

CROSS-PARTY GROUP on CROFTING

Meeting 7 of Parliamentary Session 4

Scottish Parliament, room Q.1.04

Wednesday 02 May 2012 at 17.30

MINUTES

Present:

Jamie McGrigor MSP (Chair)
Patrick Krause SCF (Sec)
Norman Leask SCF
David Liddell SG
Sophie Corbett SG
Sarah-Jane Laing SL&E
Gordon Jackson SG
Alan Fraser SG
Barbara Stütz MSc Student
Douglas Pattullo Office of Jamie McGrigor MSP
Jean Urquhart MSP
Sandy Cross Crofting Commission
Murdo MacLennan Crofting Commission
Richard Frew SG
Hugh Donaldson HIE
Kim Karam Office of Tavish Scott MSP

1. Welcome and Apologies.

Jamie McGrigor welcomed everyone and introduced Sandy Cross of the Crofting Commission, Gordon Jackson of Tenure Branch, SG Rural Directorate, Alan Fraser of SGRPID, Barbara Stütz MSc student and David Liddell & Sophie Corbett from SG Planning. Apologies were received from:

Rob Gibson MSP; Rhoda Grant MSP; Dave Thompson MSP, Alasdair Allen MSP; Elaine Murray MSP; Tavish Scott MSP; Claire Baker MSP; Derek Flyn SCF; Russell Smith SCF; Paddy Zakaria SCF; Jim Lugton SCF; Gwyn Jones EFNCP; Nigel Miller NFUS; Lucy Sumsion NFUS; Jo Durno NFUS; Sarah Anderson NFUS; Isobel McCallum Highland Council; Amy Corrigan RSPB; Billy McKenzie SG; Nick Reiter CC; Jean Balfour SL&E; Andrew Midgley SL&E; Katrina Marsden SPICe

2. Minutes of the previous meeting

Minutes of 21 March agreed subject to amendment to paragraph 1 page 3 which should read *2013* and AOB page 3 which should read '*consolidation would be considered*'.

3. Matters arising

- A letter was sent to the Cabinet Secretary for Education urging support to the Crofting Connections project and a letter was sent to the cabinet secretary for Rural Affairs urging a supportive policy for native seeds.
- HIE connected Maria Scholten with Amanda Fox.
- The minister did meet with the new Crofting Commission.

4. Sustainable Food Production – a case for crofting

Barbara Stütz gave a presentation on 'sustainability', what that means and how crofting fits the definition. Her paper and slides have been distributed.

Discussion

Is mono-culture the best way to feed the world? The thrust of Barbara's talk had indicated that self-reliance leads to sustainability. She added that reliance on agro-chemicals, GM technology, patented seeds etc could be seen in many parts of the world to lead to failure, hunger and suicide.

Should food production depend on grants? Subsidies are a mechanism to provide cheap food, but supporting a sustainable system such as crofting should be looked at as public money being used to pay for public goods – those benefits that the market does not pay for. Crofting should have more support.

The dairy industry is an example of resilience being lost due to domination by business (supermarkets) driving the price of milk down to an unsustainable level, putting smaller dairies out of business and therefore affecting communities negatively.

How can artificial fertilizers be replaced? There are natural fertilizers that traditional, organic and permaculture production systems have used for ever – manure, slurry, green fertilizers etc. There is an overabundance of slurry that has been a massive polluter yet there is the perceived need to use oil to produce artificial fertilizers – the system is not 'joined-up'.

'Climate change' is used to segmentise. Loss of resilience and too large scale is the problem. Smaller scale is more mindful of resource use. Other countries, Austria for example, have many small slaughterhouses. The H&I have only a few large scale slaughterhouses. This breeds dependence and harms resilience. It is up to the member state to use the EU rules as they see fit – there are no rules stopping Scotland from having many small scale slaughterhouses. The Austrian government chose to support small scale producers and local processing.

Barbara's research is looking at small scale abattoirs as a tool for sustainability and food sovereignty. She will report back to the CPGoC.

5. Crofting Law

Richard Frew gave an update on the implementation of the Crofting Act 2010 and this was interspersed with discussion.

The large majority of the 2010 Act has been implemented. The main part to come is the 3rd commencement order, which concerns the Crofting Register. It will be being worked on after the summer recess and the register should be available before the end of 2012. The Registers of Scotland fees order will follow. How much? £80 - £120; it is not fixed yet. It is being aimed at being as affordable as possible. £100k has been made available by the SG to provide a reduction for applications from groups of 10 or more, which should benefit those involved with the SCF community mapping project. £100k has also been made available to map the common grazings at no cost to shareholders. Will grazings get a number when registered/ Yes they get a number and become a legal entity in their own right – the legal certainty of boundaries. The schedule will set out the owner and shareholders, but not the number of shares held by each shareholder.

Comment: it is difficult to manage common grazings and grazings are not recognised in SG policies such as SRDP. There is a very useful report on common grazings available which was produced by the European Forum for Nature Conservation and Pastoralism, funded by HIE. It will be circulated.

