

**CROSS-PARTY GROUP on CROFTING**  
**Meeting 16 of Parliamentary Session 4**  
**Scottish Parliament, room Q.1.03**  
**Thursday 26 September 2013 at 17.30**

**MINUTES**

**Present:**

Jamie McGrigor MSP<sup>1</sup> (Chair)  
Patrick Krause SCF (Sec)  
Russell Smith SCF  
James McPherson SCF  
Lucy Sumsion NFUS  
Sandy Murray NFUS  
William Neilson NFUS  
Jean Urquhart MSP  
Ewen Scott SG  
John Brownlee SG  
Richard Frew SG  
Brian Inkster SLE  
Jean Balfour SLE  
Douglas Pattullo office of Jamie McGrigor MSP

**1. Welcome and Apologies.**

Jamie McGrigor welcomed everyone and introduced new faces. Apologies were received from:

Derek Flyn SCF; Norman Leask SCF; Karen MacRae SCF; Dave Thompson MSP; Rhoda Grant MSP; Rob Gibson MSP; Angus MacDonald MSP; George Farlow HC; Kim Karam office of Tavish Scott MSP; Gwyn Jones EFNCP; Pam Rodway SAS; Susan Walker CC; Colin Kennedy CC; Fiona Mackenzie UHI; Nigel Miller NFUS; Billy McKenzie SG; Gordon Jackson SG

**2. Minutes of the previous meeting**

Minutes of 19 June 2013 agreed.

**3. Matters arising**

*Crofting Development.*

Richard Frew, Scottish government, will arrange a meeting with HIE to discuss crofting development and will report back to the group.

Crofting development is nominally with HIE and will stay there. Confusion is caused with terminology, HIE claiming that they have responsibility for crofting community development. Does HIE have responsibility for crofting development? What is the definition of crofting community development?

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<sup>1</sup> **Acronyms:** CAB Citizens Advice Bureau; CC Crofting Commission; EFNCP European Forum for Nature Conservation & Pastoralism; HC Highland Council; HIE Highlands & Islands Enterprise; HSCHT Highland Small Communities Housing Trust; JHI James Hutton Institute; MSP Member of the Scottish Parliament; NFUS National Farmers Union Scotland; RoS Register of Scotland; SAS Soil Association Scotland (Crofting Connections); SCF Scottish Crofting Federation; SG Scottish Government; SLE Scottish Land & Estates; SPICe Scottish Parliament Information Centre; RSPB Royal Society for the Protection of Birds; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership.

£170,000 was transferred from SG to HIE budget but for the first year only (this amount was not taken off the Crofters Commission budget). HIE should build in crofting development budget in the money they receive from SG. Do they? Richard Frew will raise this with sponsor division and will report back.

Why do HIE not come to the cross-party group on crofting anymore? They should be invited to attend on a regular basis and report back on what they are doing regarding crofting community development, what their plan is for crofting, what budget they have allocated to it and what has been achieved so far. Crofting development should be a standing item on the agenda. Agreed.

**Action: Richard Frew will arrange meeting with HIE and will consult sponsor division.**

**Action: letter from CPGoC to HIE chair inviting regular representation.**

**Action: letter from CPGoC to Minister asking for clarification on responsibility for crofting development.**

*Crofting Register*

It was suggested that at least access rights should be on the Crofting Register. However advice is that it would be difficult and possibly prejudice crofters' rights if access is defined as it could exclude rights that do not appear in the land title.

Scottish Government are satisfied that the Crofting Register has everything it set out to have. If more were put on the Crofting Register it would cost more for crofters to register and it is unlikely they would want this given the reaction to paying at all. Keeping some information on the Register of Crofts with the commission keeps costs to the crofter down.

The crofting register is only a register of boundaries; this was always the intention. There is potential to put anything on the Crofting Register, at a price. It would be wrong to focus on access rights when there are lots of other bits of information that could also be recorded.

Could there one day be just one register? I.e. move all information from the Register of Crofts to the Crofting Register. The Crofting Commission are currently looking at what should be on the Register of Crofts.

The problem with having two registers is that if information is needed it can take two letters from a lawyer to obtain the information, this being more costly to the client. A useful move could be to have a one-stop shop (Crofting Commission) who gather the information required from both registers.

When all property is on the land register, the register of sasines will go. Perhaps when all crofts are on the Crofting Register, the Register of Crofts can go or just become an administration tool for the Crofting Commission. The intention is that the Crofting Register will replace the Register of Crofts eventually, but this takes time.

**Action: Crofters Commission and Registers of Scotland to be invited to cross party group meeting to explain and discuss the registers.**

#### **4. Implementation of the Crofting Reform 2010 Act**

Richard Frew the Scottish Government gave an update on implementation of legislation.

