

**CROSS-PARTY GROUP on CROFTING**

**Meeting 3 of Parliamentary Session 5**

**Scottish Parliament, room Q.1.03**

**Wednesday 02 November 2016 at 17.30**

**MINUTES**

**Present:**

Tavish Scott MSP <sup>i</sup> (Convener)	Katy Dickson SLE
Patrick Krause SCF (Secretary)	David Campbell CC
Derek Flyn SCF	Neil Ross HIE
Andrew McCornick NFUS	Eleanor Garty WTS
Lucy Sumsion NFUS	George Farlow HC
Iain Buchanan Mangersta crofter	Brendan O'Hanrahan SCF
Fiona Mandeville SCF	Gordon Jackson SG
Brian Inkster CLG	Donna Smith CC
Colin Kennedy CC	Frances Conlan SG Cab Sec Private Office
Bill Barron CC	Rhoda Grant MSP
Martin Corbett RoS	Emma Harper MSP
Murdo MacLennan CC	Kate Forbes MSP
Uisdean Robertson CnES	Donald Cameron MSP
Wendy Kenyan SPICe	Angus MacDonald MSP
Michael O'Neill SG	Edward Mountain MSP
Trudi Sharp SG	Jamie McGrigor Observer
Donald MacKinnon SCFYC	Angus MacDonald BBC
Murray McCheyne	
Pam Rodway CCx	
Donald Meek Tiree crofter	

**1. Welcome and Apologies**

The convener welcomed everyone. Apologies were received from:

Russell Smith SCF; Rea Cris RSPB; Mark Shucksmith NISR; Siobhan MacDonald SRUC; Janette Sutherland SAC; Jean Urquhart Observer; Lorne MacLeod CLS; David Atkinson SCRG; Sandy Murray NFUS; Murdo MacKay CnES; Jim McPherson SCF; Maria Scholten SCF; Robin Haig SCFYC; Maree Todd MSP; John Finnie MSP; Gail Ross MSP; Ian Davidson SG; Craig Smith SG; Lucy Carmichael SG; John Brownlee SG; Fiona MacKenzie UHI; Ross McLaren SCRG.

**2. Cabinet Secretary for Rural Economy, Fergus Ewing MSP**

update on the Government's commitments to crofting and to hear the views and opinions of the Group.

The Cabinet Secretary started by saying that he cannot comment on the situation with the convener of the Crofting Commission whilst allegations against the Scottish Government made by the convener are investigated. He confirmed that he is still the Cabinet Secretary for crofting and has in the past months met with SCF, NFUS, CLS, CLG and SGCSF.

We are only months away from the crofting commissioner elections which take place in March, and the process for two appointed commissioners is underway.

The mechanisms for supporting crofting include an improved Croft House Grant Scheme; £2M for the Crofting Agriculture Grant Scheme; the bull stud; LFASS; the veterinary scheme; the SCF crofting training scheme and Crofting Connections.

The Cabinet Secretary reiterated the commitments made in the SNP manifesto:

- Continued support for the continuation of crofting;
- To modernise crofting law and make it more transparent, understandable and workable in practice;
- To introduce a new entrant's scheme for crofting and to explore mechanisms to make more publicly owned land available to new entrants;
- To explore the creation of new woodland crofts;
- The Croft House Grant Scheme has been improved and Scottish Government will look at how to re-introduce the Croft House Loan Scheme; and
- Scottish Government will publish a 'National Development Plan for Crofting'.

Timelines for these commitments will be worked out and shared with stakeholders and cross-party MSPs.

The reform of crofting law to make it more simple and transparent is a priority, with the ideas of a clean sheet approach or rectification of the existing legislation, or, indeed a hybrid of the two, are being considered. The Parliamentary Rural Economy and Connectivity Committee is currently taking views on this.

The Cabinet Secretary then introduced officials Michael O'Neill, Trudi Sharp and Gordon Jackson to help with taking questions from the group.

### Discussion

Comment: Having been at the Crofting Commission roadshow it is evident that there are crofters willing to come forward for the election. Crofting law is a concern; it is complicated and needs to be opened to wide consultation – don't leave it too late. The Sump is an ever-growing list and is a very good place to start.

