

NATIONAL WRITTEN BOARD

REPORT 2023

1. EXAM SETTING & MARKING

The process of setting the exam commenced in good time, with an initial meeting being held on 26 June 2023 with members of the written board (WB). The board comprised of six examiners.

A review of the syllabus was carried out together topics covered in previous years examinations to ensure that all 12 aspects of the syllabus were captured, but with question scenarios being selected to ensure that there was no repetition from recent years.

Topics from the syllabus were allocated across the team and discussions took place on possible question scenarios for each topic area.

Draft questions were largely prepared for early September, with moderation occurring in October. Following moderation, adaption was made to questions to reflect feedback received to ensure a balanced test of knowledge and experience.

J Moody assisted with checking model answers to reflect the position in devolved areas of the UK. As a result, two additional questions were added to accommodate candidates from Northern Ireland.

The examination board were mindful of the key points arising from previous years moderation, these being:

- Removal of irrelevant question background/pre-amble – keeping questions as simple as possible.
- Consistency of allocation of marks across all questions.
- Active moderation during marking process and ensuring early reviews of marking practice
- Third year of additional questions on each of the two papers, with two extra questions for Northern Ireland.
- Sense checking to ensure no ‘hidden’ themes.
- Being mindful of marking within a target range.

A significant effort was made to ensure that a good range of questions was set to ensure that candidates were set a fair paper with options covering all areas of practice and differences between regions.

Marking took place at The Old Court Hotel in Symonds Yat on 19 and 20th November. As had been practice in previous years, two rooms were used to allow examiners more space to sit round larger tables with co-markers, thus allowing discussion and ‘active’ moderation to occur with relative ease and without disturbance to other examiners.

Lighting in the larger of the two room was challenging, particularly towards the end of the day.

Examiners were allocated questions and co-markers in advance according to knowledge and experience, but also to ensure a fair spread of the workload across all markers.

An increase in candidates (over 2022) was seen and this meant a significant increase in workload for individual examiners and markers. Marking started at about 11.00 on the Sunday after an initial briefing and continued to after 7 pm, making for tough first day. The second day saw an early start, but most had completed marking by late afternoon.

2. GENERAL OBSERVATIONS AND COMMENTS

Results

This year 133 candidates sat the two national papers (122 in 2022). The pass rate by year is shown below (Table 1)

Table 1: **Pass rate by year (National Written Papers)**

Year	Candidates (written)	Passes	Pass Rate
2009			55%
2010			18%
2011			41%
2012			40%
2013	124	45	36%
2014	149	71	48%
2015	162	69	43%
2016	163	98	60%
2017	132	73	55%
2018	143	58	41%
2019	132	69	52%
2020	90	26	29%
2021	114	72	63%
2022	122	47	38%
2023	133	69	51%

Candidates averaged 63.35% in Paper 1 with its core topics (average since 2012 of 63.94%) and 64.52% in Paper 2 with its wider choice of more specialist topics (average since 2012 of 60.56%).

Average marks achieved by paper are shown below (Table 2)

Table 2: **Average mark by paper and year (National Written Papers)**

Year	Paper 1	Paper 2
2012	59.00%	63.94%
2013	56.16%	64.03%
2014	59.50%	60.00%
2015	66.95%	56.72%
2016	71.41%	54.33%
2017	70.12%	61.85%

2018	61.48%	60.60%
2019	66.44%	63.08%
2020	59.21%	58.87%
2021	66.01%	65.87%
2022	67.10%	56.95%
2023	63.35%	64.52%

The difference in average mark between paper I and II has narrowed this year, perhaps reflecting the range of topics in paper II.

Review and moderation

The papers of 10 candidates were reviewed as being border line and as a result of that review, 8 went on to fellowship. One other candidate went onto fellowship as a result of further review following a feedback session.

This year, there seemed to be a greater number of unsuccessful candidates requesting their papers be re-marked. The approach of the written board has been to offer a feedback session in the first instance. Where this has raised an issue with marking, it has been considered by the Board and appropriate adjustment made where justified.

It is thought that requests for papers being re-marked or to appeal the decision is the result of the culture from schools and colleges but could also be partly choice of language. We tend to find that candidates are satisfied with the decision reached once they have had a feedback session. It is possibly the case that candidates are not fully aware that the Board will already have reviewed the scripts of border line candidates before the results are issued.

Marking

This year marking was carried out by a team of 12 marking for two days. One marker was only able to join at the end of day one which slightly impacted on progress.

