

farming focus

AMC

Rostons 
LAND & PROPERTY SPECIALISTS

Autumn 2011

Meet the team



Tony Rimmer
MRICS, FAAV
Director



Ros Rimmer
Director



Johnjo Roberts
MRICS
Chartered
Surveyor



Sam Catling
Graduate
Surveyor



Sam Starkey
Graduate
Surveyor



Siwan Roberts
Placement
Student



Cerys Stockton
Professional
Support



Keighley Stranger
Professional
Support



Sheila Ashdown
Accounts
Manager

Farmland Market / RICS Farmland Price Survey

We are proud to announce that Rostons Director Tony Rimmer has been invited to join the Steering Group which works with the Farmers Weekly and RICS in the publication of the Farmland Market. The Farmland Market is the most influential and nationally recognised source of market intelligence on an agricultural land prices and trends and is the only transaction-based guide to land values analysed on a county-by-county basis.

At the last meeting of the committee Tony was fascinated to discover that the experiences which we are finding with land and property sales within Cheshire and adjoining counties is being repeated across the rest of the country.

He said: "Currently the 'fizz' has gone out of the market for whole farms, particularly where there is a high residential value but demand for bare parcels of land remains extremely strong. Talking to the leading experts from across the country, they are equally finding that auction is no longer necessarily the main/best method to dispose of property."

Tony is extremely honoured to have been invited onto this committee.

Lowes Farm Shop unveils New Premises

An impressive new purpose-built farm shop at Shanty Farm, Byley opened during the summer. Lowes Farm Shop, managed by brothers Brian and Graham Lowe, has been run from Shanty Farm for a number of years, initially out of an adapted glass house.

The family-run shop focuses on selling as much produce grown on the farm as possible, with the bulk of the remaining products being locally sourced throughout Cheshire. The farm also supplies large amounts of bedding plants throughout the spring and summer.

Rostons were involved with the project from the early stages, assisting with delivery of planning consent for the construction of the new farm shop, as well as securing Rural Development Plan for England Funding towards the cost of completing the project.

Rostons wish Brian, Graham and Family the best of luck with the future developments of the business and would urge anyone to visit the farm shop for its excellent range of farm and local produce, as well as seeing an excellent example of on farm diversification.



New exchange rate

The date for the single farm payment exchange rate to be set is the 30 September 2011, last year's rate was fixed at 0.859 and the new exchange rate as at 6 September 2011 is 0.877 and therefore current prospects are for a marginal improvement when rates are set again on 30th September 2011.



Plan thoroughly for planning success

Rostons planning experience and expertise has once again paid dividends for our clients with permission obtained for a diverse range of applications from agricultural workers' dwellings to new cubicle sheds and even green field dairy complexes.

Team member Johnjo Roberts, who deals with planning applications for the Rostons team, admits that putting together successful applications involves jumping through hoops and takes a significant amount of time. But putting in the time and effort at the beginning of the process substantially increases the chances of a successful outcome.

He said: "Obtaining planning is certainly not a quick process. These days every man and his dog seems to have some input in something – from the ecological aspect including newts, bats, badgers and owls to the environmental health officer wanting clarification on the extra noise generated by expanding cubicle sheds.

"It really has become a long drawn out process but if you assess the situation and pre-empt possible problems before submitting the application, outcomes are much more positive. So if you are considering making planning applications, do allow yourself plenty of time."

With the changing face of agricultural, in particular the expansion of many units, there has been substantial resurgence in the demand for additional agricultural workers' dwellings and Rostons have been involved in a number of applications across the county. Almost without exception, the first reaction from the planners is 'no' and it takes time, skills and hard work to educate the planners on not only what the need is but also why it is needed because there is a general lack of understanding about our business among planners.

Recent successes have included:

- Agricultural workers dwelling at Aston by Budworth
- Agricultural workers dwelling at Plumbley
- New cubicle shed at Calverley
- New cubicle shed at Nantwich
- Slurry store at Frodsham

If you require assistance with planning, then please do not hesitate to contact Johnjo Roberts at the office

Ploughing Match
28th September 2011

Join us for bacon rolls 10.00am - 11.30am
first come first served

www.rostons.co.uk
Tel: 01829 773000
Email: info@rostons.co.uk



Are Wind Turbines Right for You?

Farmers and landowners are increasingly being approached for permission to install wind turbines on their land in exchange for free electricity.

Representatives from larger companies are generally offering an 'option agreement' - free electricity in exchange for space on your land for small-scale turbines. But is this the right thing for you?

In principle the concept of the scheme is very good, however great care must be exercised when considering such a proposal because there are a number of pitfalls.

Firstly, you must consider what rights you are granting as part of the lease. A badly-drafted lease will give you no control over the company's access and rights over your

land or the ability to end the lease in the event of a disagreement.

It could also prevent you from stopping them upgrading and installing a much larger wind turbine in the future which could impact on the value and saleability of your property with no increase in benefit to you.

Secondly, consider the quality of your proposed site. Should you be looking into funding or getting a better deal than free electric?

We strongly recommend that people seek a professional opinion on any lease or option agreement presented to you prior to signing any legal documentation.

Q&A's - what everyone needs to know

Entitlement trading is a complex business subject to frequent rule changes. Below are Tony Rimmer's answers to the questions most frequently asked by our clients but if you need to know more please give the office a call.

I have more entitlements than land, what are my options?

It is common for the area under a farmer's control to go up and down over the course of time due to the end of tenancies or the sale and purchase of land.

If you find you have more entitlements than land the simplest option is to sell your surplus to a person who has more land than entitlements. This process is carried out by an agent who will agree the sale and carry out all the necessary paperwork with the RPA. All transfers must be completed by April 1 2012 to allow the purchaser to be able to claim the entitlements in the 2012 scheme year.

