

**CROSS-PARTY GROUP on CROFTING**  
**Meeting 2 of Parliamentary Session 4**  
**Scottish Parliament, room TG20/21**  
**Wednesday 07 September 2011 17.30**

**MINUTES**

**Present:**

Jean Urquhart MSP (Chair)  
Patrick Krause SCF (Sec)  
Derek Flyn SCF  
Murdo MacLennan Crofters Commission  
Hugh Donaldson HIE  
Jo Durno NFUS  
Lucy Sumsion NFUS  
Douglas Pattullo office of Jamie McGrigor MSP  
David Smith SCF  
Jean Balfour SL&E  
Andrew Midgley SL&E  
Bob Frost FCS  
Dave Thompson MSP  
Rhoda Grant MSP  
Ishbel Crawford Lantra  
Katrina Marsden SPICe  
Jim Lugton SCF  
Kim Karam office of Tavish Scott MSP  
Norman Leask SCF  
Elaine Murray MSP  
Iain Dewar SG

**1. Welcome and Apologies.**

Jean Urquhart welcomed everyone. Apologies received from:

Jamie McGrigor MSP; Tavish Scott MSP; Eleanor Arthur SCF; Richard Frew SG; Bill Denholm SG; Murdo MacKay CnES; Rob Gibson MSP; Addie Doull Shetland Isles Council; Isobel MacCallum Highland Council; Alasdair Allen MSP; Amy Corrigan RSPB, Nigel Miller NFUS; Sarah Anderson NFUS.

**2. Minutes of the previous meeting**

Minutes of 22 June 2011 agreed subject to 6. Stevenson and 7. HIE part-funded

**3. Matters arising**

In agenda

**4. The Crofting Act 2010 – implementation update**

Iain Dewar provided an update on implementation of the Crofting (Scotland) Act 2010.

In relation to the first project, the Subordinate Legislation Project, the second Commencement Order will shortly be sent to Parliament and will cover all parts of the Act, other than those connected to the crofting register. These provisions will be brought into force on either 01 October 2011 or 01 April 2012. The third CO, covering register provisions, will be made next year.

As part of the second project, the new duties and transition project, the Commission is doing a lot of work to put in place the new procedures needed to enforce the new duties (Part 3) and to implement the changes in processes for other regulatory applications (Part 4) from 01 October 2011. Work is also on-going to ensure a smooth transition from the Crofters Commission to the Crofting Commission on 01 April 2012 and to implement the necessary changes in corporate systems (Part 1).

In the third project, the crofting elections, the Government has issued a consultation paper on the draft crofting election regulations. Regular meetings are also taking place with Highland Council and the electoral service provider, Opt2Vote, to ensure that the necessary logistical arrangements are in place to undertake the elections. Iain took the opportunity to ask all members to do what they can to encourage crofters to make sure that the Register of Crofts contained their correct details in order to ensure that they received a ballot paper. Adverts for positions as appointed Commissioners had been placed in national and local papers and applications are currently being considered.

The fourth project, the crofting register, is near to the end of the design phase. Building the IT platform should commence later this year.

The fifth and final project, the Crofting and Planning project is nearing completion. Planning legislation had been amended to make the Crofters Commission a statutory consultee for applications for development on croft land. The Commission are developing the criteria for applications the CC wish to see and comment on to ensure that it is limited to those that will have a significant impact on crofting.

## **5. New Crofts**

### **Woodland Crofts Project – Bob Frost, Forestry Commission Scotland**

Bob Frost gave a presentation on Woodland Crofts, a project that has been looking at the creation of community-based woodland crofts on land managed by Forestry Commission Scotland (FCS) and owned by Scottish Ministers. The opportunity for communities is available through the National Forest Land Scheme (NFLS). It is believed that these crofts allow individuals and communities to base livelihoods on the woodland resource within the framework of crofting legislation. A final report of the project had been circulated and can be found on the SCF website. Information about the project will be disseminated at the SCF Gathering in Skye.

The main points of the presentation and report included:

#### **Progress**

- Project has been developing the model of community-led / owned woodland crofts
- Project Officer has developed, with partners (Scottish Crofting Federation, Highlands and Islands Enterprise, Crofters Commission etc.), a package of guidance to support communities looking to create woodland crofts ([www.forestry.gov.uk/woodlandcrofts](http://www.forestry.gov.uk/woodlandcrofts))
- 12 community groups have been advised and supported to develop plans
- Examples of emerging community-led projects include North West Mull Community Woodland Company and the Kilfinan Community Forestry Company

#### **Key lessons**

- Important to maintain the collaborative working between organisations to take advantage of the necessary range of skills and knowledge need to support woodland crofts
- A one-size fits all approach will not work - however, core principles need to be emphasised such as sustainable woodland management is a fundamental component of any woodland croft project
- Other approaches to creating woodland crofts may be appropriate on land not managed by FCS.