Examiners who set question were allocated a fellow co-marker in advance of the marking sessions and were asked to liaise with that person prior to the meeting so that they could set marking standards and review model answers in advance.

Examiners were briefed by the Chairman and J Moody on the Sunday morning at 10.30 am. The briefing covered arrangements for the two days, key points from the examination guidelines. Examiners were encouraged to review marking with their co-markers after the first number of scripts to ensure consistency. Discussion took place regarding the process of marking and dynamic moderation to ensure the scripts were fairly marked. It was reiterated that the 'model answers' were one possible approach and that candidates should not be

penalised for an alternative approach where the outcome was relevant and technically competent. Examiners were reminded not to negatively mark.

Examiners and co-examiners were fully engaged through both days. Whilst the majority had completed marking by mid-afternoon on the second day, the residential question (Paper I Question 4) was quite time consuming to mark and the remaining papers were shared out between examiners to allow timely completion.

If candidates numbers remain at the same level as 2023 or increase, then more examiners/co-markers will be required as the written board team were very much working to full capacity this year.

Once papers had been marked, the papers and marking schedules were validated by Smantha Martfell and Dorota Szmida from CAAV.

Upon the completion of marking, an initial review of candidate performance took place with the CAAV President, Malcolm Gale, and Jeremy Moody in attendance. Discussions continued over dinner on the Monday evening.

General observations

Feedback immediately following the exams was that the paper set was fair and covered a good range of topics meaning that competent candidates would be able to answer the majority of questions, particularly given that the paper now includes additional questions to give candidates a range of question options. It was thought that the questions were all passable provided candidates were sufficiently prepared.

As had been practice in previous years, examiners were encouraged to make constructive notes on scripts explaining where the candidate had gone wrong. These notes are particularly useful in review sessions.

Drafting and marking papers which accommodate the devolved administrations continues to be challenging and whilst written board has representation from the devolved areas of the UK, both question setting and marking requires allocation of additional time. This year, two additional questions had to be added to accommodate Northern Ireland. Additional examiners from devolved areas would be welcome.

Following comments from previous WB reports, it is suggested that candidates be encouraged to ensure that answers reflect the requirements of the question rather than just providing 'stock' answers of limited relevance to questions. It is frustrating where candidates fail to structure answers to the question.

Whilst it is noted that the use of bullet points has made marking easier (and this has been encouraged in tutorials), it is important that bullet point headings are followed by clear concise explanation to allow full allocation of marks.

Questions involving Heads of Terms were very well answered by most candidates.

It was evident that a small number of candidates had run out of time, particularly where the first part of a question had been well answered, but the final part lacked completeness.

There were a few cases where candidates did not answer the correct number of questions (both too many and too few). In one case, a candidate provided a perfect answer to the multi-part question in Paper I, but did not attempt a second question. Even a couple of notes on a second question would have allowed a 'pass'.

Candidates need to check the allocation of marks and ensure answers reflect requirements.

Comment has been made by examiners in relation to the use of question plans. These are no longer seen to the same extent as they were in the past, and it may be that candidates are planning their answers on 'paper' and as such they do not form part of the typed answer.

It is good to see the majority of candidates now opt for typed scripts (only one handwritten script this year). Candidates should be encouraged to make the best use of formatting. The correct use of tables, for example, can greatly enhance an answer in the right situation.

Good structure and organisation make marking easy. Candidates should read the question to ensure the correct structure is given to reflect the requirement of the question. Clear headings with relevant concise explanations are key. From an examiners point of view, it is obvious that simpler scenarios allow candidates to achieve higher marks, but are no less a test of technical knowledge. We must therefore be mindful of this in setting future questions.

3. QUESTION BY QUESTION REPORTS

The results by individual questions are shown below (Table 3)

Table 3: **Results by Question (National Written Papers)**

	No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
Paper 1					
Question 1	67 (67)	63.25%	85	37.5	50.74%
(a)	64	70.89%	100	25	70.31%
(b)	60	66.25%	100	25	61.66%
(c)	53	59.25%	100	25	39.62%
(d)	27	59.15%	90	25	33.33%
(e)	56	63.34%	100	12.5	52%
(f)	23	55.95%	87.5	25	34.80%
(g)	0	0	0	0	0
(h)	46	67.30%	100	10	67.39%
Question 2	35	60.94%	85	33	37.14%
Question 2 Northern Ireland	4	48.25%	71	37	25%
Question 3	84	65.61%	88	20	63.09%
Question 4	76	62.85%	89	28	52.63%
Paper 2					
Question 1	16	58.12%	75	32.5	56.25%
Question 2	45	65.55%	95	32.5	66.66%
Question 2 Northern Ireland	2	45.50%	52	39	0%
Question 3	22	51.72%	73	23	18.18%
Question 4	98	69.17%	94	30	68.36%
Question 5	70	62.61%	85	32	55.71%
Question 6	126	65.75%	91.5	20	55.55%
Question 7	20	59.40%	73	33	35%

Individual question by question reports are attached at Appendix 1.

