

# Rural Matters



Issue 39 Spring 2018

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## Thinking of Selling?

With spring now just around the corner, this is traditionally a good time of year for people who are thinking of selling land or rural property to put their thoughts into action. The decision to sell land or a farm is a significant one, and needs to be handled correctly. You only get one chance to sell it! You want to sell your property when it is looking at its best, and the spring and summer months allow you to take advantage of this.

Although the unknown shadow of Brexit looms over us, in this part of the world it isn't appearing to currently have much of an effect on the property market. In Mid Wales and the West Midlands the demand for rural property, be it land, farms or small holdings, is firm and stable. There remains strong interest from both farming and investment purchasers. Well situated small parcels of land capture the attention of those people just wanting to own their own small piece of the countryside to have to relax in and enjoy.

Sound professional advice regarding marketing and selling a property to its best advantage is essential.

**Katie Morris BSc (Hons) MRICS FAAV**  
Based at Knighton and Welshpool Office



There are a lot of points to consider when selling land and farms: what is the best method of sale; would the property benefit from being lotted; is there development potential; are you including the Basic Payment Scheme entitlements in the sale, to name but a few.

We already have a number of rural properties coming onto the market this spring, including farms and blocks of land to be sold by auction, tender and private treaty. We are holding a Mid Wales collective property auction on 24th May 2018 at The Hotel Metropole, Llandrindod Wells to which further entries are welcome.

Our service includes a free market appraisal. If you have rural property, be it land, a farm or a small holding which you are considering putting on the market and you need advice and assistance you can trust, then contact your local McCartneys rural office.

## Birmingham Resilience Project

In the 1890's the six Elan Valley Dams were constructed to supply Birmingham and surrounding areas with a consistent water supply. Some 130 years later Severn Trent recognised the fact that a 'back-up' supply was needed which would also act as a temporary supply if remedial works were to be carried out on the Elan Valley Supply.

So in the summer of 2016 the 'Birmingham Resilience Project' was born. McCartneys, as agents for land owners, were contacted to act for land owners in the area of Stourport-on-Severn (being the starting point of the new line) and a smallholding mid-way along the pipeline. Both areas of land created huge challenges for both us as agents and the land owners. To take the larger land owner first, this involved initially securing an agreement with Severn Trent to not only create an 'in-take' point at the River Severn but also to purchase an area of land in which to build the new pumping station.

A temporary working area was also leased on a two year agreement for the works to be carried out and for the ground to be returned to the land owner in a position as at the commencement of the scheme.

**Phillip Blackman-Howard ANAVA**  
Based at Tenbury Wells Office



Other compensation such as Basic Payment Scheme Entitlements, water supplies and loss of crops were all handled by McCartneys.

Our second client owns only 2.5 acres but the pipeline crossed the middle of his land, thus rendering it unusable. This land had been used for grazing horses and harvesting hay which had to be accounted for in our considerations of loss. Plus the fact the land would potentially be out of production for two years. As in the first instance we mediated our clients costs to cover all his losses as well as costs to move electricity power lines, water connections and the costs in having to transport horses to alternative grazing.

When the project is concluded by Severn Trent our costs will be covered by the utility company.

# Basic Payment Scheme Update

As usual the claim deadline is 15th May 2018. However there are a number of changes to be aware of, importantly including changes to greening requirement, in both England and Wales. The main changes you need to be aware of are summarised below.

## England

Extensive re-mapping works have been undertaken by the Rural Payments Agency which has resulted in approximately 70% of farmers having changes being made to their mapped land, causing a headache for all involved. It is understood over 80% of these mapping changes have been made incorrectly including fields being merged which should not be merged, land covers being altered from arable to permanent pasture and vice versa, as well as features being added which don't exist, the list goes on. This year farmers must therefore take great care when submitting their application, to ensure the land is correctly mapped to prevent receiving a penalty.

