

**CROSS-PARTY GROUP on CROFTING**  
**Meeting 25 of Parliamentary Session 4**  
**Scottish Parliament, room Q.1.03**  
**Wednesday 26 November 2014 at 17.30**

**MINUTES**

**Present:**

Jamie McGrigor MSP<sup>1</sup> (Chair)  
Patrick Krause SCF (Sec)  
Janette Sutherland SAC  
Sandy Murray NFUS  
Lucy Sumsion NFUS  
Susan Walker CC  
Neil Ross HIE  
Ross McLaren SCRG  
Brian Pack consultant, Doing Better  
Steven Thomson SRUC / Doing Better  
Brian Inkster CLG  
Andrew Midgley SLE  
Gordon Jackson SG  
John Brownlee SG  
Derek Flyn SCF  
Laura Stewart SAS  
Pam Rodway SAS  
Graeme Smart Kinlochbervie High School  
Fraser MacDonald Kinlochbervie High School  
Callum Armes-Harris Kinlochbervie High School  
Craig MacKay Kinlochbervie High School  
Douglas Pattullo office of Jamie McGrigor MSP  
Rhoda Grant MSP  
Barbara Stuetz Nourish Scotland  
Clare Slipper NFUS  
William Neilson NFUS  
Dave Thompson MSP  
Sue Mackenzie-Gray observer  
Fiona Mackenzie UHI  
Kevin Patrick LANTRA  
Richard Briggs observer  
Robin Haig observer

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<sup>1</sup> **Acronyms:** CAB Citizens Advice Bureau; CC Crofting Commission; CFS Care Farming Scotland; CLG Crofting Law Group; 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; HWU Herriot-Watt University; JHI James Hutton Institute; LANTRA Land-based & Environmental Industries; MSP Member of the Scottish Parliament; NFUS National Farmers Union Scotland; RoS Register of Scotland; SAC consulting arm of SRUC; SAS Soil Association Scotland (Crofting Connections); SCF Scottish Crofting Federation; SCRG Scottish Churches Rural Group; SCVO Scottish Council for Voluntary Organisations; SG Scottish Government; SLE Scottish Land & Estates; SNH Scottish Natural Heritage; SPICe Scottish Parliament Information Centre; SRA Scottish Rural Action; SRUC Scottish Rural (University) College; RSPB Royal Society for the Protection of Birds; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership.

## **1. Welcome and Apologies.**

Jamie McGrigor welcomed everyone and invited introductions. Apologies were received from:

Fiona Mandeville SCF; Russell Smith SCF; Rob Gibson MSP; Jean Balfour SLE; Uisdean Robertson CnES; Murdo MacKay CnES; Tom Edwards SPICe; Angus MacDonald MSP; Jean Urquhart MSP; Catriona MacLean CC; Colin Kennedy CC; Richard Frew SG; Billy McKenzie SG; Phil Burns SG; Ian Davidson SG; Nigel Miller NFUS; George Farlow HC.

## **2. Minutes of the previous meeting**

Minutes of 08 October 2014 agreed.

## **3. Matters arising**

All Actions completed. No matters arising.

## **4. Doing Better**

Brian Pack and Steven Thomson summarised the 'red tape' study and its effect on crofting and took questions. A pdf of the Final Report and Recommendations has been circulated to the CPGoC and can be viewed as html at

<http://www.scotland.gov.uk/Publications/2014/08/2494/0>.

The Final Report ('Doing Better Initiative to reduce Red Tape for Farmers & Rural Land Managers: Final Report and Recommendations to Scottish Ministers') was presented to Mr Lochhead, Cabinet Secretary for Rural Affairs and Environment, at the Turriff Show on Monday 4 Aug. A key message in the final report is that effective regulation depends on the regulator and the regulated having a clear mutual understanding of each other's objectives and constraints:

*"All those involved in the rural and environment sectors, including the EU, have a mutual understanding, recognising the objectives, constraints and risks of the other participants ensuring regulatory trust and transparency."*

The final report draws on the analysis of the [Interim Report](#) (which had 72 recommendations) and following subsequent discussions with the industry and government officials, it makes 61 final recommendations. To assist with taking the recommendations forward two main pathways through which government should seek to help reduce red tape and bureaucracy are proposed: one based around Changing Governance (40 recommendations) and the other based around Changing Mind-sets (21 recommendations).