The triggers, which will force a croft to be registered when an administrative function is required of the Commission, will be introduced after 30 November. But Crofts can still be registered voluntarily. Crofters should still be encouraged to register voluntarily because registration by trigger will hold up the application for the administration. Forward planning is the key.

SCF are keen to see the requirement for the two adverts for registration of a croft to be removed. There seems to be no justification whatsoever for the two adverts. The Crofting Commission will have already notified all the adjoining properties so having to put adverts in a newspaper is superfluous. Should it be deemed necessary to make a croft registration more widely known there is no reason why this could not be put on the Commission website.

The Crofting Commission are sending applications back because their information does not correspond to the applicant's; but Commission information is known to be inaccurate.

The amendment to allow decrofting for owner occupier crofters has received Royal assent.

The consolidation of the crofting acts will be considered by ministers in the bigger picture of issues that are being raised regarding the act. Issues will be collected in a "sump", a term coined by Derek Flyn. The sump will be formally launched at the Crofting Law Group conference tomorrow. Derek Flyn and Keith Graham will collate information on issues related to the act, glitches, possible amendments. The crofting law conference will have working groups to discuss issues; these will start the sump. All stakeholders are invited to contribute to the sump over the next few months. There may be problems from way back that also need to be addressed as well as those specific to the 2010 act, though this act is the main focus.

People are still suffering because of anomalies in the definition of owner occupier crofters and owner occupiers. Unintended consequences should be sorted now. The issue of owner occupiers who need consent of neighbours to decroft needs to be sorted sooner rather than waiting for the sump amendments.

## **5. Crofting Development - Torrison planning decision – why a crofter needs to live on their croft**

Russell Smith, SCF, gave a short talk on why it is essential that a crofter is able to live on their croft. For example, it is very important to be there when livestock are giving birth; poultry need putting away at night; machinery and fuel need to be protected from theft.

The Torrison case highlighted the lack of understanding of this. The crofter needed to put a house on the croft in order to carry out their crofting. The house had been designed to blend in with the surroundings. However this was not in the local development plan and a house on the croft was deemed to be not in keeping with existing settlement plan.

The Crofting Commission are statutory consultees, so why didn't they contribute in this case?

If a crofter only has in-by on which to put their house but this doesn't conform to the local plan, where are they supposed to put the house? Bare-land crofts should have a presumption to build the house on the croft especially if there is no-where else appropriate close-by.

Crofters need to be involved with their local plan and councils need to listen to the points brought forward by crofters. Planners should be encouraged to look further at individual cases on merit. The plan is just a guide. De-population in rural areas is closely linked with planning.

## **6. Update on CAP reform and SRDP process**

John Brownlee of the Scottish government gave an update on CAP reform.

Political agreement on CAP has been agreed in Brussels - it is to be adopted. It will be November or December before a detailed regulation will be issued.

The budget is unknown for Scotland as yet; the UK budget is known so negotiations are taking place of the division of the budget within the UK.

There will be two regions, possibly three in Scotland. Land type (arable, temporary grass, permanent grass, rough grazing) is the favoured method for regionalisation.

James Hutton Institute is carrying out modelling on different scenarios. There was a conference on this earlier in the summer.

Pillar to pillar transfers are yet to be determined however the Cabinet Secretary is looking for a pillar 1 to pillar 2, **not** pillar 2 to pillar 1.

The SRDP stage I consultation took place earlier, the analysis of which is on the website. Stage II consultation will take place later in the year, probably November.

A transition regulation has been issued for RDP, the Cabinet secretary announced this last week and details can be found on the Scottish Government website. CCAGS will be in but possibly not the drainage element (this is being sought).

There will be a Parliamentary debate on CAP next week.

### *Discussion*

Has the minimum stocking density been determined yet? The minimum activity level is yet to be determined. It could be set at the lowest common denominator or the minimum could be at a workable level with a series of derogations for the low minimum. It is not clear if derogations would be permitted.

The rate per hectare is not known yet, there are many criteria to be taken before this will be determined.

There will be capping on payments, degressive over €100,000. There are 260 businesses in Scotland that will be affected, but this doesn't actually generate much.

A mechanism known as the French redistribution could be favourable to crofting as it pays a higher rate on the first 54 ha.

An individual holding could comprise more than one region, i.e. more than one Land type. A crofter can claim on their in-bye and their common grazing share.

If a common grazing is legally constituted it can claim single farm payment for the whole grazing.

The coupled support is currently set to be 8%; Scotland could theoretically asked for the UK allocation to increase, however this is not likely according to Paterson's evidence to the rural affairs committee.

### **7. AOB**

None

### **8. DONM**

06 November, 17.30. (following one on 18 December).