Rostons
LAND & PROPERTY SPECIALISTS

Summer 2019

Farming Focus

CHARTERED SURVEYORS • COUNTRY HOUSE & FARMS • ENTITLEMENTS • PLANNING • LITIGATION • FINANCE

Meet the team

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The crazy political world continues – we do not know when or if Brexit will happen and on what basis. Will it be Mr. Johnson or Mr. Hunt?

With all this going on the world of farming continues and we have had the wettest June for many a year – very different to last year.

Here at Rostons we have been busy catching up after the usual BPS rush. This year the new Countryside Stewardship scheme is creating more interest. We also await the announcement of the new Countryside Productivity Grant scheme which is imminent this scheme should be a must for all those looking to take their farming business forward.

Over the first six months of the year we have seen strong demand for rural property of all types – whether farms or large / small parcels of land. Our agency presence is growing, and we have sold more properties in the last 6 months than in recent years.

As has been the case since I first started in the profession, location is the key factor and good local knowledge is essential when advising on value and offering property to the market. It is clear there is demand for development properties, large blocks of land and farms. If you are considering a change of direction or considering selling, please speak to either Tony or Holly in strictest confidence.

The last few months have seen us investing in our systems and staff to insure we are fit for purpose and continue to be able to provide the best advice to clients in a cost-effective manner. In the next few months we will be doing some improvements to the offices, so our dedicated team have a good place to work.

We will also be adding to the team with a new graduate joining in September and a new placement – we thank Sarah Heath for all her hard work over the last 12 months – we will miss her bubbly character and wish her well for the future starting with her John Platt scholarship travelling to America in July.

Please feel free to talk to any of the Rostons team if you have any Rural property issues – we are here to help as by working together we can all thrive for the future whatever Mr. Johnson or Mr. Hunt throw our way!

The Trouble with Telecoms

It has been 18 months since the introduction of the Electronic Communications Code 2017 and still both Network Operators and Site Providers have been unable to agree the level of rent for new leases. Those who have received renewal letters will have seen the rental amounts offered reduced by 90% from previous agreements. Recent tribunal cases have criticised the Network Operators for this approach, however the tribunal are reluctant to impose values and are expecting agents to come to an agreement. We are finding that Network Operators are now prepared to reconsider their offers, and this is where close examination of the lease terms can prove beneficial in securing these increases.

Wales News – Newyddion Cymru

With the 2019 Basic Payment Scheme window now closed, it is now time to look at some of the other updates RPW (Rural Payments Wales) have brought out recently.

- **No Livestock?** If you have not declared any livestock on your SAF 2019, RPW must be sent evidence showing that the claimant is in management control of the land. These can be in the form of hedge cutting invoices, fertiliser invoices etc. The documentation should be submitted within 30 days of receipt.
- **No more paper:** Claimants are reminded that RPW no longer send out preliminary check letters through the post, they are only available via RPW online, however a reminder might be sent through the post.
- **Changes to the land?** Any changes that occur on the land should be declared via 'manage my land' on the RPW online account within 30 days of the change happening. This could avoid penalties.
- **2020 Entitlements:** The application period for transferring Welsh Entitlements for 2020 is now open. If you need any help in transferring or selling/buying Welsh Entitlements, please do not hesitate to give us a call.

Subsidy after Brexit: It has been recently announced by Lesley Griffiths, the Welsh Agricultural Secretary, that the two elements of post Brexit financial support put forward in the consultation paper will now be merged into one scheme.

It is proposed that farmers, after entering into contracts with the Welsh Government, will receive annual payments so long as they meet certain environmental targets. The scheme will also have a 'Business Development' aspect which will see further payments to improve profitability and efficiency.

A second consultation on this proposal is due to be announced before the Royal Welsh Show in late July.

Please do not hesitate to contact us to discuss the above matters or if you have any questions relating to rural land and property in Wales.

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In accordance with the Data Protection Act, you have been sent this publication because we hold your details on our database.
If you do not wish to receive such publications, please notify the office and you will be removed from our database.

A New Farming Programme in a Post Brexit World

Early Review

Published by the National Audit Office (NAO) in early June was a report providing an "early review" of the Future Farming and Countryside Programme for England.

The NFU have recently expressed their concerns over the progress of the new Environmental Land Management scheme (ELMs) moving forward at a "frustratingly slow pace" and it has now been criticised that DEFRA haven't yet done enough to achieve the uptake on the scheme which it desires and there are key challenges around timescales for delivery.

