

CROSS-PARTY GROUP on CROFTING
Meeting 7 of Parliamentary Session 5
Scottish Parliament, room Q.1.03
Wednesday 26 April 2017 at 17.30

MINUTES

Present:

Kate Forbes MSPⁱ (Convener)
Patrick Krause SCF (Secretary)
Michael O'Neil SG
Adam Briggs SG
Brian Inkster CLG
Donald E Meek Tiree crofter
Eileen Stuart SNH
Fiona MacKenzie UHI
Claudia Rowse SNH
Ian Davidson SG
Andrew McCornick NFUS

Sandy Murray NFUS
Lucy Sumsion NFUS
Gordon Jackson SG
Michael Nugent SG
Lee-Ann Sutherland JHI
Ross McLaren SCRG
Rea Cris RSPB
Katy Dickson SLE
John Finnie MSP

1. Welcome and Apologies

The convener welcomed everyone. Apologies were received from:

Fiona Mandeville SCF^{VF}; Bill Barron CC^{VF}; David Muir SCF^{VF}; Maria Scholten SCF^{VF}; Padruig Morrison SCFYC^{VF}; Neil Ross HIE^{AF}; Rhoda Grant MSP; Russell Smith SCF; Brendan O'Hanrahan SCF; Edward Mountain MSP; John Brownlee SG; Kate Fry office of Rhoda Grant MSP; Wendy Kenyan SPICe; Jim McPherson SCF; Donald MacKinnon SCFYC; Robin Haig SCFYC; Graeme Day MSP; Craig Smith SG; Maree Todd MSP; Uisdean Robertson CnES; Murdo MacKay CnES; David Campbell CC; Billy Neilson CC; Eleanor Garty WTS; Donna Smith CC; Tavish Scott MSP; Donald Cameron MSP; David Stuart MSP; George Farlow HC; Pete Ritchie NS; Siobhan MacDonald SAC; Janette Sutherland SAC; Emma Harper MSP; Mark Shucksmith NISR; Jean Urquhart Observer; Lorne MacLeod CLS; David Atkinson SCRG; Gail Ross MSP; Jamie McGrigor Observer; Angus MacDonald MSP; Rosemary Champion Smallholding Scotland; Keith Connal SNH.

^{AF} Audio-link failure ^{VF} Video-link failure

2. Minutes of previous meeting

The minutes of the previous meeting on 15 March were agreed.

3. Matters Arising

Mapping of common grazings: SG funded CC to map the CGs but the funding has run out with only 50% of the CGs mapped. REC have recommended that SG take this forward. Preliminary discussion has taken place between SG and CC on this - value for money concerns remain. If funding is to be provided there needs further discussion in conjunction with SCF and NFUS to discuss prioritisation and best use of finite resources.

Question: why was the mapping of the grazings not completed?

Answer: there is no one from CC here to answer that but it was more complicated and time-consuming than expected.

Comment: the issue of 'deemed crofts' and grazings shares needs to be clarified and put into the sump as it doesn't make sense.

CAGS payment performance 2016: 82% less than 90 days; 18% more than 91 days. Reasons vary: non-compliant claims; staff sickness/absenteeism; conflicting priorities e.g. focus on getting Pillar 1 and LFASS payments to farmers/crofters; need to undertake risk and random inspections. It is recognised that there is scope for improvement.

Secretary raised the complaint made by NFUS to the CPGoC convener for allowing a letter to go from the group to the Cabinet Secretary asking for clarification regarding the NFUS secondment to SG, pointing out that a complaint about group conduct is a serious matter.

It was agreed that any subject concerning crofting should be able to be discussed in the group and an action taken if the majority of the group decides (as they did in this instance); it is not for one member to prevent this. It was therefore agreed that the action taken by the group was legitimate. However, it was recognised that the discussion had taken place at the end of a meeting leaving it rushed. It was therefore agreed that all issues need to be given sufficient time.

4. Deer Management

Claudia Rowse, SNH, gave a presentation summarising SNH's Report on Deer Management (her slides have been circulated). The talk summarised the evidence presented in the review, outlining the key environmental impacts as well as an overview of the socio economic costs and benefits associated with deer. Her conclusions were that wild deer are a huge asset to Scotland, an important part of our native ecology, contributing to jobs and employment. In many places, deer are being managed sustainably but in some areas they are having a negative impact on the natural heritage (most damage to woodlands for example is caused by deer, not livestock). She stressed the importance of working in partnership to achieve the long term vision for deer management, and that, in line with Land Reform and the Land Use Strategy, there is an expectation that private land will increasingly contribute to public interests. There is a variation of how deer management groups work – in some areas deer managers are not 'stepping up'.