4. WRITTEN BOARD'S 10 TOP TIPS TO FUTURE CANDIDATES

In previous years, WB has prepared a list of top tips for candidates and I would re-iterate those points below along with top tips to examiners:

1. **Attend one of the two written tutorials** – lots of good tips and guidance are provided at these, and you are strongly advised to attend. If in doubt speak to a recent attendee.
2. **Read the question and answer the question** – and not what you think and hope it says! Also re read the question several times during the answering, as there may be details missed on the initial read through.
3. **Avoid 'walls of words'** – these are rarely asked for, and never welcomed by marking examiners!
4. **Don't sell yourself short** – make sure you answer all parts of the question, and don't miss out parts – you are not making life easy and immediately putting yourself at a disadvantage.
5. **Less is definitely more** – some of the very best answers are also the shortest, so please don't waffle or pad. This is not needed and definitely not wanted!
6. **Match time spent to the marks allocated** – the mark allocation is a really good guide for the time to spend on each part of the question, so do try to stick to this at all times.
7. **Formatting answers will assist** – whether handwriting or using a laptop, simple formatting whilst not compulsory, will certainly help e.g. bullet points, numbered lists, headings, white space, tables etc - all of these are good to win over the hearts and minds of weary examiners!
8. **Time is precious** – know exactly how long you have for each question before the exam starts, and don't be tempted to spend longer on questions you are comfortable with – the ones you are less easy with will need just as much, if not more time.
9. **Consider a question plan** – these are not favoured by all we know, but are a good way to gather thoughts in the heat of battle, and rough out an answer (which will also be marked if you completely crash on time).
10. **Not all questions require detailed legislation** – do not assume that the examiners simply want you to trot off every piece of legislation relating to that subject. In some questions they are asking for your opinion or understanding of the wider rural economy. Re read the question to better understand the background.

Written Board Chairman's top tips to Examiners

1. **Take careful note of the syllabus** – don't be afraid to have similar questions to previous years.
2. **Prepare robust suggested answers** – be prepared to adjust these suggested answers. Remember some candidates only have 24 months of experience.
3. **Be dynamic during the marking process** – review the overall answer and adjust marks accordingly
4. **Liaise carefully with a fellow marker** – Share marking where possible and regularly benchmark
5. **Simple is better** – keep question scenarios simple and avoid unnecessary detail. Be clear in questions set.
6. **Submit proposed answers early** – this will allow the scrutineer team and WB chairman to review in advance of finalising questions.

5. THANKS & ACKNOWLEDGEMENT

This is my first year as the chair of written board and my fifth as WB examiner. Prior to joining WB, I was a practical examiner for Northern Group. I am hugely grateful to both Gareth Lay and David Steel in providing guidance in my first year and for their continued help and support throughout.

We remain fortunate to have the support of the Old Court Hotel, Symonds Yat, who continue to provide comfortable accommodation and excellent service throughout the marking process.

The 2023 written board comprised Simon Brown, Chirs Anderson, Mark Fogden, Charles Meynell, Matt Stuart and Aaron Davis.

The board were supported in the marking process by Simon Nixon, Gareth Rowe, David Steel, Ellie Allwood and Andrew Capel.

Written Board are extremely grateful for the support given by Jeremy Moody in the question setting process, particularly in reviewing both questions and answers. The difficulty in preparing papers that reflect legislation in devolved parts of the UK means that we are heavily reliant on Jeremy for checking questions and providing alternatives where this is required.

We are also grateful to the scrutineers for reviewing questions and providing effective feedback to ensure that questions are fair and consistent.

Thanks is also due to Dorota and Sam for their help and support in collating and validating marks, but also in ensuring that results are correctly recorded and summarised. Prior to marking, much work is involved in checking that all scripts have been received and questions answered by candidates summarised. Analysis of results immediately after marking is also key in identifying borderline candidates and where closer review is required.