Cab Sec: We are very grateful for the work put into the Sump by the Crofting Law Group – specifically Derek Flyn, Keith Graham and Brian Inkster. We have not set a timetable for this yet as we do need a full debate to get it right. This Cross Party Group on Crofting is a very good place to have debate on this. Of course we also need views from the crofting counties; early stage indicates that there are vastly differing views. It mustn't be rushed; we need a clear direction. The evidence given to the parliamentary RECC will help with this.

Question: You have promised a National Development Plan for Crofting; how will legislation reform fit into this? How will the national development plan for crofting progress?

Cab Sec: There is currently work going on for crofting development and this is a subject being looked at by the SGCSF, work that will help to form a National Development Plan. Pulling it together in a National Development Plan for Crofting should proceed with all haste, but carefully. It is much wider than the reform of legislation. We need to help get young people into crofting, make croft housing affordable, make crofts available and so on. We cannot set an arbitrary timetable.

Question: Many crofters feel they are not given *practical* help. Will the Cabinet Secretary engage with crofters on this? Also is there law on management of grazing committees?

Cab Sec: We do want to provide practical help and we do – as mentioned there are various ways support is provided, for example CAGS, CHGS etc. There is legislation governing grazings – this is being looked at currently.

Question: At the recent CAP Stakeholder Group there was an update on Pillar 2, and specifically on the replacement of LFASS with ANC. LFASS diverted huge amounts of money that it would be sensibly thought to be destined for the more challenged highland areas. Will the ANC change this? Will it be fairer than LFASS? What has happened to the consultation on ANC?

Cab Sec: In the last few days it has been confirmed that Pillar 2 schemes will be guaranteed until 2020. But we need to know what the agriculture budget will be post-Brexit and until then cannot say what will happen. The question of transition from LFASS to ANC is difficult but we can look at this now – and are.

Question: Crofting Connections is, as you know, working with school children as crofting development starts in school. Could the Cabinet Secretary give assurance that Crofting Connections will be kept in mind when forming the National Development Plan for Crofting?

Cab Sec: It is vital to inspire young people and everything begins at school. Will Crofting Connections be in the National Development Plan for Crofting? I give you my undertaking that it will.

General comment from meeting attendee: The job description for crofting commissioners is too daunting – it will put people off.

The Cabinet Secretary was thanked by convener for giving the group his time.

### **3. Minutes of previous meeting**

The minutes of the previous meeting were agreed by all, though some amendments were asked for by M MacLennan. The convener pointed out that amendments are best done by email prior to the meeting.

### **4. Matters Arising**

All actions were completed. The questions the group had asked of the CC will be answered by Bill Barron before the next meeting.

### **5. Crofting Law and Administration** (*Standing item*)

#### **5.1. Legislation**

a. Derek Flyn gave a background to crofting legislation leading to the Sump. He gave two purposes for the Sump; 1. It gathered together what was wrong with the present law and 2. It has the potential to change crofting policy. If it is the chosen route, the Sump has done all the initial work for a new bill.

b. The Head of SG Crofting Legislation Team, Michael O'Neil, introduced proposals to take crofting law reform forward. He will look at the evidence given to the RECC. He will be consulting stakeholders. Please let him know if there are views on who needs to be consulted. He is aware of the good work done by the CoIoC and the CLG in the Sump.

As a way to understand the issues facing crofting and to help the process for developing any new legislation, it seems sensible to begin by asking 3 questions:

- What are we trying to achieve through crofting?
- Why do we need crofting legislation and changes to be made?
- How might we go about delivering the changes that are identified? There may be, for example, alternative avenues to resolving issues to legislation.

Developing legislation is challenging. All stakeholders can contribute. A small team is being assembled.

Discussion:

Question: what is the timetable for reforming the legislation?

MO': There is no formal timetable yet, the commitment is to modernise crofting law in the current parliamentary session.

Question: Is it possible to make the legislation simpler? Does Derek Flynn think that dealing with the issues in the Sump will make the legislation simpler, or will it just clarify it? Are there any big ideas to reform crofting?

DF: If we correct inconsistencies we will still have complicated code. People want to know how they can manage their asset, so the objective is to make the code understandable and consistent. The system has lost sight of landlords. There is potential for changes for the new horizon; things are not the same now as in 1886. However, if we were starting from scratch most of the things in the 1886 legislation would still be wanted, therefore leaving crofting code as it is.

