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**15 December 2015**  
**Ref: RFI 3860**

Dear [REDACTED],

**Re: Freedom of Information – Information Request**

Thank you for your request for information dated 17 November 2015, please note that since our acknowledgement we have reassessed your request as falling under the Environmental Information Regulations (EIR) 2004. This is because your request relates to information processed under the Single Payment Scheme (Cross Compliance) which covers an administrative measure likely to impact the environment, covered by Reg 2(1) (c).

You have asked for:

*'all correspondence, emails and/or letters, to and from the RPA regarding Stody Estate and the conviction of a former employee, [REDACTED], of wildlife crime in October 2014'*

RPA can confirm it holds the information requested. However following careful consideration, we are only able to disclose some of the information you have requested for the reasons set out below.

Correspondence submitted to the RPA that was not handled under the Freedom of Information Act (FOI) and/or the Environmental Information Regulations (EIR) i.e. that has been dealt with as business as usual by the RPA is being withheld under Regulation 12(5)(f): *protects the interests of a person who provided the information* as the person supplying the information did not supply it in circumstances in which the public authority is not entitled, apart from under the EIR/FOI, to disclose it and the person supplying has not consented to disclosure.

When considering refusal (or partial) of a request under these exceptions we are also required to carry out a Public Interest Test. This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information. We must also take into account that under EIR there is a presumption towards disclosure of the information, as required by Regulation 12(2).

We recognise that there is a public interest in information about the activities of regulatory bodies as it is in the public interest to facilitate the accountability and transparency of public authorities for decisions taken by them, and for their spending of public money. Such transparency assists individuals in understanding decisions made by public authorities affecting their lives and, in some cases, in challenging those decisions.

Conversely, there is a strong public interest in maintaining the free flow of volunteered information to public bodies. The disclosure of the correspondence requested would break the trust of the public to keep those conversations private and that by providing this information would serve as a deterrent to any person thinking about contacting RPA to raise an issue of an environmental nature, fraudulent or criminal activity. We depend heavily on information from the public who notify us of their concerns relating to public funded schemes. Disclosure would not be of benefit to the wider public interest as this issue is only of personal interest to the requester.

For the above reasons the RPA considers that the weight of public interest lies in withholding the information requested.

However, we are able to disclose RPA correspondence made under EIR and FOI, as requests for information submitted under these regimes are releasable into the public domain, and are enclosed in the attached annex.

This includes all requests received up until the 17 November 2015 the date in which your original request was made.

Please note that any personal information has been redacted, this is because RPA considers that this information is exempt from disclosure under the section 7 (4) of the Data Protection Act.

If you are not happy with the way we have handled your request, you can ask for an internal review. These requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Access to Information, Rural Payments Agency, North Gate House, 21-23 Valpy Street, Reading, RG1 1AF.

If you have any queries about this let us know.

Yours sincerely

**Access to Information Helpdesk**

<b>Request</b>	<b>Response</b>
<p>Date received: 3 October 2014 Subject: Query re Stody Estate, Norfolk</p> <p>Please will you confirm whether there is an ongoing investigation into breaches of the Statutory Management Requirement 1 of the Single Farm Payment by the Stody Estate, Stody, Melton Constable, Norfolk NR24 2ER.</p> <p>This following the discovery of 11 dead birds of prey on the estate and the conviction of an estate gamekeeper for their killings. My understanding is that SMR1 of the SFP covers the protection of wild birds, which has clearly been breached in this case.</p> <p>(For reference: <a href="http://www.bbc.co.uk/news/uk-england-norfolk-29454939">http://www.bbc.co.uk/news/uk-england-norfolk-29454939</a>)</p>	<p>Date Responded: 9 October 2015 Ref: RFI 3284</p> <p>Re: Environmental Information Regulations – Information Request</p> <p>Thank you for your email dated 3 October 2014, which we have dealt with under the Environmental Information Regulations 2004 (EIR). RPA can confirm there is no investigation ongoing.</p>
<p>Date received: 6 November 2015 Subject: Stody Estate</p> <p>Hi, could you let me know the terms on which payments are made to the above estate and what responsibility you, as a tax payer funded organisation, have to ensure the recipients of money spend our money in a responsible manner and ensure all of their employees act in a manner that is consistent with receiving tax payer subsidies.</p>	<p>Date Responded: 27 November 2014 Ref: RFI 3332</p> <p>Re: Freedom of Information Act – Information Request</p> <p>Thank you for your email of 6-Nov-2014, which we have dealt with under the Freedom of Information Act 2000.</p> <p>To answer the first part of your question, the Gov.uk SPS guidance sets out the terms and conditions for all farmers who claim the Single Payments Scheme (SPS), there are no individual contracts made between the Rural Payments Agency (RPA) and the</p>

