

FARMING AND PROPERTY BULLETIN – MAY 2017

Environmental Impact Assessments

The Environmental Impact Assessment (Agricultural) (England) (no.2) Regulations (2006) will be revised with effect from May 2017.

The regulations aim to protect uncultivated and semi-natural areas from damage caused by agricultural work. Compliance with the Regulations is covered by GAEC 6: Maintenance of Soil Organic Matter of the Cross Compliance rules.

An Environmental Impact Assessment must be applied for where an 'uncultivated land' project is planned which will increase the agricultural productivity of at least 2ha of land which has not been physically or chemically cultivated in the last 15 years. Before commencing any such work a screening application must be submitted to Natural England. The changes to the regulations will require more detailed information to be submitted with the screening application. Further guidance will be published in May and a further report will follow when this is known.

Countryside Stewardship: Update on Agreement Offers with 1st January 2017 Start Date

Natural England should be sending out a number of the outstanding Countryside Stewardship agreement offers for an agreement with a start date of 1st January 2017 near the beginning of May.

A pre-populated paper annual claim form should be received with the agreement offer to allow an annual claim to be submitted by 15th May 2017 deadline. The letter which accompanies the agreement offer should give the applicant a choice in relation to their annual claim submission where they don't want to, or practically cannot, deliver certain options which were to be included in the agreement.

The agreement holder should be able to decide to remove the option from their annual claim for this year altogether. If the agreement holder removes the option from their 2017 annual claim, Natural England should then come back to the agreement holder after the 15th May 2017 deadline to discuss whether the option is permanently removed from the agreement or it is simply deferred for a year.

There will be some applicants who do not receive a Countryside Stewardship agreement in time to allow them to submit an annual claim by 15th May 2017 deadline. Natural England should be phoning any affected applicants shortly to discuss available courses of action on a case-by-case basis that year.

Inspections of Pesticide Application Equipment

It became a requirement on the 26th November 2016 that all pesticide application equipment which is in use (with the exception of knapsack and handheld sprayers) must pass an inspection by the National Sprayer Testing Scheme (NSTS) every five years. A list of approved NSTS examiners can be found on the NSTS website. They are the only approved body who can undertake these inspections to stay compliant.

From the 26th November 2020 the frequency of testing will reduce to every three years with the exception of 'low use' equipment which must be inspected every six years. A full list of 'low use' equipment can be found on the NSTS website.

Small Dairy Farmers Scheme

A fund of approximately £8.5 million has been made available to support small dairy farmers in England. To be eligible to apply for a one off payment candidates must:

- Have had an annual cows' milk production of up to and including 1,000,000 litres between the 1st April 2015 and the 31st March 2016.
- Still be actively producing cows' milk.

To apply, complete a Small Dairy Farmers Scheme application form which is available from <https://www.gov.uk/guidance/small-dairy-farmers-scheme>.

Applications must be received by the RPA by midnight on **31st May 2017**. Applications received after this date will be rejected.

Detailed guidance on the scheme is available on the GOV.UK website detailed above.

This one-off payment will be capped at 500,000 litres/year and the precise payment rate will be determined once it is known how many people have applied (due to be published on GOV.UK in mid-June 2017). The RPA's aim is to make payments by the end of July 2017.

Water Abstraction Licences

All farmers who hold a water abstraction licence are required to submit an annual return to the Environment Agency. Depending on the type of licence held you must submit your return by:

- Summer Abstraction Licence – submit return by 30th November each year.
- Winter/ All Year Abstraction Licence – submit return by 30th April each year.

It is important you submit a return even if you have not abstracted any water. Returns can be submitted to the Environment Agency online or using a paper form. Information required varies depending on the type of licence but generally includes weekly or monthly meter readings and/ or amounts of water used.

The information supplied is used for charging, checking compliance with licence conditions and water resource management.

£1 Million Flood Competition to Protect Communities

Andrea Leadsom has announced a new competition to encourage natural flood management. Small-scale natural flood management projects around the country can apply for a share of a one million pound fund to support their project.

The deadline for entries is 19th May and it is expected that successful projects will be announced by the end of June.

More information can be found at <https://www.gov.uk/government/news/new-1-million-flood-competition-to-protect-more-communities>

Adkin News

Adkin are pleased to welcome Kerry Holbrook-Bull to the team as an Associate. Kerry joins Adkin from a National Firm where she spent the last ten years in the Cotswolds. Kerry will be involved in a wide range of professional work and property management.