

**CROSS-PARTY GROUP on CROFTING**  
**Meeting 18 of Parliamentary Session 4**  
**Scottish Parliament, room Q.1.03**  
**Wednesday 18 December 2013 at 17.30**

**MINUTES**

**Present:**

Jean Urquhart MSP<sup>1</sup> (Chair)  
Patrick Krause SCF (Sec)  
Murdo MacKay CnES  
Derek Flyn SCF  
Uisdean Robertson CnES  
Catriona MacLean CC  
Susan Walker CC  
Colin Kennedy CC  
Deborah Anderson CnES  
Ian Davidson SG  
Billy McKenzie SG  
Jean Balfour SLE  
David Atkinson SCRG  
Pam Rodway SAS  
Neil Ross HIE  
Sandy Murray NFUS  
George Farlow HC  
Rob Gibson MSP  
Angus MacDonald MSP  
Robin Haig Visitor  
Douglas Pattullo office of Jamie McGrigor MSP  
Fiona Mackenzie UHI;  
David Eyre Alba TV

**1. Welcome and Apologies.**

Jean Urquhart welcomed everyone and, on behalf of the group, wished the chair Jamie McGrigor a speedy recovery. All participants were introduced. Apologies were received from:

Jamie McGrigor MSP; Russell Smith SCF; Norman Leask SCF; Karen MacRae SCF; Tavish Scott MSP; Dave Thompson MSP; Rhoda Grant MSP; James McPherson CAB; Gwyn Jones EFNCP; Brian Inkster SLE; Andrew Midgley SLE; Lucy Sumsion NFUS; Nigel Miller NFUS; William Neilson NFUS; Gordon Jackson SG; Richard Frew SG; John Brownlee SG;

**2. Minutes of the previous meeting**

Minutes of 06 November 2013 agreed.

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<sup>1</sup> **Acronyms:** CAB Citizens Advice Bureau; CC Crofting Commission; CnES Comhairle nan Eilean Siar; 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; SCRG Scottish Churches Rural Group; 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.

### 3. Matters arising

Item 3. Royal Bank of Scotland met with Patrick Krause regarding mortgages for croft houses and will come back with a response.

Item 4. The Chair of the group wrote to the minister for crofting regarding the £100k from SG for group registrations of crofts and the minister's reply has been circulated. Members of the group objected to the minister's statement "It is disappointing that crofters did not make full use of this additional funding". It was pointed out that it would have taken 5000 successfully registered crofts (over 27%) for the £100k to be fully used and yet there had been no help from Scottish Government to facilitate group registration. It takes a huge effort to get ten or more people together to register their crofts and no effort whatsoever had been made by SG to help.

SCFG pointed out that £90 is not the big cost compared to the actual mapping, resolving disputes and advertising the registration. Advertising alone will take 1.8 million pounds out of crofting. This needs to be reiterated. SCF view is still that there is no need to advertise – the crofting communities cannot afford to lose this money and the register was not set up to support the newspaper industry.

SLE suggested that if group registrations could have a group advertisement, and only one advertisement, it would help. They believe there is a need for at least one advertisement.

NFUS thought that there should still be encouragement for voluntary registration even though the triggers have come into effect and if the £100k were to be available it could help voluntary group registrations.

***Action: a letter to be written in reply to the minister reiterating the group's concerns over lack of help for group registration and the intended purpose of the remaining money (nearly £100k still).***

Rob Gibson MSP reported that he is dealing with the Torridon croft house case and is facilitating an agreement between the landlord and the crofter.

SLE said that they are happy to help in the event that a landlord is unhelpful in the registration of a croft, but do require CC to send the contact. So far there has been no response to this. CC responded that it would not be appropriate to give out names.

### 4. Historic Environment and Crofting, opportunities in the SRDP

Deborah Anderson, CnES, gave a presentation on historic environment and SRDP support. The presentation does not reflect official CNES policy with regard to SRDP priorities. Main points:

Upland, extensive agriculture preserves archaeology. Land needs to be managed for archaeology to benefit; crofting is ideal. This benefits the whole landscape of which archaeology is a part.

Figures on use of rural development programmes shows that England has benefited extensive farming enormously in the preservation of historic environment, but Scotland has done little.

Most Scottish archaeological sites cannot be managed under SRDP, or small bits can but not the wider area that the site needs protected. 95% of Scotland's historic environment is not protected.

Crofters and landowners can ask their local authority archaeological officer for a map of what archaeological sites are on their land.

Heritage is a great opportunity for land managers and land managers are a great opportunity for the preservation of our heritage.

## *Discussion*

There is a lack of realistic engagement, crofters are stopped doing what would be good for archaeological sites. Advisory services are key.

SG pointed out that Scotland has the lowest RDP funding in Europe. Therefore if people want *more* of one thing they must also suggest what there should be *less* of, as the SRDP funding is limited.

Crofters don't know what archaeological sites they have and what could be available to them if there were an historic environment scheme. SRDP is targeting environment, agri-environment but not historic environment.

SG does not believe that historic environment is being left out of SRDP. There is a consultation on SRDP out at the present which needs to be responded to by 28 February 2014. SG made it clear that if anyone wanted alternative measures included in the SRDP then they would have to identify what current measures should be reduced or removed.