**Greening rules** - changes being applied in England are:

**A ban on application of Plant Protection Products (PPP's) on nitrogen-fixing crops, fallow and catch and cover crops declared as Ecological Focus Area (EFA).** PPP's includes seed treatment, herbicides, fungicides, insecticides, desiccants and plant-growth regulators.

Time periods for when the PPP ban applies is different for each effected EFA option.

There is no exemption available for the use of PPP's during these periods. If PPP's will need to be used then the area shouldn't be declared as EFA.

**Increased weighting of Nitrogen Fixing Crops from 0.7 to 1.**

**The inclusion of 'trees in line' under the EFA hedges option.**

**The inclusion of field margins under the EFA buffer strip option.**

To be eligible the margin must be an uncultivated margin next to a permanent boundary or surrounding internal features in the field at least 1 metre wide. The margin must be on or within 5 metres of arable land and visually different to adjoining arable land. The margin must be maintained for the whole year.

Margins can be located on the same area as the 2m cross compliance buffer strip, but beware that the 2m cross compliance strip is measured from the centre of the hedge, where as a 1m margin is measured from the edge of the hedge.

**Minimum EFA catch crop period extended to 8 weeks from 4 weeks.** EFA catch crops must be established by 20th August 2018 and retained until at least 14th October 2018.

**EFA fallow changes.**

Temporary grassland used consecutively as fallow will convert to permanent grassland after 5 years, however the assessment start date for the 5 years will be from 2018.

**Greening exemption – removal of 30 ha limit for 'other arable land'.**

The exemption has been changed, so that if more than 75% of BPS eligible land is permanent/temporary grass; or more than 75% of BPS eligible arable land is temporary grass and fallow, you are exempted from greening rules (crop diversification and EFA) even if your remaining arable land is greater than 30 hectares.

In England the **'Active Farmer'** test has been removed. BPS claimants do still need to meet the definition of a 'farmer' and need to carry out either agricultural production or maintain the land is a state suitable for grazing or mowing.

**Young Farmer payment** remains available, as does the National Reserve to which new Entrants can apply for an allocation of BPS entitlements.

## Wales

The following EFA options are available in Wales, with changes applying to some of these:

**Fallow land – what grows on fallow land during the fallow period can no longer be used outside of the fallow period.** The EFA fallow period is 1st February – 31st July 2018 and the crop diversification fallow period is 1st May – 16th July 2018. It is no longer allowed to graze land declared as fallow after the end of the fallow period. If the land is cut, the cuttings must be left on the ground to rot and not be removed, burned or used.

**Nitrogen Fixing Crops.** The same ban on Plant Protection Product's (PPP's) applies as in England.

**Hedges, or wooded strips, or trees in line.** Lines of trees and woody strips up to 10m wide along field boundaries qualify for EFA in the same way as hedgerows.

**Traditional Stone Walls.** Must be a minimum of 1 metre high and a maximum of 4 metres wide, with no gaps to qualify as a continuous length.

**Short Rotation Coppice.** No use of PPP's except for spot treatment of invasive non-native species. No use of mineral fertilisers.

**'Manage My Land' function** on RPW online is now to be used for all land transfers and field amendments.

**Young Farmer payment** remains available, as does the National Reserve to which new Entrants can apply for an allocation of BPS entitlements.

Entitlement trading is now open in both England and Wales. Trading closes on the 30th April in Wales, and 15th May in England.

For sound advice on BPS and entitlement trading contact your local McCartneys Rural office.



Katie Morris BSc (Hons) MRICS FAAV  
Based at Knighton and Welshpool Office

# Minimum Energy Efficiency Standards

From the 1st April 2018 new Minimum Energy Efficiency Standards (MEES) regulations come into force effecting all new domestic tenancy agreements across England and Wales.

Energy Performance Certificates (EPC's) were first introduced in 2007 and are required whenever a property is built, sold or rented. The certificates rate properties on their energy efficiency from Band A, most efficient, to Band G, least energy efficient.

From 1st April all privately rented properties will need to meet the new minimum energy efficiency standard of an EPC rating of E or above at the point at which a new tenancy is entered into. This includes renewing an existing tenancy and tenancies which have exceeded their initial term and are now continuing on a month by month basis.