What if I think I might need the entitlements in the future?

Entitlements unclaimed for two years expire so if you don't want to sell the entitlements but don't have land to claim them on it is vital you do something with them.

One option is to rent in 'naked acres' where you pay for the right to claim your entitlements against someone else's land that isn't been claimed on. This is done by way of a tenancy and contract farming agreement that allows the landowner to continue farming the land whilst the single payment claimant can claim SFP on the land.

These arrangements need to be carefully thought through as the RPA are scrutinising the occupational status more.

I have heard that in Wales the single payment claimant has to be the same person that claims any environment scheme on the land. Will this happen in England?

This is a European issue and one that is going to get talked about more and more as the negotiations for the new scheme post 2013 continue in Europe.

Personally I think it is likely it will come in as it will save issues with administration. For this reason Rostons believes the stewardship claimant should be the same as the SPS claimant if possible.

THIS ISSUES QUESTION . .

I farm in partnership with my wife and son. Is there anything we can do to protect the business should my son marry and subsequently divorce?

Partnerships are the most common business structure on farms and are extremely easy to set up.

A partnership can be made through a verbal agreement and can equally be terminated without notice where no written partnership exists.

Worryingly unwritten agreements are the most common form of arrangements encountered on farms which can lead to big problems when disagreements arise. All farmers would be well advised to have an agreement as it saves a dispute and the costs of preparing an agreement pale into insignificance when compared to the costs of a dispute and be used to protect the business from issues such as divorce and partnership splits.

Good Agriculture and Environment Condition 19

Compliance with maintaining Land in Good Agriculture and Environment Condition (GAEC) is one essential element of cross compliance that must be met to receive payments under the Common Agricultural Policy (CAP).

From January 1 2012 all claimants of SPS will need to be compliant with GAEC 19 No Spread Zones. Compliance means that farmers must not apply manufactured nitrogen fertiliser within two meters of surface water; apply organic manure within 10 meters of surface water or apply organic manure within 50 meters of a spring well or borehole.

When applying organic manure farmers must produce and keep a map of their holding which identifies all surface waters on the holding and land within 10 meters

of, all springs, wells and boreholes on your holding and those within 50 meters of the boundary of your holding as well as the land within 50 meters of them.

Changes to the map must be updated within three months and non-compliance will result in penalties being applied to the SPS payment.

If you have land in a Nitrate Vulnerable Zone and you are meeting the requirements under SMR 4 Nitrate Vulnerable Zones (NVZs) you will also be compliant with the rules under GAEC 19.

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In accordance with the Data Protection Act, you have been sent this publication because we hold your details on our database.

If you do not wish to receive such publications, please notify the office and you will be removed from our database.

Team Changes at Rostons

As the new college term begins we say goodbye to Holly Walker, who has been on placement with us for the last 12 months. Holly had an invaluable role within the team, assisting generally within the office and dealing with Entitlement Trading and Entry Level Stewardship Scheme.

Here at Rostons we regard offering a placement as essential, not just to the future of our business, but to the future of agricultural businesses in general. We have had placements for eight years now, and see it as pivotal in the process of bringing on the next generation of high calibre surveyors.

Holly is replaced by a North Wales farmers' daughter Siwan Roberts, who will be dealing with all aspects of our professional work.

We are also delighted to announce the appointment of graduate surveyor Sam Starkey. Sam, a Cheshire lad, completed his placement year with a nationally recognised firm concentrating on utility and renewable schemes.

In a year when there is significant activity with new pipelines and cable schemes proposed across the county, Sam will be a strong addition to the team.

North Wales infrastructure - are you affected?

North Wales is set to see a number of new electricity generating projects introduced in the near future including the new nuclear power station at Wylfa, off-shore wind turbines off Anglesey and a proposed wind farm project in Denbigh - likely to be one of the biggest of its kind in Wales

To ensure these new schemes go ahead, new electricity lines or cables will need to be installed so the power can be exported to the National Grid. Existing lines or cables are also likely to need upgrading to accommodate the increase in electricity.

So why does this matter to the farmers of North Wales? It's quite simple - if the energy companies need access across your farm land they need to pay you for it. Energy companies will appoint agents to carry out feasibility studies. This will include consultations to determine the best route of these new lines and land owners will be approached at an early stage.

Energy companies will need to negotiate a 'wayleave' and possibly an 'easement' for the new power lines to cross land and the landowner will be paid a consideration for this. Equally when power lines are being upgraded, existing wayleaves or easements will need to be re-negotiated.

If you are approached by an energy company it is vitally important you seek professional advice as soon as possible to ensure you achieve the best possible level of compensation. It's also essential to ensure landowners' and tenants' interests are safeguarded throughout the process, from the signing of the wayleave or easement right through to negotiating compensation for access, damages and disturbance.

Rostons has a wide range of experience in dealing with utility companies - from new underground National Grid cables, gas pipelines, new roads and overhead power lines - and in all these circumstances your professional fees are covered by the utility company.

If you are approached, or think you may be, please contact the office for further advice and support

Septic Tanks

Regulations made in 2010 by DEFRA and the Welsh Government proposing all rural properties and businesses with a septic tank or sewage treatment plant need to register with the Environment Agency for a permit or an exemption by December 31, 2011 is currently under review in England.

While the review is ongoing, the registration of small domestic sewage discharges, including septic tanks, will not be required in England. The Welsh Government has advised that septic tanks in Wales will still need to be registered by December 31, 2011.

For further information please contact Sam Catling at our Chester Office