

Countryside Stewardship 1 January 2017 Agreements

Addendum to Mid Tier and Higher Tier Countryside Stewardship Manuals: Dual Use

Applying for Countryside Stewardship (CS) where someone else is claiming Basic Payment Scheme (BPS) on the same land ('dual use') – section 3.3.2 of the Mid and Higher Tier Manuals

Land to be included in a CS Mid Tier or Higher Tier agreement starting on 1 January 2017 may at the same time be used by a different person to claim BPS. This is known as 'dual use'. However, there are specific rules which have to be followed as below.

The CS applicant has to be able to meet the CS eligibility rules, including having management control of the land, whilst at the same time the BPS claimant must be able to demonstrate having the same land 'at their disposal' under the BPS rules (and meet BPS eligibility rules). For example, a landlord may be able to have management control of the land for CS purposes whilst the tenant has the same land at his disposal to claim BPS.

The fact that a person may have an agreement with another party who will use the land to apply for payment does not mean that person has the land at their disposal. It is the rights and responsibilities held in relation to the land, and how they operate in practice, which determine this.

Applicants applying for a CS agreement on the same land that another farmer or land manager is using to claim BPS must have a written record which shows the respective rights and responsibilities of each party. This written record should set out how the applicant has management control for CS and how the other party meets the BPS scheme rules, including having the land 'at their disposal'. This must include evidence that the applicant has given a copy of the CS terms and conditions to the other party and that they have been required to meet them (unless the applicant can show that they are carrying out the required activities themselves). This written record could be a tenancy agreement, a letter or both, containing the required information, which must be signed and dated by both parties in advance of the BPS application deadline (usually 15 May). Natural England or an RPA inspector may ask to see a copy of this. Applicants may want to get independent professional advice relating to their circumstances, especially if they previously had a verbal agreement (rather than a written agreement) with the other party.

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