If you are wishing to let a property which has an EPC rating below E (i.e either Band F or G), from the 1st April you will not be able to do so until improvements have been made, or you have registered for an exemption.

Existing private rental properties with EPC ratings below Band E may lawfully continue to be let until 1st April 2020. From 1st April 2020, the regulations will then also apply to all existing tenancies and therefore improvements would have to be made to such a property.

Non domestic landlords should also take note, as the MEES regulations will be extended to include non domestic property from April 2023.

Make sure you don't fall foul of the new rules and contact your local McCartneys office for further information.



Gareth Wall MRICS FAAV FLAA MBIAC  
Based at Kington Office

## Brecon Show Potential Cattle Sale 10th February 2018



The 10th anniversary sale held at Brecon attracted one of the best shows of cattle to date, with 91 exceptional cattle from across Wales, the borders and also the West Country.

It resulted in the largest crowd in Brecon for this special sale with some of the best quality and type of stock ever seen at this sale.

There were a total of 12 classes, judged by Mr Phillip Price, Lower Synglas who won the supreme championship at The Welsh Winter Fair. Mr Price praised the quality of show cattle being exhibited.

He conducted the judging in an impeccable manner and eventually gave the Overall Championship to a local breeder, DS, DA & P Brute from Gwndwnwal, with 'Meghan Markle' an 8 month old home bred Limousin cross heifer by Cwmlimo Hercules. The heifer was sold first through the ring, generating serious competition, and sold to JM & SM Rowlands, Dolwen Farm for £6,700.

The reserve champion went to another local breeder, MR RW & LA Jones of Lower Argoed, with "Little Mix", a smart 6 month old heifer by Emslies Galibo, which was sold for the 2nd top price of the day at £4,700 to S & A May from Bromsgrove.

The champion halter led steer came from PJ & TA Jones, Tyisaf, a noted breeder, with "Tyisaf Naylor" by Sheethills Jet that sold for a top price of £3,400 also to JM & SM Rowlands of Dolwen Farm, who left feeling very pleased with two superb cattle.

The heifers averaged £1,937 to include cattle from £980 to £6,700, whilst steers ranged from £950 to £3,400 and averaged £1,488 with over 20 cattle exceeding £2,000.



Chris Jones FAAV FLAA  
Based at Brecon Market Office

## Experience is something you can always sell but never buy

As I look across my desk at the work that has come in within the last month the above phrase comes to mind, as does the slogan from that advert which in effect said 'I don't know but I know a man who does'.

As a rural practice Chartered Surveyor I am meant to know about an awful lot of things and the files now piled up on the floor for convenience sake bear that out.

They include the dissolution of a large family farming partnership (valuation of live and dead farming stock, crops, fodder, tenant's fixtures, tenancy, farm land); family dispute on a farm in Gloucestershire; valuation of a piece of land to go into a private pension scheme in Oxfordshire; compulsory purchase work for a road improvement scheme on Anglesey; two probate valuations; a land sale; a sale of a farm in Worcestershire; surrender of an Agricultural Holdings Act tenancy; a dispute involving two neighbours over the breakdown of a private drainage pipe leaving raw sewerage to discharge over the ground (Environment Agency involved - claim for damages - necessary to obtain from a scientific laboratory a survey as to how long the land will be contaminated for and with what); possible purchase of tenanted land by two sitting tenants; planning issues with a complex of possible barn conversions and re-siting of farm buildings and possible sale of the same; meeting with a client about inheritance tax and the splitting of assets following the death of her husband; ongoing estate management of two farms in Gloucestershire owned by a charity - new sheep shed going up, repairs to roofs, repairs to traditional buildings; ongoing Severn Trent claims for new water mains round Ludlow; and all of this before the annual tax valuations start, grass keeps and cropping licences and share farming agreements.

I used to think I was busy before! Now I am a consultant the professional work is busier than ever but as they say "If you want anything done, ask a busy man".

