

[REDACTED]

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**From:** Allison S (Simon)  
**Sent:** 31 October 2017 08:12  
**To:** Gordon JR (John)(SEERAD); MacGillivray S (Simon); Berry J (John); Sievwright J (Julie); MacKenzie A (Alan); Meiklejohn L (Leslie); Irvine A (Amanda)  
**Subject:** FW: LBI Burnside of Dipple Solar Panel Farm

Hello folks

Please see email correspondence below detailing the ineligibility of solar panel farms for the entire land parcel.

Kind regards Simon

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**From:** Renfrew R (Rodney)  
**Sent:** 30 October 2017 10:16  
**To:** Lorimer S (Stuart)  
**Cc:** Allison S (Simon); LSB Mailbox  
**Subject:** RE: LBI Burnside of Dipple Solar Panel Farm

Stuart, Simon,

We had a response from Alan Fraser- CAP scheme Manager- on a similar solar panel query from the Perth area office previously.

In essence regardless of ground cover, solar panels were seen as non-agricultural activity and the surrounding land cover would only be returned for BPS if it could be deemed an agricultural parcel in its own right, meeting eligibility and minimum activity rules as appropriate for the Region.

Please see the extract enclosed which Alan Fraser returned to Alan Elder 1<sup>st</sup> April 2016.

Alan

There are a number of issues to consider here. In the first instance the parcel in question is clearly a non-agricultural parcel from a BPS perspective, thus none of the area can be claimed. Additionally I note based on the short extract below that there is a right reserved for grazing under/around the panels in the agreement that exists, I have no difficulty with that, but there should be no confusion that this means it is eligible for BPS, it just confers a right to graze the land.

For the area of grass out with the red line in the photo, once re-instated fully to grass then yes this could be grazed for livestock. For it to be considered for BPS it would need to be permanently fenced off and become an agricultural parcel in its own right subject to LPIS rules etc.

Thereafter if it is to be claimed, then it needs to meet the relevant activity/minimum activity rules, occupancy etc. On the activity front that is fairly straightforward. However without knowing the full detail of the lease, it may prove to be difficult to prove that any BPS claimant has the land at their disposal, if the land is not at the applicants disposal under the terms of the lease, it doesn't matter if the parcel is an agricultural one. There is quite a difference between a right to graze and land at your disposal, based on the information to hand I cannot comment on that.

In its current state it's none of the land eligible, as it is within a non – agricultural parcel.

Hope this helps

Regards

Alan

Interestingly the RPA guidance is as follows :

**Solar panels**

Land parcels which contain solar panels are ineligible. If the panels are concentrated in one end of a field, the rest of the land can be eligible if the 2 areas are registered as individual land parcels and separated by a permanent boundary.

Producer may not like the answer but with a bit of fencing they could still make a separate parcel and adhere to BPS mapping and eligibility rules.

From a practical viewpoint although the structures look quite high I would still have doubts about sheep rubbing/damaging the front edge of the panels, I am sure commercially that the producer will be gaining far more from having the panels than a Region 1 BPS payment rate.

Regards,

Rod.

**Rod Renfrew**

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**From:** Lorimer S (Stuart)  
**Sent:** 30 October 2017 09:43  
**To:** Renfrew R (Rodney)  
**Cc:** Allison S (Simon)  
**Subject:** FW: LBI Burnside of Dipple Solar Panel Farm

Morning Rod,

Solar panels, eligible or not? My take is that if the parcel meets all the LPIS rules, has an eligible cover and the producer has indicated that they will be or are grazing the parcel with sheep then it will be eligible. Simon's photos clearly show that there is an eligible cover. Your thoughts?

Regards

Stuart

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**From:** Allison S (Simon)  
**Sent:** 27 October 2017 10:43  
**To:** Lorimer S (Stuart)  
**Cc:** Gordon JR (John)(SEERAD)  
**Subject:** LBI Burnside of Dipple Solar Panel Farm

Hello Stuart

#### **LBI Burnside of Dipple Solar Panel Farm 595/0045**

I have come across the following situation when undertaking the LBI on the above unit

In two fields I have found a renewable energy solar panel farm and in both of these region 1 fields the full area has been claimed as PGRS for BPS minus in one case exclusions from a LRV in 2017(note the exclusion was not for the solar panels).

The solar panels are supported by two types of structure which can be seen from the attached photographs. There is a green cover of reasonable quality grass under these structures. The area can be potentially grazed by sheep only as cattle would damage the panels and cabling from the panels.

Please can you confirm if a Solar Panel renewable energy farm is eligible for BPS as I remember from training a question mark over this.

<< File: Dipple 003.jpg >> << File: Dipple 004.jpg >> << File: Dipple 005.jpg >>

Kind regards Simon

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