

# [Guidance: Commons eligibility checks](#)

*Updated:* Additional commons data added to the 2018 table

RPA regularly checks and [updates its digital maps](#). This includes common land.

## **How commons eligibility checks differ from other land eligibility checks**

Land cover eligibility on common land is checked using the latest enhanced satellite images and a limited number of supplementary physical land checks. These checks are different from RPA's usual land eligibility checks. The main differences are:

- RPA is checking the eligibility of the land cover on commons and not land boundaries which RPA cannot change because they are legally defined
- RPA is surveying the eligible area of a common separately to the enclosed land farmed by the common land graziers who declared rights on the common for BPS
- Graziers claim for a common by declaring their grazing rights rather than applying directly for an area of land. This means that there will be no penalties for over-declaring if RPA discovers the eligible area is less than previously used

## **When and where to check for changes**

RPA needs to make sure that all land data on their systems is up to date. Therefore the eligibility checks are carried out on an ongoing basis.

After a common is checked, if the eligible area has changed, RPA will write to those customers who declare rights on it as part of their BPS application. Natural England and the Forestry Commission will also contact agreement holders if their schemes are affected. RPA will publish the new eligible area value on GOV.UK, the 'Commons eligibility checks updated areas' at the top of this page.

The changes might affect the value of customers' claims and payments for:

- BPS 2018
- stewardship schemes

- forestry schemes

This is because the 'notional area' used to calculate a customer's 2018 BPS payment may be less than last year. Therefore, their 2018 BPS payment may be lower than they are expecting.

Read more information about how the 'notional area' of the common is calculated on page 25 of the [Basic Payment Scheme: rules for 2018](#). The [example calculation](#) shows how the value of the common land part of the BPS payment is calculated.

## **What to do if you do not agree with the updated eligible area values**

Customers who want to query the revised eligible area value need to discuss their query with the other commoners, and relevant Commons Association or equivalent organisation, to reach an agreed view.

It is important that individual customers do not make any changes to the land cover on the common, such as removing scrub, without discussing it with the other graziers/commoners. This is because it might affect the scheme agreements in place with other commoners.

Once customers have reviewed and discussed the revised eligible area values with the other commoners, if they still want to query or disagree with RPA's findings, they can call RPA on 03000 200 301. There is no deadline to call RPA but if customers want to query or disagree with the findings, they should call RPA within 6 weeks of RPA writing to them. This will give RPA the best possible chance to consider mapping update requests before they start to make BPS 2018 payments.

Depending on the customer's query, RPA may email a digital map (PDF) to the customer. This is so that the customer can see the land cover changes.

It's important that customers check their contact details are up to date in the Rural Payments service. In particular, RPA needs their up to date email address.

If RPA cannot email a digital map to the customer, they may send the map on a disc by letter. If the customer will be unable to view the PDF maps sent by email or letter they must tell RPA this when they call to discuss their query. If RPA then send these customers a map, they will make sure that the customer will be able to view it.

When customers receive these maps (PDF or another format), they must check them carefully. If they agree with the updated eligible area shown on these maps they need take no further action.

## **What to do if you do not agree with the updated**

## eligible areas shown on the maps RPA send you

Customers will need to discuss this with the other commoners, and relevant Commons Association or equivalent organisation to reach an agreed view. If they disagree with the information on the maps they will need to take action as a group. They will need to fill in and send an [RLE1 form](#) and sketch maps to RPA. They must send only one set of forms/maps for the common from their group. This is so that RPA does not receive conflicting information. Customers need to show all amendments on their sketch maps with as much detail as possible, including measurement or area size. Information on how to mark changes on sketch maps and how to fill in an RLE1 form is given in the [RLE1 guidance](#).

Requests for changes to your maps and land parcel details could affect your future payments. Only tell RPA about changes if you are sure they need to be made.

If customers need to send an RLE1 form and sketch map(s) to RPA they should check the email or letter they received with their digital map (PDF). It will advise them when they should send their RLE1 form and sketch map(s) to RPA. There is no deadline for sending the RLE1 form and sketch maps but depending on when you send them, RPA's focus may be on making payments using the updated eligible areas they identified and published.

## Example calculation:

How the value of the common land part of the BPS payment is calculated.

The common has:

- an eligible area of 300ha; and
- grazing rights being claimed under BPS for 200 sheep and 70 cattle.