Recommendation 1<sup>2</sup> has been accepted by the Cabinet Secretary. This recommends the formation of an advisory board as opposed to the interim recommendations that favoured a single body for all rural and environment matters. A single body whilst strongly favoured by some was on the whole rejected. The advisory board will oversee the establishment of an integrated delivery mechanism. The big challenge is common data; there may need to be a common database.

Scotland's Environment and Rural Services (SEARS), set up in June 2008 as a partnership between eight public bodies aiming to improve the experience among land managers, has ended.

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<sup>2</sup> R1. We recommend that the way to achieve steady progress in achieving greater strategic, operational and cultural alignment across Rural Affairs, Food and Environment in order to achieve the priorities and outcomes sought by Scottish Ministers is to establish an overarching Advisory Board. This should consist of executive and non-executive directors with a chief executive and independent non-executive chairman appointed to act on behalf of the Cabinet Secretary for Rural Affairs, Food and Environment. We recommend that the Advisory Board prioritise establishment of the Integrated Delivery Bodies that have strategic and operational alignment.

A full response from the Cabinet Secretary to the Final report is awaited, but SG cannot be diverted from implementation of the CAP.

*Discussion:*

Q. what is the intended role of the Advisory Board?

A. the aim is to get alignment and a positive impact on land management.

Q. is there anything particular to crofting?

A. Sheep tagging and traceability for example: electronic identification makes it easier, which is good for crofting. Inspection will be more transparent; it will be clearer why people are selected for inspection. There will be a minimum of 24 hours' notice. Amongst cattle keepers something like 34% fail inspection. Why? Ignorance mainly; small things trip folk up for example re-tagging - you have to keep a record. There is a need to get away from the "them and us" attitude. There is a need for good simple guidance, which is very difficult to find at present. The advisory service in the new CAP will help. There is a bit of a mind-set: happy to take the money but don't want the regulation.

Comment: many people just can't deal with the paperwork and some people are dyslexic. NFUS are campaigning to remove the stigma associated with being dyslexic, highlight the issue with Scottish Government and other stakeholders and identify ways in which dyslexic farmers and crofters can be helped with paperwork, record keeping etc.

Q. There seems to be a lack of alignment across policy delivery. Will this help?

A. The recommendations address policy and the need for clear outcomes.

Q. What happened to SEARS?

A. SEARS was a three-year project which came to an end. It didn't or couldn't share staff or data. The advisory board can't be executive but it can help to set up an executive body.

Q. Compliance is frightening. Now there are regions 1, 2 and 3. Crofters are very worried about failing inspection but don't understand the criteria for which region they should declare.

A. There shouldn't be a danger as producers will be told what region they are in and that is where they stay.

Q. But the letter says to speak up if not sure so people are worried as penalties have been horrendous.

A. The letters notify the producer of which region they have been put in and invite the producer to appeal within 60 days if they think they have been put into the wrong region. Someone in Scottish Government will then investigate. The letters that have been sent out now are referring to the in-bye only. A letter will come out in early January referring to the common grazings. The allocation is looked at in what has been claimed for in the past years. If the land manager thinks it is wrong then appeal in 60 days.

Q. Do you know that the 2010 act creates more red tape? Should you have looked at this?

A. Crofting law is out of our scope. We were aware of the changes but this is not in my remit.

Q. Anything that reduces paperwork for crofters is welcome. Could the advisory board be involved in an interim appeal stage?

A. It is important to have an interim appeal stage. The current situation is not defensible.

Brian Pack and Steven Thomson were thanked for attending the meeting.

