

FARMING AND PROPERTY BULLETIN – MARCH 2014

SPS 2014 Guidance Supplement

The DEFRA/RPA 2014 SPS guidance supplement is available on the RPA website. SPS Online is now available for 2014 claims and it is expected that paper SP5 forms should start to be sent out during the second week of March.

Entitlement Trading in 2014

It will be possible to transfer SPS entitlements after the 2014 claim and before they are rolled into the BPS scheme at the start of 2015. However, there will be a closed window for trading at the end of 2014, so farmers need to ensure they get entitlements in the right place early.

It was thought that DEFRA would not allow any trading at all between the 2014 claim and the start of 2015. Thankfully, this position has softened and the following key dates now apply:

- *2nd April 2014* – the deadline for transferring SPS entitlements in time for them to be used in the 2014 claim.
- *3rd April 2014 – 19th October 2014* – SPS entitlements can be transferred using the normal RLE1 form.
- *20th October to mid-January 2015* – there will be a ‘closed period’ on trading whilst the entitlement register can be collated and then the entitlements rolled-forward into the BPS.
- *Mid-January 2015 onwards* – farmers will presumably be notified of their ‘new’ BPS entitlements early in the New Year. The RPA will then open a trading window for these entitlements – the exact date will be confirmed nearer the time. The process for trading under the BPS will be different. This apparently includes the scrapping of the RLE1 form and conducting trades online. It is not yet clear whether this will make the process more ‘real-time’ and therefore the 6 week notification period will no longer apply.

An exemption to the closed transfer period between October and January is where leases are ending. If entitlements have been leased along with land, these will be returned to landlords in that period, and thus be held by landlords when they are rolled over into BPS entitlements.

Ecological Focus Area Update

Last month the emerging detail of the Ecological Focus Areas (EFA) rules were reported. Discussions are continuing but this element of greening is proving contentious with regard to precise rules and definitions. The detail reported is therefore still subject to change.

The weighting and conversion factors are the subject of much debate and whether it will be possible to use fertilisers and pesticides on EFA areas (including nitrogen-fixing and catch crops). In addition, it is being argued the penalties for non-compliance with greening need to be made more ‘proportionate’ according to some Member States. The Implementing Regulations that will set out the rules are expected to be published on the 10th March at which point it is hoped matters will become clearer.

DEFRA Flood Recovery Fund

Defra announced that its £10 million Farming Flood Recovery Fund opened for applications on Friday 28th February and will close on 9th May 2014. Grants of up to £5,000 are available for the restoration of farmland affected by flooding, including repairing vehicle accesses and improvements to land drains. Work carried out before an application has been approved will not be eligible for funding. Defra's guidance for the scheme is attached and can also be downloaded from the GOV.UK website.

Hedge Cutting

A reminder that you are not able to cut hedges after the 1st March under GAEC 15 but you are able to undertake hedge-laying and coppicing.

Farmers Should Shoo Before They Shoot

Farmers should first try to shoo bird crop pests such as woodpigeons and crows away before they can be shot, say new government proposals. The plans, contained in a Natural England consultation on gun laws published last month have been ridiculed by farmers and countryside groups.

Natural England is seeking views on proposed changes to the General and Class Licences, which are issued under wildlife legislation. Among the proposals is a suggestion that farmers should first have to shoo away species such as woodpigeons and only shoot them as a last resort.

Currently, farmers need only be “satisfied” that non-lethal methods of resolving the problem are ineffective or impractical before they can reach for the gun but now Natural England is proposing to introduce a requirement for gun users to consider non-lethal, legal measures and to take “reasonable and appropriate steps”, such as scaring and proofing, before they can rely on the General Licence to shoot woodpigeons, rooks, feral pigeons, magpies, jays, crows, jackdaws, lesser-backed gull and collared doves.

Farmers and shooting organisations have until the 19th May to respond on the consultation, preferably submitted electronically to wildlife.consultation@naturalengland.org.uk.

Farm Building Conversion Fears

Planning Minister Nick Boles has reassured MPs that the Government is well aware of the arguments being put forward to exempt National Parks and Areas of Outstanding Natural Beauty from proposals to introduce permitted development rights for redundant agricultural buildings.

Campaigners fear that change in permitted development could lead to large numbers of isolated new homes in unsustainable or inappropriate locations. The minister told the Commons “the intention behind the proposed permitted developed right is to bring forward more housing on land that is already developed, and to make maximum use of the buildings that our ancestors saw fit to build, so that we do not have to put up any more buildings on green fields than is necessary to meet our housing and other needs”. He added: “I recognise, however, and the Government recognise, that national parks and AONBs are so called for a reason and have a special status. It is a status we must respect, and it is important that we think hard and listen to the arguments put to us about the appropriateness of this measure in those areas”. Although I cannot anticipate the Government’s final position, I reassure Parliament that the Government have heard the arguments loud and clear.” Earlier he had agreed with fellow Conservative MPs who queued up to voice concern during an adjournment debate that “it might well be appropriate for national parks to retain the ability to decide on a case-by-case basis whether such development is possible”.

Farming and Forestry Improvement Scheme

Defra announced last month that a third round of the Farming and Forestry Improvement Scheme (FFIS) has been launched. This is the RDPE fund to help farming, forestry and horticultural businesses to become more efficient at using resources. Over the previous two rounds Defra awarded grants totalling almost £19m to over 2200 applicants. The scheme aims to help businesses to become more profitable, whilst reducing the impact of farming on the environment.

Farmers, foresters, woodland owners, agricultural contractors and horticulturalists can apply for grants of up to £35,000 developed to improve farm competitiveness and profitability by becoming more efficient at using resources. This scheme aims to help make your business more profitable and resilient whilst reducing the impact of farming on the environment.

The Farming and Forestry Improvement Scheme funds projects that:

- save energy and reduce carbon emissions;
- reduce dependence on artificial fertilizers through better use of manures;
- improve soil quality;
- improve animal health and welfare;
- save and recycle water; and
- promote woodland management by processing timber more efficiently.

At the latest, forms must be submitted by 4th April 2014. Defra will start processing the applications as soon as they are received so you are strongly advised to apply early. The selection process for FFIS is competitive. This means that there is no guarantee of success and not all projects which are eligible will be awarded grant. You are advised not to commit to buying any equipment which is specifically related to this grant application until a Grant Offer Letter has been received. The grant is paid in arrears so you will need to consider whether you have the ability to bankroll the whole project until such point as the grant is paid to you. If your application is successful then Defra must receive your claim for grant by 31st January 2015 so you would need ensure you have sufficient time to purchase and install your equipment once notified that your application has been successful.