



## Members E-Newsletter #5 7 July 2020

### 1. ALA GENERAL

#### Membership Renewal

You will now have received your membership subscription invoice and many thanks to those Members who have already paid.

A reminder that subscriptions should be paid by 31 July.

#### ALA Dispute Resolution Panel

A reminder that those Members wishing to apply for an appointment to the new Panel must submit their applications **by 5pm on Friday, 24 July**. Any applications received after this deadline will not be considered.

The application pack can be downloaded at <https://ala.org.uk/ala-dispute-resolution/>. If you have any queries, please contact Mike Holland at [enquiries@aladisputeresolution.co.uk](mailto:enquiries@aladisputeresolution.co.uk)

### 2. DEFRA UPDATES

#### ENVIRONMENTAL LAND MANAGEMENT SCHEME

DEFRA has now re-opened the ELM Policy Discussion Document for views. The full document can be viewed at <https://consult.defra.gov.uk/elm/elmpolicyconsultation/> and the deadline for submitting responses is 31 July.

In addition, DEFRA are running a series of webinars throughout July. Full details can be found at [HERE](#)

The Association will be submitting a response and if any Member wishes to submit comments through the ALA, please contact me at [mike.holland@ala.org.uk](mailto:mike.holland@ala.org.uk)



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## **ENGLAND TREE STRATEGY**

DEFRA has published a consultation on a new England Tree Strategy which plans to accelerate tree planting and improve the management of existing trees and woodlands.

The consultation documents can be accessed at <https://consult.defra.gov.uk/forestry/england-tree-strategy/>. The deadline for responses is 11 September.

## **COUNTRYSIDE CODE**

DEFRA has issued an update on the Countryside Code which includes advice for land managers under Section 5. <https://www.gov.uk/government/publications/the-countryside-code/countryside-code-full-online-version>

## **3. TRADE & AGRICULTURE COMMISSION**

As widely reported in the farming press, Secretary of State for International Trade, Liz Truss, has announced an 'in principle' agreement to establish a Trade & Agriculture Commission under the Department for International Trade.

The recommendations of the Commission would be advisory only and the Commission's report should focus on:

- a) Considering the policies that the Government should adopt in free trade agreements to ensure UK farmers do not face unfair competition and that their high animal welfare and production standards are not undermined;
- b) Reflecting consumer interests and those of developing countries;
- c) Considering how the UK engages the WTO to build a coalition that helps advance higher animal welfare standards across the world;
- d) Developing trade policy that identifies and opens up

## **4. SCOTTISH GOVERNMENT - GUIDANCE FOR FARMERS, CROFTERS AND OTHER AGRICULTURAL WORKERS ON MEASURES TO PREVENT SPREAD OF COVID-19.**

The Scottish Government has published guidance for the agricultural sector to prevent the spread of Covid-19.



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A link to the full guidance can be accessed at  
<https://www.ruralpayments.org/news-events/covid-19-guidance-for-farmers-and-crofters.html>

## 5. CASE LAW UPDATE

We draw Members attention to new case judgements that have been added to the website - <https://ala.org.uk/case-law/>

### **LANDLORD'S ACCESS TO LAND – CONTRACTUAL RIGHTS OF ENTRY**

**Rees v Earl of Plymouth**  
[2020] EWCA Civ 816

Whether the landlords' rights of entry under tenancy agreements were wide enough to permit them to carry out the activities that they wish to undertake

### **ELECTRONIC COMMUNICATIONS CODE – TEMPORARY CODE RIGHTS**

**Arqiva Services Ltd v AP Wireless II (UK) Ltd**  
[2020] UKUT 0195 (LC)

Transitional provisions – tenancy at will or periodic tenancy after the expiry of a fixed term lease - scope of paragraph 20 of the Code – operator on site without Code rights – relationship between paragraphs 20 and 27 of the Code

### **VAT**

**Landlinx Estates Ltd v HMRC**  
[2020] UKFTT 220 (TC)

Release of an option to acquire land – whether an exempt or taxable supply – Group 1 Schedule 9 Value Added Tax Act 1994 – Articles 14 and 135 (1) VAT Directive 2006

### **BASIC PAYMENT SCHEME - NORTHERN IRELAND**

**Barnwell Farms Ltd – Judicial Review of Appeal Panel Decision**  
[2020] NIQB 28

Eligibility tests - interpretation of 'active farmer' and 'land at disposal' - case upheld by appeal panel - DAERA rejection of appeal panel recommendation



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## **6. BUSINESS AND PLANNING BILL**

A Bill to make provision relating to the promotion of economic recovery and growth includes extending planning permission and listed building consent deadlines in England.

Permissions and consents that are due to lapse between 23 March and 31 December 2020 are to be extended until 1 April 2021.

Planning permissions which have already lapsed before these provisions come into force, will be subject to an additional Environmental Approval process before the automatic extension can take effect.

The Bill had its a second reading in the House of Lords yesterday and is anticipated to receive Royal Assent before the summer recess. The latest Bill documents can be viewed at <https://services.parliament.uk/Bills/2019-21/businessandplanning.html>

**END**

