based intervention and secondly a capital investment-based intervention as follows:

#### **INTERVENTION 1: THE MANAGEMENT OF SPECIES-RICH LIMESTONE GRASSLANDS AND ASSOCIATED GRAZED HABITATS (APPENDIX C)**

This is a performance-related intervention, based on the participant reaching specific qualitative environmental goals which reflect habitat condition, richness of biodiversity, soil health and water-quality. It involves the management of species-rich limestone grasslands and associated grazed habitats, supports those who have managed their land well in the past and encourages them to continue to improve their farming model. It also incentivises others to strive to improve habitat quality with resulting environmental benefits. Under this Measure, all fields containing limestone grassland and associated habitats on the farm are mapped and annually assessed by a trained Burren Programme Advisor and/or Burren Team member.

The conservation status of the grazed habitat in each management unit (referred to henceforth as 'field') is scored on a scale of 0 to 10, where 0/1 is very poor and 10 is exemplary, on the basis of a range of criteria relating to its environmental health, with higher scores attracting higher payment. All fields can progressively increase their environmental score and associated payment over the lifetime of the farm-plan. No payment will be made for scores in the range 0 – 4. A field score of 5 will be acceptable for payment in years 1 and 2 of the participant's plan only, and no payment will be made in the 3<sup>rd</sup> year onwards for a field score of 5, as insufficient improvement will have been shown. Intervention 1 payment rates are shown in the tables underneath.

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#### **Criteria used in the annual scoring of fields include:**

Grazing levels	Plant litter levels
Damage around feed sites & water troughs	Damage to and around natural water sources
Bare soil and erosion	Level of immature scrub
Bracken and purple moor-grass	Amount of weeds and agriculturally-favoured plants
Ecological integrity (winterage), Conservation value (Burren lowland grasslands)	Any damaging activity to habitat

Winterage Pastures: If silage or hay are fed as large bales, from feed-trailers or, loose in quantities that result in similar negative impacts, then a score of '0' will be applied to this winterage field. A field will be scored '0' if livestock have open access to an adjacent field where silage is being fed, unless this field is improved agricultural grassland on deep soil.

Burren lowland grasslands: limited amounts of silage or hay may be fed as large bales, from feed trailers, or loose on Burren lowland grassland fields but feeding is only permissible on areas of deep

soil, well away from any monuments or natural water sources that are present. Note that this is not recommended as part of normal management and will have a negative impact on the field score.

Derogation from the silage feeding rule will apply in the first year of all Burren Programme 5 year farm plans. A derogation from this rule may also be considered under exceptional circumstances, such as a disease restriction, but such derogations will not apply on fields where silage feeding is commonly practiced (i.e. fields which have scored '0' in previous years).

This intervention contains two sub-categories as described below:

(a) (i) Management of Burren winterage pastures

This unique landscape of limestone rock and rough grasslands requires careful management, which includes traditional low-input winterage grazing methods, to ensure its optimum environmental and ecological status.

Table 1: Scores and payment rates for management of Burren Winterage Pastures											
Per hectare payment	Score 10	Score 9	Score 8	Score 7	Score 6	Score 5	Score 4	Score 3	Score 2	Score 1	Score 0
0 – 40 ha	€180	€135	€96	€84	€72	€60*	-	-	-	-	-
41-80 ha	€90	€68	€48	€42	€36	€30*	-	-	-	-	-
81-120 ha	€45	€34	€24	€21	€18	€15*	-	-	-	-	-
>121 ha	€23	€17	€12	€11	€9	€8*	-	-	-	-	-

\* A payment at score 5 will only be made in years 1 and 2.

(ii) Commonages

Commonage lands are eligible for payment in accordance with the Burren Winterage Pastures rates, subject to the following conditions:

- The farmer, with the land concerned, at the time of acceptance into the Programme is in GLAS or AEOS and participating in the Commonage action.
- The lands in question must be farmed in accordance with a Commonage Management Plan (CMP) or a Commonage Farm Plan (CFP)
- Payments will be based on the same scoring system and rules as per Burren Winterage Pastures
- Payments will be adjusted to the commonage fraction held by the farmer
- Payment area will be based on the MEA for Commonage land and on the area of habitat identified in year 1.

(b) Management of Burren Lowland Grasslands

This category of meadow-like grassland covers rare habitats which generally occur on potentially fertile lowland areas. These grasslands are at a higher risk of intensification, and also require a different level of management to category (a) above, to ensure their optimum environmental condition.

**Table 2: Scores and payment rates for management of Burren lowland grasslands**

Per hectare payment	Score 10	Score 9	Score 8	Score 7	Score 6	Score 5	Score 4	Score 3	Score 2	Score 1	Score 0
0 – 10 ha	€315	€240	€192	€168	€144	€120*	-	-	-	-	-
>10 ha	€158	€120	€96	€84	€72	€60*	-	-	-	-	-

\* A payment at score 5 will only be made in years 1 and 2.

All Intervention 1 eligible fields will be scored annually by the Burren Farm Advisor between the months of May and August (later in exceptional circumstances). All fields will also be scored by the Burren Team during the 5 years of the Programme, with additional checks on fields where the score changes significantly year to year.

This Measure intends to encourage and incentivise participant farmers to improve management on all areas of limestone grassland on the farm. To encourage participants to focus more on those areas of the farm where improved management is most urgently required, fields with a lower conservation status score (undergrazed, overgrazed, damaged etc) are paid on first. SAC land is paid on before additional Annex I areas and commonage areas.

Payments will be based on the I-1 area of habitat identified in year 1. However, additional land may be added in later years following an assessment of its eligibility. See Paragraph 17.2 for information on how the transfer or reduction of land is treated in the Programme.

To claim payment for Intervention 1, an annual Intervention 1 sheet will be prepared by the Burren Farm advisor and presented to the farmer for his/her agreement and signature (section 5.2). This Intervention 1 sheet will be submitted by September 30<sup>th</sup> every year and payment will issue directly to the farmer for this (independently of the Intervention 2 payment claim). The Burren Team will carry out administrative checks and field assessments on a sample of payment claims prior to payment.

Penalties for underperformance:

An examination of all scores (per holding) will be carried out throughout the contract. If the average farm score, taking years 4 and 5 together, fall by more than 20% below the year 1 score a penalty will be applied. If it is found that the fall in score results from a failure on the part of the farmer to implement the agreed plan, other sanctions may be applied. It is recognised, however, that in a result-based system there will be mitigating factors outside the control of the farmer that may influence the scores achieved and The Burren Team will assess in each instance whether this is the case.

Further details on penalties can be seen at Appendix F.

### **INTERVENTION 2: SITE ENHANCEMENT WORKS**

This intervention is action-based, reimbursing the farmer for a proportion of the cost of capital investments designed to improve the environmental dividend delivered by his holding. It targets in particular complementary works which result in the improved management and condition of Annex 1 habitat. Works under this intervention include:

- Stone wall restoration and insertion of gates
- Provision of watering facilities (pipes, pumps, tanks, rainwater harvesters)
- Provision of alternative feeding facilities (feed bins, troughs)
- Scrub removal including scrub re-treatment
- Installation or upgrading of vehicle access tracks
- Habitat restoration
- Fencing equipment
- Winterage handling facilities (animal pens)

Every year, the farmer will have the option of preparing an Intervention2 Work Programme. All works should be nominated by the farmer (while referring to the 5 year plan) with support from the Burren Farm Advisor who will draft the work programme and submit it to the Burren Programme office for screening. Once screening is complete and all necessary permissions have been secured, the farmer may begin work (or hire a contractor to do so). Once work is complete the farmer can claim payment for all *completed* work. Any non-completed work may however be withdrawn/held over and submitted in the following year's work programme.