Historic Scotland managed buildings and other sites but it was difficult to get clear advice from historic Scotland. Buildings are now under local authorities, who will be easier to work with. SG will be talking to local authorities.

It was pointed out that Scotland isn't getting the convergence uplift from CAP as England is taking all the money. It is an extremely unfair system. As we have to support production as well SG have decided that only 9.5% may be transferred from pillar 1 to pillar 2.

## **5. CAP reform and SRDP process Update**

SRDP is being consulted on now. SG proposals include:

9.5% will be transferred from pillar 1 to pillar 2, that is from direct payments to SRDP.

LFASS will continue as it is for the time being but it will be reviewed (the EC says it has to be).

CCAGS will become The Crofting and Small Farm Support Scheme and will be open to all farms in Scotland between 3 and 50 ha (73% of farms in Scotland). The budget will be increased by £8 million to £20 million. If this is insufficient there will be the opportunity in 2016 to transfer more money from pillar 1 to pillar 2.

There will be £20 million for an advisory service. It is being brought into SRDP to make it more accessible and extensive. SG understands that there is a need for the right advice; it is not just quantity of advice but also the quality.

Agri-environment will be targeted.

There will be a common grazings measure.

There will be more for diversification and for leader, which will focus on community groups.

Direct payments measures are also out for consultation now and the deadline for responses is in March 2014. Suggestions include:

There will be a basic payment, payment for greening, payment for young farmers and voluntary coupled support for beef production.

There will be two regions based on land type, rough grazing (85%) being one and all other types (15%) being the other.

There will be a national reserve funded by top slicing.

There was the possibility of using a 5% top up for areas of natural constraint in pillar 1 but SG has decided not to use this.

The "Scottish clause" will get naked acres out.

All existing entitlements will go and new entitlements will be given on land claimed in 2015.

*Discussion:*

Q. What if a community group has a land-based project?

A. Farmers and crofters will access SRDP through agricultural measures, non-agricultural communities will access SRDP through Leader.

Q. Why has support to footpaths been taken out? Footpaths are key in managing people and landscape.

A. If Local Action Groups want them they can fund them through Leader.

Q. Will the increase in CCAGS budget be enough for the proposed increase in the number of possible applicants?

A. This is unknown and it may have to be reviewed in 2016.

## **6. LFASS and CCAGS**

Covered in previous items.

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

Derek Flyn reported on "The Sump":

This item needs to be a standing item but would best be entitled "Progress regarding crofting law" and would include the sump and consolidation of Acts. Agreed.

The sump is open to suggestions regarding irregularities, mistakes and lack of clarity in the law. The law is not clear. There are some main areas that will need attention: punctuation; standardisation; clarification; changes which may require debate for example the Duty to Report, which may need to be amended or deleted. The recent consultation will advise.

Susan Walker reported on the Common Grazing Duty to Report consultation paper:

123 consultation responses have been received of which 32 were "spoiled" by the example forms themselves being filled in.

Grazings Committees are already coming to the Commission asking for action to be taken on absenteeism and neglect.

The Commission needs information on common grazings. The Duty to Report is a way of getting this information. The commission feel that SCF's press release was very unhelpful especially the use of the phrase "spying on neighbours".

*Discussion:*

SCF responded to the Commission's complaint by reiterating that it has been publicly supportive of the *intention* behind the Duty to Report but having gathered views from its members it has to reflect their opinion, which has been negative to the consultation.

SLE Pointed out that crofters are being asked to 'spy' on their neighbours, which is not helpful. It is questioned whether the legislation makes this necessary.

NFUS are supportive of the DtR but feel that it should be clearer that form D is not mandatory.

The perception of NFUS members is that this is spying on neighbours.

SCF pointed out that community mapping would negate the need for DtR.

There is need for clarification and assurance to crofters. SCF and NFUS members have the perception that all the forms have to be filled in by law. If this is not the case it must be made clear.

The commission pointed out that it has been very careful in its wording of the forms to use the phrase "where you consider" so that grazings committees may decide which forms to fill in. The DtR forms are not compulsory. Perhaps there is confusion with the Annual Notice, which is sent to individual crofters and which is compulsory.

Q. If individual crofters are having to fill in an Annual Notice why are grazings committees being asked to report on these same crofters?

A. The Commission have done their best to use the Act, but the Act says there must be a DtR.

## **8. Crofting Development Update**

Minutes of the previous meeting stated that SG officials will meet with HIE to discuss crofting development. Neil Ross reported that SG officials, Crofting Commissioners and HIE staff have met and are "joined up" in their thinking on crofting development.

HIE and CC will give a presentation at the next CPG meeting. Derek Flynn asked that the presentation include the paper that was presented by SCF on crofting development two meetings ago. Agreed.

Q. What is the provision for crofting education in secondary schools? For example Linicleat school in Benbecula runs a course.

A. Crofting Connections (the project run by SAS and partnered by SCF) works in secondary schools running crofting courses and facilitating interaction between students and crofters. The Linicleat course runs in parallel with Crofting Connections.

Crofting Connections is in its second phase. Phase 1 was three years and phase 2 will be three years. The project is now at the end of the first year of the second phase. The intention is that at the end of this phase Crofting Connections will be mainstreamed into the Curriculum for Excellence.

## **9. AOB**

None.

## **10. DONM**

Wed 29 January 17.30