



What To Expect From A Land-Based Inspection Factsheet

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The aim of this factsheet is to summarise the key details of a Scottish Government Rural Payments and Services land-based inspection. It can be used as a guide to find out what is expected from you as a producer to meet legislative requirements, and what to expect during an inspection process.

Further, more detailed information can be found by contacting Rural Payments directly, or by visiting the website: www.ruralpayments.org.

The following factsheet will cover:

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Why do Rural Payments carry out land-based inspections?

The Scottish Government Rural Payments and Inspections Division are required by Scottish Government to carry out checks on each scheme claimed on the Single Application Form (SAF) through spot inspections. They are also bound by European Commission Legislation to carry out inspections for pillar two contracts which were agreed before or during 2020 – this includes Agri-Environment Climate Scheme (AECS) and other Capital Schemes.

This programme of inspections is designed to help safeguard the environment, the public and monitor crop health and animal welfare.



How are inspections selected?

Inspections are selected through two categories – through risk assessment or random selection.

Three percent of SAF applicants are selected for a land-based inspection, of this selection, a further 0.5% are also selected for a cross compliance inspection. Please note, for land-based inspections not selected for a full cross compliance inspection, inspectors are still required to check that cross compliance requirements are being met.

Land-based Inspection period and notice

It is aimed to carry out all main inspections between May and December (inspection lists cannot be run until after the SAF deadline in May).

Previously, all inspections were carried out unannounced, however new rules post Brexit state that the expectation is that producers should receive a minimum of 24 hours notice for Basic Payment Scheme (BPS) and Less Favoured Area Support Scheme (LFASS) inspections. They also state inspections should be carried out within 14 days of first notice. Pillar two inspections will continue to be unannounced, this is to verify contracts that been issued under EU regulations.

Schemes covered under land-based inspections

- **Direct payments: BPS, including young farmers scheme (YFS) and greening payments**
- **Scottish Rural Development Programmes (SRDP): LFASS, AECS and Forestry Grant Scheme (FGS)**
- **Legacy Schemes: rural priorities (RP), farm woodland premium scheme and habitat scheme**

The inspection process

General:

Whilst visiting your farm, the inspector will check a number of details, these include:

- **Measurement/check of the land parcel boundaries – land is inspected differently depending on land cover and allocated region. All claimed parcels must be visited. Measurements for parcel boundaries are taken from the first stock proof fence and permanent internal stock proof fences must be mapped. Land parcels must be a minimum of 0.1ha to be eligible to be claimed for BPS.**
- **Measure and assess ineligible areas within parcels – ineligible areas or boundary changes are mapped using GPS equipment**
- **Measurement of crop splits and greening areas within parcels and confirm the correct management of these areas have been carried out**
- **Check scheme management requirements have been met**
- **Confirm agricultural activity**

The inspector will also request copies of relevant documents that demonstrate compliance with scheme requirements. It is expected that you provide these documents as soon as you reasonably can. Documents are preferred electronically, however you can agree with the inspector a safe and secure location to photograph these or for them to receive a hard copy.

Following the inspection, the inspector will inform you of the inspection findings, as well as inform you of any breaches of cross compliance requirements and any necessary remedial action that needs to be taken. This will be followed up in a letter sent to you detailing any penalty and necessary remedial action.

After the inspection has been processed, your mapping may be revised. This may mean that you are sent a new farm map – this map is for subsidy purposes only. A detailed inspection findings letter will also be issued.

Land maintenance forms (LMF's) can be submitted to request changes to land parcel boundaries and ineligible features. Should you have any queries regarding the inspection, or disagree with the inspection findings you should contact the inspecting officer for a full explanation in the first instance.

Greening

Basic Payment Scheme/Greening Guidance (ruralpayments.org)

Greening was introduced to improve environmental performance of farming. Greening payments are paid on top of the BPS payment. Due to leaving the EU, greening requirements now only cover permanent grass and ecological focus areas (EFA's).

