

FARMING AND PROPERTY BULLETIN – JANUARY 2017

BPS Update

2016 Payments

The Rural Payments Agency (RPA) confirmed on the 4th January 2017 that 91% of farmers received a payment by the 31st December 2016. They have therefore met their target to pay 90% of claimants by that date and the next target is to pay 93% of claimants by the end of March 2017.

Where there was outstanding correction work from the 2015 claim, 2016 payments have been based on incorrect data and will be incorrect. Where this is the case the RPA should have emailed or written to the claimant or their agent stating a payment has been made despite 2015 claim issues which remain outstanding.

Once a payment has been made remittance advice will be posted to the claimant or their agent. Claim Statements should be issued from the end of January or early February, these will only be issued to the claimant. Claim Statements will not be made available online this year and we understand they will be in the same format as those issued in 2015 which did not provide a field by field breakdown.

Online Land & Entitlement Transfers

The ability to transfer land and entitlements online should be available from:

- Land Transfers – Late January 2017
- Entitlement Transfers – Mid February 2017.

Online entitlement transfers cannot be made available at an earlier date because it could affect 2016 payments. Whilst paper RLE1 forms can be submitted in the interim for entitlement and land transfers we would advise against doing so as it is unlikely the RPA will process these forms before the 15th May 2017 deadline. It is advisable to wait until the online function is available as the transfer is then instantly complete. Confirmation of online transfers will now be made available in the 'Messages' area on the online system.

Countryside Stewardship

Payment Delays

We understand there have been ongoing delays with payments for Countryside Stewardship Agreements with a 1st January 2016 start date. Natural England have stated they intend to make the majority of payments by the end of January 2017.

January 2017 Agreements

Natural England should now have written to all Countryside Stewardship Applicants who applied in the autumn of 2016 for an agreement with a start date of the 1st January 2017 but it was not possible to issue the agreement before that date. This will be in the form of a 'conditional offer' letter. Where such a letter has been received and the intention is for the application to be accepted the requirements of the agreement take effect from the 1st January 2017. We would however advise you speak to the Natural England Advisor dealing with the case before commencing any work specific to the Scheme.

Woodland Creation Grant

The Forestry Commission has announced the Woodland Creation Grant for 2017 will open for initial applications on the 3rd January 2017 and close on the 1st March 2017.

This is a capital grant offered through the Countryside Stewardship Scheme. In the same ways as Countryside Stewardship, applications for the Woodland Creation Grant are competitive and considered on an individual basis. The two year scheme provides funding for a range of capital items to fund woodland creation.

The following land is ineligible for the Woodland Creation Grant:

- Land that is already subject to another Rural Development Scheme.
- Land already subject to another obligation which is incompatible with Countryside Stewardship.
- Land where the applicant does not have management control for the duration of the agreement and is unable to have an application countersigned by the landowner.

Before making an application it is important that the applicant has registered with the Rural Payments Agency and has a Customer Reference Number (CRN) and Single Business Identifier (SBI).

Once the initial planting scheme is complete applicants can apply subsequently for a multi-year support to maintain the newly created woodland for a further 10 years. This grant is called 'Woodland Creation Maintenance'.

Full details of the scheme and how to apply can be found in the Countryside Stewardship Manual: Woodland Creation Grant 2017, available online at:

<https://www.gov.uk/government/publications/countryside-stewardship-woodland-creation-grant-manual-2017>

NVZ Designations 2017 – 2020

DEFRA carried out a review of Nitrate Vulnerable Zones (NVZs) in 2016 and the resulting new designations were published by the Environment Agency. DEFRA will be issuing notices setting out how farmers are affected and the transitional arrangements which will apply to those coming into an NVZ. They have confirmed they will issue notices to those in the South East, South West, Anglian and the Thames river basin districts on the 23rd January 2017.

If you have not received a notice within a few days of this date you should contact the Environment Agency on 03708 506506 or email enquiries@environment-agency.gov.uk.

Farmers will be able to appeal against new NVZ designations if they believe their land drains to water which is not polluted. These appeals must be made within **28 days of the date of the Notice**.

For farmers not currently in an NVZ, DEFRA has introduced transitional arrangements so that Action Programme Measures will not apply immediately. The Notice requirements will therefore apply in full from the 1st January 2018, with some being delayed until the 31st July 2019. Further advice will be provided by DEFRA on the nutrient management pages on www.gov.uk shortly. Until this is provided farmers should refer to Schedule 4 of the Nitrate Pollution Prevention (Amendment) Regulations 2016 which give an indication of which Action Programme measures are affected.

In the meantime DEFRA has extended the deadline to apply for a derogation for 2017 to the **20th March 2017** to account for the fact notices are being issued later than usual.