



> **When there's work to be done on the farm, making a BPS claim can be a job that some dread doing** NSA

Applying for BPS doesn't have to be a stressful task

“THAT time of year” has once again arrived for farmers.

Most readers will only have one BPS claim to submit for the year, if any. We, by our nature, have rather more than that. For some weeks we hear the Defra (Department for Environment, Food and Rural Affairs) hold music in our sleep and dream about RLE1 forms.

Whatever the long-term psychological effects of this may be, however, this does make us well placed to share some pointers about how to survive this spring activity.

1. Be certain with the mapping

It is much easier to tell the RPA (Rural Payments Agency) in advance about any changes that have happened on your holding before they start trying to process your claim. If you tell them there is a discrepancy, there is a reasonable chance they will sort it out correctly. If they are the first to notice it, they may then decide the field you have just put into grass is now a commercial airstrip or such like and then try to penalise you for claiming on it.

2. Greening no longer exists

Neither Ecological Focus Areas nor the Three Crop Rule are applied anymore. Anything else you read about them can be disregarded. The Green-

Land agent and surveyor expert **Hugh Townsend** shares his advice for taking the confusion out of claiming for the Basic Payment Scheme (BPS)



ing Rule about returning land to permanent pasture also no longer exists, but that does not mean that you can go ahead and plough up all of your grassland. This is still protected under Environmental Impact Assessment regulations.

3. Most new entrants must now purchase entitlements

Up to last year, “New” and “Young” farmers could claim fresh BPS Entitlements for free from the Government. This option has now been removed, except where the new entrant purchased or leased in their land before May 17 last year but have not yet claimed the BPS on it. Therefore entitlements will need to be purchased on the open market instead for most new entrants. The RPA's stated reason for this is to prevent what they consider might be abuse of the retirement lump sum. Given the purpose of the retirement lump sum was ostensibly to encourage new entrants, the Government rather seems to have “cut off its nose to

spite its face” here.

4. Save everything

It is, unfortunately, quite possible to do everything perfectly and then still have the RPA make some error for which they then attempt to hold you responsible. Most of the time this can be handled perfectly well by calmly pointing out that no, you have not tried to claim on the entire Lizard Peninsula and here is the form you submitted to prove it. However, this only works if you saved a copy of the form in question. Documents on the Defra website get wiped permanently if you generate a new version. Therefore, if you generate a new form and didn't save the old one, and some official has accidentally added several thousand acres of someone else's land to your claim in between, it will be difficult to prove that this is not what was submitted. This is only a slight exaggeration: one of our clients recently had an additional 50ha of land from some four counties away added to their claim

for no clear reason. That we had evidence to hand of the claim we actually submitted was vital in correcting this mistake.

5. Don't panic

If a problem does arise, and you have followed the rules and have documents on file, this is often easier to fix than you may think. Even if you have made an error on your form, the RPA makes provision for “obvious errors” which can be resolved without penalty. If you notice a serious error after submission, provided the RPA do not spot it first, you can let them know without penalty under their “notified error” provisions. However, it is unwise to rely on these provisions. There are no strict rules as to when an error is “obvious” and sometimes the RPA will notice it first. The second-best way to ensure smooth payment of your BPS from the outset is to study all of the rules carefully and follow them to the letter.

The best way, we are afraid, is to pay someone to submit it who can remember them all in their sleep!

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