

CROSS-PARTY GROUP on CROFTING
Meeting 10 of Parliamentary Session 5
Scottish Parliament, room Q.1.03
Wednesday 25 October 2017 at 17.30

MINUTES

Present:

Kate Forbes MSP ⁱ (Convener)	Lorna Scott NTS
Patrick Krause SCF (Secretary)	Katy Dickson SLE
Stephen Sandham SG	Ross McLaren SCRG
Donald Cameron MSP	Donna Smith CC
Gordon Jackson SG	Irianna Vlachopoulou JHI
Michael Nugent SG	Rhona Elrick RoS
John Finnie MSP	Donald E Meek crofter
Donald Crichton CnES	Robbie Bain THC
Eileen Stuart SNH	Edward Mountain MSP
Russell Smith SCF	Fiona Mandeville SCF ^{AL}
Sandy Murray NFUS	David Muir SCF ^{AL}
Lucy Sumsion NFUS	Neil Ross HIE ^{AL}
Bill Barron CC	
Rod Mackenzie CC	
Padruig Morrison SCFYC	

1. Welcome and Apologies

The convener welcomed everyone. Apologies were received from:

Brendan O’Hanrahan SCF/AF; Michael O’Neil SG; Maria Scholten SCF; Robin Haig SCFYC; Wendy Kenyan SPICe; Rosemary Champion SS; Jean Urquhart Observer; Angus MacDonald MSP; Jamie McIntyre WCP; Billy Neilson CC; Graeme Dey MSP; Emma Harper MSP; Gail Ross MSP; David Stuart MSP; Siobhan MacDonald SAC; Janette Sutherland SAC; Murdo MacKay CnES; Fiona MacKenzie UHI; Rhoda Grant MSP; Tavish Scott MSP; Brian Inkster CLG; Eleanor Garty WTS; Sheena Howden Lantra; Donald MacKinnon SCFYC; Lee-Ann Sutherland JHI; Kate Fry office of Rhoda Grant MSP; Maree Todd MSP.

2. Minutes of previous meeting

The minutes of the previous meeting on 13 September were agreed.

3. Matters Arising

All actions completed

4. Crofting Development

4.1. Crofting Development – Control of Wild Geese

Eileen Stuart, Head of Policy & Advice, SNH, gave an update on progress made on the control of wild geese in crofting areas, especially the Hebrides. Her presentation has been circulated.

The main points were:

The key species of wild geese in Scotland are White Fronted and Barnacle (Annex 1, protected at all times) and Pink Footed, Greylag and Bean (Annex 11 can be hunted at certain times). Also Canada geese, which are unprotected. All are migratory except Greylag and Canada which have migratory and resident populations.

Since 2010/11 the cost of Goose Schemes has been contained around £1.2m p.a. Pilots are a small proportion of the total (<£100k p.a.).

Majority of spending goes on protected species of Barnacle and Greenland white-fronted geese on Islay (c.40,000 pop). Management of these geese by controlled lethal and non-lethal scaring but this is subject to a legal challenge to EU. SNH now working to develop a flyway management plan to determine population thresholds in a co-ordinated cross country partnership.

Barnacle numbers are increasing outwith previous strongholds but numbers still comparatively low and populations considered likely to be passing through on way to wintering grounds on Islay and elsewhere. SNH aware of growing problems in Uist and elsewhere and are gathering more information about numbers and movements. Trialling new laser and auditory scaring devices that may prove effective in moving them onto wintering grounds more quickly.

Greylags were being controlled with Adaptive Management pilots. These have finished now. SNH provided a model to help LGMGs determine an appropriate target range and annual cull to aim for. All pilots have successfully reached their target and are now moving to a consolidated long term population maintenance phase. Sale of carcasses approved until 2019, and closed season reduced to support more efficient population control.

Next steps: publish interim policy review; work with European countries; look at future agricultural support mechanism for crofting and HNVF.

Discussion:

Comment: the crofters in Uist geese are the number one problem, the anxiety caused cannot be stressed enough. Hunting is not attractive, it is very time-consuming. Shooting parties are not coming back.

Answer: SNH are going to Uist to hear crofters' views in an SCF meeting. We try to not just push the problem from one place to another, we aim for population control which is not immediate.

