

Written submission from North Ayrshire Council

Context

The Bill was introduced by the Scottish Government on 9 May 2013. The Bill aims to address issues in the Crofters (Scotland) Act 1993 arising from amendments made by the Crofting Reform (Scotland) Act 2010 which have left tenant and owner-occupier crofters not being treated equally in terms of their ability to decroft land. The Bill's intention is therefore to amend the 1993 Act to resolve difficulties that owner-occupiers currently have when attempting to decroft land.

Decrofting is a process whereby a crofter, or a croft landlord (in the case of a vacant croft), can apply to the Crofting Commission for a declaration that a particular piece of land is no longer croft land. Such requests usually occur when a crofter wants to obtain finance for a development on the croft, for example to build a house, and in such cases lenders have tended to prefer that the house site and garden ground are taken out of crofting.

Responses to the present Scottish Parliament consultation are required by Friday 17 May 2013.

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The Isle of Arran, Greater and Little Cumbrae were designated as new crofting counties with effect from 4 February 2010. These areas thus fall under the regulatory duties and responsibilities placed on the Crofting Commission following the Crofting Reform (Scotland) Act 2010.

To date, there is only one approved croft on Arran at High Feorline, Kilmory under Section 3A of the Crofters (Scotland) Act 1993. Should any proposals come forward for a croft house and/or steading on this or any other approved croft by the Crofting Commission, it would fall to be considered under the current Isle of Arran Local Plan Policy (ENV 1 Development in the Countryside which requires any proposal to demonstrate a genuine operational need for a worker to live on site in pursuance of an agricultural/forestry operation or an established rural business or a small scale business). In such circumstances, specific consultation would be carried out with the Crofting Commission to ascertain the validity and justification for the proposal. The new Local Development Plan carries forward a similar policy approach for housing for workers engaged in a rural business (Policy ENV 2 Housing Development in the Countryside) as well as for an agricultural/forestry operation or an established rural business or small scale business (Policy ENV 1 New Development in the Countryside – Excluding Housing). To be considered applicable for a new croft house/steading under the crofting legislation, there has to be suitable justification for the development and this usually means active use of the croft and support from the Crofting Commission. The crofting legislation does not stipulate that there has to be a croft house on a croft simply that all tenants and owner-occupiers must reside on or within 20 miles of their croft.

Crofting is not a significant issue on Arran or the Cumbraes at present and the proposed legislation to resolve a technical legal problem which is affecting the ability of owner-occupier crofters to decroft land for the purposes of proposed housing or other developments, raises no issues of concern.