



Nick Kempe
nickkempe1@gmail.com

Our Reference: 202600516332

4 June 2026

Dear Nick Kempe,

REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004 (EIRs)

Thank you for your request dated 7 May 2026 under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your request

You asked for:

I would like to request, under Freedom of Information, whether the estate (North Morar Estate) was awarded any further payments in 2025 or is due to be awarded any payments for 2026. If money is due to be awarded this year I request it is withheld until the SGRPID has investigated whether the landowner gave their permission for the muirburn taking place after the end of the muirburn season and also why the fire was lighted when warnings of high fire risk were in place.

I would also like to request under FOI whether any rural payments were made in 2025 to Nevis Estates or to crofters on the other two major landholdings on the north side of Loch Morar shown on the map below, either the area in red or the landholding to the west behind Mallaig also owned by Nevis Estate. On both these landholdings there appear to be have been large out of control fires in 2025.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom

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of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Response to your request

A search of our system has identified that a beneficiary in the name North Morar Estates received Basic Payment Scheme, Greening, Less Favoured Area Support and Scottish Upland Sheep Support scheme payments in respect of the 2025 scheme year. The 2026 Single Application Form window closed on 15 May 2026 and these applications have not yet been processed.

No payments have been made to beneficiaries in the name of Nevis Estate or Bracora Crofters Ltd. There may be some beneficiaries within the area shown on the map provided that have received payments in respect of the 2025 scheme year. CAP beneficiary data for Scotland can be found on the [Defra, UK - CAP Payments Search](#) website and searched by beneficiary name, town or postcode. Please note that 2025 financial year data will be published on the Scottish Government website by 30 June.

NatureScot are responsible for the enforcement of the Muirburn code, however, some elements of the muirburn code are covered by [Cross Compliance](#) (see details below). Beneficiaries of support scheme payments are subject to Cross Compliance requirements and must meet the Cross Compliance rules to receive their full payments.

Under 'GAEC 6 Maintenance of Organic Matter' claimants must comply with the requirements of the muirburn code. The following would be considered to be a breach of the requirements:

- leaving a fire unattended
- being unable to control a fire or having not made provision for its proper control
- causing damage to any woodland

Additionally, under 'SMR 2 Conservation of Wild Birds' claimants must not carry out any activities which are likely to result in the disturbance of birds or the deterioration of habitats affecting birds, including carrying out muirburn outside the burning season (standard muirburn season runs from 1 October to 15 April inclusive, extended to 30 April with landowner permission).

Following your correspondence, local SGRPID officers will liaise with NatureScot to investigate if there is evidence of any potential cross compliance breach(es) and take the appropriate action.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to George Burgess, Director for Agriculture and Rural Economy c/o FOI@gov.scot or c/o this postal address: FOI Unit FOI Unit 1E.10, St Andrew's House, Regent Road, Edinburgh, EH1 3DG. Your review request should explain why you are dissatisfied with this

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response and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: [What can I do if I'm unhappy? | Scottish Information Commissioner](#).

Yours sincerely

Victoria Bell
RPID : Scheme Management

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