DEFRA appear to also have not yet made decisions about which environmental outcomes it will pay for or how much it will pay. This is clearly a fundamental element of the new scheme. The way in which the calculations will be made are not expected to be announced until March 2020 and the basis of payment in June 2020, but this is still some 12 months away. This will mean a tight timescales for farmers to enter into as it will be less than a year until the pilot scheme then starts.

The NAO have reported that DEFRA does not yet have a plan for how it will use the pilot to ensure the success of the national roll-out in 2024. DEFRA also appears not currently to have a plan for what each year of the pilot should achieve.

Whilst there are also plans to reduce the complexity of the enforcement of the scheme and introduce more self – regulation the NAO have also expressed their concerns over fraud risk. The NAO report has concluded with the following commentary which is currently concerning:

It is particularly important that DEFRA approaches the implementation of its new policy in a careful and considered way, and based on a realistic assessment of its capacity and resilience in the light of how absorbed it has been in planning for a no-deal exit from the EU. This assessment should be based on an understanding of past programmes, both within Defra and elsewhere. These suggest that even the 10-year timeline proposed for the Programme may be insufficient. It has not yet carried out adequate scenario planning to demonstrate the overall impact of its proposals on agriculture or the overall economy. It needs to take decisions at the right time so that activities can be carried out in the right sequence and with adequate preparation. If it does not, we have serious concerns that the Programme will move too quickly and that sensible precautions, information systems and planning will not be in place and farmers will be unable to prepare in the way they need.

Clearly much needs to be considered and implemented by DEFRA in which is now a relatively short timescale. Rostons will be providing as much feedback to stakeholders as possible and plan to get involved as much as possible with a pilot scheme.

We will continue to provide updates to our clients in our Farming Focus newsletters, annual seminars and text and mailshots. **Please make sure your email address is recorded with us and consented for under the GDPR rules in order for us to regularly communicate with you with updates such as the new ELMS which will replace the current Basic Payment Scheme.**

Northern Powerhouse Rail and HS2 Phase 2B

In June 2019, HS2 made further proposals to the section north of Crewe which could result in Northern Powerhouse Rail impacting more land throughout the County of Cheshire.

The main amendments to the western leg of Phase 2B (Crewe to Manchester) are as follows:

- A temporary construction rail head at Ashley between HS2 and the existing Knutsford to Manchester line
- A permanent maintenance facility at Ashley
- An additional new junction at Hoo Green from London to Liverpool
- An additional new junction at High Legh from Manchester to Liverpool

The two new junctions will result in two spurs off the High Speed Railway towards Liverpool. There is currently no confirmed route from Hoo Green and High Legh to Liverpool, however this has created uncertainty for land owners or occupiers who own land along the M56 corridor to the west of the M6.

A consultation has opened in relation to the above amendments that closes in September 2019 and anyone impacted by the proposals should respond. HS2 are running public exhibitions for the public to attend. The outcome of the consultation will determine if these proposals will be confirmed.

Countryside Stewardship - Wildlife offers, are they for you?

With just under a month until the deadline for Countryside Stewardship deadline is it something worth considering?

Wildlife offers are a simplified version of countryside Stewardship. The scheme is aimed at low intensity farmers, either through arable, mixed, lowland or an upland grazing option.

The offers are 5 year agreements with every farmer entering the scheme being limited to cutting half of their field hedges every other year.

If you want to talk about this in more depth please contact us as soon as possible with the looming deadline.

2019 Show Dates

Nantwich Show
31st July

Oswestry Show
3rd August

Denbigh & Flint Show
15th August

Cheshire Ploughing Match
25th September

We look forward to welcoming you at our stand at the forthcoming shows for a drink and refreshments

BREW REVIEW

Dealing with utility companies

Has a utility company contacted you regarding accessing your land or been on without permission?

Remember these key points to know where you stand:

Utility companies are generally required to serve notice before entering land, access can be refused if they have not done so.

Keep a record of any time spent dealing with the matter or incidents that arise.

The utility company is required to pay compensation for damage to land and reinstate the affected area.

Remember that the utility company will pay our fees for representing you.

Rostons are involved in many current schemes in the area including Scottish Power pole replacement works, United Utilities Lower Weaver Rationalisation Scheme and also Seismic Surveys.

Letting out your land

Ensure that you have a written agreement in place to protect both parties.

Options include a Licence, FBT or Contract Farming Agreement.

What do you want to achieve? This will influence the type of agreement used.

General Permitted Development Order for Agricultural Buildings

What: The General Permitted Development Order allows for agricultural buildings up to 1000m2 without submitting a full planning application.

Why: Great opportunity to expand livestock housing or storage space.

How: The planning application fees only cost £116.00 and receive a decision in 28 days.