Simon Brown MRICS FAAV
January 2024

Paper I - Question 1 - multi-part

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
67 (67)	63.25%	85	37.5	50.74%

- Standard format question with a good range of current topics to choose from - slightly fewer scripts this year – maybe reflecting 3 other good questions to choose from in P1?
- 5 out of 8 to answer with each scoring 4 marks so 20 in total
- On the whole generally well answered and should be an acceptable pass mark for the question overall.
- An overriding comment is that more detail was needed by a lot of candidates to score well – too many gave comparatively short answers, assuming it would be enough for a comfortable pass.
- Usual issues of not relating answers to the specific question asked (eg part H) but impact minimal given limited marks on offer
- Disappointingly again this year, several candidates didn't follow instructions to answer 5 out of 8 - 1 did all 8, 3 answered 4 not 5 parts, and 1 answered 7 out of 8
- Scripts generally well laid out in paragraph form – surprisingly few used bullet points - where tables were used in part B (ADR) these were sensibly deployed
- Some scripts used a short heading/summary of question topic at the start of each section, which seemed to work well and maintain the focus in the subsequent answer

Part A BNG

A very popular question and generally well answered with sufficient detail etc.

Part B Dispute resolution

Light on detail in many, but where a table was used and the candidate knew the subject area, it was generally well answered.

Part C Insurance reinstatement

Again popular and on the whole sufficient detail provided with a list of factors to take into account.

Part D Easements by prescription

A satisfactory understanding of the subject area by those attempting it

Part E PD rights

This was a popular question, well answered with plenty of detail provided.

Part F Telecoms rent review codes

As expected, not that many candidates attempted this part, but those that did (clearly with knowledge/experience) provided satisfactory answers.

Part G Registration of entities

Perhaps unsurprisingly no candidates attempted this question !

Part H Future schemes

Bit basic and often just a list of schemes and it warranted more detail for each to score well - needed to make clear related to 2025/2026 not current.

Paper I Question 2 - FBT Rent Reviews

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
35	60.94%	85	33	37.14%

- A practical rent review question but not a trick question. The fact that the tenancy commenced in 2004 should have indicated that it was Farm Business Tenancy under the Agricultural Tenancies Act 1995. If candidates did answer the question as if a tenancy under the Agricultural Holdings Act 1986 and adopted the correct approach and were consistent, were marked on same basis. The few candidates who decided to answer in the alternative (i.e. both as for a FBT and for a AHA) should have considered just stating their assumption that the tenancy was either a FBT or a AHA in order to save time.
- Clearly no candidates who opted for this question, had either sound practical experience or theoretical knowledge of the rent review procedure including timeline and process for applying for appointment of an arbitrator or the practical information required in order to undertake a negotiated rent review. Candidates do need to be aware of the syllabus – and as longer term FBTs replace AHAs and the future prospects remain volatile, then this area of work remains very relevant – hence the exam question!

Part A

Whilst not a trick question, the information in the question is there for reason – your client is the Tenant not the Landlord! Also the amount of grassland should have prompted comment on livestock or other uses of grassland.

Generally most candidates gave sensible comment on the rental market – commenting on supply and demand supporting rental levels but volatility in commodity and input costs putting pressure on profitability which could affect rents. Falling BPS and the potential lower income from SFI etc also well covered. Considerable flexibility was allowed for responses due to the variations in rental market levels across the country.

Part B

The question was specific – statutory default basis! It did not ask for comment on other rent review basis and candidates who referred to RPI or linking rents to commodity prices demonstrated that they did not understand the statutory basis. As with AHA rent reviews, a simple reciting of the provision under section 9 of the ATA 1995 would secure full marks with least words! However candidates were allowed to use their own works to cover the principles. Most understood the concept of open market rent but not all then referred what is taken into consideration e.g. terms of the actual tenancy or what was disregarded e.g. tenant's improvement investment – despite the hint from Part E!

Part C

Most candidates understood the need to serve notice to trigger review but not all understood the 12-14 months rule and/or related it to the term date stated in the question. The section of the question was straightforward for a timeline starting with service of the notice. Good candidates demonstrated practical knowledge of negotiating rent reviews and then the procedure for the application for the appointment of an arbitrator by RICS or CAAV although none referred to the potential to appoint by agreement before the term date. Some candidates were aware of the time limits for early appointment of the arbitration but most got this wrong – it is six months before the term date not 4 months! There were a variety of explanations of how an arbitrator would determine the rent – and some clearly wrong (arbitrator providing evidence not the parties) or reference to referring the arbitrator's decision to tribunal! A detailed explanation of the arbitration system was not asked for but candidates should know the basics of the arbitration procedure.

