

Written submission from Cecil Eunson, Shetland Chairman NFU Scotland

Correspondence with Paul Wheelhouse, Minister for Environment and Climate Change:

20th April 2013

Dear Paul,

You announced to parliament on the 28th March that you intend to bring forward a Bill, 'as soon as possible after the Easter recess', to address the issue of decrofting by owner- occupier crofters.

On the same day we had a well attended public meeting in Shetland to discuss this very subject. The reason for our meeting was the deep concerns felt in Shetland to this situation.

You will appreciate that there are over 1000 owner- occupied crofts in Shetland, which is over a third of the total crofts in these islands.

The meeting was unanimous that owner- occupiers of crofts must have the right to decroft part or whole of their croft.

An issue was raised where a crofter is the owner- occupier of his croft, but sometime in the

past his croft was part of a larger croft. In this instance the Crofting Commission are returning these applications, requiring the crofter to obtain written approval from ALL of the other crofters

who also own crofts which were part of that previous larger croft.

An example was given where a croft was split into two crofts in the 1980's, both with separate

title deeds, obtaining crofting grants over the years AND previously decrofted land. NOW each crofter requires the written approval of the other before the commission will even consider the application.

The meeting could not understand, in anyway, how a crofter in the above situation, would have a veto on whether a decrofting application was even considered by the commission.

You will appreciate as in any walk of life, that there are times when neighbours fall out, this likewise happens in crofting and this would be against the crofter's rights.

The meeting was of the opinion that this was not the intension of the 2010 Act, that this is a flaw, and will now be corrected, such that crofters in the above situation, will be treated on an equal and similar basis as all other owner-occupier crofters.

The important thing is that these flaws are corrected, and properly corrected to achieve a Crofting Bill acceptable to all.

You will appreciate the dire situation some crofters are in, awaiting say a site sale, with bank commitments, and the poor lending attitude of all banks at the moment, and young couples awaiting decrofting to get a house built. These delays will have considerable cost implications.

The Act needs to be changed quickly, BUT we expect full consultation to achieve a Crofting Bill acceptable to all.

17 May 2013

Dear Paul

Thank you for the reply, and hopefully your proposed ' short crofting bill ' will resolve this decrofting issue in the near future.

Clearly it will not resolve the second issue of my email relating to a number of crofters owning parts of an ' historic croft '.

As local president of the NFU I am hearing about more and more crofters in this situation, and where one of the crofters will not sign to allow a de- crofting application to proceed.

I also find myself in this situation.

I purchased additional croft land in 2007. The previous owner had sold two areas of land and retained a field, which was subsequently sold. Those three areas, I understand are standalone croft units.

From the decision taken by the board of the Crofting Commission on the 14th December 2012, in my case, these three other crofters would have a ' veto ' over any development that I required de-crofted. Even if I or a member of my family wanted to build a house, and to obtain a mortgage, required decrofting, these other crofters have a 'veto' over that situation, can simply stop that application in its tracks. Surely this should not be the case.

After purchasing this land in 2007, I decrofted and sold a house site, all approved by the crofters commission. What will be the status of that 'decrofted site' now?

The land purchased in 2007 amounted to approx. 170ha, this land is held as bank security. As yet I have not told the bank of this situation, but I am of the opinion they will take a dim view of the fact that 'other crofters' have a veto over any decrofting proposals.

As we are aware a 'veto' can be used for all kinds of reasons, the parties may have fallen out; a financial payment may be requested or the 'other crofter' may have been an objector to a planning application, but planning permission was granted. This would give a second means of stopping it. Totally unacceptable situation.

I purchased in 2007, my previous email noted land that had been divided in the 1980's, all of these transactions were done in good faith, in the understanding that we are on an equal footing with all other owner- occupied crofters, as we were prior to the new crofting commission being established.

The commission took a decision at their board meeting on 14th December 2012, if this is now policy, surely it should only relate to crofts that divided after that date.