

Government Buildings  
Old Abbeyleix Road  
Portlaoise  
Co. Laois  
R32 RPA6

Date: 01/12/17

Herd Number:

Name  
Address  
Address  
Address  
Address

Dear Applicant,

I am writing to you in relation to your application for the 2017 Basic Payment Scheme (BPS), and specifically the identification of land on your application that has been subject to burning outside of the permitted timeframe.

For your information, some detail in relation to the regulations relevant to the burning of land and the BPS are attached to this letter. In order to qualify for payment under the BPS, you must have an eligible hectare of land in respect of each entitlement you hold. Where land has been burned between the period of 1 March and 31 August of any given year it is not eligible for payment under the BPS.

This Department actively investigates incidents of illegal burning using satellite imagery. As part of this process, land you have included in your 2017 BPS application has been identified as having being burned outside of the permitted timeframes. Accordingly, this land is not eligible for the purpose of a BPS payment.

Included in this letter are the following two maps

- the standard map of all your declared land. This is included for your reference.
- A map highlighting the parcel(s) of land on your BPS application which has been identified as having being burned outside the allowed timeframe. The map identifies the specific area of land in question.

In effect, the fact that the burned land in question is not eligible for payment under BPS has created an over claim on your BPS application. This means that the land included in your claim is greater than the maximum eligible area of the parcel(s) as determined by the Department.

The detail of the impact of any such over claim is outlined in the BPS Terms and Conditions document<sup>1</sup>. In general, the impact can be categorised as follows:

- a) Where the area is less than 3% or 2 hectares, a reduction of your eligible area is applied. This means the area eligible for payment under BPS is reduced by the relevant number of hectares.
- b) Where the area is greater than 3% a penalty as outlined in the terms and conditions is applied.

You should note, that any over claim of land on your BPS can also have an impact on other area based schemes which you may have applied for, such as GLAS, the Organic Farming Scheme, or the Areas of Natural Constraint Scheme. It may also impact on the usage of your BPS entitlements.

**In your case, the over claim arising from the area of burnt land identified means you are in [in each individual letter this will set out what category the farmer is in and whether a penalty or reduction applies]**

This Department has processed your 2017 Payment Application based on the over claim identified and will make payments accordingly. If you accept that the over-claim(s) is/are valid then no further action is required.

However, should you wish to seek a review of the decision in relation to this matter you should fill out the attached “Declaration in respect of burnt land identified” form and respond to this letter within three weeks of the date of the letter. You should set out your reason for seeking a review and include any supporting documentation which you may deem relevant.

Should you wish to respond to this letter, you may do so by writing to the undersigned or via your online account at [www.agfood.ie](http://www.agfood.ie). You may also seek a review via your agricultural agent. Any queries you may have can also be direct to 076 1064420.

Yours sincerely

Treasa Langford

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<sup>1</sup> Terms and conditions have previously issued to all farmers and are also available at <http://www.agriculture.gov.ie/farmerschemespayments/basicpaymentscheme/>

HERD NUMBER: Declaration in respect of burnt land identified

**This Declaration need only be completed and returned to the Department where you do not accept the findings set out in this letter.**

Land Parcel Number	Claimed Area	Maximum Eligible Area	I/we <b>do not accept</b> that the Maximum Eligible Area is correct and I/We am/are returning the map with amendments and/or other documentation to support and justify my application for review.

**Please set out below your reason for seeking a review of this decision (you may append material should you require additional space)**

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**Please also include any supporting documentation which you deem to be relevant to your request for a review of this decision.**

**Signature of Applicant:** \_\_\_\_\_  
**Date** \_\_\_\_\_ / \_\_\_\_\_ / 2017

**In the case of Joint Applicants, the signature of those joint applicants are also required:**

**Signature of Joint Applicant:** \_\_\_\_\_  
**Date** \_\_\_\_\_ / \_\_\_\_\_ / 2017

**Signature of Joint Applicant:** \_\_\_\_\_  
**Date** \_\_\_\_\_ / \_\_\_\_\_ / 2017

### **Information in relation to land eligibility and burnt land**

The rules and regulations relating to land eligibility are set out in the 2017 Basic Payment Scheme (BPS) and Greening Terms and Conditions booklet. This document was circulated to all 2016 Basic Payment Scheme applicants as part of the 2017 BPS application pack in early March 2017.

In order to draw down payment in respect of your BPS entitlements, you must have an “eligible hectare” to accompany each entitlement. In this context, an “eligible hectare” is land that is used for an agricultural activity.

Where land has been burned, it is not in a state suitable for an agricultural activity such as grazing or cultivation and therefore it is not eligible, except where controlled burning is carried out. It is specified in the 2017 BPS Terms & Conditions that Under Section 40 of the Wildlife Act, 1976, as amended by the Wildlife (Amendment) Act, 2000 growing vegetation cannot be burnt between 1 March and 31 August of any given year, on any land not yet cultivated.

It was apparent during the closed season for burning that there was widespread burning of vegetation. Accordingly, this Department confirmed via Press release on 17<sup>th</sup> May that it was investigating the illegal burning of land.

It was also publicised that such land is not eligible for payment under the Basic Payment Scheme and other area-based schemes.

Farmers were also advised:

- Farmers who have included illegally burnt land in their 2017 Basic Payment Scheme application, already submitted to the Department, should remove this land by means of submitting an Amendment Form prior to the closing date for receipt of amendments, i.e. 31 May or 9 June with penalty;
- Inclusion of illegally burnt land in the 2017 Basic Payment Scheme application may result in reduced payment and penalties under this scheme and the other area-based schemes, e.g. Areas of Natural Constraints Scheme;