

FARMING AND PROPERTY BULLETIN – APRIL 2018

BPS Reminders

The BPS 2018 application window is now open and with the deadline coming up on the 15th May 2018 below are some key reminders.

BPS 2018 Scheme Rules

The RPA has published a further updated version of the BPS 2018 Scheme Rules guidance online. The updated guidance can be found on the GOV.uk website or at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697011/BPS_2018_scheme_rules_v4.0.pdf with the key changes being:

- Page 2 – The key dates diagram entry for 31st May has been altered to make it clear that it is the date for making certain changes to application already submitted by 15th May 2018 deadline
- Page 54 – ‘Managing fallow land during the EFA fallow period’ has been updated to clarify that cultivation of fallow land is permitted where a wild bird mix/nectar/pollen source is being established
- Page 56 – ‘Looking after EFA hedges or trees in a line’ has been updated so rather than simply referring to ELS and HLS it reads that environmental scheme agreements may have other management requirements for their hedges.

Claiming EFA on Fallow, Hedges & Nitrogen Fixing Crops

Currently the RPA online system assumes by default that any pulses, fallow or hedges entered are an EFA and will feed these through to form part of the EFA declared in the claim. This means that these areas must be treated in line with the EFA rules therefore plant protection products cannot be used on any nitrogen fixing crops and any fallow areas must not be cultivated or sprayed during the EFA fallow period.

Should nitrogen fixing crops or fallow be included in the claim and are not wanted as an EFA the ‘Use less EFA than available’ feature within the application should be used to check which land is being used against the EFA obligation and to remove any parcels which should not be included as EFA.

Measuring EFA Field Margins

Where an EFA field margin is located next to a hedge, the 1 metre width of the margin/uncultivated land is measured from the edge of the hedge. The RPA’s BPS 2018 Scheme Rules guide states that the 1 metre width must ‘remain unobstructed by the hedge canopy for the full scheme year’. Therefore, care must be taken when measuring the width of an EFA field margin as even if the width measures 1 metre wide now the hedge will grow between now and the 1st September 2018 when it is permitted to cut/trim hedges again.

GAEC 7a bans any cutting or trimming of hedges from 1st March until 31st August 2018 inclusive, meaning at present any future hedge growth during 2018 **does** need to be considered when declaring EFA field margins for BPS 2018 application. Provisions need to be made to ensure the canopy of the hedge does not obstruct the EFA field margin meaning it does not meet the minimum 1 metre width requirement.

Management of EFA Fallow

The BPS 2018 Scheme rules state that EFA fallow land must not be ploughed or cultivated during the EFA fallow period however, the guidance also says that it is acceptable to ‘sow wild bird seed mixes, etc.’ The RPA has clarified that if a wild bird seed mix and/or nectar sources and/or pollen sources are to be sown, cultivations required to establish these can be undertaken however only in this specific circumstance.

CS Buffer Strips & EFA Field Margins

The RPA have recently confirmed that where a EFA field margin is located adjacent to a CS buffer strip the two areas do not need to be 'visually distinguishable'. This requirement for areas to be visibly different on the ground only applies where there are two adjoining EFAs with a grassland cover, for example EFA fallow next to an EFA field margin.

Greening Checker

The EFA greening checker in some incidences is not working. Before a BPS 2018 application is submitted online the application reads 'Yes' the EFA rules are met. However, when the application is submitted and a further application summary generated the EFA rules show 'No'. The RPA are investigating, however, it is wise to check EFA areas comply manually before submitting.

Declarations

Before submitting a BPS claim it is important to ensure that the 'No – I qualify as an active farmer' box under the Active Farm Declaration heading is ticked. 'Your declaration and responsibilities' declaration must also be completed. This is required before the 'Submit' option can be activated.

Updating 100% Land Cover

The RPA has confirmed that it is possible to use the phone route to change the land cover for 100% of a land parcel, the helpline can be contacted on 03000 200 301.

Environmental Stewardship Payment Claims

All 2018 Environmental Stewardship claim forms should have been received by the end of March, if it has not arrived phone Natural England on 0300 060 0011 to request another copy.

Claim forms are pre-populated with details of the revenue options in the agreement. If the RPA have been notified about a mapping change that is not show in annex 1 or 2, make a note of the change in section 4 of the claim form.

Claim forms should be returned by:

- Posting to the Natural England office address in the letter enclosed with the form
- Email a scanned copy to the address in the latter
- Hand in to and Natural England office

Forms must be submitted by 15th May 2018 to avoid a penalty.

CS 2018- Delays to Mid-Tier Application Packs

There have been ongoing delays with Natural England dispatching Mid-Tier application packs despite the application window opening on 15th January. Natural England has now confirmed they have taken on additional resource to aid in the dispatch of the application packs and is aiming that by mid-April a pack should be produced within 10 working days of request.

Farming Rules for Water

From 2nd April 2018 **all farmers** in England are required to follow a new set of farming rules for water. The rules:

- Promote good practice in managing fertilisers and manures
- Encourage land managers to take reasonable precautions to prevent diffuse pollution from runoff or soil erosion
- Require soil testing at least every 5 years

Full guidance on the new rules can be found at: <https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution> .