#### **Next steps**

- To publicise the guidance package via partners websites and presentations at key events e.g. SCF Gathering
- Continue to support groups developing their plans

- Develop a programme of community-led briefing days for groups interested in woodland crofts

### **Discussion.**

The following points came out in discussion:

Some of the communities involved are close to forming woodland crofts, some as part of a bigger land project – e.g. Mull. 9 new crofts will be created on Mull.

There are different models of land ownership involved.

Forest / woodland are interchangeable terms in this project.

FCS can be involved as much as the community wishes to help build capacity of the community to manage woodland.

Shetland doesn't have forestry blocks but the model could be used for native woodland.

There is no size limit to the area used but it would be divided into appropriate sized crofts.

These new crofts are 'real' crofts in every way.

How a community allocates the new crofts is their responsibility, though there can be guidance provided by the project (there is a woodland croft guide).

Forestry land transfers to the community at market value. It could be better to buy the land before any mention of creating crofts if raising capital as creation of crofts can devalue land. This is a contentious issue – creating crofts should not devalue land.

Scottish Water has land with forestry on it, but this is outside the focus of the project, though there are examples of transfer of SW land to FCS.

It is a bit of both communities approaching FCS for land and FCS approaching communities to let them know land is available in their vicinity.

Embo withdrew their application due to funding issues. The land is still being managed by FCS (it isn't surplus land) and is still an opportunity for the community.

The timber can be used for sale, building, woodfuel. All potential benefits.

## **6. Crofting Support**

### ***SCF survey***

David Smith spoke to the paper that had been circulated on the SCF survey of members on support to crofting agriculture. He emphasised that CCAGS was the most popular support scheme and essential for crofting ("it is the barometer of crofting").

The main points from the survey are:

#### **LMO's**

Crofters liked the LMO concept.

There were no suitable agri-environment measures for crofters

Not enough advisory capacity

A low level RP type scheme should be developed for the next round of SRDP

#### **CCAGS**

Most critical point was that crofters felt they couldn't afford to use them.

The cost of projects in out-lying areas can be double that of mainland Scotland.

Choices were limited when it came to the type of buildings which could be built, tended to have to be the more expensive option.

Need for a 75% grant rate to reflect the additional costs and provide a more equal rate of support, this is possible according to our meeting with SG officials earlier in the year.

## **Discussion**

The following points came out in discussion:

CCAGS is a very important support to crofting and needs to be retained and enhanced. Crofters not using it is not a criticism of the need for such a scheme – it is an indicator that the scheme isn't working as it should and the reason why must be addressed. It needs re-designing to make it appropriate.

The scheme is underspent, which is unacceptable. The Scottish Government should not accept underspend – it must take responsibility for adjusting the scheme to get money spent. There needs to be policy direction.

CCAGS should be helping young croft entrants but it doesn't. There is no government policy on young entrants. There should be a lobby to get money in SRDP for young crofters. There is money available in Article 69 possibly. We need more information.

Many grants that were popular have been discontinued. The survey showed that 90% of respondents can't afford to use CCAGS.

CCAGS needs to be made more useable – within the clear criteria laid out in the RDR.

This has been getting nowhere. A short paper to the minister is needed.

SNH are looking at the issue of paying for public goods. It would be useful to ask Peter Pitkin to the next meeting.

There is no point in pursuing absenteeism when crofting is not viable – CCAGS is one of the few mechanisms that can help make crofting viable. The Crofters Commission and CNeS have information on croft viability.

It was agreed that a Vulnerable Areas working group would be useful in stakeholder discussions with SG on SRDP. SCF have requested this but nothing has happened. To be followed up.

A question has been raised about whether CCAGS can be used for woodland croft enterprises, such as timber storage.

**Action 1: SCF to draft a paper on CCAGS and circulate.**

**Action 2: PK to invite P. Pitkin to the next meeting.**

**Action 3: I. Dewar to ask R. Waterhouse and B. MacKenzie, SG leads on CAP, to the next meeting.**

**Action 4. N. Leask to follow up on Vulnerable Areas working group.**

**Action 5: I. Dewar to ask for clarification on CCAGS and woodland crofts.**

## ***Bull Hire scheme***

An update on the scheme had been circulated.

## ***De-minimis and Feed-In Tarriffs (FITs)***

David Smith spoke to a previously circulated paper. There is a very low de-minimis level for agriculture – but why is power generation classed as agriculture? Also there is a question of who owns the wind energy above a croft?

**Action 7. Jamie McGrigor's office to look into the two renewables questions.**

### ***The word 'Herbacious' in relation to livestock forage***

Anything not classed as 'herbacious' can not be claimed as eligible land for support. This is potentially a massive problem in regards to heather in Scotland. Scottish Government has been asked to put pressure on Defra to get the word changed / deleted.

### **7. AOB**

#### ***Consolidation of the Crofting Acts.***

This needs to remain on the agenda as an item until it happens. **Agreed.**

#### ***Sea Eagles***

Another incident was reported where a person was hurt by an eagle. There needs to be comprehensive research into carrying capacity.

#### ***Croft land***

**Action 8: Figures on new croft land and loss of croft land to be circulated.**

### **8. DONM**

26 October (depending on availability of SG officials).