

CROSS-PARTY GROUP on CROFTING
Meeting 26 of Parliamentary Session 4
Scottish Parliament, room Q.1.03
Wednesday 28 January 2015 at 17.30

MINUTES

Present:

Jamie McGrigor MSPⁱ (Chair)
Patrick Krause SCF (Sec)
Derek Flyn SCF
Brian Inkster CLG
Neil Ross HIE
Rhona Elrick RoS
Martin Corbett RoS
Colin Kennedy CC
Susan Walker CC
Murdo MacKay CnES
Uisdean Robertson CnES
Gordon Jackson SG
John Brownlee SG
Alan Fraser SG
Andrew Hamilton SLE
Douglas Pattullo office of Jamie McGrigor MSP
Alistair Anderson Observer
Magnus Course Edinburgh University
Iain MacKinnon Coventry University
John Risby FCS
Eleanor Garty WTS
Lynsey Muir LANTRA
Robin Haig observer
Richard Briggs observer
Mark Paterson SLE
Fiona Mackenzie UHI
Jean Urquhart MSP
Dave Thompson MSP

1. Welcome and Apologies.

Jamie McGrigor welcomed everyone and invited introductions. Apologies were received from:

Fiona Mandeville SCF; Russell Smith SCF; Rob Gibson MSP; Janette Sutherland SAC; Tom Edwards SPICe; Angus MacDonald MSP; Catriona MacLean CC; Billy McKenzie SG; Phil Burns SG; Ian Davidson SG; George Farlow HC; William Neilson NFUS; Sandy Murray NFUS; Lucy Sumsion NFUS; Ross McLaren SCRG; Andrew Midgley SLE; Pam Rodway SAS; Rhoda Grant MSP.

2. Minutes of the previous meeting

Minutes of 26 November 2014 agreed.

3. Matters arising

All Actions completed. No matters arising.

4. Crofter Forestry

John Risby of Forestry Commission Scotland gave a background talk on crofter forestry and Eleanor Garty of Woodland Trust Scotland presented the Croft Woodlands Project

The Crofter Forestry Act of 1991 opened the way for crofters to plant and benefit from trees on in-by-land and common grazings.

In the period from 1991 to 2007, approx. 11,000ha of new woodland was planted on croft land. Since 2008 only 800ha has been created, the notable decline coinciding with the closure of the Scottish Forestry Grant Scheme (SFGS).

The Woodland Expansion Advisory Group (WEAG), on which crofting was represented by SCF's Bill Ritchie, made a recommendation to proactively encourage further woodland creation on croft land in the context of the Government's own woodland creation ambitions.

From 2011 to 2013 the Woodland Trust Scotland delivered a project in partnership with Forestry Commission Scotland to support land managers (mainly crofters) in the Western Isles to take up SRDP Rural Priorities grants and create new native woodlands.

In 2013, Forestry Commission Scotland (FCS) commissioned a study of barriers and possible solutions to encouraging new crofter forestry projects, which was carried out by Rural Analysis Associates. This report was published in March 2014 and forms the rationale for the Croft Woodlands Project.

The Croft Woodlands Project is a £1.2m, 5 year initiative commencing in 2015. It aims to engage crofters in the creation and management of woodlands on their holdings; thus delivering multiple benefits in terms of shelter, fuel, timber, agricultural diversification, other forest products, landscape and the environment.

The Project is a partnership between the Scottish Crofting Federation, Woodland Trust Scotland and Forestry Commission Scotland. It is anticipated that additional partners with specific regional interests will enter the partnership as the project progresses.

Woodland Trust Scotland will employ up to three project officers on behalf of the partnership. A Lead Project Officer post covering Highland and the Northern Isles is being advertised and will be appointed in February / March, with additional posts covering the Western Isles (subject to funding) and Argyll and Lochaber to follow.

The Project will be promoted by a launch event and road-show in summer 2015 to raise awareness of croft woodland creation and management opportunities under the new Scottish Rural Development Programme (SRDP). Input will be sought from crofters with previous experience of woodland projects, to act as peer-to-peer ambassadors.

Crofters and common grazings committees interested in planting woodland will be able to request an initial site assessment and report from their regional project officer. Advice will cover both woodland creation and management of existing woodland.

Where a site has clear potential as an SRDP scheme, financial assistance will be available to engage an independent forestry agent to develop an SRDP proposal on behalf of the crofter. If an SRDP grant contract is successfully secured, this cost may be reclaimed.