Part D

Most candidates covered the basics of information need e.g., tenancy agreement. Better candidates also thought about the practical information needed from tenant client e.g. cropping, yields, building descriptions, tenant's improvements. However, some candidates seemed to approach as if carrying out a capital value valuation and/or went 'off piste' from the relevant information to a statutory rent review negotiation. Unfortunately some candidates solely focussed on the evidence of frequency of rent reviews which demonstrated a lack of the practicalities of a rent review. Even if not involved in an actual rent review, candidates can consider what would actually affect what would affect the rental value from a tenant's perspective e.g. any constraints on the holding, soil type. Whilst the basis of review is the open market rent on re-letting, such practical issues would affect tender rents or at least be used in negotiation to adjust the open market rent comparables.

Part E

This part of the question carried the most marks but candidates were generously marked if they could show some logical approach to identifying a sensible rental value for the investment. The building was clearly already in place – this was not about negotiating the terms of a Finance Agreement between the Landlord and Tenant whereby the Landlord provided investment in return for a pre-set repayment term. The question lead candidates towards the valuation of the tenant's investment in this building – i.e. how to value a disregard for the rent review or the rental value of the building. However, a lot of candidates approached the question as assessing the rental value of the Landlord's investment in the building – i.e. the impact on the overall rent for the holding. Candidates were marked in the same way whether they valued the Landlord's investment or to identify the rental value to be disregarded for the Tenant's improvement.

Few candidates recognised the difference between the Landlord wanting to recover their investment from the Tenant (over periods of time ranging from 3 years to 50 years) and the actual rental value of the part building they had provided. Under a Finance Agreement, the repayment terms can be whatever Landlord and Tenant agree. For a rental assessment there needs to be some relevance to the actual rental value of the building which few candidates

actually demonstrated – i.e. some quoting ‘rental values’ for the building which had only cost £40,000 to build three years ago disproportionately high to their quoted rental values for the whole farm.

The easiest approach under a FBT would have been to look at comparable evidence – either whole farms with similar buildings or lettings of similar building and apply it to the rent. Or to look at equivalent finance costs for providing housing at current date. However candidates who tried to relate the rental value to building costs then confused themselves as to how to use this information to derive an annual rental figure and several forgot to allocate the rental value equivalent to reflect the joint investment from Landlord and Tenant.

A lot of candidates approached the whole issue as if valuing the building for end of tenancy compensation, referring to remainder of value left to be repaid to Tenant, assessing the impact on capital value of the farm etc. Overall few candidates actually answered this section well and the marks were generously given to recognise those candidates who at least showed some understanding of the subject matter.

Paper I – Question 3 – Valuation/IHT

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
84	65.61%	88	20	63.09%

The question was requested to be answered in 3 parts:

Part 1

The first part being in relation to the confirmation of terms of engagement and outlining the basis of the valuation and the terms. The majority got the basis of the valuation correct and the right legislations/Red Book requirements, however within the terms there were significant failures to identify the most important factors after identification of the client, the valuer and similar, for example many people missed out either PII, conflict in respect of accepting instruction, complaint handling procedure or financial checks/laundrying checks especially if the instruction was a one off from a new client. The list of information required in advance of the inspection was generally well handled, however there was a general failure to understand the likely requirements of the instructing Solicitors and the clients in respect of understanding the validity of the link between The Grange and the vacant possession land and Leasows and whether or not farming in hand was in fact the case and therefore the availability of Agricultural Property Relief, part at least and possibly Business Property Relief were available.

Part 2

You are advised that the main farmhouse/residence The Grange is a seven bedroom house implying a fairly gracious dwelling, there was a need to consider the arguments relative to value here and the case law to decide whether it would receive APR or indeed BPR relief in any way shape or form and some narrative in this respect would have been worthwhile in order to undertake such narrative it would be necessary to ask certain questions and seek certain information to assist you in your determination, most did not take this on board.

Part 3

The analyses of the valuations varied greatly, though those who simply put a valuation down without any form of reference to comparative and a mechanism to establish same for the vacant possession land, there are those that mentioned the potential difference between agricultural value and market value which was good but not all took this into account, which is a salient in fact. With reference to the Tenancy values, most simply took a deduction from vacant possession, not even referring to potential comparable sales of other Tenanted holdings, which of course is relatively subject given there are a large number of factors which can be important. Most did not consider in the analyses even if they carried out the alternative investment valuation and what the liabilities a Landlord may be in terms of fixtures and improvements when considering the valuations. In fact, few took this into account the best answers did. Finally with regards to the workshops, the fourth principal asset, most used the investment method, however most stopped by producing a rental and simply not capitalizing it and including a total rental in the actual capital figures, which clearly is wrong. Proper capitalization or at least explaining how the capitalization would occur with an appropriate

yield rate once the lease terms are determined is the most appropriate way forward, most assumed that there was no BPR or any other form of Agricultural Holding's Relief, however the best answers included at least a consideration of the Balfour principle and the possibility depending upon the relatively of valuations of getting some Relief. The degree of management and the degree of risk also factored in this respect.