The appointment of the convenor of the Crofting Commission – the minister wants to see the post occupied as soon as possible. Nominations are sought from the commissioners which will be scrutinised by the Public Appointments Commission and interviews held. Will there be a crofter on the interview panel? No, the process has started so it is too late to bring a crofter in.

David Liddell gave a talk on planning and crofting:

Development Planning

- *The Commission is now a key agency for development planning.*
- *This means planning authorities must engage with the Commission when they work on their new development plans.*
- *There is a duty on the Commission to participate in this. The key thing is to start this early.*

Planning Applications

- *Following a commitment made during the passage of the Crofting Act, the commission is now a statutory consultee on planning applications affecting croft land.*
- *SG want to ensure this is not needless bureaucracy, but focuses on those cases where there is a real implication for crofting.*
- *This is mostly about development on good in-bye or which affects the productivity of a particular croft, although there could be others of interest – perhaps development which would lead to abandonment*
- *Protocols have been agreed for each Council area which set out the kinds of applications the Commission wants to be consulted on.*

Occupancy Conditions

- *Following several cases where it was clear that the use of planning agreements (Section 75) to control the occupancy of new houses was causing difficulty in obtaining a mortgage, the Chief Planner wrote to all planning authorities discouraging their use other than in exceptional circumstances.*
- *SG plan to underline that advice in the letter in future guidance.*
- *It is important to understand though that, as things stand, this is only advice – it is still for planning authorities to take a view on whether they want to impose these kind of controls.*

Planning Reform: The Next Steps

- *Planning Minister Derek Mackay made a statement to Parliament on 28 March setting out the Scottish Government's proposals for the future reform of the planning system.*
- *The aim is to help the planning system reach its full potential in supporting economic recovery. The focus is on better working practices within the current system, although legislation will be proposed if required.*
- *Key priorities are promoting the plan led system, driving improved performance, simplifying & streamlining processes, & delivering development.*
- *There are a number of consultations as part of this, and all are encouraged to have a look at the website. Deadline for responses is 22 June.*

Discussion:

It was noted that planning is brought up by crofters as a problem very often – for example planning being given for inappropriate developments, planners insisting on houses being sited in inappropriate places (on good arable land) and planning authorities using section 75 to tie a house to a croft (which makes getting a mortgage impossible).

If a planning application doesn't say croft land on the form then the CC are not involved – this is a weakness in the system.

The CC has more power under the 2010 Act – they can choose not to give a de-crofting directive even if there is planning consent.

6. CAP / SRDP

All SRDP working groups have met, at least once (they will have 3 meetings each). SCF are represented on the 4 that concern crofting the most (Areas of Natural Constraint; Rural Economies; Leader and Agri-environment) plus the plenaries at the start and end of the consultation process.

The Common Strategic Framework – Planning for Small farm Development. It is important to feed the case for new entrants to small farms into the working groups.

The 'Greening' of direct payments could affect crofts – the 3 crop rule would apply to crofts larger than 5ha. It is not appropriate for many crofts to have to grow 3 crops, even if they are bigger than 5ha.

The excluding of non-herbaceous grazing (such as heather) from eligible land would be disastrous for Scotland where much of its common grazing moorland and hill would be excluded. If more than 50% of a grazing area is not eligible (heather) then all of the area is excluded. This would lead to abandonment – crofters would give up and livestock would be removed from the grazings. Communities would suffer from the loss of crofting – many communities depend on crofting. Resilience would decrease, affecting sustainability. Un-grazed land is a fire hazard – fires lead to erosion and carbon release. Biodiversity falls on un-grazed land. All this stems from the word 'herbaceous' being used in EC regulation. There are so many negative consequences from one small word.

The SG is addressing this. They have not found any issues raised by the EC audit over heather. SG warn that raising this could have unforeseen consequences. SG are telling SCF to not go public over the 'herbaceous' issue, but SCF are very concerned about this and fear that if nothing is done now it will be enforced post-2014, and then it will be too late to do anything about it. We are getting no feedback from the SG on what they are doing about the 'herbaceous' problem. We are running out of time.

'Naked acres', which are often heather, must be linked to activity.

Penalties – crofters are going bankrupt because of penalties imposed by SGRPID. Claims were made based on maps that have now been replaced in SGRPID with maps of a larger scale – allowing discrepancies to be found. The crofter is not given a chance to amend their claim, they are penalised. This can amount to large sums which can bankrupt small businesses. Active crofters are being penalised, but not large farmers on good land. It is out of proportion. It is putting small producers out of business and discouraging new entrants.

SRDP being used by absentees – Commissioners will follow this up. Deferred to next CPG meeting.

7. Consolidation of Crofting Acts

This is a standing item on the agenda until something happens about it.

8. AOB

Update of the SCF communities mapping project at next CPG meeting.

7. DONM

20 June, evening