Question: at the moment barnacles are the main problem but very few can be shot?

Answer: yes, we are constrained by protection legislation. They can only be shot by marksman.

Comment: figures show that in Tiree the population has halved, but those in Tiree don't see a great reduction.

Answer: The perception of impact doesn't necessarily correlate with actual numbers.

Question: is it correct that Argyll Estates didn't want shooting by marksman?

Answer: yes that is correct but marksman are part of the solution now.

Comment: geese are a huge threat to crofting, the pilots were successful so should be continued or they are just wasted investment. £10,000 is not enough to control geese from Orkney to Tiree.

Answer: we provide support and backup, but the pilots were always to be a transition to self-help. But we hear the people don't feel ready for it to be solely self-help. We wanted to be sustainable, for example through the sale of goose meat.

Comment: but having a deadline of 2019 for the licence and for it not being possible to sell meat off-island, doesn't encourage investment by meat dealers.

Answer: it is difficult to get permission to sell off-island due to traceability. We want to see the licence to meet sales extended.

Comment: meanwhile, if there is no population management the population is slipping back to previous figures.

Question: ending the adaptive management schemes in the Western Isles is causing great concern; what is in place for a transition? Some bids went in for self-management were over £17,000 but SNH reduced this to £14,000, and a bid for £14,000 was reduced to £7000. This is simply not possible. Groups are not ready for self-management with little or no support. Will there be a review of the adaptive management pilots?

Comment: figures show there are 4000 greylags in Uist, this is not the case there are at least 5000 and we have been doing regular counting so we know we are right and we project increasing numbers. There is much more Greylag meat than sales, the retailer stopped processing because of the uncertainty, and he has had to put his staff on to other things. Barnacles are now here for the duration of winter and there has been a rapid growth in numbers. Numbers could be reduced by ceasing crofting activity, which would make the place less attractive to geese, but no one wants that.

Answer: SNH does not contest the problems raised. Adaptive management pilots will be looked at again as will the sale of meat.

Question: it might be difficult to get permission from landlords for crofters to shoot; will SNH look at this?

Answer: yes we will. It is important that both sides work together, landlords and crofters.

Comment: if there are any issues with particular landlords please let SLE know and we will help to resolve.

Comment: young people are reluctant to enter crofting when seeing this problem; it does not herald an optimistic future.

Comment: we need to keep on top of this, keep it on the agenda this group. **Agreed.**

Action: a letter to be sent from CPGoC to Cabinet Secretary for Environment Roseanna Cunningham expressing views of the group.

Action: SNH to look at the reinstatement of adaptive management schemes.

4.2. Other updates from SG, agencies and NGOs

Russell Smith, Chair of SCF, introduced the SCF position paper on Post-Brexit crofting support (this has been circulated).

SCF has sent the position paper to decision-makers in Scottish Government and UK government. Fergus Ewing has acknowledged it and it has been sent to the Agriculture Champions; timely as others are also putting out their fears and aspirations. Michael Gove said at the roundtable at the RHS "it would be unforgivable if the Highlands and Islands suffered from Brexit".

Two main points we need information on: 1. Tariffs - what happens if we lose our main market and are facing more New Zealand imports? Crofters and farmers are making decisions now on how many lambs to keep, so we urgently need more information; 2. What will support systems after 2022 look like? It is an opportunity for support to be designed by Scotland for Scotland but we are getting no clear indicators from SG. Crofting needs to be included early in the planning, especially common grazings, which always seem to be left as an afterthought.

The document is a work in progress so please feel free to feedback comments for updating the paper.

Question: common grazings need to be registered; is it progressing? Has the Scottish government funded continuation of the mapping of grazings? Eligibility for support depends upon this.

Answer: Scottish government have given the crofting commission an additional £100,000 for the current year which is ring fenced to concentrate on a number of projects, one of which is to continue mapping common grazings.

Comment: we need to know the boundaries of common grazings - support mechanisms need this information, and common grazings need to be regulated. It is a circular argument, chicken and egg, many shareholders don't have committees as they see no point - if there is a good

reason such as meaningful support then committees will form themselves and be prepared to be regulated.

