

Environmental Stewardship Agreement - Restructure

A Wealden Farm, Kent



- **Estate Management** ELS/HLS Agreement Restructure
- **Date** April 2014
- **Contact** Thomas Wilson

The Objective

We were approached by a farming client who wished to retire and let his traditional Wealden farm comprising mixed arable, livestock and top fruit production, to two adjoining businesses, under two separate Farm Business Tenancies.

The land was subject to a combined Entry Level and Higher Level Stewardship (ELS/HLS) agreement which needed to be split and transferred to each respective tenant creating two stand-alone ELS/HLS agreements in their own right.

In addition, a number of key land parcels adjoining neighbouring residential property needed to be retained in-hand, but unencumbered by Stewardship.

The Solution & Role of BTF

We undertook substantial consultation with Natural England, to identify all potential options and then considered which were most appropriate for each tenant's style of farming.

The key issues were option allocation and positioning; however, we were able to identify additional environmental features not previously fully utilised but already in situ, in order to remove/alter onerous ELS options, and making management easier in the long run.

We then applied for the division of the existing ELS/HLS agreement into two stand-alone agreements separating and altering ELS options to achieve respective points totals, and removed excess options where possible.

The Outcome

The combined ELS/HLS agreements have been successfully sub-divided into two stand-alone agreements registered with each tenant, employing an improved, easier to manage, combination of options.

The smaller retained land parcels were successfully removed from Stewardship schemes altogether under Article 44, avoiding a possible repayment liability for my client.