Question: How will you balance the views of working crofters with others?

MO': This will be a challenge, however, the approach of using the three questions should assist in determining the outcomes from crofting that we wish to see delivered.

Comment: We should start again. Agree the fundamental principles and write new legislation that will encourage crofting, attract new entrants, and encourage landlords to create new crofts. We need agreed fundamental principles but can start afresh not using the existing legislation.

Comment: The RECC is open to taking all views.

## **5.2. Regulation**

Bill Barron, interim CEO of CC, was introduced. He was not in the position to answer the questions posed by the group yet but would as soon as possible. His initial views are that the Commission has a great asset in its highly qualified staff. The commissioners have a very challenging job. He is aware of the common grazings issues, the legal, personal and policy issues involved. There are questions about how the CC works, about the roles of staff and commissioners. The prime focus has to be on the board – on its election, its effectiveness and its diversity. We have to achieve a balance of regulation and the interests of crofting.

**Action: Bill Barron will provide answers to the questions before the next meeting.**

## **6. Crofting Development (Standing item)**

Pam Rodway, Project manager for Crofting Connections, said the project was due to end this phase next March. Funding is being sought to continue the good work with schools and, if

funding is found, the project management will transfer from SAS to the SCF. This is a natural evolution that will bring the project more firmly into crofting development.

Neil Ross, HIE, updated on the work of the SGCSF. The action streams were being taken forward by small working groups – Lucy S, Brendan O’ and he had the responsibility for working up the paper on crofting development.

Comment: Comments made by crofters at the crofting roadshows seem to support the idea that crofting development should return to the CC.

Comment: NFUS have surveyed their membership and the majority agree that crofting development should go back to CC.

Comment: SCF have not formally surveyed membership but in local group meetings this is also the agreed view.

### **7. CAP and Crofting** (*Standing item*)

The 2015 payments have all, but in a few difficult cases, been paid. 2016 payments will be made initially by loan of advance payments as it is important to get money into the rural economy as soon as possible. This is an opt-in and the majority, 70%, of producers have opted in. It is important that crofters are encouraged to return the form if they wish to get a loan.

Comment: Many crofters do not know what the payments they have received relate to. The letters that usually go out to explain the payments have not been received yet.

**Action: Trudi will ensure that the letters go out.**

Comment: crofters are disadvantaged against big farmers in getting help from schemes. Are the support measures helping crofters and crofting?

### **8. AOB**

We have had the free service of a video provider to allow people to join the meeting remotely. The company providing this service will need to charge. SCF cannot shoulder the contract alone as it could be very expensive. Do participants want to contribute to this service or shall we use the free audio link?

Comment: video is very useful – it allows a more participatory link than audio and it saves a great deal of money in T&S. It should be provided by the SP in this modern age. There has been discussion within the SP about this again so there may be an opportunity.

**Action: co-conveners of the group will talk to the SP executive about paying for the video service.**

### **9. DONM.**

14 December 2016

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**Acronyms:** AC Animate Consulting; AF Assynt Foundation; ASC Assist Social Capital; CAB Citizens Advice Bureau; CC Crofting Commission; CAGS Crofting Agricultural Grant Scheme; CCx Crofting Connections; CFS Care Farming Scotland; CGF Common Goof Food; CHGS Croft House Grant Scheme; CLG Crofting Law Group; CnES

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Comhairle nan Eilean Siar; CRSF Crofting Register Stakeholder Forum; DEFRA UK Gov Dept for Environment, Food and Rural Affairs; EC European Commission; EFNCP European Forum for Nature Conservation & Pastoralism; FCS Forestry Commission Scotland; HC Highland Council; HIE Highlands & Islands Enterprise; HSCHT Highland Small Communities Housing Trust; HWU Herriot-Watt University; JHI James Hutton Institute; JMT John Muir Trust; LANTRA Land-based & Environmental Industries Training; MSP Member of the Scottish Parliament; NDPC National Development Plan for Crofting; NISR Newcastle Institute for Social Renewal; NFUS National Farmers Union Scotland; NS Nourish Scotland; NTS National Trust for Scotland; RACCE Scottish Parliamentary Committee on Rural Affairs Climate Change and Environment; RoS Register 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; RSPB Royal Society for the Protection of Birds; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership; WTS Woodland Trust Scotland.