Discussion:

Question: why does the report not address damage to agriculture caused by deer and the implication to human health – i.e. Lyme Disease caused by ticks carried by deer?

Answer: The remit of the report was to look at the effect of deer on natural heritage. There is actually very little data on agricultural damage and human health was not part of the study – though agreed that it does need looking at (though maybe not by SNH). There is also the effects of vehicle damage – about 1500 collisions are recorded every year – that is only the ones reported.

Question: The report focuses on biodiversity; what about economic factors?

Answer: There was another study done on that subject – the report is on the SNH website.

Comment: It is not about deer management, rather deer control. It is a big problem. They breach fences and damage croft crops. Landlords won't control them. There are too many – it is increasingly difficult to control them.

Question: Why has there been such a big increase in numbers?

Answer: SNH didn't look at this as JHI has been; it is partly climate being more conducive to survival and partly that sheep numbers have dropped so deer have more grazing.

Comment: Regarding climate, the quality of deer is dropping because the weak are not dying in winter. It is a land management issue – quality versus quantity. It will not be resolved as long as estates are valued partly on deer numbers. Headage is out of control.

Question: why is there no data on agricultural losses due to deer?

Answer: SNH have identified this as an 'evidence gap'. There is another SNH report being compiled on 'evidence gaps'. It will be out next month.

Question: Is there a 'win win'? For example culling hinds will bring the stags' weight up.

Answer: Yes, but estates operate different regimes. Voluntary agreements may have to move to compulsory culling.

Comment: We need to get the message across that more culling is good for all.

Answer: yes, putting across expectation, but not setting thresholds.

Question: Do community owned estates do better?

Answer: We didn't compare.

Question: what can we do about Lyme Disease?

Answer: There are many variables. There needs to be suitable research undertaken. The Deer Management Groups can look at increased culling in areas of human contact. We also need to raise awareness on wearing appropriate clothing when walking in deer areas and on how to diagnose the disease – early treatment is very helpful. This will be debated next Tuesday in SP – before crofting legislation.

5. Crofting Development (*Standing item*)

Gordon Jackson gave an update on crofting development:

As previously explained, preparation of the National Development Plan for crofting will be based on programme for government commitments for crofting but will include consideration of stakeholders suggestions. Stakeholders are still working towards submission of a paper which will highlight stakeholders' priorities for crofting including:

- New entrants
- Affordable housing
- Crofting development
- Financial incentives
- Crofting law reform
- Common grazings
- Public benefits

The next stakeholder forum is scheduled for 23 May.

There is also need to consider Rural Economy & Connectivity Committee suggestions and recommendations including, amongst other things, for SG to give consideration to whether the Crofting Commission or another organisation should be given the crofting development role.

The parliamentary debate on crofting law reform is scheduled for 02 May.

Question: What provisions are being made to welcome new entrants, to inform them about regulations, grants etc? Does the CC do this?

There is a discussion about a single organisation for crofting development – this would be the place for new entrants. The RECC has also raised this.

6. Crofting Law and Administration (*Standing item*)

6.1 Crofting Law

Michael O'Neill, gave an update on the SG Crofting Bill Team.

Early engagement with stakeholders. A total of 9 workshops have been held across crofting areas including 'aims and outcome' workshops held with SCF Young Crofters and new Crofting Commission Commissioners in April, which were very informative.

The Bill team had found the meetings very informative and thanked those involved for organising and hosting the meetings. Two more meetings were scheduled in the Western Isles in the week of 20 May and that should be it. The findings of the sessions could be presented to the CPGoC at the next meeting.

SG had received a copy of the REC Committee's report that reviewed priorities for crofting law reform. This report raised similar issues to those being expressed at the engagement workshops that the Bill team had held. All of this work would help in framing the work around future crofting legislation.

6.2 Crofting Administration

Gordon Jackson gave an update on the CC.

Cabinet Secretary is soon to consider Convener appointment to CC – the process is underway. Expressions of interest have been requested – closed 25 April. There has been a healthy level of interest amongst Commissioners. Selection of Convener will be made by the Cabinet Secretary following full and proper consideration. A timescale has not been set but Cabinet Secretary appreciates the need to expedite matters.

7. Crofting Support (*Standing item*)

Ian Davidson gave an update on CAP payments.

2015 payments are almost there – just a few difficult ones left. 2015 LFASS has IT problems. 2016 90% of payments have been made and working towards end of June target. There have been 1500 applications for the loan. 05 May is the deadline for prompt payments, though applications will be taken beyond then.