## 5. Crofting Connections

Pam Rodway, Project Manager of Crofting Connections, introduced the short film of the recent gathering of school pupils involved in Crofting Connections, in Glencanisp lodge, Assynt. This film, made by Robin Haig ([www.robinhaig.com](http://www.robinhaig.com)), is called Crofting: We are the Future. Three pupils involved in the film were present to discuss their views on crofting.

There was also another film made at the gathering concerning food which was submitted to the Scottish government consultation 'Becoming A Good Food Nation'.

*Discussion:*

Q. Do young people want Crofts but can't get them?

A. Yes. It is frustrating that there are empty or unused crofts and young people want to croft but can't get a croft.

Q. Would a Croft New Entrant scheme help?

A. Yes it could, if somehow it could help to free up crofts.

Q. Will Crofting Connections be developed further?

A. The intention is to develop the project further. Originally it was thought that this concept could become main-stream in education, but now we think it is more likely to succeed in its current format as a separate initiative. Continuation of course depends on funding.

Q. Is it in the curriculum?

A. 'Rural Skills' is in the curriculum rather than 'Crofting'. Since the Glencannisp gathering there are various new schools now interested. Crofting Connections is in its 5<sup>th</sup> year. It has been hard to get it into higher studies but now teachers are coming to us with requests to work at a higher level. The film helped raise this awareness. The young folk are ambassadors.

Q. Is it more difficult to get a croft if you are not in a crofting family?

A. This can be the case but not necessarily. It is about connections, who you know. A family member may have the advantage of inheriting a croft. Buying a tenancy can be very expensive.

Q. Would having crofting apprenticeships help this situation?

A. It's a lovely idea but would there be any guarantee of getting a croft? Probably not. So saying, helping on a croft makes connections and therefore increases the chance of finding a croft.

Comment: Scottish Government own crofting Estates; they should be doing something to help provide crofts. **Agreed**. The new entrants scheme kicking in under CAP next year may help.

Q. Have any new crofts been created since 2007?

A. 70 new crofts have been created.

Comments: inadvertently a market has been created in crofts through the Right to Buy and the Right to Assign. Land reform may help to address this. Sublets can help; chap on doors and ask for a sublet from an older crofter. There are older people who want young folk to take over their croft. A sublet is a way in. And owner-occupiers can give a short-term lease too.

Robin Haig was congratulated on the quality of her film and the group from Kinlochbervie High School were thanked for having come so far to participate in the meeting.

## **6. CAP and Crofting**

John Brownlee gave brief summary of where the CAP reform is, which was followed by discussion.

Letters have gone out to producers informing them of which region their in-by land is being allocated to. They have 60 days to request a review, after which the regions are fixed.

Q. If a parcel has been designated region 1 and in a couple of years there has been some reversion to weeds, scrub, etc, will an inspector re-designate the land and apply penalties?

A. If the parcel has been correctly designated, the inspector will be looking to inspect a region 1 field and if there has been some reversion he will be questioning the level of activity rather than the land being in the wrong region.

Q. So is there no danger of incurring a penalty on the land being deemed to be in the wrong designation?

A. Not if the land was correctly designated. Scottish government has written to farmers and crofters with designations based on what we believe to be the case using information on land parcels, LFASS categories, etc., farmers and crofters have 60 days to satisfy themselves that they are content these designations are correct.

Q. There seems to be confusion over what percentage of land needs to be in a category for all of it to be deemed in that category and local offices seem to be saying different things. For example some offices are saying that if more than 40% of the land parcel is region 1 then all of it is region 1 and that if greater than 60% of land is RGR then all is RGR. But some are saying other percentages. And there seems to be no clarity at all on what percentage is being used to put land into PGRS. What are the actual figures being used?

A. Yes there is some confusion over the actual percentage figures. This will be clarified.

**Action: John B to clarify the situation and send to Patrick for distribution.**

Comment: you have given producers 60 days to appeal the government designation and we are already 20 days into that and yet there are still questions on what percentages are being used.

