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Environment Committee  
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6 June 2022

Dear Finlay,

**THE RURAL SUPPORT (CONTROLS) (CORONAVIRUS) (SCOTLAND) REGULATIONS 2022 (SSI 2022/107)**

Further to your letter of 16 May, I am now responding to the points raised as follows:

**1. Question : why the Scottish Government has chosen to make permanent changes through Regulation 2 and Regulation 3(7)(b);**

**Answer:**

The Scottish Government continues to make improvements by removing provisions which are no longer appropriate or workable for Scotland. As regards Regulation 2, officials will still continue inspections on the ground but this change will provide Rural Payments and Inspections Division (RPID) with additional flexibility in line with their new approach to compliance mentioned in the answer to question 2 below. As regards Regulation 3(7)(b), this is to introduce consistency by bringing cross compliance into line with other CAP related schemes where the same provision for those schemes was removed by The Common Agricultural Policy (Simplifications and Improvements) (Miscellaneous Amendments) (Scotland) Regulations 2020 (SSI 2020/349). It is worth noting that the standard inspection rates that are contained within the regulations are considered to be minimum rates and any rate can therefore be increased from year to year if it is thought to be necessary.

**2. Question : in relation to the statement in the policy note that “the risks for audit, non-compliance and loss of funds are adequately managed and reduced by applying our new approach of targeted inspections using relevant data and improved education and engagement with applicants”. what this new approach will mean in practice, including what data the targeting is based on;**

**Answer:**

In relation to risks regarding audit, non-compliance and loss of funds, the main point to note is that RPID still maintained a significant number of inspections in all areas. To all intents and purposes it was a normal inspection year as far as individual claimants were concerned, thus the deterrent effect of the inspection regime was not impacted.

This temporary derogation was combined with the development of methods to perform more desk reviews utilising Aerial Photography and Sentinel true colour data that is held within the mapping system. Also used were geotagged photographs supplied by our customers which minimised the requirement to send an inspector onto the holding.

However, RPID always retained the option to perform a full on the spot inspection where officials could not verify all elements that were required to be checked by these additional methods.

Full cross compliance inspections were reduced by around 100 however all land inspections, of which there were 693, were carried out by cross compliance trained inspectors and if any issues were observed then a full targeted inspection would have been carried out through normal escalation processes. By utilising these different forms of evidence and technologies officials were able to minimise the time spent on the farm/ croft which lowered the Covid risk for customers and staff but still met the regulatory inspection requirement.

RPID have also started to adapt their strategy with customers and claimants to encourage compliance through positive engagement and education (where appropriate) to enable customers to understand why good compliance is important for their industry and the wider public. However, financial penalties and other enforcement methods are also still available where appropriate. This approach has been reflected in recent staff training events.

RPID are also developing closer joint working with enforcement partners to ensure that intelligence is shared and relevant data (e.g livestock identification and movement data including in relation to the voluntary coupled livestock schemes) is used to inform and support targeted action where appropriate.



**3. Question : in relation to the statement in the policy note that “the 2022 Regulations will have no impact on stakeholders or members of the public”, clarification about the potential impact on the public if there are to be fewer on-the-ground inspections on farms and crofts that have not complied with rules on protecting soil and water quality and environmental protection and which damages the local environment, biodiversity and the climate.**

**Answer:**

With regard to cross compliance the impact of the derogation was to reduce the minimum inspection rate from 1% (approx. 200 inspections) to 0.5% (approx. 100 inspections). The inspection rate is low and the requirements under cross compliance are about protecting minimum standards. These inspections take place between June and December. Stakeholders who need to comply with the relevant legislation (and thus safeguard the minimum standards), like in any normal year, would know that they could be subject to an inspection. In that sense, there was effectively the same incentive to comply, and deterrent against non-compliance, as in any normal year.

Historically, the level of compliance in relation to soil, water and environmental damage is found to be good during routine inspections. Cross compliance is not the only method whereby the rules on environmental protection (including water) are enforced. Public agencies such as SEPA and Nature Scot also deliver protection in this area. Serious cases of non-compliance may be raised at any time by public service colleagues and members of the public and these would result in targeted inspections which would have continued throughout the period impacted by Covid.

I hope the above information is helpful.

Yours sincerely,



**MAIRI GOUGEON**