- As can be seen from the results the question was generally well answered, however those who did the best answers took into account the circumstances, applied them to the request for information and explained the valuations based upon the facts within the question. The rest followed through the salient points with the information and assumed where necessary to help provide the basis for their valuations. It also assisted in accessing the availability of Reliefs and also to consider whether there was any non-agricultural element to the valuation over and above the agricultural value linked to potential development. Such thought processes led to the best and most well thought through answers.
- Finally, may I add with the exception of one candidate, we did not see any form of planning sheet for the questions which I think are invaluable to help the examiner to understand the basic thinking of the candidate and the line in which they are intending to take in answering the question. This would be helpful for the future, even if in all handwriting to be included with the text.

Paper 1 Question 4 – Residential Tenancies

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
76	62.85%	89	28	52.63%

- The question aimed to test candidates' knowledge of likely tenancies found on farms and estates, to include the key dates, acts and important rules surrounding each tenancy type, along with relevance for owners. The second part tested the candidates on the heavily regulated and rapidly evolving (and increasingly devolved) regulations surround residential tenancies.
- The best answers comprehensively outlined all possible tenancies, their relevant points and was an exercise primarily in recalling knowledge and applying it to the scenario outlined. Most candidates understood the key tenancies, although the depth of knowledge was variable. The best answers concisely set out all the criteria, dates, rules and implications of each tenancy type and then made logical comments about how they apply to the scenario, and how they impact on value.
- Weaker answers did not note some of the potential tenancy situations or were vague and unclear in their reply, leaving the examiner doubting their knowledge and advice they were able to give.
- As long as candidates covered all possible occupational codes and were accurate on what they put down in their answer, they received a comfortable pass. Candidates who made mistakes, confused the rules and did not know (or did not write down) several of the likely tenancy types, failed this part.
- The first part was key to being successful on the question as a whole, pretty much all those who passed this section well went on to pass the whole question, sometimes very well. Those who did not pass the first section invariably failed the question, which is correct as this element is key to being able to advise on these situations in the real world, and any surveyor sporting the FAAV qualifications would be expected to confidently advise on this fundamental and important topic.
- The second half of the question asked for a series of factual replies on the current and future compliance and regulatory obligations, along with a limited amount of commentary on the market. This section was often answered poorly, even by those who scored well on part 1. This part did not seem to be fundamental as to whether a candidate passed or failed, but allowed the best candidates to exhibit their knowledge and score highly.

Paper II – Question 1 - Slurry Storage

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
16	58.12%	75	32.5	56.25%

Part A

- Candidates generally managed to pass this part of the question, but there was a lack of practical understanding of matters to consider, with candidates missing the simple points such as the layout of the farm and whether cattle number were likely to increase.
- Good candidates identified opportunities for reducing pollution by covering yards and concreting under CS and recognised CSFO approval was required. That said, the obvious of understanding where dirty water is created was missed by many.
- SSAO Regulations were not well understood and standards required.
- Understanding of Slurry Infrastructure Grants was reasonable. Most knew the scheme was available, but only the best candidates understood the detail.
- Some candidates covered in detail spreading rules which is not hugely relevant to the actual question.

Part B

- Generally poor understanding of where the CDM regulations apply and the role of the various parties and the key responsibilities. A scattergun approach of everything they knew about health and safety whether relevant or not.
- Most candidates were able to identify information that a contractor should provide, perhaps more by luck rather than technical understanding.
- Training on CDM is clearly lacking.