The following conditions apply to these payments;

- (a) Payments for works will not be made where the cost of these works is already covered by payments through the Agri-Environment Options Scheme, Green Low-Carbon Agri Environment Scheme, Organic Farming Scheme or any other Agri-Environment scheme of which the farmer is a participant.
- (b) To avoid any possible double-funding with TAMS, the investment items supported under intervention 2 will be ineligible for support under TAMS.
- (c) There are three categories of investments under this intervention, with the funding rate varied under each, depending on the relative environmental value. The farmer will be reimbursed for a proportion of the cost of these capital investments and must meet the balance of the cost. (Exceptions to the following guidelines may occur with the agreement of, and justification by, the Burren Team). See the table below:

**Intervention 2 Eligible Investments**

Investment category	Examples of Eligible investments	% Funding	Rationale
Environmental	Burren gates and posts,	75%	Investments in this category have a

benefit considered greater than agricultural benefit	scrub works, habitat restoration, internal stone wall repair, stone facing of field concrete interventions.		very high intrinsic environmental value, with relatively low productive value
Environmental benefit considered equal to agricultural benefit	External stone wall repair, drawing stones, field gate and posts, fence – post and wire, solar fencer 12V, electric fencer, metal stakes and tape, drinking troughs, water storage tank, hydrodaire piping, stop valves, petrol water pump, hydraulic ram water pump, pasture pump – activated by animal, feed bins, feed troughs (single and double), scrub chipper, personal safety protective equipment	50%	These items have a dual benefit for both the environment (soil & water quality) and the farmer to ease management of stock, therefore the burden of funding is shared equally
Environmental benefit considered less than agricultural benefit	New track, un-surfaced track -repair, dressing, surfaced track redressing, silos (farmyard), Winterage handling facilities (animal pens	25%	These investments deliver benefits for the environment by facilitating access and management of high nature value fields but also have benefits for the farmer as they improve management conditions, therefore a higher proportion of the burden is covered by the farmer

(d) No aid will be paid under this measure for tasks which result in damage to Burren habitats or archaeological sites; such damage may result in additional penalties. Payments will only be made when tasks have been completed to an acceptable standard, as listed in the Best Practice Guidelines and addressed at farmer training. Failure to complete a task to an acceptable standard may result in some or all of the payment for that task being delayed, withheld or if necessary recouped. Repeated sub-standard work for a certain work-type (e.g. scrub removal or wall repair) may lead to suspension of funding for that type of work.

(e) To claim payment for Intervention 2 works, farmers must complete an annual declaration form confirming all works completed by that date (see Section 8 – Payments). False declarations may result in penalties and expulsion from the programme. Intervention 2 payment claims may be submitted at any time of the year on completion of works, but only one claim may be submitted per 'Intervention 2' year, which is defined as being from 1<sup>st</sup> April – 31<sup>st</sup> March. In year 5 of a participant's contract Intervention 2 works must be completed by the 31<sup>st</sup> December of that year to be eligible for payment.

(f) Investment activities on commonages may be considered eligible provided that all active shareholders are in agreement, and there is no overlap with activities in a GLAS CMP/CFP. It is the responsibility of the applicant that all necessary permissions are obtained from all other shareholders in the commonage.

Unit costs will be used to calculate amounts of work to be done under each action within the allocation granted to that farm. Within this intervention 2 allocation (see Funding Package at section 6 below), what works need to be done, when, where and how, will be clearly specified in the farmer's annual work programme.

For specialist activities such as scrub removal and other works, the Burren Team will supply a list of available workers to assist participating farmers with planned Intervention 2 works. The Burren Team is not in a position to make recommendations and strongly advises farmers to ask around for recommendations of contractors that others have found to be reliable and carried out work to a high standard.

## 5. THE BURREN PROGRAMME – FARM PLANS

### 5.1 5-YEAR FARM PLAN

All participating farmers must engage the services of a Department *and* FAS-approved Burren Farm Advisor to prepare and submit a 5-year farm plan setting out the details of their participation in the Programme and an overview of the planned interventions. The farm plan will be a short document containing all the required information using a colour-coded, map and aerial image -based system and will include information such as:

- An overview of the farm broken down into management units (field level) highlighting all designated land and additional areas of Annex I habitats as well as the listed monuments and water sources. This will be shown on map(s) and aerial image(s) of the farm. All SAC or Annex I lands in the Burren under management by the applicant must be declared.
- A table listing field sizes (hectares), Burren Programme eligible areas and additional information such as Special Area of Conservation (SAC) designation, habitat type, presence of archaeological monuments or complexes, inclusion under other agri-environment programmes
- A list of year 1 Intervention 1 scores for all eligible fields as well as an average Intervention 1 score for the farm and guidance for maintaining or improving this score over the 5-year term of the plan.
- A short summary of proposed priority works to be undertaken under Intervention 2 over the lifetime of the plan and the estimated budget available for doing this work.
- The farm plan must be submitted to the Burren Team by the 30<sup>th</sup> of September in year 1 (i.e. the first year of entry), unless otherwise stipulated by the Department.

- A declaration by the farmer and his/her advisor that the information contained in the plan is correct and that he/she will abide by the T&Cs for the programme.
- Actions whether on owned, leased or rented land must be delivered for the entire period of the plan.
- Any necessary adjustments to the plan for subsequent years may be made, through the submission of a revised plan, subject to a maximum of one such revision per year.

## 5.2 ANNUAL INTERVENTION 1 SCORE SHEET

Each year, every eligible field is scored from 1 – 10 based on a range of criteria relating to its environmental health. The Burren Farm Advisor will carry out an assessment on each field to determine what is needed to get it into the best condition for it to function as a species-rich limestone grassland/heath and to maintain or improve ecological integrity of the grazed habitats present. The results of the assessment are used to calculate a final health rating for the field, with higher scores attracting higher payment. The annual work plan (section 5.3) will be designed to encourage farmers to progressively increase their field scores each year.

**The Intervention 1 score sheet will include the following:**

- A table listing all Intervention 1 eligible fields, their areas (digitised and eligible), their name (where relevant), management recommendations, the intervention 1 score for the present and previous year and the payment accruing to that field
- A declaration by the farmer and his/her advisor that the information contained in the Intervention 1 sheet is accurate and the total payment due is correct.

## 5.3 ANNUAL INTERVENTION 2 WORK PLAN

In addition to, and complementing, the 5-year plan, all participating farmers will be invited to draw up and submit, in consultation with their Advisor, an annual work plan. This annual plan will be a short document containing all the required information regarding planned Intervention 2 works for that year. It will contain:

- An aerial image of the farm showing all management units (fields) where work is planned and highlighting all planned works for that year using colour-coded symbols.
- A schedule of proposed Intervention 2 works to be undertaken during the year indicating locations, measurements, methodologies, legal requirements, unit costs, funding rates and budgetary allowances.