Permanent Grass (PGRS)

Scottish regulation insists that the ratio of PGRS compared to total agricultural area claimed does not decrease by more than five percent – this is monitored at national level by the Scottish government. All BPS claimants who wish to receive greening payments must complete an inorganic fertiliser and lime plan annually – only parcels which are 100% PGRS or wooded grazing (WDG) should be included in the plan. A copy of this will be requested at an inspection.

Ecological Focus Area (EFA)

EFA's are beneficial for the climate and environment. Farming five per cent of your arable area in a manner that promotes biodiversity is known as an Ecological Focus Area (EFA).

EFA Key Dates:

EFA Option	Key Dates (Inclusive)
EFA Fallow (EFAFAL)	15th January – 15th July
EFA Margins (EFAM)	1st January – 31st December
EFA catch crop (EFACC)	Undersown crop – 31st December
EFA green cover (EFAGC)*	Established by 1st November – maintained until 31st December
EFA nitrogen fixing (EFA-NFIX)	EFA margin around EFA-NFIX must remain until 31st December
EFA hedges (EFAH)	No hedge trimming 1st March – 31st August
EFA agro-forestry (EFAAF)	Woodland must have been established since 1st January 2015

*If you have selected a green cover as your EFA option and an on-farm inspection is carried out before the green cover has been established, inspectors will return later in the year to check that the green cover management requirements have been met.

Basic payment scheme: eligible agricultural land

Land which is used for the production or growing of agricultural products is eligible for claiming, this includes arable, permanent pasture or permanent crop land. Land which is maintained in good agricultural and environmental condition (GAEC) is also eligible. Land must be kept in GAEC for the full year, therefore if non-agricultural activity, such as gravel extraction or establishment of a wind farm takes place within the year, the area affected must be deducted from the claimed area.

Basic payment scheme: ineligible non-agricultural land

The following areas are classed as non-agricultural land and hence are ineligible for claiming BPS payments:

- **Rock and scree**
- **Roads, tracks and hard standings – (tracks with grazing potential may still be eligible i.e. if they are fully grassed over)**
- **Water features – water over two meters in width are ineligible, this includes ponds, watercourses, lochs and rivers**
- **Dense vegetative cover such as impenetrable gorse, scrub or bracken**
- **Foreshore and marsh**
- **Trees. Open woodland with grazing underneath is eligible**

Less Favoured Area Support Scheme (LFASS)

Eligibility to receive LFASS payments is assessed during an inspection and consists of three main elements:

- **Assessing farming activity (of claimant, for a minimum of 183 days)**
- **Assessing overcompensation i.e. over-declaration**
- **Land abandonment – (a common problem that SGRPID has found is that areas are being claimed for LFASS that are not being utilised)**

To be eligible for LFASS, the land must:

- **Carry stock that is under economic responsibility of the LFASS applicant**
- **Be available and accessible for your use (the claimant) for maintaining livestock or producing forage crops, for at least seven months in the LFASS year – the seven month period must include the 15th May (lease agreements are checked).**

Agri Environment Climate Scheme (AECS)

AECS inspections are required to check compliance with the scheme rules and are selected by risk analysis as part of the main land inspection selection.

Both spring and winter checks are carried out to validate claims for pillar two options which have restrictions out with the land-based inspection period.

The land inspector will determine the eligible area claimed, as well as then determine if the option has been correctly managed.

As part of the inspection, the AECS management diary will be requested and assessed to confirm that the management plan has been followed.

Young Farmer Payment

The inspector must request that the young farmer is available to discuss the inspection findings.

A series of questions will be asked by the inspector to confirm that the young farmer is involved in the day to day running of the farm.

If the young farmer is unavailable or unable to convince the inspector that they are the responsible person for the business – a more intensive desk-based assessment will be carried out.

What is cross compliance?

Cross compliance is a set of rules, made up of 13 Statutory Management Requirements (SMR's) and seven Good Agricultural and Environmental Conditions (GAEC's).

The rules relate to a number of areas: protection of the environment, climate change, good agricultural condition of the land, public health, animal health, plant health and animal welfare.

Additional information can be found in the links below:

<https://www.fas.scot/downloads/workbook-cross-compliance-checklists/>

<https://www.ruralpayments.org/topics/inspections/all-inspections/cross-compliance/detailed-guidance/>