Paper II - Question 2 - Tenant's improvements

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
45	65.55%	95	32.5	66.66%

Part A - matters which may be considered

- This was an obvious strong area for majority of candidates – question wording afforded degree of interpretation
- The main heads of compensation not always identified but good knowledge of Improvements / Fixtures / Tenant Right

Part B - procedure Tenant has to follow

- Timescale not always correct
- Confusion about issuing Notice pre / post Tenancy ending

Part C - procedure Landlord has to follow

- Good knowledge
- Relevant Sections referred

Part D - valuation approach

- Most candidates demonstrated basic fundamentals of different valuation approaches
- Variation in areas / sums used
- Limited evidence of 'sense checking' answers as some compensation sums and figures used quite clearly wrong

General observation

- Noticeable strength in some Examination Centres and not others
- Limited 'brainstorming' evidence on papers
- Few candidates misread part of question
- Written papers make marking easier

Paper II Question 3 – Taxation

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
22	51.72%	73	23	18.18%

- Rather than focussing on the large capital taxations such as CGT and IHT, as is often the case, this question aimed to cover a broad range of smaller taxes relevant to general day to day management of rural properties and businesses. General knowledge of these taxes, at a basic level, is required when conversing and advising clients as rural surveyors are required to do, often as they factor into the strategic management/business decisions taken and need to be considered alongside wider management advice.
- It was not intended to be a forensic analysis of detailed taxation matters, which would be referred to accountants as needed in reality, but it was expected that candidates understand the mechanics and issues relating to these taxes as they affect rural property.
- The vast majority of candidates did not simply and clearly outline the relevant taxes, relevant tax bands and details, exemption, reliefs and payment process, if they had done easy and quick marks would have been allocated.
- Where tax bands and rates were noted, the majority of candidates made mistakes and few confidently knew the bandings and general tax rates for the taxes covered - this was unexpected as this is a simple matter of obtaining current tax rates/tax cards and revising these – again, easy marks were lost.
- Surprisingly few noted the issues of ATED when a property is owned by a company, which was the main point of one of the question parts, many candidates simply not mentioning it along with SDLT implications of company ownership.
- Generally a low scoring question, those who had revised and understood the wider taxes relevant to rural property scored a comfortable pass, but many failed, it is assumed many candidates are not dealing with these taxes or giving them suitable importance during revision.

Paper II - Question 4 – CPO – Water Pipeline

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
98	69.17%	94	30	68.36%

- The question was based upon the proposed installation of a high pressure water main which severed (temporarily) a mixed farm. It was subdivided into four parts, each carrying equal weighting.
- It was answered by 98 candidates.
- The first section asked for recall of the legislation and timescales for laying pipes. Whilst this was very well answered on the whole, many candidates failed to apply an answer to the second part of that first question. A small number of candidates recalled incorrect legislation.
- The second part asked for the sequence of events from when the water company takes possession to when they leave the land. A well laid out sequential approach was required. Answers were variable, and many failed to connect the question with the scenario. Examiners were looking for reference to accommodation works in relation to the severed livestock building and how the utility could mitigate losses. The stronger candidates provided many practical solutions.
- The question flowed onto a requirement to schedule out heads of claim. This was generally very well answered, but many candidates provided claims headings that may be more appropriate to CPO schemes such as road building.
- It was also noted that a good deal of candidates did not mention the easement claim (diminution in value), which typically follows case law.
- The stronger candidates gave detail on the likely heads of claim which would arise from a mixed arable and livestock holding, as detailed in the question.
- The final part was a simple recall of heads of terms for a licence agreement. This was very well answered by nearly all candidates. The stronger candidates provided additional explanation on the likely terms and reasoning for choosing a licence or lease.
- On the whole, the question was very well answered, with 75.5% of candidates passing. This reflected the straight forward approach to the scenario. It was apparent that in most cases, it was answered with good experience. A handful of candidates achieved over 90%, providing coherent answers which demonstrated practical experience whilst being mindful of the scenario that was set.

- The Midland Counties and Northern groups provided the strongest responses, perhaps reflective of the amount of utilities work undertaken in these regions.
- The balance of marks allocated allowed for even the weaker candidates to achieve respectable marks.
- The paper was marked jointly by Gareth Lay and Mark Fogden

Paper II – Question 5 – Option/Promotion Agreements

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
70	62.61%	85	32	55.71%

The question sought advice to a client wishing to explore development for housing on 70 acres of land recently inherited adjacent to a small town.

It examined the background research to be undertaken on planning policy, designations and restrictions, required a comparison of alternative arrangements to promote the land and confirm advice as to the preferred approach.

70 candidates answered, 41 achieved 65 marks or over (59%) and the marking range was 82% to 32%.

The first part (6 marks:30%) was generally well answered, demonstrating knowledge and understanding of the plan led process to land allocation as a first step. Many mentioned the possible impact of Green Belt and other designations which may impact the prospect or extent of development. Legal considerations, such as covenants, restrictions, wayleaves and easements were mentioned, as were land quality, physical characteristics and landscape impact. Few considered the potential capacity of the site, others concentrated on obtaining consent for an individual house rather than considering the approach to maximising value and minimising risk.