The project will seek to address the issue of cash deficit between project expenditure and grant payment, which has previously been identified as a significant barrier to crofter participation. This may be achieved via structured SRDP contracts to permit phased payment of grants, and/or through the provision of tailored bridging loans. Options for the delivery of affordable croft woodland insurance will also be explored.

A programme of training and knowledge transfer will be delivered by SCF as part of the project, and existing resources and publications relating to croft woodland will be reviewed and updated as required.

Discussion

The SRDP minimum size is 0.25 ha but it may not be worth the effort of applying for SRDP for small areas.

Small sites which are suitable for woodland creation but for which the SRDP is inappropriate will be offered direct assistance via the Woodland Trust's MOREwoods scheme.

Legislation allows for landlord / shareholder schemes – this could be a potential source of finance?

Is there a link between this project and woodland crofts? Yes, this project has been discussed by the woodland crofts partnership and it is planned that both steering group meetings will be held consecutively as there is a common interest.

What species of trees are appropriate? e.g. can orchard trees be funded? The SRDP is quite defined on what species can be supported. The project will advise the crofter on what species are appropriate for the crofter's objectives and for SRDP funding. Nearly all species of forest tree are supported but not orchard trees. There is an 'agro-forestry' measure (which does not include fruit or forage trees) which is just for low tree density with pasture – i.e. silvo-pastoralism.

What is the monetary value of forestry grants? The rates have not been published yet. It is likely that the Northern and Western isles will get a higher rate. It is worth looking on-line at the SRDP site regularly as there is lots of information and that is where the rates will first appear.

NFUS has raised concerns about forestry; will they be addressed by the project? Yes, FCS are addressing all recommendations made by the WEAG and have specifically been working with Sleat (in Skye) crofters on the issues raised there.

5. Croft Mapping and Registration

Martin Corbett and Rhona Elrick from RoS gave an update on progress in populating the Crofting Register.

In the two years of the register being open there have been 857 registrations entered, a mixture of voluntary and statutory triggers. It has been recognised that relying only on statutory triggers to populate the register will make it very long-term, so a community mapping project has been set up by RoS, joint-funded by RoS and SG. There is a steering group comprising RoS, SG, CC and HIE. So far there have been 19 community applications and the project officer has engaged with 57 communities. There are 176 individual applications with the CC 'in the pipe-line'.

There was a 'Lessons-learned' workshop held in Ullapool recently with representatives from community registrations, SCF, CC and RoS. Recommendations are being drafted.

Discussion

Are estates owned by JMT, NTS, SG and communities getting involved in community mapping? NTS has shown interest but the others have not submitted any applications as yet. The project will be contacting them. Surprise was noted that SG is not participating with community mapping of their owned crofting estates.

6. CAP and Crofting

John Brownlee gave brief summary of the CAP reform:

The latest batch of notifications will go to the EC via DEFRA by the end of the month.

The National Reserve went live for applications today. Deadline is 15 May.

The 2013 / 15 rule (allowing the SG to restrict entitlements to the lowest of 2013 or 2015) will be dropped as the EC say it is not compatible with the wider access rule.

Detailed guidance on Pillar 1 will be available by February.

Discussion

There have been concerns raised about nearly everything being on-line now, whilst many crofters do not use internet.

Many aspects of CAP are on-line but not exclusively. For example CAGS will not be on-line. Where elements are on-line local RPID offices will have public-access computers and staff will be there to help. If it is not possible to use the RPID office hard copies can be requested.

What would happen in the situation where a croft is purchased that had never been on IACS?

The crofter could possibly be eligible through the National Reserve. They would need to apply for entitlement which would be calculated on 2015. They would need to apply by the deadline of 15 May.

Alan Fraser talked about how support to common grazings will work under CAP:

The Cabinet secretary will address the points raised in the letter from the CPGoC concerning support to common grazings.

SG will get information out to grazings clerks, and crofters are encouraged to use the local RPID offices for help.

What was outlined in the recent NFUS brief on away-wintering, which was sent to SG for clarification, is totally incorrect. Applicants can claim as before. Away-wintering has been and is still considered normal practice. Of course if animals go away for wintering they must come back if they are being claimed on. It would be helpful were NFUS to divulge the source of this misinformation.

Pillar 2 crofting grants will continue – detail will be out soon.

The only new thing about how the system works will be that SG will write to crofters giving them the details they have on common grazings, but it is up to the crofter to say what they are active on.