	<p>claimants of SPS.</p> <p>With reference to the second part of your question, there are no requirements under European Union legislation for the RPA to administer the way recipients of SPS spend their subsidy or manage their employees, other than to keep their land in good agricultural condition, full details of which can also be found in the Gov.uk SPS guidance.</p>
<p>Date Received: 12 December 2015 Subject: Freedom of Information Act request</p> <p>I am making this request for information under the Freedom of Information Act.</p> <p>The information I request relates to the conviction in October 2014 of [REDACTED], a gamekeeper employed by the Stody Estate, Melton Constable, Norfolk, NR24 2ER for illegally poisoning ten buzzards and a sparrowhawk.</p> <p>I would be grateful if you could provide me with all the information you hold relating to the following questions:</p> <ol style="list-style-type: none"> <li>1. Whether the RPA consider the illegal poisoning carried out by an employee of the Stody Estate as being in breach of Cross Compliance Statutory Management Requirement 1 - Wild Birds.</li> <li>2. Did the RPA investigate any breach of cross compliance at the Stody Estate relating to the illegal poisoning offence and what was the outcome of the investigation.</li> </ol>	<p>Date Responded: 14 January 2015 Ref: RFI 3398</p> <p>Re: Freedom of Information – Information Request</p> <p>Thank you for your request for information dated 12 December 2014 which has been dealt with under Freedom of Information Act 2000 (FoIA).</p> <p>You have asked:</p> <p><i>'1. Whether the RPA consider the illegal poisoning carried out by an employee of the Stody Estate as being in breach of Cross Compliance Statutory Management Requirement 1 - Wild Birds.'</i></p> <p><i>'2. Did the RPA investigate any breach of cross compliance at the Stody Estate relating to the illegal poisoning offence and what was the outcome of the investigation.'</i></p> <p><i>'3. Whether the RPA has imposed a fine on the Stody Estate's Single Farm Payment, Environmental Stewardship Payment or any other public subsidy the estate receives and if so, how much.'</i></p>

<p>3. Whether the RPA has imposed a fine on the Stody Estate's Single Farm Payment, Environmental Stewardship Payment or any other public subsidy the estate receives and if so, how much.</p>	<p>Having considered your request we regret that we are unable to provide you with any meaningful response as we do not hold any information that answers your questions. However, RPA would like to make clear that it is required to assess cross compliance reductions to CAP subsidy claims based on intent, extent, severity, permanence and repetition of the non-compliance. We can assure you that RPA will take action, including cross compliance reductions to CAP subsidy payments applicable, if this is found to be appropriate.</p> <p>In order to qualify for most CAP subsidy payments, claimants are required to keep their land in Good Agricultural and Environmental Condition and comply with a set of Statutory Management Requirements (SMRs). This is known as cross compliance. One of the SMRs covers wild birds (SMR 1) and this includes a rule about killing, injuring or taking wild birds. Further information is published on the GOV.UK website (Page 43 - deals with wild birds).</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/320833/The_Guide_to_Cross_Compliance_in_England_2014_complete_edition.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/320833/The Guide to Cross Compliance in England 2014 complete edition.pdf</a></p>
<p>Date Received: 12 January 2015 Subject: Payments made to Stody Estate</p> <p>Please could you tell me what action if any, has been taken against the above estate following the dreadful crime by their gamekeeper [REDACTED] ?</p>	<p>Date Responded: 19 January 2015 Ref: RFI 3408</p> <p>Re: Freedom of Information – Information Request</p> <p>Thank you for your request for information dated 12 January 2015 which has been dealt with under Freedom of Information Act 2000</p>