Comment: we need to push Scottish government to provide resources to regulate common grazings; this was in the report from the RECC, registering and regulating common grazings.

Another topic to not lose sight of, to revisit at a future meeting. **Agreed.**

Abattoirs. Two more abattoirs are now not taking sheep, goats or pigs. The distances animals are needing to be transported is increasing, which presents welfare issues and food miles. Businesses are giving up due to the large distances involved. Skye is trying to build a local small-scale community abattoir but faces constant setbacks.

Comment: the Shetland abattoir seems to be a good model and is killing for home consumption.

Action: make this an agenda item for a future meeting. Agreed

5. Crofting Law and Administration

5.1. Legislation

Gordon Jackson, SG Head of Agricultural Development and Crofting, gave an update on crofting law reform and the consultation.

- Public meeting schedule underway, 12th meeting this evening in Helmsdale. 3 more public meetings to be held along with 5 more with stakeholder groups plus the meeting with CPGoC on 15 November.
- Also investigating the possibility of a couple of video conference events with crofting interests on two of the islands.
- Meetings have raised a broad range of interesting issues and each has brought its own particular perspective on crofting. There is no clear consensus so far.
- Meetings have raised a number of non-legislation related issues. SG will look to take consideration of these forward separately.
- Consultation analysis will feed into NDPC.

Attendance at meetings

- Attendance at the meetings held so far has been generally good or very good but could have been better in Shetland.
- Meetings advertised via different routes: SG news releases and stakeholder groups; social media (e.g. SG, Stakeholders, Rural Network, FAS); advertisements in local newspapers; notices in RPID Area Offices; local radio.

Main issues raised.

- **Registration:** costs to register individual crofts (requirement to advertise only benefitting local newspapers), boundary disputes, duplication – 2 registers.
- **Common Grazings:** underused – lack of active crofters; administrative burden placed on clerks, absentee shareholders; deemed crofts.
- **Absenteeism:** Crofts being left to people outwith community and then sold; house sites being decrofted and sold off - good crofts being lost; local people being priced out.
- **Owner-occupancy:** O/Os should not be considered crofts/crofters if not tenants - divided opinion but raised at a number of meetings.
- **Lack of Access to Finance**
- **Experiences with Crofting Commission:** anecdotal, but raised at almost every meeting - not using powers afforded them in current legislation; time taken to make/receive decisions.

- **Crofting part of a bigger picture:** not viable full-time in all areas – other jobs/opportunities needed to retain and encourage new people in to areas.
- **Last minute changes to 2010 legislation:** unhappy that legislation wasn't what had been 'agreed'; changes made at last minute. Need to apply lessons in moving forward. Participation in consultation imperative.

There will be more time to discuss these points on 15th November.

Discussion:

Comment: we've heard these points before, when will we see results?

Comment all these points have been raised in our RECC report. There needs to be adequate time to scrutinise this properly, probably at least 18 months to scrutinise a bill.

Comment: if there is not enough time, for example if the clean sheet option is taken, it should be deferred to do properly.

Answer: these points have been made by a number of stakeholders in meetings.

Comment: people who are not on stakeholder groups need to feed in to the NDPC.

Answer: the paper being prepared by the SGCSF will be circulated to all on the CPGoC list when finished.

Comment: there were a lot of issues that were discussed in the stakeholder group and these were focused down to 6 priorities, but we must not lose sight of the other issues. The paper produced will not be the be-all and end-all, it is just the top priorities.

5.2. Administration

Rod MacKenzie, Convener of the CC gave an update:

The Assessors Network has been neglected but the commission is communicating with them. A lot of assessors want to be involved with the CC, we are therefore holding a series of meetings throughout the crofting areas. We need more assessors and so would welcome applications from people who haven't been an assessor and from existing assessors.

Is the name 'assessor' the right term to use? 'Ambassadors', 'mediators', have been suggested. There is a need for good training and then they can assist with casework.

We have a three tier decision making procedure in place now. For example, whole-croft decroftings, duties of crofters, will be dealt with by the commission board. 3 whole-croft decroftings, in one application, were refused. Another example; a larger house site decrofting was applied for in order to accommodate a guesthouse. This was passed. Another example, a house site for which there was no reasonable reason for decrofting was refused and another house site, on poor land, with no community interest, was passed. Three commissioners sit and then information is circulated to all commissioners.