Annual work plans are intended to set out a clear plan of action for the farm and are redrafted annually to improve their effectiveness, to incorporate new information, and to mark the continued performance of the farmer towards the goals outlined in the 5 Year Plan. A new programme of works will be agreed with the farmer each year for inclusion in that year's work plan. The farmer and Advisor must sign a declaration indicating their satisfaction with the content of the plan, which is then submitted to the local office.

## 6. FUNDING PACKAGE

### INTERVENTION 1

The maximum package available to any participant will be **€10,000** annually. Actual amounts paid will be subject to the scoring criteria and payment rates outlined in the tables in Section 3 above and may vary considerably from year to year.

### INTERVENTION 2

The maximum funding available for intervention 2 will be linked to the area of Annex I habitat entered in the Programme. The funding ceiling will be made available at a rate of **€100 per hectare** per year of digitised area as listed on DAFM's LPIS system of SAC and additional Annex I habitats or digitised area of additional Annex 1 land as shown in the five year plan, subject to a maximum ceiling of **€35,000** over the lifetime of the plan. See Appendices B and C.

For example, a farmer with 50 hectares of land, 45 hectares of which is SAC and additional Annex I habitat, would be able to avail of up to €22,500 ( $45 \text{ ha} \times €100 \times 5$ ) under this measure for undertaking a range of works which will be determined by the Burren Farm Advisor and listed in the farm plan. In this example, the farmer could choose to do between €0 and €22,500 worth of work in any one year of his/her 5 year BP Plan if he/she so chooses. However, all such works must be listed in the farm plan for that year, the 5 year ceiling of €22,500 will apply and particularly large annual spends may not be approved if the Burren Team thinks that they are unrealistic or there are implications for the proper completion of the work.

Vehicle Access Tracks: funding for new access tracks will be normally be limited to a maximum of €3000 per annual work plan. This limit will not apply to upgrading existing tracks.

## 7. AVOIDING DOUBLE FUNDING

It is envisaged that many participants in the new Burren Programme will also be participants in GLAS and/or Organic Farming Scheme [see Appendix D for details of interactions between the Burren Programme and GLAS]. With that in mind, and to avoid any possible **double-funding**, the following safeguards will be applied:

- Areas in payment for Low Input Permanent Pasture (LIPP), Traditional Hay Meadow (THM) and Farmland Bird actions under GLAS will be deemed ineligible for area-based payment under the Burren Intervention 1.
- For other fields receiving area-based payment under GLAS, the performance related payments under the Burren Intervention 1 will only be initiated when a score of 5 or more is achieved. See comments on baseline below.
- For parcels receiving payments under the Organic Farming Scheme, the performance related payments under the Burren Intervention 1 will only be initiated when a score of 5/6 or more is achieved. See comments on baseline below.
- To avoid any possible double-funding with intervention 2, the investment items supported under TAMS will be ineligible for support under TAMS.
- Similar linear actions under GLAS and the Burren Programme (e.g. stone wall maintenance) will only be payable under one scheme/programme. This choice will be made by the farmer and his/her advisor and cannot be altered over the lifetime of the farmer's GLAS or Burren Programme plan.

## 8. PAYMENTS

The Department will make payments directly to the farmer's bank account. Annual payments due under Intervention 1 will be made once all area-based checks and inspections have been completed and any necessary adjustments/penalties applied and following recommendation by the Burren Team.

Intervention 2 payments are made by the Department on receipt of a valid claim by the farmer and one claim per Intervention 2 year will be accepted. Participating farmers must complete a declaration form when their Intervention 2 works have been completed and submit this to the Burren Team office. Any Intervention 2 works which have not been completed must be declared on this form and the cost of these jobs will be deducted. Incorrect claims may result in funding being delayed or withheld and penalties being imposed. Claims which prove to have been deliberately falsified will result in expulsion from the Programme.

Where requested on the farm plan, farmers must submit receipts or invoices, in the name of the applicant, that are clearly marked paid, and signed and dated by an employee, agent of the supplier or a contractor. Furthermore, in cases where the cost of a task is based on an estimate, the farmer must submit a form recording the actual labour and capital costs incurred in completing the task. This must be submitted to the Burren Team office once works are complete. Payment will be made on the *lower* of these two costs (i.e. the estimated cost or the actual cost).

Failure to maintain proper records or in submitting declaration forms may compromise payment or lead to penalties being imposed. False declarations will also result in penalties being imposed.

Every payment under the Programme shall be subject to conditions laid down by the Minister which must be complied with fully by the applicant.

## 9. BASELINE CONSIDERATIONS

### Intervention 1

As noted above, Intervention 1 payments are not payable on LIPP, THM and Farmland Bird actions under GLAS or Species Rich Grassland or Traditional Hay Meadow actions under AEOS.

Under Pillar I, the retention of permanent grassland is the only relevant greening measure in this region and no additional conditions or payments are applicable in this regard. All parcels must respect the cross-compliance standards, compliance with statutory management requirements (SMRs which includes compliance with Activities Requiring Consents ARCs) and Good Agricultural and Environmental Condition (GAEC). The relevant environmental SMRs 1, 2, 3 and 10 and the relevant GAEC standards are 1-7. See also Appendix E for full Burren baseline requirements.

### INTERVENTION 2

Cross compliance, SMRs and GAEC do not apply to Intervention 2 capital investment items.

**Any breaches in baseline standards, including those cross-reported from other inspections, will result in appropriate sanctions.**

## 10. TRAINING FOR BURREN PROGRAMME PARTICIPANTS

Training workshops on the Burren Programme will be provided in order to optimise delivery of the programme. Training, delivered by the Burren Team, will consist of an induction session in Year 1 and classroom session and/or field trip in subsequent years. To facilitate full participation, courses will be held on afternoons, evenings and weekends. Attendance at workshops **is mandatory for all programme participants** and/or named representative (where the farmer is unable to attend) and no payment will be made for attendance at the course. Failure to attend will result in a reduction of 10% in total amount payable for each year of non-attendance. If a participant, or their named representative, fails to attend the mandatory training in three or more years of the Programme, the participant will be expelled from the Programme and recoupment of all previous payments will be sought.

. Workshops will focus on practical farming for conservation issues including:

- Identifying Annex I habitats
- Sustainable grazing regimes
- Approved feeding systems
- Best practice for wall maintenance
- Best practice for water provision

- Best practice for scrub removal
- Recognising and protecting archaeological monuments

Additional specialist training courses on themes such as ecology and archaeology may also be offered to Burren Programme participants on an elective basis.

## 11. BURREN FARM ADVISORS

A panel of DAFM-Approved trained Burren Farm Advisors will be drawn up for the purposes of implementing the new programme. These advisors, who must also be FAS approved, must undergo an intensive training course designed and delivered by members of the Burren Team. This will include practical training on the ground in the preparation of plans and in the scoring of environmental outcomes. Advisors must participate in annual refresher courses on farming for conservation in the Burren.