	<p>(FoIA).</p> <p>You have asked:</p> <p><i>'Please could you tell me what action if any, has been taken against the above estate following the dreadful crime by their gamekeeper [REDACTED].'</i></p> <p>Having considered your request we regret that we are unable to provide you with any meaningful response as we do not hold any information that answers your question. However, we can assure you that the RPA will take action, if this is found to be appropriate.</p>
<p>Date Received: 15 January 2015 Subject: Re: Ref: RFI 3398</p> <p>Thank you for your reply although I have to admit that I'm pretty disappointed by your answers. Perhaps you could have a go at giving more meaningful answers to the following questions which I would also like you treat as a request under the Freedom of Information Act:</p> <ol style="list-style-type: none"> <li>1. Has the illegal poisoning of birds of prey carried out by an employee of the Stody Estate been reported to the RPA as a possible breach of Cross Compliance SMR1?</li> <li>2. If the answer to the above question is yes, how many individuals have reported the potential breach to the RPA?</li> <li>3. Is the RPA currently investigating a reported breach in cross-compliance at the Stody Estate relating to SMR1?</li> </ol>	<p>Date Responded: 6 February 2015 Ref: RFI 3409</p> <p>Re: Freedom of Information – Information Request</p> <p>Thank you for your request for information dated 15 January 2015 which has been dealt with under Freedom of Information Act 2000 (FoIA).</p> <p>To answer your questions:</p> <p><i>1. Has the illegal poisoning of birds of prey carried out by an employee of the Stody Estate been reported to the RPA as a possible breach of Cross Compliance SMR1?</i></p> <p>We can confirm that members of the public approached RPA following the media reporting of the prosecution, with several suggesting that SMR1 had been breached.</p>

	<p><i>2. If the answer to the above question is yes, how many individuals have reported the potential breach to the RPA?</i></p> <p>RPA can confirm that we have received e-mails from 20 individuals mentioning a possible breach in RPA regulations by the Stody Estate.</p> <p><i>3. Is the RPA currently investigating a reported breach in cross-compliance at the Stody Estate relating to SMR1?</i></p> <p>We previously answered a similar question in our response to you, reference RFI 3398, and advised we do not hold any information that answers this question. RPA is obliged by European legislation to follow up these reports. We can assure you that RPA will take action, including cross compliance reductions to CAP subsidy payments, if this is found to be appropriate.</p>
<p>Date Received: 26 February 2015 Subject: FOI Request</p> <p>Following the successful prosecution of a gamekeeper for the illegal killing of birds of prey and the illegal possession and use of pesticides on the Stody Estate in Norfolk in November last year, I am requesting information on what action the RPA is either taking or proposing to take in response.</p> <p>Given this was a clear breach of cross compliance</p>	<p>Date Responded: 11 March 2015 Ref: RFI 3533</p> <p>Re: Freedom of Information – Information Request</p> <p>Thank you for your request for information dated 26 February 2015 which has been dealt with under Freedom of Information Act 2000 (FoIA).</p> <p>Having considered your request we regret that we are unable to provide you with a response as we do not hold any information that</p>

