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The Rt Hon Andrea Leadsom MP
Secretary of State
Defra
Nobel House
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By email: defra.helpline@defra.gsi.gov.uk

2nd November 2016

Dear Mrs Leadsom,

Payment of Basic Payment Scheme on Common Land: 2015 Claims

Regretfully I feel obliged to write and draw your attention to the substantive problems that remain with the payment of 2015 Basic Payment Scheme (BPS) on Commons. This letter has been endorsed by a number of organisations; as listed below; who share the Foundation for Common Land's concerns.

The Foundation for Common Land is a charity whose purpose is to enhance the public benefits from grazed common land. The management of some of our most precious natural and cultural heritage is being put at risk due to the failure of government to make payments owed to the vulnerable businesses that steward this land on the nation's behalf. All common land has open access, 53% is SSSI and 82% is in designated landscapes but these benefits will only continue if commoners have the necessary support for environmentally sustainable management. As most are marginal hill farmers BPS and agri-environment payments are critical to maintaining their viability; furthermore these delays are causing real hardship to a significant numbers of businesses. For instance we estimate that on 13 commons in north Cumbria alone errors have resulted in more than £500,000 not being paid for 2015 and there are problems right across the country.

In summary the primary issues are as follows:

A – BPS 2015 Issues

- Errors in calculating the eligible area of common land including:
 - Digitisation of the common land
 - Non assignment of a land cover code resulting in white space and areas of common being considered ineligible
 - Incorrect assignment of Permanent Ineligible Features (PIFs) resulting in large areas of grazed land being classified as being ineligible

- Failure to strike out dual claims arising from the RPA's incorrect pre-population common land as non-common land parcels on the 2015 forms resulting in no payments being made via the common allocation.
 - Mistakes in determining split right allocations of common rights
 - Incorrect allocation of common rights to a common in some cases with no Livestock Units (LUs) appearing as being claimed
- B SPS and BPS Adjustments
- Failure to process the six years of back payments due from Defra and the RPA's erroneous approach to common land payments under SPS following the Minchinhampton case.

What is of particular concern at the moment is that there is no reporting capacity and hence no transparency.

The RPA are unable to inform any claimant how payments have been calculated. There are too many unknown variables for a claimant to assess the accuracy or otherwise of their payment. These include no capacity to:

- 1) view common land maps to check boundaries
- 2) see what areas of a common has been classified as PIFs
- 3) check how the allocated area has been determined
- 4) assess how rights split across two commons have been handled
- 5) know how many entitlements a business has in total as the Minchinhampton decision has not been implemented.

In the worst cases, as a result of these errors, some claimants have been sent letters by the RPA stating they have over-claimed and have been issued with large over-declaration penalties (in one case more than £224,000). This results in agri-environment payments being siphoned off to pay the penalties so compounding the situation. These letters are simply posted off with no flagging system to allow senior staff to double check at whose door the fault lies.

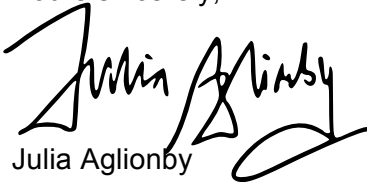
We all appreciate that 2015 was the first year of the new system but it is now clear that the functionality of SITI-Agri is woefully inadequate for the complexity of common land in England. The RPA was well aware of the requirements of commons as they have been making SPS payments to commoners and owners of common land since 2005.

The 2016 BPS payments are due to start within four weeks. We have grave concerns that the unresolved problems from 2015 will spill over to 2016, particularly when the RPA doesn't even know there are errors and it has become our role to point them out. When we do, there appears to be inadequate resources and motivation to resolve them, this adds to our concerns over delivery of correct and timely payments for BPS 2016.

We request that you require the RPA pays proper attention to rectifying and finalising commoners' 2015 claims and ensures claimants are provided with access to the maps and a detailed breakdown of how their allocated area has been determined.

As to timescales may we suggest that all 2015 common land claims are finalised and problems resolved by 5th December 2016 and that maps and detailed breakdowns of claims are provided by 28th February 2017, so to help commoners make correct and safe BPS 2017 claims.

Yours sincerely,



Julia Aglionby
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cc Neil Parish MP, Chairman of the EFRA Committee

Letter endorsed by:

Central Association for Agricultural Valuers (CAAV)
National Farmers Union
Dartmoor Commoners Council
Federation of Cumbria Commoners
Federation of Yorkshire Commoners
Herdwick Sheep Breeders Association
The Farmer Network
NFU Uplands Committee