Bill Baron, CEO CC, gave an update:

The CC policy plan has been approved by ministers. There is a focus on getting crofts back into use, sensitively, slowly, but action is to increase. Decrofting procedure is being looked at with a focus on protection of croft land. Common grazings feature in the plan, with the requirement for better legislation.

It is proposed that the board puts in a response to the crofting law consultation. There are big issues such as securities, common grazings, for which substantial input is needed.

It is very worth looking at the progress of the Land Commission. The CC and the Land Commission have connected

Discussion:

Question: can commissioners resident in an area participate in decision-making that concerns their area?

Answer: yes, if there is no conflict of interest.

Question: the intention is to make more use of assessors, how?

Answer: by using more local knowledge, carefully. For example a Commissioner may use an assessor from within or outwith their area to help on a case because of the assessor's experience - we can learn a lot from the assessors.

Question: how has the Register of Crofts online been received? Have there been amendments?

Answer: there has been a lot of interest, in excess of 6000 searches. There has been very good feedback from users, very few requests for amendments.

6. Crofting Support

Stephen Sandham, SG, gave an update on **CAP payments**.

LFASS 2015 - 98% paid (including 99 more payments in October) - leaving 213 potentially eligible claims still to pay (i.e. not all of these may prove eligible for payment).

BPS / Greening 2016 - 99.7% paid - less than 60 potentially eligible claims still to pay (same caveat as above).

Scottish Suckler Beef Support / Scottish Upland Sheep Support Scheme 2016 - both schemes 100% paid.

LFASS 2016 - against the published target of paying the majority of claims by 31 October, 83% of claims have been paid.

Rural Priorities 2016 - against the published target of making the majority of payments by the end of September, 75% of claims have been paid.

Land Manager Options (LMO) - against the published target of paying the majority by the 31 October, 90% of claims have been paid.

Forestry Grant Scheme (FGS) - against the 31 October target to pay the majority, 61% of all claims have been paid.

Agri-Environment Climate Scheme (AECS) - against the 31 October target to pay the majority, 56% of all claims have been paid.

Beef Efficiency Scheme - against the 31 October target to pay the majority, 58% of all claims have been paid.

Good progress is being made with the CAP payments stabilisation plan. However, sending out of letter giving information still needs to improve. There is a lot of work on the post-Brexit world to ensure that payments will continue - there are a lot of changes due to the Great Repeal Bill. We are liaising with other nations.

Michael Nugent, SG, gave an update on **Croft House Grant Scheme**:

2017/18 Budget of 2m.

September tranche - 12 of 13 eligible applications approved in October 2017. 92% approval rate for eligible applications.

£425,424 worth of grant funding approved.

Total, to date, - £1,969,129.

Funding under CHG is provided retrospectively in up to three stages. For this reason, funding committed in any financial year will actually be claimed by applicants and paid in the current and following 2-3 financial years.

Forestry Grants for small scale woodland: A brief discussion with some example figures quoted and to be followed up.

After the meeting Michael provided the following information:

Forestry Commission grants would appear to accommodate small scale woodland.

Funding is available for creating new woodland, expanding woodland via natural regeneration, and improving the condition of native woodland. All funding is available to qualifying crofters. Take for example, Native Scots Pine. The eligibility criteria is a minimum block size of 0.25ha. Funding is available for:

fences (up to £9.90 per metre)

gates

tree shelter (up to £2 each)

initial planting, and (up to £2,070 per hectare)

annual maintenance payment for five years. (Up to £306 per hectare per year)

Also available under the 0.25 ha minimum block size are Native Upland Birch and Native Broadleaves. There is also under Woodland Creation 'Small or Farm Woodland' - also minimum block size of 0.25 hectares. Initial Planting - Up to £2,700 per hectare. Annual maintenance £450 per hectare per year.

AECS - Small-scale Tree and Shrub Planting: (on a site **not** exceeding 0.25 hectares) - "Small-scale woodlands or scrub of up to 0.25 hectares can provide multiple benefits, such as enhancing habitat networks, improving water quality by providing a buffer area, or maintaining water temperatures, providing a diversity of habitats and contributing to carbon sequestration". Funding is available for each tree or shrub planted.