<p>regulations (SMR1 and SMR9) I would assume that the RPA will be following this up in terms of applying the appropriate fines and penalties to the Estate (the gamekeepers employer) which is a SPS claimant and therefore subject to full compliance.</p> <p>I therefore request the following information:</p> <ol style="list-style-type: none"> <li>1. Exactly what action is the RPA taking?</li> <li>2. What level of penalty has been applied to the Estate?</li> <li>3. What is the monetary figure?</li> <li>4. If no action has been taken to date, what is the timescale for taking action?</li> <li>5. If no action is proposed, what are the reasons for that decision?</li> </ol>	<p>answers your questions.</p> <p>However, RPA would like to make clear that it is required to assess cross compliance reductions to CAP subsidy claims based on intent, extent, severity, permanence and repetition of the non-compliance. We can assure you that RPA will take action, including cross compliance reductions to CAP subsidy payments applicable, if this is found to be appropriate.</p> <p>Cross Compliance rules only apply to recipients of Single Payment Scheme or certain Rural Development Scheme payment in the year in which a cross compliance breach is found.</p> <p>The person prosecuted for the offences mentioned in your e-mail is not a recipient of either of these types of payment. Therefore before RPA can take further action, it will be necessary to determine whether there a link between this person and a subsidy recipient and, if there is, whether that recipient can be considered liable for the actions of the person who committed the breaches.</p>
<p>Date Received: 21 September 2015 Subject: Cross Compliance Penalties Study Estate</p> <p>Further to my earlier correspondence (Ref: 560917), I am writing to ask for an update on the RPA's investigation in to cross compliance breaches on the Study Estate.</p> <p>In your previous correspondence (8 July 2015) you indicated that the convicted gamekeeper, [REDACTED], was not a recipient of the Single Payment Scheme or certain Rural Development Scheme payments in the year the cross compliance breach occurred. You said that the RPA was</p>	<p>Date Responded: 5 October 2015 Ref: RFI 3790</p> <p>Re: Environmental Information Regulations – Information Request</p> <p>Thank you for your request for information dated 21 September 2015 and your further email dated 9 October 2015. As your request concerns an administrative measure likely to impact the environment your request has been dealt with under the Environmental Information Regulations (EIR) 2004, with a 20 working day deadline.</p>



<p>investigating whether there was a link between [REDACTED] and the subsidy recipient.</p> <p>Please can you advise whether you have now determined a link between the convicted gamekeeper and the subsidy recipient (i.e. his employer)?</p>	<p>The Rural Payments Agency (RPA) has notified the Study Estate in Norfolk that a cross compliance breach occurred, as result of the actions of their gamekeeper. This is because the estate is vicariously liable for the actions of their employees. <i>Under European cross compliance rules, the RPA is obliged to follow-up reports of cross compliance breaches brought to its attention. The rates of applicable reductions are explained in the <a href="#">scheme rules</a>.</i></p>
<p>Date Received: 18 October 2015 Subject: Re: RFI 3790 - Ref: RPA/BAU/15/208 - Cross Compliance Penalties Study Estate</p> <p>Thank you for your response and for telling me that you have notified the Study Estate that a cross compliance breach had occurred as a result of the actions of their gamekeeper.</p> <p>I would like to submit a further FoI request to ask:</p> <ol style="list-style-type: none"> <li>1. Has the RPA now enforced a cross-compliance penalty on Study Estate?</li> <li>2. If so, what, exactly, was the penalty for?</li> <li>3. If a penalty has been enforced, how much is the total amount of the penalty?</li> <li>4. If a penalty has not yet been enforced, please explain why?</li> </ol>	<p>Date Received: 13 November 2015 Ref: RFI 3813</p> <p>Re: Environmental Information Regulations – Information Request</p> <p>Thank you for your request for information dated 18 October 2015 which has been dealt with under Environmental Information Regulations (EIR) 2004.</p> <p>To answer your questions:</p> <p><i>Has the RPA now enforced a cross-compliance penalty on Study Estate?</i> Yes.</p> <p><i>If so, what, exactly, was the penalty for?</i> The penalty that has been applied was for a breach of farmer requirement A1, of the pre-2015 Statutory Management Requirement 1 (Wild birds).</p> <p>The requirement reads “You must not intentionally kill, injure or take any wild bird”</p> <p><i>If a penalty has been enforced, how much is the total amount of the</i></p>

	<p><i>penalty?</i> The financial amount has yet to be confirmed, however the penalty is 75% of the Single Payment Scheme payments made to the Estate in 2014.</p> <p><i>If a penalty has not yet been enforced, please explain why?</i> Not applicable.</p>
<p>Date Received: 16 November 2015 Subject: Re: Ref: RFI 3845</p> <p>Thank you for your response.</p> <p>Please will you let me know the financial amount of the fine on the Stody Estate's Single Farm Payment at your earliest possible convenience.</p>	<p>Date Responded: 20 November 2015 Ref: RFI 3852</p> <p>Re: Environmental Information Regulations – Information Request</p> <p>Thank you for your request for information dated 16 November 2015 which has been dealt with under Environmental Information Regulations (EIR) 2004.</p> <p>RPA can confirm that the business specified in your request received a penalty of €263,308.10. Please note that this figure is in Euro's as this is how the business opted to be paid.</p>