The second part (8 marks:40%) was seeking the advantages and disadvantages of Option and Promotion Agreements. Both were generally identified but comparison was sometimes lacking or confused, perhaps demonstrating peripheral knowledge of the subject. The better answers included Hybrid Options.

Many suggested self-promotion of the site, including building the houses for sale. In the unlikely situation of a private client having the time and expertise, there was little consideration of the huge cost and risk of such an approach. Some suggested sale to an overage.

The third part (6 marks:30%) required the candidate to confirm advice with reasons and set out how to structure the agreement and state matters to be considered. This produced the most varied answers. The better answers gave clear, reasoned, advice with terms of an agreement which showed understanding of the subject. Some were confused and several failed to comment upon the structure and terms of an agreement.

A core part (item 5) of the Syllabus, the question demonstrated that those who shadow or assist a Principal engaged in this type of work indicated clear understanding of the subject. It is a subject where learning alone is not sufficient; involvement in some detail is required to demonstrate better knowledge and understanding.

Paper II – Question 6 – Commercial Letting (Heads of Terms)

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
126	65.75%	91.5	20	55.55%

The question related to options for letting a range of disused farm buildings for commercial use and drafting heads of terms. The question was split into five parts.

The question was, on the whole, reasonably well answered with the majority of candidates understanding the requirements of the question and subject area.

Part A

Part A asked candidates to identify legal options for letting the buildings. On the whole this was well understood with candidates being able to distinguish between a lease and licence.

Part B

Rental values – most candidates were able to quote rental values within their area of practice. The best answers provided justification and summarised the factors influencing rents (location, condition, services and amenities available).

Part C

Legislative requirements for letting. Again, most candidates were able to understand the basic requirements e.g planning permission, EPC, EICR, Asbestos survey etc.

Part D

Part D required candidates to explain the options for regaining possession. Most were able to explain the importance of correctly drafting the lease with appropriate term dates/breaks. Generally, the importance of contracting out of the 1954 Act was understood (where relevant).

Part E

Heads of terms – well answered. Candidates had obviously prepared by rehearsing a typical set of terms for letting property and consequently most points were covered, allowing candidates to achieve good marks in this part of the question.

Paper II - Question 7 – Woodland purchase

No. Taking	Av. Mark	Top Mark	Lowest Mark	%/>65%
20	59.40%	73	33	35%

The question was on the whole poorly answered suggesting that candidates didn't have much practical experience of the subject area. It was also apparent that having a question with 50% of the marks allocated to it [7 (b)] had the potential to distort the overall candidate score if they scored a pass in the other 3 parts but provided a sub- standard answer to 7 (b). Consequently it was necessary to benchmark the scoring against a competent candidate paper which had the impact of perhaps inflating a number of papers to a pass grade.

- One candidate referenced Qu 7 but no candidate answer was available to for marking
- One candidate failed to answer Question 7 (d)

Part A (20%)

The question invited candidates to list the factors required to be considered when purchasing land to establish a new woodland.

The majority of candidates answered this section competently. However and perhaps surprisingly, the majority of candidates failed to identify access for future forestry operations as being a material consideration.

Part B (50%)

Candidates were expected to have a sound knowledge of the source of funding (whether public or private). Too many candidates referred to grant schemes without any depth of knowledge of the scheme details. Sources of alternative funding revolved around BNG (in England) opportunities and ELM schemes and some references to Corporates and ESG commitments. Was the question worth 50%?

Part C (15%)

There were two parts to this question; firstly a knowledge of the carbon market and secondly and understanding of the landowner obligations.

On the whole candidates had a knowledge of the carbon market but only a handful of candidates addressed the essential requirement for a scheme to be registered prior to planting. However almost all candidates failed to address the second part of the question with too many references to the liability being as a consequences of it being a 'new market' rather than addressing the 'contract for liability' associated with selling carbon.

Part D

The final question required candidates to have a knowledge of clearing a windblow site with a suspected badger sett. On the whole the question was answered satisfactorily with candidates referring to felling licences, risk assessments care around badgers, nesting season etc. However too many failed to pick up on replanting obligations and to provide more detail around the need to appoint suitably experienced contractors to deal with 'stems under tension' and *cordon sanitaire* around badger setts. Those who did scored well. It was also interesting to note how many thought there might be a TPO on a commercial block of mixed conifer.