Farmers approved for participation in the programme must select their Burren Farm Advisor from this panel, which will be published on DAFM's website and updated periodically. **The farmer must pay for the services of his/her own advisor. Allowance for payment of such services has been included in the payment rate costings.**

Burren Farm Advisors will need to liaise with farmers, conduct farm assessments and prepare the farm plans. This will entail working closely with the farmer, advising on priority tasks and where, how and when they should be done. The Advisor will also assess grazed habitats on the farm which are eligible under Intervention 1 and award them a score using standardised methodologies and calculators. The Advisor will work closely with the Burren Team and all farm plans, actions and scores will be reviewed by the Burren Team on an ongoing basis.

Advisors who consistently fail (missing more than 2 training sessions over 5 years) to attend training, who are found to have knowingly falsified payment claims or other information, or who fail to co-operate with the local team and/or the Department, may have their approval to work on the Burren Programme revoked by the Department, and may be subject to further penalties depending on the severity of the offence. Farmers will have to find an alternative Burren Farm Advisor in such scenarios.

## 12. COMPLIANCE AND PENALTIES

Participation in the Burren Programme may be terminated or payments reduced if the farmer is adjudged not to be in compliance with the Terms and Conditions set out in this document. Payments may also be withheld, reduced or recovered if compliance checks identify shortcomings in the work completed. Payments will not be made where the farmer is in contravention of any of the basic programme requirements and any penalty will be applied to the payment in the year of finding.

**There are three main areas of compliance and these can be read in more detail in Appendix F:**

A - Liaising with relevant authorities

B - Compliance checks and inspections

C – Cross compliance sanctions and other penalties.

Farmers should consult the Burren Team for best practice guides on scrub removal, feeding and grazing in order to ensure these actions are carried out successfully. Scrub may not be cut or removed during the nesting season (1<sup>st</sup> March – 31<sup>st</sup> August inclusive) and may require a felling licence from the Forest Service.

A Penalty Schedule is also shown in Appendix F.

### **13. BURNING OF VEGETATION**

Growing vegetation cannot be burned during the bird nesting season (between 1 March and 31 August) on any land, and could lead to penalties under the schemes covered by a 2015 Basic Payment Scheme application. Where this occurs on land designated as SAC and/or SPA further penalties will apply. In addition, the prosecution of such cases will be pursued. In the case of land designated as Special Area of Conservation (SAC) and/or Special Protection Area (SPA) prior approval may need to be obtained from NPWS in advance of any burning at any time throughout the year.

The relevant County Council must be notified prior to the burning of material from scrub removal work. Farmers should adhere to best practice advocated by the Burren team and the guidance from the relevant County Council and Fire Services. The County Council notification requirements and guidance are currently available online at:

For Clare [www.clarecoco.ie/water-waste-environment/enforcement/burning/](http://www.clarecoco.ie/water-waste-environment/enforcement/burning/) and for Galway [www.galway.ie/en/services/environment/wasteandlitter/backyardburningandbonfires/](http://www.galway.ie/en/services/environment/wasteandlitter/backyardburningandbonfires/)

The DAFM prescribed code for burning must be followed and is available at:

<http://www.agriculture.gov.ie/forestservice/firemanagement/>

### **14. RIGHT OF ENTRY**

The Minister for Agriculture Food and the Marine reserves the right to carry out inspections and assessments at reasonable times of any land, premises, plant, equipment, livestock and records of participants in the Burren Programme. This right also extends to members of the Burren Team and any affiliates engaged in assisting with the Burren Programme (including any seasonal field workers and Field Monument Advisors). To facilitate checks and on-farm inspections, applicants shall co-

operate with DAFM staff, reply to all queries and provide any documentary evidence that may be requested in relation to their participation in the Burren Programme. Failure to do so may lead to loss of aid. If an on-farm inspection cannot be carried out through the fault or action of the applicant, the application shall be rejected unless the DAFM determines an instance of *force majeure*.

## 15. APPEALS

In cases where penalties are applied, participants will be given ten working days after formal notification in which to seek a review, in writing, giving reasons why any penalty imposed should not be applied. The participant will be informed of the outcome of the review. The participant will be notified of their right to appeal any decision of the Department to the Agricultural Appeals Office. This is without prejudice to a participant's rights under the Agriculture Appeals Act, 2001.

## 16. FARM PARTNERSHIPS:

Farmers in a Farm Partnership registered with the Department are eligible to apply for the scheme provided that:

- a) The application is made in the same name as the Basic Payment Application.
- b) With regard to the training course, one partner in the partnership must complete or have completed the relevant training course as outlined in Section 10.
- c) Maximum payment in each category as outlined in Section 4(a) and (b) shall be the maximum multiplied by the number of partners up to a maximum of 3.
- d) All partners are jointly and severally responsible for delivery of all Burren Programme actions on the lands farmed by the partnership.

## 17. CHANGES TO CONTRACT

### 17.1 FORCE MAJEURE:

Where a beneficiary is unable to continue complying with the commitment(s) given for reasons beyond his/her control, a case may be made under *force majeure* and the respective payment shall be proportionately withdrawn for the relevant year(s). Reimbursement of support paid in previous years shall not be required and payment may be continued in subsequent years.

The beneficiary must notify the Department of cases of *force majeure* within 10 days of being able to do so.

Without prejudice to the actual circumstances to be taken into consideration in individual cases, the following categories of *force majeure* may be recognised:

- a) Death of the participant;
- b) Long term profession incapacity of the participant;
- c) Expropriation of a large part of the holding if such expropriation could not have been anticipated on jointing the Programme;
- d) A natural disaster affecting the holding's agricultural land;
- e) The accidental destruction of livestock buildings on the farm;
- f) An outbreak of disease affecting all or part of the livestock on the farm, or
- g) The disposal or vacation of land to satisfy a court order or legal settlement in cases of marital breakdown.

## 17.2 OTHER CHANGES

Should the entire holding of a Burren Programme participant be transferred, rented or leased to an immediate family member, that family member (the transferee) may continue to participate in the current programme in place of the transferor. Should part, or all, of the holding be transferred or leased to any other party, the transferee has no automatic right to participate in the current programme and application to do so must be made to the Burren Team for approval by the Department.

DAFM will consider each case on its individual merits. Please note an application to withdraw from the programme cannot be made after a participant has been made aware of an inspection under the Programme or of penalty relating to the Programme. Please note penalties related to the programme can be recouped from other payments from DAFM.

### **17.2.1 ADDING LAND TO AN EXISTING BURREN PROGRAMME CONTRACT:**

A: An existing participant may buy or lease additional land during the term of the contract. Where the additional land is already under contract with another Burren Programme participant, the participant may apply to transfer this land to their existing contract. This must be done by making application to the Burren Team, for approval by the Department, any time between 1st January of the year in question and the closing date that year for BPS applications (at the latest). Applications to bring such additional land under contract may only be submitted in years one, two, three or four of the applicant's original contract. The land details will be checked against the participant's Basic Payment Scheme application for the year in question. Only land included in the BPS can receive payment. Application for withdrawal from the programme, or force majeure should be made to the Department at the address in Section 17 below:

B: Where the additional land is not already under contract with another Burren Programme participant the participant may apply to add this land to their existing contract. This must be done by making application to the Burren Team, for approval by the Department, any time between 1st January of the year in question and the closing date that year for BPS applications (at the latest).