There will be more information coming out in March. Again, emphasis is on crofters engaging with their local RPID office.

Discussion

Some common grazing such as machair is very high quality but can only get classed as Region 2 whereas the same land used by the landlord gets classed as Region 1. Why?

If the crofter thinks that their land is being incorrectly classified they must go to the local RPID office with this and ask for an appeal. There will always be examples of what appears to be unfair – RPID needs to be notified so that it can be re-assessed. Bear in mind that all the information is based on what was first provided by the crofter.

Whilst there has not been a comprehensive survey done, the general impression with SCF members is that the majority on the mainland and Skye will be about 20% down due to the new CAP.

7. Crofting Development

HIE are working with Crofting Connections on delivery of this phase of the project and preparation of a further phase which aims to take in more schools. Additional funding was

made available to produce the two films, one of which was viewed by this group. Funding has continued for the SCF Crofting Skills Training Programme and HIE is collaborating with RoS on mapping geo-pilots. HIE are also supporting skills development to make island abattoirs more sustainable.

SG has launched a review of the Croft House Grant Scheme, and this is out for consultation deadline 31st March. Question 3 was considered ambiguous and has been amended.

Discussion: why are mainland rates lower than islands when some remote areas of the mainland are just as expensive, if not more so, to build in?

There is no RET on commercial vehicles so haulage is considered to be inevitably more expensive to islands. However the scheme is under review so rates will also be reviewed taking into consideration consultation responses.

8. Progress Regarding Crofting Law

On 10th December 2014 the Sump final report was sent to the minister. The SG crofting legislation stakeholder group met yesterday and formulated proposals; a paper will be sent to SG before 11th February.

126 individual legal problems contributed were packaged into 57 grouped problems. 17 high priority issues have been identified at the CLG AGM and the stakeholder group narrowed these down to 9 as the previous minister, Paul Wheelhouse, had made a commitment to deal with "the top ten" in this government session. The 9 comprises 2 main essential problems that need to be sorted immediately and 7 other important issues that won't add much work to the two.

There are also two other areas that need working on, mortgages and succession. The proposal is to set up a group of practitioners to work on these two issues.

The stakeholder group has met with the minister and the meeting was very encouraging. The stakeholder group has been very useful in this process and it is hoped that it will stay meeting.

It would be very helpful to have cross-party support to the proposed changes in law to facilitate the process.

It has been asked whether statutory instruments can address the problems rather than a bill; SIs will address some of the minor issues but it is really just tinkering and would not address the big issues, which necessitate a change in law. It is envisaged that two bills will be necessary, a small one now and a bigger one further on. Support of this CPG is greatly appreciated in expediting the process. However, the committee that will scrutinise this, the RACCE, will need to be approached by the stakeholder group.

9. AOB

The crofting census has had a return of 71% with the revised deadline end of January, after which the CC will discuss what happens next.

9. DONM

11 March 2015

Further dates were also given:

22 April 2015

03 June 2015

ⁱ **Acronyms:** CAB Citizens Advice Bureau; CC Crofting Commission; CFS Care Farming Scotland; CLG Crofting Law Group; CnES Comhairle nan Eilean Siar; DEFRA UK Gov Dept for Environment, Food and Rural Affairs; EC European Commission; EFNCP European Forum for Nature Conservation & Pastoralism; FCS Forestry Commission Scotland; HC Highland Council; HIE Highlands & Islands Enterprise; HSCHT Highland Small Communities Housing Trust; HWU Herriot-Watt University; JHI James Hutton Institute; JMT John Muir Trust; LANTRA Land-based & Environmental Industries Training; MSP Member of the Scottish Parliament; NFUS National Farmers Union Scotland; NTS National Trust for Scotland; RACCE Scottish Parliamentary Committee on Rural Affairs Climate Change and Environment; RoS Register of Scotland; SAC consulting arm of SRUC; SAS Soil Association Scotland (Crofting Connections); SCF Scottish Crofting Federation; SCRG Scottish Churches Rural Group; SCVO Scottish Council for Voluntary Organisations; SG Scottish Government; SLE Scottish Land & Estates; SNH Scottish Natural Heritage; SPICe Scottish Parliament Information Centre; SRA Scottish Rural Action; SRUC Scottish Rural (University) College; RSPB Royal Society for the Protection of Birds; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership; WTS Woodland Trust Scotland.