Comment: Some people still have received no letter.

Answer: Another batch are due to go out.

98% of RPs and 97% of LMOs have been paid and we are on target for end of June.

AECS will need to re-open to get more applicants.

An 'omnibus regulation' from the EC may mean that ANC would be due to be introduced in 2019 instead of 2018. If so this would mean we could have one more year of LFASS at 100% and would be in the position to consider ANC next year. This is not certain yet – we will know in the autumn.

Question: If LFASS is at 80% will the 20% be used for crofters?

Answer: This is being looked at. It can't be topping up LFASS – that would be illegal. We are looking at finding a way through existing mechanisms. We are consulting stakeholders. Any new proposal to EC takes a long time to get agreement – 6 months on average – as it has to go to the Council of Ministers and the Parliament for agreement.

Gordon Jackson gave an update on crofting schemes.

CHGS: increased by £600k this financial year. We are to review the scheme; we have previously explained to both the Cross Party Group and the Crofting Stakeholder Forum the position with respect to use of selection criterion to target support at those most in need. Have given further internal consideration to matters and officials are scheduled to meet SCF and NFUS on 08 May to discuss the CHG selection process to ensure alignment of aims and objectives.

Question: It looks like most go the maximum new-build grant – not many repairs?

Answer: yes, there are some upgrades but not many.

CAGS: spend since scheme opened in 2015 to 31 March 2017 is £1.43 million. £19k in 2015; £1m in 2016; £383k in 2017 to 31 March. 455 beneficiaries in total, 57 in 2015; 290 in 2016; 108 in 2017 to 31 March

CAGS Guidance now makes clear that support can be provided for replacement fences where the fences are in a dilapidated state and are no longer fit for purpose. This is a very positive change.

Question: How is this information disseminated?

SG coms team and there is a role for membership organisations too.

8. AOB

CLG conference 09 June Lews castle, Stornoway. Topic 'Crofting Law Reform' and also looking at common grazings.

Derek Flyn and Keith Graham book 'Crofting Law' is now available.

Question: When will the introduction of Part 4 of the Community Empowerment (Scotland) Act 2015 (abandoned and derelict land) take place?

Answer (sent after the meeting): apparently, it has been delayed and is not now expected to be introduced until the back end of the year, though no date has been set as yet.

9. DONM.

28 June 2017 (07 June moved due to election).

i Acronyms: AECS Agri-Environment Climate Scheme; AF Assynt Foundation; CAB Citizens Advice Bureau; CBS Community Broadband Scotland; CC Crofting Commission; CAGS Crofting Agricultural Grant Scheme; CCx Crofting Connections; CFS Care Farming Scotland; CHGS Croft House Grant Scheme; CLG Crofting Law Group; CLS Community Land Scotland; CnES Comhairle nan Eilean Siar; CRSF Crofting Register Stakeholder Forum; DEFRA UK Gov Dept for Environment, Food and Rural Affairs; EC European Commission; ECCLRC Scottish Parliament Environment, Climate Change and Land Reform Committee; EFNCP European Forum for Nature Conservation & Pastoralism; FCS Forestry Commission Scotland; HC Highland Council; HIE Highlands & Islands Enterprise; HSCHT Highland Small Communities Housing Trust; JHI James Hutton Institute; LANTRA Land-based & Environmental Industries Training; MSP Member of the Scottish Parliament; NDPC National Development Plan for Crofting; NGMRG National Goose Management Review Group; NISR Newcastle Institute for Social Renewal; NFUS National Farmers Union Scotland; NS Nourish Scotland; NTS National Trust for Scotland; RECC Scottish Parliament Rural Economy and Connectivity Committee; RoS Registers of Scotland; RSABI Royal Scottish Agricultural Benevolent Institution; RSPBS Royal Society for the Protection of Birds Scotland; SAC consulting arm of SRUC; SAS Soil Association Scotland; SCF Scottish Crofting Federation; SCFYC SCF Young Crofters; SCRG Scottish Churches Rural Group; SCVO Scottish Council for Voluntary Organisations; SG Scottish Government; SGCLSG Scottish Government Crofting Legislation Stakeholders Group; SGCSF Scottish Government Crofting Stakeholder Forum; SGRPID (RPID) Scottish Government Rural Payments and Inspections Directorate; SLE Scottish Land & Estates; SNH Scottish Natural Heritage; SPICe Scottish Parliament Information Centre; SRA Scottish Rural Action; SRN Scottish Rural Network; SRP Scottish Rural Parliament; SRUC Scottish Rural (University) College; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership; WTS Woodland Trust Scotland.