

Land Business Update

Week commencing 1 October 2018

Farming

Agriculture Bill published and includes some significant new elements

The UK Government has published its Agriculture Bill, which sets out agricultural and environmental policy after Brexit. Its main proposals are to phase out Direct Payments to farmers, which are worth @ £225 / hectare / year, over a seven-year agricultural transition period that ends in 2028. Farmers will instead be paid 'public money to deliver public goods'. Farms that are not in the top 25% of performance will struggle to make sustainable profit levels unless they significantly increase their productivity. The Bill will be debated in parliament from October and is expected to be passed and become an Act in spring 2019. The CLA has said that the proposed seven-year transition period should be sufficient for transition. It is unclear what agricultural policy will be in Scotland, as the Westminster government says that the Scottish Government is not taking powers in the Bill and Scottish ministers have said that they will not consent to a 'farm payment power grab'.

Farming and Brexit

Food Standards Agency proposals on EU law food and feed that will be retained after Brexit

The FSA consultation paper says that the UK wants to 'redefine and formalise' a close working relationship with the European Food Standards Agency based on exchange of information and cross-European collaboration. It also says that it is aiming for no material change in the level of protection of human or animal health, for both domestically produced and imported products. So, subject to agreement with the EU, there should not be a significant change in this area of policy, which is positive. It is unclear how much the cost of running the FSA will change due to the proposals.

Fox tweets '#FakeNews' over claims he will try to cut food standards

With echoes of Donald Trump, Trade Secretary Liam Fox took to Twitter last week to say that he had "consistently said that there will be NO lowering of UK Food Standards". An article had said that he was preparing to lower standards to increase the chances of a trade deal with the US.

Defra will not be able to deliver its Brexit preparation plans if no-deal

The National Audit Office also said that the department lacked a clear vision for the new services and functions it will need post-Brexit, meaning it has a "limited understanding" of future costs.

Farming and environment

Swallows more likely to forage along arable field margins sown with wildflowers than those which are less flower-rich.

The research highlighted the importance of diversity of habitats on land, as the swallows were more likely to forage along hedgerows and grass margins, than along lines of trees, and they also foraged more along bigger (high food biomass) margins.

Energy

Scotland: Just Transition Commission set up to help transition to low-carbon future

This new taskforce is a commitment under the Programme for Government which is looking at how to maximise the opportunities of decarbonisation.

**Cuadrilla plans to start commercial fracking “within weeks”**

The company was given permission by central government in July to resume operations. Fracking has been suspended indefinitely in Scotland and Labour says it would ban it.

Environment

How to tell the difference between an Asian and a native hornet? Yellow legs.

Asian hornets tend to be smaller and of a darker colour, not yellow, especially on their middle section (thorax) and tail section (abdomen). For me, the key difference is that Asian hornets have yellow legs / feet – European ones have dark ones – and Asian's have a yellow band across their rear section. Official advice is to not destroy a nest but (carefully) photograph any insect without disturbing the nest and submit an online sighting report to the [Non-native Species Secretariat](#), which has a range of ways to report a sighting, including the Asian Hornet Watch app (Android and iPhone).

Forestry

Scotland: consultation on draft Forestry Strategy 2019-2029

The draft provides a 10-year framework for action to help achieve a 50-year vision for Scotland's woodlands and forests.

Property

England: Tenant Fees Bill amended to prevent excessive charges by landlords

The Bill, which will ban letting fees paid by tenants in the private rented sector, has been amended and new provisions added that require a landlord or agent to provide evidence that any costs they try to recharge to a tenant are reasonable. The example cited by the Government is of a tenant being charged £60 to replace smoke alarms which the local council would have replaced for free. The Government expects the Bill to become law in 2019. More broadly, the Association of Residential Letting Agents (ARLA) has said that the ban on letting agents charging fees to tenants for certain services is inevitable and that changes to the Bill are unlikely.

New National Land Access Centre demonstrates best practice for disabled and able-bodied horse riders, cyclists and walkers

The Centre, in the Chilterns Area of Outstanding Natural Beauty at Aston Rowant, has been designed to demonstrate the use, maintenance and installation of gaps, gates and stiles meeting the new British Standard for improved countryside access.

England: fire safety tips for residential landlords

In our experience, most landlords want to ensure that they are minimising the risks associated with fire. See [our list of five key areas](#) which landlords renting out self-contained homes or holiday accommodation in England need to consider.

News from the firm

A record 30 graduates join our land management, farming and planning teams

In total, BNP Paribas Real Estate has recruited 53 people to our graduate training programme, the most ever.