RPA must calculate the livestock unit (LU) value of all the rights being claimed for the common:

- Each sheep is equivalent to 0.15 LU, so the calculation for the sheep grazing rights being claimed is:  
 $200 \text{ sheep} \times 0.15 \text{ LU} = 30 \text{ LU}$
- Each adult cow is 1 LU, so the calculation for the cattle grazing rights being claimed is:  $70 \text{ cattle} \times 1 \text{ LU} = 70 \text{ LU}$

- The total LU being claimed for the common is therefore:  
30 LU + 70 LU = 100 LU
- The area to be allocated for each LU claimed for the common is calculated as: 300ha / 100 LU = 3.0ha/LU
- If the farmer declared 40 LU of rights to activate entitlements on their BPS 2017 application they would be allocated 3.0ha/LU x 40 LU = 120ha of the total eligible area of the common.
- This area will be used to activate entitlements in the same way as any other land declared by the farmer on their application. The examples shown above under 'Main BPS payment' and 'Average entitlement value' show how this is done.

The above examples are based on a single common and do not take account of any split rights.

## Common land eligible area values and total area values

Find the calculation data for commons with an updated eligible area in the Commons eligibility checks updated area table at the top of this page. Find the calculation data for all other commons in the 'Commons land grazing rights' table. This table is published each year and includes the eligible area and number of rights claimed (in Livestock Units) for each common for that BPS scheme year. The data is taken from the Rural Payments service. The 'Commons land grazing rights' table for BPS 2017 is published on the [BPS 2017 page](#). The eligible area of a common will alter as physical changes take place on the common and the information in this table may be updated to take account of information received from inspections or other sources.

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## [News story: Plans to cut harmful pollution from domestic burning set out](#)

Proposals to promote cleaner domestic burning and cut harmful pollution by prohibiting the sale of the most polluting fuels have been laid out in a [government consultation](#) published today.

The burning of wood and coal in the home is the largest single contributor to

particulate matter pollution – identified by the World Health Organization as the most damaging air pollutant.

Particulate matter is formed of tiny particles that can get into the body, lodging in major organs, causing short- and long-term health problems. Domestic burning contributes 38% of particulate matter pollution, compared with 16% from industrial combustion and only 12% from road transport.

The government therefore plans to ensure that, in future, only the cleanest fuels are available for sale. Delivering a commitment in the government's [Clean Air Strategy](#), the consultation proposes preventing 8,000 tonnes of harmful particulate matter from entering the atmosphere each year by:

- Restricting the sale of wet wood for domestic burning
- Applying sulphur standards and smoke emission limits to all solid fuels
- Phasing out the sale of traditional house coal

At the same time, the government will ensure only the cleanest stoves are available for sale by 2022. Together this will bring benefits for consumers and householders as burning cleaner fuels and using these devices produces less smoke, soot, and more heat.

Environment Minister Thérèse Coffey said:

Everyone has a role to play in improving the air we breathe, and reducing pollution from burning at home is a key area where we can all take action.

While we will never be able to eliminate all particulate matter, by switching to cleaner fuels, householders can reduce the amount of harmful pollution to which they unwittingly expose themselves, their families and the environment, while still enjoying the warmth and pleasure of a fire.

The government's Clean Air Strategy – welcomed by the World Health Organization who said it was “appreciating actions taken by the United Kingdom government to protect its citizens from this silent killer” – also set out proposals to tackle air pollution from a range of other sources including:

- Publishing new guidance for farmers, advisors and contractors to help them reduce ammonia emissions and invest in infrastructure and equipment
- Working with international partners to research and develop new standards for tyres and brakes to enable us to address toxic non-exhaust emissions of micro plastics from vehicles which can pollute air and water. A call for evidence was launched last month.

This is in addition to our £3.5 billion plan to reduce nitrogen oxide emissions from road transport.

Many consumers are unaware of the impact on their health or the environment

from burning solid fuels, or indeed which fuels are the cleanest to buy. Our recent research suggests that over half of people surveyed did not consider that the burning of solid fuels and wood in their home might have an impact on their health or the environment.

The government recognises households have installed wood-burning stoves and is not seeking to prevent their use, or installation, or considering banning domestic burning, but it is keen to encourage people to switch to cleaner fuels.

A simple way to identify clean, quality wood fuel is to look for the Defra supported 'Ready to Burn' logo on fuels. Consumers can also take action by buying the most efficient stove and regularly servicing their appliance. The Burnright website has lots of helpful tips on how to minimise the impact of burning on air quality, as can your local chimney sweep during their regular visit. Householders can also swap their supply of traditional house coal to a cleaner alternative.

The consultation closes on 12 October.

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## **[Form: Materials facility combined waste returns spreadsheet](#)**

Use this materials facility (MF) combined waste returns spreadsheet for sites notified as MFs to the Environment Agency under the [Environmental Permitting \(England and Wales\) Regulations 2016, Schedule 9](#).