Applications to bring such additional land under contract may only be submitted in years one, two or three of the applicant's original contract.

NOTE: Land cannot be added to an existing Burren Programme contract in year 5.

#### **17.2.2. REDUCTION OF LAND FROM AN EXISTING BURREN PROGRAMME CONTRACT:**

All lands entered into the Burren Programme should remain within the programme for the duration of the contract. Any reduction in lands, including reduction of eligible area, will be examined on a case by case basis and may result in penalty and/or recoupment of monies already paid. As regards leased land, participants must ensure that any such land is secured for the full term of the Burren Programme Contract. If a lease ends mid-contract all monies paid already for the land in question will have to be recovered, subject to any application of Force Majeure. Accordingly, it is very important for farmers bringing leased land into a five-year Burren contract to be sure that they will retain control of that land for the full contract period.

## **18. THE TEAM LOCATIONS**

### **The Burren Team Offices are located in:**

Old Schoolhouse  
Carron  
Ennis  
Co. Clare V95 K0NA  
Email: [info@burrenprogramme.com](mailto:info@burrenprogramme.com)  
Telephone: 353 (0)65 7089000  
Website: [www.burrenprogramme.com](http://www.burrenprogramme.com)

### **The Department of Agriculture Food and the Marine offices are located in:**

Locally Led Section  
Department of Agriculture, Food and the Marine  
Johnstown Castle  
Co. Wexford Y35 PN52  
Email: [locallyled@agriculture.gov.ie](mailto:locallyled@agriculture.gov.ie)  
Telephone: 076 1064454

## **19. INFORMATION AND DATA PROTECTION**

In accordance with the provisions of Council Regulation (EC) No 1290/2005, the Department of Agriculture, Food and the Marine may be required to publish on a website, details of the names,

addresses and amounts received by beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). The rights of data subjects and how they may be exercised, in this respect, are laid down in the Data Protection Acts, 1988 and 2003. The data therein may be processed by auditing and investigating bodies of the Communities and the Member States for the purposes of safeguarding the Community's financial interests. The data therein cannot be used for direct marketing or other purposes and this will be made clear on the website. You should also be aware that all the information supplied on your application form and in any supporting documentation shall be made available to any other Department or Agency or Local Authority for the purpose of audits, cross-compliance controls and all Rural Development measures, and, as appropriate, in accordance with the requirements under the Freedom of Information Act.

Under Section 4 of the Data Protection Acts, on making a written request, any individual about whom the Department of Agriculture, Food and the Marine keeps personal information on computer or in a relevant filing system is entitled to (within 40 days).

The Data Protection Commissioner also investigates complaints made by the general public in relation to personal data and has wide powers in this area. For example, the Commissioner may authorise officers to enter premises and to inspect personal information held on computer or relevant paper filing system. Members of the public who wish to make formal complaints may do so by writing to:

The Office of the Data Protection Commissioner,  
Station Road,  
Portllington,  
Co. Laois.  
Tel: 057 868 4800  
Locall: 1890 25 22 31

Email: [info@dataprotection.ie](mailto:info@dataprotection.ie)

The Burren Team and DAFM reserve the right to use photos taken on Burren lands for the purposes of training and publicity. Photographs or other information which identifies any individual will only be used with the written consent of that individual.

## **19. FURTHER CONDITIONS**

1. The Minister may at any time alter the terms and conditions or lay down further conditions under this Programme. Such changes will be notified to programme participants by an official circular.
2. The Minister reserves the right to review and, if necessary, to terminate participation in the Programme and to seek re-imbursement of aid paid where no improvement to the environment is evident.

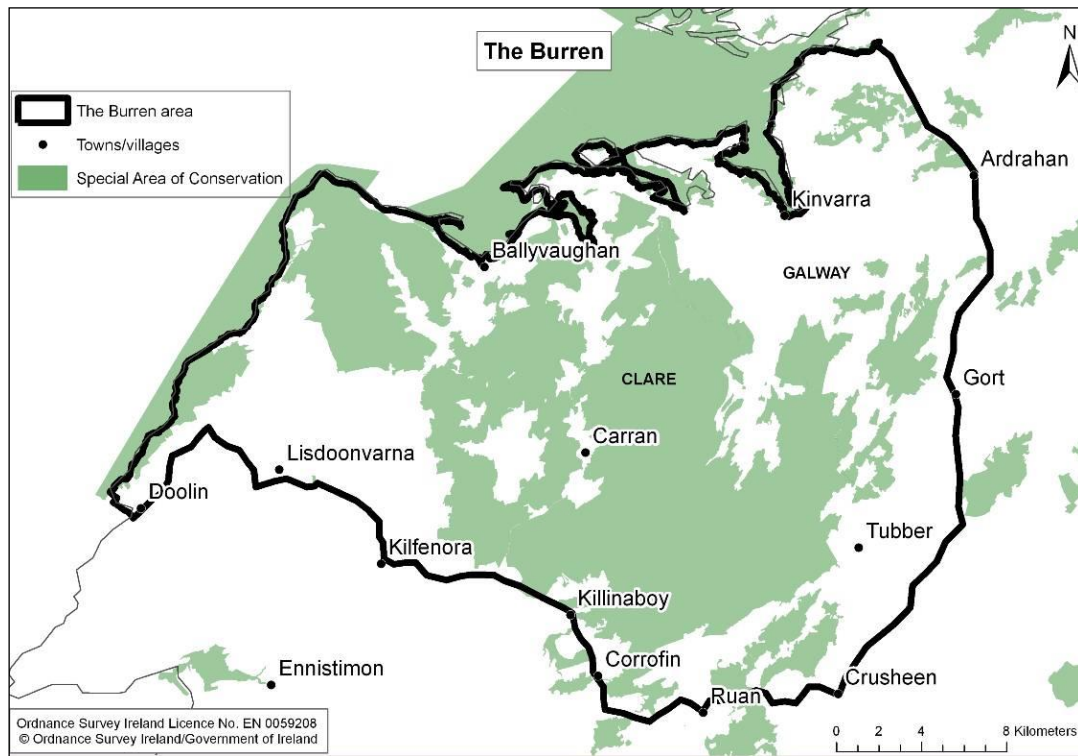
3. The Minister reserves the right to alter from time to time the procedures to be followed in the operation of the Programme.
4. If approved into the Programme the applicant must agree, if requested by the Department, to supply data in relation to his/her participation in the Burren Programme, and facilitate on-farm inspections/assessments, where required for the purpose of assessment, verification, evaluation or research purposes.

## **20. CONCLUSION**

It is important to note that, while the Terms and Conditions has been prepared as an aid to applicants it should be appreciated that the governing EU Regulations (Council Regulation (EC) No 1305/2013 and Commission Regulation (EC) 808/2014 form the definitive basis for the administration and operation of the Programme and are subject to amendment at the discretion of the Minister for Agriculture, Food and the Marine. It shall be the responsibility of the applicant to familiarise him/herself with the Scheme Terms and Conditions and any amendments thereof and with the consequences for breaches of those Terms and Conditions.