Q. What if a crofter just can't do the level of activity on the land of that designation?

A. The Minimum Activity requirement is likely to apply to land in regions 2 and 3. Cabinet Secretary announced on 12 November that this would be a choice of meeting a minimum stocking density or undertaking other annual activities. We are still working on the details and these will be published at a later date. The new CAP requires all farmers to meet the active farmer requirements to be eligible for payments.

Q. The fact that the regions are fixed surely discourages improvement of land? There is no incentive to improve land if it cannot move to a higher region as the designation is stuck.

A. There should not need to be an incentive to improve land through an increased CAP payment. The incentive to improve land should come from increased productivity, from the market.

Q. If that is the case why does the Scottish CAP system pay more public money to those on better land?

A. (B. Pack) The justification for payments is the avoidance of land abandonment; but of course good land will never be abandoned.

SG: Improvements to land can be done under other schemes for example CCAGS. We are currently working on the finer detail of the schemes for pillar 2. There will be a Roadshow in January and February to explain SRDP. The roadshows for pillar 1 have been very well attended for example in Inverurie people had to be turned away.

Letters will be sent to producers in January stating which region common grazings will be put into. Again, they will have 60 days to appeal. If in any doubt at all regarding the letter, object; the clock stops.

*Jeanette Sutherland from SAC consultants gave a briefing on potential problems affecting common grazings support. A note is attached.*

Crofting may be the Cinderella of agriculture but common grazings are the Cinderella of crofting, plagued by institutional quirks. There are nearly 600,000 ha of common grazings but a relatively small amount of common grazings are claimed on. According to Gwyn Jones' report only 20% of common grazings that are in full use are fully claimed.

There seems to be no mechanism for common grazings to be considered Region 1. Apportioned land can be but common grazings not. It appears that Scottish Government want rough grazings for a common to be classified as one region (either 2 or 3) to all be in one region; Region 3. Common grazings are the only farming in Scotland that depends on the neighbours' activity. It looks likely that some claimants will get a lower payment due to this mechanism; people will lose out on common grazings.

Under IACS the crofter just claimed for their shares and the department specified how much land those shares equated to. This will change in 2015; the crofter / shareholder will have to state how much land they are claiming for. There is an information vacuum as RPID has the information and grazings clerks are not being told. Clerks don't know which shares are claimed on; there needs to be much better communication.

This is a huge danger; if activity is not rewarded activity will stop.

Crofting Commission: use of shares by neighbours can be illegal - shares have to be regulated.

A. But it is better to use the shares than not.

Crofting Commission: it should be done through the grazings clerks so that it is recorded; it should not be informal. RPID are exacerbating the problem by allowing informal arrangements. We need to get the common grazings regulated, get the shares used and the land claimed on.

Comment: it seems good if 'spare' shares are used by other shareholders.

SG: common grazings are deemed one land parcel and a parcel only has one region. Please email concerns to us.

**Action: a letter to be sent from the group to the minister outlining concerns.**

Comment: can we have follow-up to this at the next meeting? **Agreed.**

## **7. Crofting Development**

As time was short Neil Ross of HIE gave only a brief summary of crofting development activity.

HIE are supporting Crofting Connections; the film shown at this meeting was funded by HIE; We are working with RoS on registration of crofts; Sandra Holmes has given evidence on the Land Reform Act on behalf of HIE; We are participating in the SG Crofting Stakeholder Group.

Comment: Information is needed to connect young folk to unused Crofts. The census has gone out, a communications strategy is needed. Crofting Commission and SCF are working together on connecting people on SCF's register of interest and crofts becoming available under the occupancy initiative.

## **8. Progress regarding crofting law**

Derek Flyn gave an update on the crofting law group 'sump'. Following the CLG conference in Lochmaddy at the end of October, the Sump Report is at a late stage. It is on course to be completed by the end of November. It will be circulated to key stakeholders next week, prior to the SG Crofting Stakeholder Group's meeting on 10<sup>th</sup> December.

## **9. AOB**

Future topics for discussion:

Crofter forestry - January  
Croft mapping - January  
Land-use strategy

## **9. DONM**

28 January 2015

Further dates were also given:

11 March 2015  
22 April 2015  
03 June 2015