The spreadsheet includes MF sampling data and waste tonnage data.

Please do not open the spreadsheet directly from this page. Save it to a folder by right-clicking, select 'save as' and then open it from where you saved it.

Submit your return by email to [national-operator-returns@environment-agency.gov.uk](mailto:national-operator-returns@environment-agency.gov.uk).

Deadlines for submission are the same as for [waste tonnage returns](#).

If you have any questions about MF regulations, including requests to notify, email [MFRegs@environment-agency.gov.uk](mailto:MFRegs@environment-agency.gov.uk).

See [guidance on MF sampling](#).

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## [Open consultation: Air quality: using cleaner fuels for domestic burning](#)

We want to know what you think about our proposals for helping householders move to cleaner fuels for domestic burning. The changes we propose include only allowing the sale of cleaner solid fuels. These proposals apply to England only.

Domestic burning is the single largest source of harmful particulate pollution in the UK. Many people do not realise that there are cleaner alternatives, such as dry wood instead of wet, or low-sulphur smokeless fuel instead of coal.

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## [Lanark businessman fined £1,200 for water pollution incident in Perth](#)

 17 August 2018

Businessman Andrew John Bailie was fined £1,200 at Perth Sheriff Court today (17 August 2018) after the discharge of liquid fertiliser into a protected watercourse in Perthshire.

The Scottish Environment Protection Agency (SEPA) received complaints from members of the public on 23 September 2015 who had discovered discoloured water and saw dead fish in the Ordie Burn, which is part of the River Tay Special Area of Conservation.

SEPA officers carried out an investigation and identified that the incident was caused as a result of the spreading operation of the man-made liquid fertiliser Anaerobic Digestate at Little Tulliebelton Farm, near Bankfoot, Perthshire.

Andrew John Bailie pled guilty to failing to comply with the regulations on storing the fertilizer prior to it being spread. Whilst Mr Bailie was not on site during the spreading operation he was aware that the Anaerobic Digestate holding tank was located only three or four metres from the watercourse which is too close in case of any leak or overflow from the tank. This is in contravention of General Binding Rule 18 which states that no fertiliser may be stored within ten metres of a watercourse.

SEPA officers found that during the spreading activity the tank had overflowed due to a blockage and a volume of the liquid fertiliser had spilled into Ordie Burn at that point. As a result of further investigation

they also found evidence of pollution having entered the Ordie Burn.

SEPA submitted a report to the Procurator Fiscal.

Terry A'Hearn, SEPA's Chief Executive, said:

"Every day SEPA works to protect and enhance the environment, and we are clear that environmental compliance is non-negotiable. This is at the core of our One Planet Prosperity Strategy.

"Andrew John Baillie failed to follow the regulations that are in place to protect the environment, and this resulted in pollution to the water environment with significant impact to trout and salmon populations.

"This incident was not only unacceptable, it was also avoidable. In instances like this it is our job to hold such operators to account. We hope this outcome sends a strong message to everybody operating in Scotland. SEPA is here to make sure that action will be taken if you don't pay attention to your environmental responsibilities."

Calum McGregor, SEPA's Reporting Officer, said:

"Whilst Anaerobic Digestate is a useful fertiliser if used and stored properly, it is a highly polluting liquid which can cause significant harm to fish if it is allowed to enter a watercourse. The discharge of Anaerobic Digestate to the watercourse caused a significant number of fish to be killed, mainly salmonoids, over a 2.2 kilometre stretch of the Ordie Burn and 1 kilometre stretch of the Wynnies Burn. It is expected it will be a number of years before the river fully recovers.

"If Mr Baillie had ensured that the storage of Anaerobic Digestate complied with the regulations, and that those working for him at the site were adequately trained, then this incident could have been avoided. We hope this ruling will serve as a warning to others."

**Ends**

#### **Notes to editors**

The exact charge which Andrew John Baillie pled guilty to was:

Between 21st September 2015 and 23rd September 2015, both dates inclusive, at Little Tulliebelton Farm, Bankfoot, Perthshire, PH1 4DH and elsewhere you ANDREW JOHN BAILIE, being Operations Manager for Digestate Management Services Limited did fail to comply with or contravene a general binding rule, namely number 18, which states that no fertiliser may be stored on land that is within 10 metres of any surface water or wetland, namely a river, burn, ditch, wetland, loch, transitional water or coastal water in that you did store fertiliser on land that was within 10 metres of the Ordie Burn (at National Grid Reference Number 03678 34335); CONTRARY to the Water Environment (Controlled Activities) (Scotland) Regulations 2011 Regulation 44(1)(b) Water Environment and Water Services (Scotland) Act 2003 Section 20(1)