## APPENDIX A – THE BURREN REGION

The extent of the Burren region, as defined for the purposes of the Burren Programme, is *roughly indicated* by the solid black line on the map below:



**The Burren region, as defined above, includes the following District Electoral Divisions:**

Abbey	Cloghaun	Glenroe	Lisdoonvarna
Ballyeighter	Corrofin	Kilfenora	Lurraga
Beagh	Crusheen	Killeenavarra	Mountelva
Boston	Derreen	Killilagh	Muckanagh
Cahermore	Doorús	Killinaboy	Noughaval
Carran	Drumacoo	Killinny	Oughtmama
Castletaylor	Drumcreehy	Kiltartan	Rathborney
Castletown	Gleninagh	Kinvarra	Ruan

**Special Area of Conservation (SAC) & Special Protection Area (SPA) designations in the Burren include:**

SAC 000019 - Ballyogan Lough	SAC 000606 - Lough Fingall Complex
SAC 000020-BlackHead-Poulsallagh Complex	SAC 001926 - East Burren Complex
SAC 000032 - Dromore Woods & Loughs	SAC 002244 - Ardrahan Grassland
SAC 000054 - Moneen Mountain	SAC 002294 - Cahermore Turlough
SAC 000057 - Moyree River System	SAC 002295 - Ballinduff Turlough
SAC 000238 - Caherglassaun Turlough	SPA 004107 - Coole-Garryland
SAC 000252 - Coole-Garryland Complex	

A farmer who owns leases or rents land on or near the boundary indicated above, and meets the other eligibility criteria, may apply for inclusion in the Burren Programme.

## APPENDIX B – ANNEX 1 HABITATS

The habitats listed below are those included in Annex I of the EU Habitats Directive which are relatively common in the Burren region and are grazed or used by domestic livestock.

<b>Dry calcareous (limestone) grassland &amp; orchid-rich limestone grasslands.</b> <i>(Corresponding Annex Habitat: 6210)</i>	Widespread in the Burren, these include unimproved or semi-improved dry grasslands on thin soils that are rich in calcium. They are normally species-rich with an abundance of orchids as well as classic 'Burren' species such as spring gentians, mountain avens and bloody cranesbill.
<b>Lowland hay meadows</b> <i>(Corresponding Annex I Habitat: 6510)</i>	Unimproved or semi-improved species-rich grasslands on low to moderately fertile deeper soils that are, or were, cut for hay. Many used only for grazing in recent years.
<b>Limestone heaths</b> <i>(Corresponding Annex I Habitat: 4060 &amp; 4030)</i>	Found on both thin, rocky, well-drained, lime-rich soils and deeper soils with poorer drainage. Characterised by at least 25% of the plant cover consisting of small woody plants. The commonest of these are ling heather and mountain avens. Also includes rare alpine heaths characterised by crowberry and bearberry.
<b>Limestone pavement (both open or with scrub/woodland cover)</b> <i>(Corresponding Annex I Habitat: 824)</i>	Consists of blocks of limestone known as 'clints' separated by fissures called 'grikes'. Usually contains patches of limestone grassland & heath. Often includes areas of scrub or woodland.
<b>Juniper scrub</b>	In the Burren, juniper scrub is usually found in association with limestone grassland, heath and pavement.
<b>Turlough</b> <i>(Corresponding Annex I Habitat: 3180)</i>	Depressions in limestone areas that flood intermittently usually because of changes in groundwater levels. They normally fill through underground springs and swallow holes. Water levels fluctuate markedly during the year, generally flooding in winter and drying out during the summer months.
<b>Calcareous &amp; alkaline fens</b> <i>(Corresponding Annex I Habitat: 7210 &amp; 7230)</i>	Fens are found in association with the springs, turloughs and lakes of the Burren. Fed by lime-rich waters they contain a variety of plants including black bog rush and many sedge species.
<b>Petrifying &amp; calcareous springs</b> <i>(Corresponding Annex I Habitat: 7220)</i>	Upwellings of lime-rich groundwater or seepage from the limestone. Areas of wetland vegetation are associated with the springs. Tufa formation and marl deposition occur in a relatively small number of the Burren springs and these are said to be 'petrifying'.

## APPENDIX C – SPECIES RICH LIMESTONE GRASSLAND HABITATS

The term 'species-rich limestone grassland and associated habitats' used in Intervention 1 is taken to include those grazed habitats outlined in Appendix B above as well as other grazed Annex I habitats less commonly found in the Burren region and any non-Annex I species-rich grazed habitats. Prior approval by Burren Team is required for payment on this category of lands.

## APPENDIX D - INTERACTION BETWEEN THE BURREN PROGRAMME AND GLAS

Payable GLAS Action	Burren Programme Action
Arable Grass Margins	Intervention I BP allowed but only where GLAS payment is forgone for the LPIS Parcel within which the arable margin is located
Bat Nest Boxes	BP allowed along with GLAS payment
Bird Nest Boxes	BP allowed along with GLAS payment
Conservation of Solitary Bees (Boxes)	BP allowed along with GLAS payment
Conservation of Solitary Bees (Sand)	BP allowed along with GLAS payment
Breeding Waders	Intervention I BP not allowed.
Chough	Intervention I BP not allowed.
Corncrake	Intervention I BP not allowed.
Geese and Swans	Intervention I BP not allowed.
Hen Harrier	Intervention I BP not allowed.
Catch Crops	Not allowed
Commonage Management Plan	Intervention I BP allowed along with GLAS payment. BP payment only if a minimum score of 5/6 is achieved and participant is in a CMP.
Coppicing of Hedgerows	Intervention I BP allowed along with GLAS payment
Environmental Management of Fallow Land	Not allowed
Farmland Habitat (Private Natura)	Intervention I BP allowed along with GLAS payment. BP payment only if a minimum score of 5/6 is achieved.
Laying of Hedgerows	Intervention I BP allowed along with GLAS payment.
Low-Emission Slurry Spreading	Not allowed
Low-Input Permanent Pasture	Intervention I BP not allowed.
Minimum Tillage	Not allowed
Planting a Grove of Native Trees	Intervention I BP allowed, but only where GLAS payment forgone for that area
Planting New Hedgerow	Intervention I BP allowed along with GLAS payment
Protection and Maintenance of Archaeological Monuments (Grassland Parcels)	Intervention I BP allowed along with GLAS payment but not for I2 payments for scrub control on or near monuments if this option taken.
Protection of Watercourses from Bovines	Intervention I BP allowed along with GLAS payment
Rare Breeds	Intervention I BP allowed along with GLAS payment
Riparian Margins	Intervention I BP allowed but only where GLAS payment is forgone for the LPIS Parcel within which the riparian margin is located
Traditional Dry Stone Wall Maintenance	Payment confined to one of the Schemes only
Traditional Hay Meadow	Intervention I BP not allowed.
Traditional Orchards	Intervention I BP allowed along with GLAS payment
Wild Bird Cover	Intervention I BP allowed but only where GLAS payment forgone for that area