Please take advice and remember the truism "It's what you don't know that beats you".



John Uffold BSc (Hons) MRICS FAAV FLAA MNAVA  
Based at Ludlow Market Office

## Update on Countryside Stewardship

There have been some changes to the Countryside Stewardship scheme this year, including the introduction of a simplified "offers" application process.

### Offers

Four new offers have been introduced which aim to be simpler and easier to apply for to encourage more farmers to apply. The offers include a streamlined list of options which applicants must choose from, enabling agreements to consist of as few as three options. Unlike Mid Tier, the offers route is not competitive and therefore all farmers who make a valid application will be guaranteed funding through the scheme.

### Mid Tier

Aside from the new offers, the traditional Mid Tier scheme is still available with over 100 options to choose from. Mid-Tier is a 5-year scheme with a wide variety of land management options to choose from to allow you to create a scheme that fits your farming system. Mid Tier also provides flexibility and allows you to choose which fields you wish to include or exclude from the agreement.

This year, nine new options have been made available to Mid Tier, which had previously only been available to Higher Tier including the management of traditional orchards.

Over 60 Capital Items are available as part of Mid Tier. Available items include concreting yards, hedge laying and creation of livestock and machinery tracks.

The application process is competitive, so consideration needs to be given to choosing the options that will best achieve Natural England's priorities.

Mid Tier can be complex both in terms of application and process but, if you are prepared to navigate your way through this, or enlist the help of a rural professional service, then it could prove a wise decision.

**Water Capital Grants** up to £10,000 is available for standalone two year grants to complete works to improve water quality, e.g. concreting yards and covering livestock handling areas. To be eligible you need to be located within a priority catchment and gain approval for the desired works from your local Catchment Sensitive Farming Officer.

Applications are being accepted for both Mid Tier and Water Capital Grants until 31st July 2018. Application packs must be requested by the 31st May. Successful agreements will commence on 1st January 2019.

### Hedgerows and Boundaries Grant

The Hedgerows and Boundaries Grant provide capital grants of up to £10,000 to plant and restore hedgerows and to restore, repair and maintain stone walls. The maximum grant has been doubled this year offering farmers an opportunity to make even greater environmental improvements to their holdings.

There are twelve options available under the grant including hedgerow laying, hedgerow gapping up, stone wall restoration and hedgerow tree planting. The grant is open until the 30th April 2018. All works must be completed within two years of the agreement start date.



Jenny Layton Mills BSc (Hons) MRICS FAAV FLAA  
Based at Knighton Office

## Woodland Wanted for Client

Commercial productive coniferous woodlands wanted in Wales and the Welsh Border Counties, of areas over 50 hectares to purchase. Sporting and mineral rights are not required. Grant aid may be available for mutual benefit for access improvements.

Contact Jenny Layton Mills at the Knighton Office 01547 528621

# Pay attention or risk an inspection

New Farming Rules for Water are being introduced from 2nd April 2018 which all farmers across England must adhere to. The rules seek to set a baseline of good practice in relation to the use of manures and soils to protect water quality and reduce soil erosion.

One of the main changes includes that farmers must plan the application of manure and fertiliser, and soil test each field every five years prior to applying manure or fertiliser on cultivated land (this includes land which has been either physically cultivated or chemically cultivated e.g. received fertiliser applications). The rules also include limitations on where livestock feeders can be positioned. Whilst termed a new set of rules, there is overlap with existing requirements under Cross Compliance.

The eight rules are split with five focusing on the management of fertilisers and manures and three on soil management:

**Rule 1: Planning Use of Manures And Fertilisers**  
The application of manure and manufactured fertilisers must be planned in advance and soil testing must be undertaken at least once every 5 years.

**Rule 2: Storing Organic Manures**  
Manure must not be stored within 10m of a watercourse or pond, or within 50m of a spring, well or borehole.

**Rule 3: Applying Manures or Fertilisers**  
Manure and manufactured fertiliser must not be applied if the soil is waterlogged, flooded or snow

covered, or has been frozen for more than 12 hours in the previous 24 hours and there is a significant risk of causing pollution.

