

AGRICULTURAL SUBSIDIES AND GRANTS SCHEMES (APPEALS) (WALES) REGULATIONS 2006

INDEPENDENT APPEAL PANEL - REPORT OF CONCLUSIONS AND RECOMMENDATIONS

GENERAL					
Name of appellant:				CRN:	
Hearing date:	3 December 2008 and 2 April 2009		Location of hearing:		
Panel Members:					
Written documentation before the Panel: Appeal Pack dated 20 November 2008 and 27 February 2009 The written note of the hearing is attached to the submission documents.					

THE APPEAL The appeal is against the National Assembly’s decision to reject X’s application under the Investor/Developer (Alternative Investor) category of the Single Payment Scheme (SPS) 2005 National Reserve. The application was rejected as documentation submitted did not demonstrate that the farm business was undergoing a planned expansion in production related to a CAP subsidy sector between 1 January 2000 and 15 May 2004.
THE APPELLANT’S CASE The appellant had invested in land and in increasing his capacity to claim CAP scheme subsidies.

THE RELEVANT LEGISLATION

The Community legislation and Scheme Rules that are relevant to this appeal are:

- Council Regulation (EC) No 1782 / 2003
- Commission Regulation (EC) No 795 / 2004
- Statutory Instrument 2005 No 360 (W.29)

THE PANEL'S FINDINGS

The Panel have considered the rules of the Single Payment Scheme Entitlements National Reserve and the appellant's documentary and oral evidence and found that the appellant has demonstrated that he has met the requirements of the Alternative Investor Category of the National Reserve.

He has carried out works to meet the requirements of the Alternative Investor category in that:

He purchased eligible land after 1 January 2001 and before 15 May 2004.

He evidenced that he invested in production enhancing works on the cattle sheds.

He had, initially, pursued a business plan which detailed the intention to develop.

He evidenced that he had sufficient funding for the purchase of quota.

His investments increased his capacity to claim CAP scheme subsidy support.

The Panel agreed that his award from the National Reserve should be based on the 10 suckler cows.

THE PANEL'S RECOMMENDATION

The Panel therefore recommend that the Minister for Rural Affairs accepts the appeal.

	Name	Signature
Panel chair		
Panel member		
Panel member		