## APPENDIX E: BURREN BASELINE REQUIREMENTS

Commitment	Type of Operation/Specified Actions	Baseline
<p>Burren Lowland Grasslands</p> <p>A performance-related (results/output based) intervention, based on the participant reaching specific qualitative environmental goals which reflect habitat condition, richness of biodiversity, soil health, water-quality etc.</p>	<p>This category of 'meadow-like' grassland is a rare habitat which generally occurs on potentially fertile lowland areas. Therefore these productive grasslands are at an intrinsically high risk of intensification, and require a specific level of management to ensure their optimum environmental condition.</p> <p>The commitment mainly requires herding the livestock over a longer period than normal ('additional herding costs'), limits production intensity (income foregone) and involves transaction costs.</p>	<p><b>GAEC 5:</b> Limit erosion in management of land</p> <ul style="list-style-type: none"> <li>▪ Ensure there are no unsown finely tilled fields susceptible to erosion;</li> <li>▪ Minimise poaching where animals are out-wintered and avoid liquification of soil;</li> <li>▪ Protect against overgrazing, likely to lead to soil erosion particularly on sandy or high organic soils;</li> <li>▪ Maintain proper husbandry practices to protect against erosion especially on sloping soils.</li> </ul> <p><b>GAEC 7:</b> Take appropriate measures to prevent the encroachment/proliferation of invasive/noxious species</p> <p><b>SMR 1:</b> Respect Articles 4 &amp; 5 of the Nitrates Directive in protecting waters from pollution by nitrates from agricultural sources. Fertilisers, particularly organic fertilisers should only be applied when weather conditions are suitable.</p> <p><b>SMR 2:</b> Respect the Birds Directive requirement to preserve, maintain and manage wild bird habitats. Avoid disturbance during bird nesting season.</p> <p><b>SMR 3:</b> Respect the Habitats. Directive requirement to protect against the deterioration of natural habitats within special areas of conservation.</p> <p><i>(Note: GAEC 1 &amp; 3 are subsumed into SMR 1 in the implementation of the Nitrates Directive in Ireland).</i></p> <p><b>Normal Farming Practice:</b> Full mandatory management plans are not applied. Instead, farmers are issued with lists of potentially damaging activities which require consent. The list of actions is included in The Birds and Habitats (2011) Regulations. No requirement on farmers to apply management regimes which require <u>additional effort</u>, just a requirement to seek <u>consent</u>.</p>

Commitment	Type of Operation/Specified Actions	Baseline
<p><b>Burren Winterage Pastures</b></p> <p>A performance-related (results/output based) intervention, based on the participant reaching specific qualitative environmental goals which reflect habitat condition, richness of biodiversity, soil health, water-quality etc.</p>	<p>The commitment mainly requires herding the livestock over a longer period than normal ('additional herding costs'), leads to production loss entailed in delayed calving of cows and involves additional feeding and transaction costs.</p>	<p><b>GAEC 5:</b> Limit erosion in management of land</p> <ul style="list-style-type: none"> <li>▪ Ensure there are no unsown finely tilled fields susceptible to erosion;</li> <li>▪ Minimise poaching where animals are out-wintered and avoid liquification of soil;</li> <li>▪ Protect against overgrazing likely to lead to soil erosion particularly on sandy or high organic soils;</li> <li>▪ Maintain proper husbandry practices to protect against erosion especially on sloping soils.</li> </ul> <p><b>GAEC 7:</b> Take appropriate measures to prevent the encroachment/proliferation of invasive/noxious species.</p> <p><b>SMR 1:</b> Respect Articles 4 &amp; 5 of the Nitrates Directive in protecting waters from pollution by nitrates from agricultural sources. Fertilisers, particularly organic fertilisers, should only be applied when weather conditions are suitable.</p> <p><b>SMR 2:</b> Respect the Birds Directive requirement to preserve ,maintain and manage wild bird habitats. Avoid disturbance during bird nesting season.</p> <p><b>SMR 3:</b> Respect the Habitats. Directive requirement to protect against the deterioration of natural habitats within special areas of conservation.</p> <p><i>(Note: GAEC 1 &amp; 3 are subsumed into SMR 1 in the implementation of the Nitrates Directive in Ireland)</i></p> <p><b>Normal Farming Practice:</b> Full mandatory management plans are not applied. Instead, farmers are issued with lists of potentially damaging activities which require consent. The list of actions is included in The Birds and Habitats (2011) Regulations No requirement on farmers to apply management regimes which require <u>additional effort</u>, just a requirement to seek <u>consent</u>.</p>

<b>All farmers using plant protection and biocidal products must adhere to SMR 10 as follows</b>
<ul style="list-style-type: none"> <li>▪ Only authorised or registered plant protection and biocidal products may be stored and used;</li> </ul>
<ul style="list-style-type: none"> <li>▪ Plant protection and biocidal products must be stored, handled and used properly as specified on current approved product labels;</li> </ul>
<ul style="list-style-type: none"> <li>▪ Plant protection products must, when appropriate, be used in accordance with the principles of integrated pest control;</li> </ul>
<ul style="list-style-type: none"> <li>▪ Plant protection products must be used in accordance with the principles of good plant protection practice;</li> </ul>
<ul style="list-style-type: none"> <li>▪ Records of acquisition, use and disposal of plant protection and biocidal products must be maintained and be produced for inspection;</li> </ul>
<ul style="list-style-type: none"> <li>▪ Plant protection and biocidal products that are no longer approved for use must not be retained;</li> </ul>
<ul style="list-style-type: none"> <li>▪ Under Irish legislation all professional users of plant protection products (PPP) are legally obliged to apply the general principles of Integrated Pest Management (IPM) as set out in Annex III to Directive 2009/128/EC. IPM involves careful consideration of all available plant protection methods, to ensure that PPP use is reduced to levels that are economically and ecologically justified, thereby minimising risks to human health and the environment. Furthermore, it is a legal requirement to maintain sufficient records to demonstrate the application of these principles. A template of the record keeping requirements that should be maintained at farm level can be found at PRCD - Home , or at <a href="http://www.pcs.agriculture.gov.ie">http://www.pcs.agriculture.gov.ie</a>. Where chemical control is deemed the most appropriate crop protection measure, individual PPPs have particular authorisation conditions which include restrictions on application timing e.g. pesticides should not be applied when heavy rainfall is forecast, insecticides applied when pollinators not actively foraging, etc. These requirements are not compensated for under the Burren programme. The application of IPM crop specific guidelines is considered an entirely voluntary process.</li> </ul>

## APPENDIX F – COMPLIANCE AND PENALTIES

### A. COMPLIANCE – LIAISING WITH RELEVANT AUTHORITIES

Many of the works carried out under the Burren Programme will be subject to restrictions and require approval or permission from the relevant statutory authorities. A Permissions Checklist must accompany every farm plan with all necessary permissions identified. Written consents must be secured, as appropriate, -from the relevant authorities (NPWS, National Monuments Service (NMS), and Forest Service (FS) etc) before the works are undertaken. In addition, farmers who are in the Agri-Environment Options Scheme, Green Low-Carbon Agri Environment Scheme and/or Organic Farming Scheme must comply with the requirements of those schemes. If a conflict arises between the requirements of the Burren Programme and another scheme, the appropriate action which is judged to be in the best interest of the particular site will be recommended by the Burren Team and if necessary a derogation will be sought from the authorities of the other scheme. The farmers and advisors need to be clear as to which activities need permission, how to apply and to whom to apply, and the approximate time-frames required in obtaining permission so that subsequent works can be planned accordingly. Failure to secure the necessary consents or to complete the tasks successfully within the calendar year will result in reduction or loss of potential payment for the tasks in question for that year.

