



WELSH GOVERNMENT CONSULTATION

SUSTAINABLE FARMING AND OUR LAND

PROPOSALS TO CONTINUE AND SIMPLIFY
AGRICULTURAL SUPPORT FOR FARMERS AND
THE RURAL ECONOMY

RESPONSE BY THE
AGRICULTURAL LAW ASSOCIATION

23 OCTOBER 2020

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1.0 The Agricultural Law Association

1.1 Background

The Agricultural Law Association ('the ALA') was formed in 1976 and is the UK's largest inter-professional organisation devoted to the law and business of the countryside.

We focus on the law in a non-partisan, apolitical way in order to promote its knowledge, understanding and development among those who advise rural businesses.

The ALA has over 1500 members across the legal, surveying, accountancy, farm business consultancy professions together with academia and members with specific expertise in international trade and investment; with all principal professional firms and, uniquely, all other principal member organisations within the agriculture sector represented within the membership.

We are a member of the following current sector cross organisation groups in the UK:

Tenancy Reform Industry Group
Agricultural Representatives Bodies Group (Taxation)
Scottish Land Commission – Tenant Farming Advisory Forum
Land Partnerships Service – National Advisory Group

We are also the largest member association of the European Council of Rural Law.

The Association's Regional Group in Wales which comprises practitioners from the legal, surveying and accountancy professions as well as academics and farm business consultants, has an active role in responding to matters of policy which affect their clients in practice.



BPS payment rates and annual allocation

Question 1.

Do you agree with the proposal for Welsh Ministers to set the BPS ceiling, in regards to Wales?

Yes

Question 2.

Do you agree with the proposal to introduce additional measures allowing the Welsh Government greater flexibility to control any unspent BPS budget?

Yes, on the condition that unspent BPS funds are allocated for rural development programmes and sustainable farming to ensure funds are retained to support the farming sector.

Cross border single application rule (UK wide)

Question 3.

Do you agree with the proposal to remove cross border applications and only consider Welsh land for BPS claims in Wales, removing the need to wait for checks from other paying agencies?

Yes

However, the issues associated with any divergence of rules in Wales compared to England for those cross-border farmers claiming in both Wales and England need to be considered carefully. We would suggest that there is scope for specific guidance for cross border farmers in conjunction with DEFRA to assist those farmers in meeting any differing rules.

Question 4.

Do you agree with the proposal for minimum claim size to remain unchanged and not to make any provision for farmers who currently rely on land in another parts of the UK to achieve the minimum claim size area of 5 eligible hectares?

Yes



Greening

Question 5.

Do you agree with the proposal to maintain greening practices through cross compliance?

We agree that Greening measures have not fulfilled their intended outcome and should be removed. However, the retention of the EFA as part of cross compliance appears unsupported by the evidence of their effect to date. The consultation narrative highlights the limited additional environmental benefit.

Question 6.

Do you agree with the proposal to remove the Crop Diversification rule from the Greening requirements?

Yes

Young Farmer Scheme

Question 7.

Do you believe we should close the Young Farmers Scheme to new applications from 2021?

Yes on condition that they remain a priority category for applying to the National Reserve.

However, support for Young Farmers is crucial for the future of the rural economy and should be a priority for the new agricultural policy and support regime.

Question 8.

Other than the option to close the Young Farmers Scheme to new applications from 2021, are there further options which could be considered?

See above under Q.7



Late supporting documentation rules for BPS

Question 9.

Do you agree with the proposal to extend the BPS supporting document submission date to 31 December?

We disagree. This would have limited effect. Of greater effect would be a notice period or similar for a period of say, 14 or 21 days issued to the claimant requesting submission where supporting documents are missing.

Question 10.

Do you agree with the proposal to keep the SAF deadline and late claim penalties unchanged?

Yes

National Reserve

Question 11.

Do you agree with expanding the national reserve categories to include additional land acquired?

Yes

Question 12.

Are there any other categories or proposals which you believe should be taken into consideration for National Reserve?

No

Inspection Rates

Question 13.

Do you agree with this proposed reduction in BPS inspection rates?

Yes



Over-declaration of land

Question 14.

Do you agree with the proposal to remove the “yellow card” restriction?

Yes

BPS Payment window for un-validated claims

Question 15.

Do you agree with the proposal to introduce an advance and balance payment model and the removal the requirement for claims to be fully validated before an early advance payment?

No

The proposal could lead to a significant change to the cashflow of individual claimants whereby whilst having received 70% earlier, the balance comes much later compared to 100% of the payment being received early in the payment window.

In seeking a change to address an issue that only applies to the minority, this proposal would appear to be have a disproportionate and detrimental effect on the majority.

Active Farmer requirement

Question 16.

Do you agree with the proposal to remove the active farmer negative list requirement and retain the minimum levels of ‘agricultural activity’?

Yes

Hemp

Question 17.

Do you agree with the proposal to remove land used for the cultivation & production of hemp from the list of eligible crop codes and no longer be eligible for BPS?



No. Whilst of limited application, it removes an option for those claimants who wish to react to a market requirement and would seem to artificially affect cropping decisions.

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