**Rule 4: Where Not to Apply Organic Manures**  
Manure must not be spread within 10 metres of a watercourse or pond, or within 50 metres of a spring, well or borehole.

**Rule 5: Where Not to Apply Fertiliser**  
Manufactured fertiliser must not be applied to land within two metres of a watercourse or pond.

**Rule 6: Reasonable Precautions to Prevent Soil Erosion**  
Reasonable precautions must be taken to prevent pollution resulting from land management and cultivation practices.

**Rule 7: Protecting Against Soil Erosion by Livestock**  
Any land within 5 meters of a watercourse or pond should be protected from significant soil erosion by preventing poaching by livestock.

**Rule 8: Positioning of Livestock Feeders**  
Livestock feeders must not be positioned within 10 metres of a watercourse or pond, or within 50 metres of a spring, well or borehole where there is significant risk of pollution from poaching entering any watercourses.

The Environment Agency will focus on known "non-compliant" farmers, as well as focus on areas where the risk of pollution is higher due to the farming activities undertaken. Any farmers not acting in accordance with the eight new rules could face a compliance inspection by the Environment Agency.



Beth Hanson BSc (Hons) FFAV  
Based at Kington Office

## Mid Wales Collective Property Auction

Over 500 acres of land is to be offered for sale via auction on Thursday 24th May, unless previously sold. The auction will include:

### Great Moelfre, Llanbister, Llandrindod Wells, Powys, LD1 6UN

Comprising Farmhouse, Farm Buildings and in all some 201.85 acres (or thereabouts), together with substantial hill grazing rights.

### Great Castle, Nantmel, Rhayader, Powys LD6 5PD

Comprising 369.07 acres (or thereabouts), suitable for beef and sheep farming, a Grade II Listed 4

Bedroom Farmhouse together with a range of modern and traditional Farm Buildings.

### Gallows Bank, Presteigne, Powys

12.55 acres of accommodation/pasture land offered in two lots.

### Cwmbach, Builth Wells, Powys

45 acres of pasture land offered in two lots.

The auction will be held at the Metropole Hotel, Llandrindod Wells, LD1 5DY at 5:30pm.

For Further details, please contact the Knighton Office.



Mr Glyn Owens FRICS FFAV FLAA  
Based at Knighton Office



### McCartneys are pleased to welcome Joanna Wall BSc (Hons) MRICS FFAV into the team of Rural Professionals.

Joanna has rejoined McCartneys having previously worked at the Church Stretton and Kington Offices. Joanna graduated from

Harper Adams University College with a 2:1 Honours Degree in Rural Enterprise and Land Management in 2012. Joanna is a qualified Member of the Royal Institution of Chartered Surveyors (MRICS) and a Fellow of the Central Association of Agricultural Valuers (FAAV).

Based between the Craven Arms office and Ludlow Market, Joanna will be undertaking Rural Professional work across Shropshire and Mid Wales. Joanna's day to day work includes Basic Payment Scheme applications and queries, Stewardship and Grant Scheme applications, Cross Compliance matters, Sales and Lettings of Land, Farms, and Rural Property. Joanna also assists with Compulsory Purchase and Compensation, Valuations, and Landlord and Tenant Matters. Joanna has experience across many aspects of the profession due to her broad practice and qualifications.

Please contact Joanna at the Craven Arms Office on 01588 672 385.

Mobile: 07815 099 802 Email: joanna.wall@mccartneys.co.uk

With a long standing heritage in supporting the needs of the countryside economy McCartneys is one of the oldest and largest multi disciplined private practices in the United Kingdom. Offering a wide and comprehensive range of services across the Midlands and throughout Wales, McCartneys has a large dedicated team of professional experts specialising in all aspects of rural property, planning and business advice.

Please contact one of our professional staff for sensible and impartial advice. For any further information about any of the content of this newsletter Please contact the editors Gareth Wall and Beth Hanson.

## Rural Professional Offices

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