Only work undertaken on, or for the clear benefit of, designated areas (SACs) and other areas of Annex I habitat are eligible for funding under this Measure. The only exceptions to this rule are where particular built heritage or landscape features on other areas require site enhancement works (e.g. scrub removal from a fort or a tomb) or where work on a non-SAC/Annex I site will deliver clear environmental benefit to an adjacent SAC/Annex I site (e.g. piping water across green land to reach a winterage).

### B. COMPLIANCE CHECKS/INSPECTIONS

The staff of the Burren Team will conduct administrative audits of all plans submitted to ensure that the information provided is accurate and in order to certify payments. All applications for support and payment claims will be subjected to administrative checks and any other controls deemed necessary before payments are made under the Programme. Applications will be cross-checked with records held by the DAFM.

In addition, the Burren Team will conduct random compliance audits on a percentage of farms to ensure that all works done under Intervention 2 are satisfactorily completed. The Team will also conduct checks on a proportion of limestone grassland habitats to validate the level of Intervention 1

payments which have been allocated. All of these checks will be over and above standard compliance and eligibility checks undertaken by officials from the DAFM.

At least 5% of applicants will be selected for a Burren Programme and Ground Eligibility inspection under all schemes covered by the BPS application form. Burren Programme participants will be subject to administrative checks, controls by remote sensing using satellite imagery or aerial photography, and on-farm inspections. It is a requirement to carry out standard eligibility checks to verify that the actual area claimed in the Burren Programme corresponds to the area held by the farmer and to ensure there are no overlapping claims, duplicate claims or that ineligible areas are included. Participants will be selected for inspection based on risk analysis by DAFM and their Burren Programme payment will be delayed until the full inspection process has been completed. These decisions may be appealed according to the procedures laid down by the DAFM.

### C. CROSS COMPLIANCE SANCTIONS AND OTHER PENALTIES

The DAFM has primary responsibility for the implementation of cross compliance requirements laid down in EU legislation governing the BP and other Direct Aid Schemes. In addition, there are also requirements relating to the correct declaration of land parcels under the Basic Payment Scheme with penalties applying where either an under-declaration or over-declaration of area of land parcels is made. Please note, Measure 2 payments are excluded from area based penalties. Applicants under the Basic Payment Scheme are sent the 'Helpsheet/Terms and Conditions for the EU Basic Payment Scheme' each year that provide the details necessary for compliance with these requirements. Penalties applicable to the Basic Farm Payment due to an applicant under that Scheme will also apply under the BP.

Failure to comply with the Terms and Conditions of the BP will result in an appropriate penalty/sanction. Monetary penalties will include interest payable at the rate provided for under S.I. No 13 of 2006. Interest will be calculated for the period elapsing between the notification of the repayment obligation to the farmer and either repayment or deduction. Penalty amounts may be deducted from future payments due to the beneficiary under other EU-financed Schemes. Where monetary penalties are not paid or recovered within the period requested, DAFM may take whatever action is deemed necessary for their recovery.

Intentional and serious breaches of the Programme's conditions may result in non-payment for the year in question or in the termination of participation and/or exclusion from the BFCP for a period commensurate with the seriousness of the breach, and the refund of monies already paid.

Participants in the BP must comply with the Statutory Management Requirements (SMRs) and Good Agricultural and Environmental Condition (GAEC) as detailed in Annex II of EU Regulation 1306/2013. Failure to do so may lead to a loss of aid under this and all related schemes. The DAFM, as the EU accredited Paying Agency, will have primary responsibility to ensure that the required level of cross compliance inspections are carried out and for fixing any sanctions to be applied. In general, the rate of on-farm inspection required for cross-compliance is 1% of those farmers applying under the BP. Under Cross Compliance requirements, a farmer receiving direct payments, including the BP, must respect the various statutory management requirements set down in EU legislation (Directives and Regulations) on the environment, food safety, animal health and welfare, and plant health and must maintain the lands in good agricultural and environmental condition (GAEC).

Please note the following specific obligations of BP participants and their Trained Advisors:

- Should farmers and/or their advisors become aware of damage being caused as part of the BP they are obliged to notify the Burren Team
- Any damage to an SAC or priority habitat must be notified to NPWS and will be cross reported to DAFM. This may result in a penalty under cross compliance by DAFM as well as a prosecution by NPWS and as well as forfeiting any payment under Intervention 1 or 2 for the task/area involved.
- Any damage to a monument must be notified to the National Monuments Service (NMS) and this must also be reported to DAFM. This may result in a cross compliance penalty under DAFM and a prosecution by the NMS as well as the loss of any funding for this Intervention 2 task under BFCP.
- Smaller indiscretions such as failure to complete a job properly will be dealt with locally by BP staff and the farmer and, if necessary, DAFM.
- Damage caused inadvertently by contractors is the full responsibility of the BP participant employing them and on whose BP lands the damage has occurred.

### G. SCHEDULE OF PENALTIES

Baseline breaches are breaches of the GAEC and/or SMR/s under the Basic Payment Scheme that must be met as a minimum requirement for the Burren Programme.

Offence	Penalty
<b>False or misleading information in application form, payment claim and/or accompanying documentation.</b>	Any undue amount paid must be recovered and a reduction/penalty equivalent to the undue amount claimed must be applied.
<b>Intentionally makes a false declaration or a false claim for payment as set out in EU Regulation 640/2014, Art 35(5) and (6)</b>	The beneficiary will be excluded from support, all amounts paid to be recovered, and the beneficiary must be excluded from re-applying to the Burren Programme for the calendar year of the finding and for the following calendar year.
<b>If the average farm score of the combined years 4 and 5 falls more than 20% below the year 1 average score and there are no mitigating circumstances.</b>	The clawback on total monies paid to date under Intervention 1 shall be: 21% for scores which are 21% below, 22% for scores which are 22% below, 23% for scores which are 23% below etc. In certain cases such farmers will be excluded from entering any new programmes relating to the Burren.
<b>Damage caused to Burren habitats or archaeological sites (unless such activities have received permission from the relevant authority – e.g. in situations where benefits resulting from such actions outweigh the costs).</b>	No aid will be paid on relevant parcels, and additional baseline penalties will be applied where relevant.
<b>Site enhancement works not carried out to a standard acceptable to the BP team</b>	No payment will be made for such works.  Repeated non-compliance will result in 5% penalty of the value of the works done for each re-inspection required to verify compliance and may result in no further work being funded for certain categories of work.
<b>Annual training not completed by participant</b>	Failure of the participant or a representative to attend will result in a reduction of 10% in amount payable for relevant year.  Failure to attend for three or more of training courses over the period of the Programme will result in expulsion from the scheme, and recoupment of all payments made during the Burren Programme contract period.
<b>Destruction of a Burren Lowland Grassland by intensive use of fertilisers/slurry and/or reseedling</b>	All Intervention 1 money paid for the impacted field(s) will be recovered.