There is also support through the Woodland Trust, which offers funding under the project, called "MOREwoods scheme" which helps with the cost of trees, delivery etc.

CAGS does offer funding for shelter belts but it needs to be attached to an agricultural business - livestock and/or horticulture.

Discussion (on all support schemes):

Question: will we run out of money on CHGS?

Answer: no. Spend is constantly monitored and reviewed.

Question: beef efficiency scheme didn't look worth applying for, what uptake was there and what does that represent as a percentage of the overall beef herd in Scotland?

Answer: No figures available - will provide.

After the meeting Stephen provided the following information:

In November there were 147,176 reference animals in the Beef Efficiency Scheme which equals 34% of Beef Cows in Scotland (June Agricultural Census 2017 recorded 433,000 beef cows).

Question: what is happening about the LFASS 'parachute payments'?

Answer: there is an omnibus regulation going through and it looks like there will be a possible delay for one year i.e. payments could remain as they are.

Question: if the possibility is there will Scottish Government delay?

Answer: the decision has not made yet, but it is likely.

Question: if not, what about the 20%?

Answer: it would go into existing schemes, specifically hill farming. Options are being explored, no decisions have yet been made except that there will not be new schemes.

Question: the so-called transition period could be several years, so what beyond 2019?

Answer: payments can continue to 2022.

Question: SG gave a commitment to list entitlements and projections for five years for producers, but the letters are way out of reality.

Answer: all information is online.

Comment but the information, even online, is still not clear or accurate.

Answer: to be followed up.

Following the meeting Stephen provided the following information:

SG does not intend to send out letters on entitlement values. The regulatory requirement is to make customers aware of their entitlement values, and they can do that by logging onto Rural Payments and Services online and finding all the information RPID holds about their business and entitlement values. Those customers who aren't on-line can seek support from their local area office to get on-line, or ask their area office to print out and send any relevant information to them, but the intention is to encourage as many customers as possible to interact and communicate on-line.

SG believes that Rural Payments and Services is correctly calculating entitlement values against the data currently held in the system. It is acknowledged though that there are some entitlement transfers still to be processed, which will be affecting those particular customers. If other customers are concerned about the accuracy of their entitlement values they should contact their RPID local area office who will be happy to investigate with colleagues in Edinburgh and advise them further.

Comment regarding the ewe Hogg scheme: application for this scheme online is very difficult; it kept refusing lists of tags. There is nowhere provided to enter a string of tag numbers and so they had to be entered individually; numbers kept disappearing from the boxes. There is no facility to print the information off either, that could be found. It is very difficult for anyone let alone someone with dyslexia.

Answer: to be followed up.

Following the meeting Stephen provided the following information:

The concern that was raised about the difficulty in registering a string of tag numbers when making an application for SUSSS was discussed in RPID. It is regretted that any customers had difficulty making an application, but it is hoped that they are satisfied with the advice and help they received from their local RPID office and were able to complete the application successfully. The system did require the string of ear tag numbers to be inserted into the same box, and previous typing did disappear from view on the screen as more tag numbers were recorded, which is not ideal. The scope to amend the functionality next year in light of this, and any further feedback received, will be reviewed. However, now that the application window has ended, it can be confirmed that the number of applications and animals claimed is similar to the previous year, indicating no significant issues with the application functionality.

7. AOB

Rates for sporting: crofters are being threatened with charges for rates for sport shooting, even though they are tenants and do not hold the sporting rights. This appears to be happening in Shetland, Skye and mainland and probably elsewhere. There seems to be a complete misunderstanding by local authorities - crofters generally do not hold sporting rights, they shoot for vermin control.

Action: Michael Nugent will follow up and report back at next meeting.

Action: RECC intends to look into this also.

8. DONM.

A supplementary meeting is scheduled for 15th November to address crofting law reform and next meeting proper to be 17 January 2018.

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; CWA Community Woodlands Association; 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; FFRWG Freight Fares Review Working Group; 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; SS Smallholder Scotland; THC The Highland Council; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership; WTS Woodland Trust Scotland.