

CROSS-PARTY GROUP on CROFTING

Meeting 21 of Parliamentary Session 5

Great Glen House, Inverness

Friday 20th September 11.00

MINUTES

Present:

Rhoda Grant MSP ⁱ (Convener)	Megan Rowland SLE
Patrick Krause SCF (Secretary)	Kirsteen Curry Cllr HC
Alasdair Allan MSP	James McPherson SCF
Edward Mountain MSP	Alistair Culbertson NFUS
Yvonne White SCF	Lucy Sumsion NFUS
Jamie McIntyre WCP	Sandy Murray NFUS
Liz Barron-Majerik LS	David Campbell CC
Maria de la Torre SNH	Murray McCheyne SLE
Siobhan MacDonald SAC	Maria Scholten SCF
Finlay Beaton CC	Michael Nugent SG ^{TC}
Christina Noble JHI	Michael O'Neill SG ^{TC}
Anne Campbell CALLP	Richard Frew RoS ^{TC}
Russell Smith SCF	Raymond Monaghan SG ^{TC}
Alison McKinnie ZWS	
Bill Barron CC	
Brendan O'Hanrahan SCF	

1. Welcome and Apologies

The convener welcomed everyone. Apologies were received from:

Fiona Mandeville SCF; Donald MacKinnon SCF; Robin Haig SCF; Gail Ross MSP; Emma Harper MSP; John Scott MSP; Janette Sutherland SAC; Donald Crichton CnES; John Finnie MSP; Angus MacDonald MSP; Graeme Dey MSP; Donald Cameron MSP; Rosemary Champion SHS; Stephen Leask SIC; Donald Cameron MSP; Malcolm Mathieson CC; Eleanor Garty WTS; Neil Ross HIE; Rhona Elrick RoS; Jean Urquhart; Rod Mackenzie CC; Mairi MacKenzie CC; Murdo MacKay CnES; Billy Neilson CC; Brian Inkster CLG; Gordon Jackson SG; Ross McLaren SCRG, Jamie McGrigor; Barney MacAskill NFUS; Andrew McCornick NFUS.

The convener said that a co-convener will be sought to replace Tavish Scott who has stood down from Scottish Parliament. Edward Mountain MSP kindly offered his service and the group agreed. The convener thanked Edward.

2. Minutes of previous meeting

The minutes of the previous meeting held on 18 June were approved.

3. Matters Arising

Item 5. Sea eagles

Comment: Can't compare Scotland with Norway – completely different eco-systems. Some eagles may need to be culled if only eating lambs as this habit will be passed on to offspring.

Comment: the minutes say SNH are working successfully with crofters – this is not the case. I agree Norway is different – they have a problem with golden eagles.

Answer (SNH): SNH is working with crofters on sea eagle, goose and raven management. We recognise that sea eagles are a problem and have an on-going commitment, within a limited budget. Ravens – we are looking at licensing; geese – we have licensed the wider sale of meat.

Comment: The sea eagle budget is insufficient and most of it goes to contractors, not to crofters.

Item 6. Crofting administration. Joint tenancies.

Comment: CC question whether crofting law can work with joint tenancies. This is a matter of equality and if the law doesn't work it has to change. The crofting bill team are still to look at this.

Answer: SG takes the view that there is nothing in legislation to hinder joint tenancies; CC takes a different view. This is work in progress.

Item 8. Crofting support.

Comment: CAGS target of 90 days is not being met – 6 months is not uncommon. Also notifications are no forthcoming. This is not consistent across local offices, some areas have much longer times than others.

Comment: Or caused by blockage in Edinburgh.

Answer: The new APEX IT system will lead to a reduction in time. There has been a 'teething' period but we should see times below the target of 42 days. There has also been an increase in CAGS applications. There is variation across local offices – dependant on workload. But we are already seeing improvement. There will be an update at the next CPGoC meeting.

4. Disposal of waste plastics – silage wrap

Alison McKinnie, Zero Waste Scotland, led a discussion on disposal of agricultural plastic

Alison opened with a brief overview on the disposal of agricultural plastic waste:

- Quite a few collection companies will go to islands.
- Things are improving but we have been caught up in China not taking waste plastics any more.
- Local or centralised collection seems to be the problem.

Roundtable discussion:

Question: Is there funding for compactors?

Answer: ZWS do not have funding. Maybe SG, will check.

Question: Is clear plastic better?

Answer: Yes but it would still be for crofters to make the choice if clear bale wrap is available. We are looking at Ireland where it is used more.

You can store plastic on-croft for 3 years (1 year if in QMS). Collections could be annual. Good if crofters work together. Let haulier know the quantity and location and they will collect.

Question: Is the scope cross-sector? e.g. shops also have plastic collection problems.

Answer: Yes huge scope; shops, schools, farms and crofts. Central collection points are what we want.

Question: It's not just islands, also remote mainland, no collection, having to DIY - expensive.

Answer: Yes costs are inevitable but there can be a cost-saving if done collectively. The producer can pay a bit more for wrap to subsidise the collection - Ireland model.

Question: It's not just the responsibility of crofters or farmers to get rid of agricultural plastic waste. Pressure should be put on manufacturing companies to use better materials. Why wasn't this looked at before the ban and SG claiming Scotland is leader in climate change mitigation? Costs are disproportionately high for crofters, who operate on very low margins.

Apparently John Muir Trust is considering getting a compactor for south of Skye.

Question: Black plastic can be recycled - it is used for posts etc. Wool is compacted, could the same baler be used? ZWS should be doing more.

Answer: Yes we are looking at novel schemes and existing situation and machines etc to get it working.

Something that makes recycling harder is composite materials e.g. plastic bottles can contain many different types of plastic making recycling impossible.

Question: That is a legislation issue. What is SG doing about it? It seems very little. They ban burning but offer no alternatives. What collection sites and services exist? Or is SG just waiting for crofters, farmers, communities to sort this?

Question: SG doesn't seem to be joined up with existing Local Authorities - they have existing waste collection service. Does ZWS work with LAs?

Comment: SEPA website has list of recyclers. You can store bale wrap loose in big bags, don't need a compactor. Some recyclers don't want it compacted. This is being left for communities to organise - it should be SG and/or LAS coordinating it.

Answer: LAs have an obligation for domestic waste / recycling. Agricultural waste is considered commercial and it is the business' responsibility. Working with LAS has potential but LAS will charge for commercial waste.

Some farmers are facilitating centralised collection and it works well.

There is a list of collection points on ZWS Web site and this will grow.

5. Crofting Support - The £160 million rebate

Russell Smith, SCF, summarised the Bew report, leading to discussion on making the convergence uplift help crofters and hill farmers.

Main points:

- 1: The value of upland farming is recognised and 63.7% of the uplift will go to Scotland.
- 2: UK Gov will pay convergence after leaving the EU end of October. An election may alter this.
3. England, Wales and NI will also still get a share. Scotland will get extra to compensate for historic underpay.
4. This is not the basis for agriculture support post 2022.

Central comments around value of upland farming (and crofting) and agriculture being in competition with other sectors for funding.

We believe that the payments that come to Scotland should go to the marginal land, North and West or within the LFA, the logic being that it is this land that has brought the Scottish and UK average down below the threshold thus qualifying for convergence uplift.

Roundtable discussion:

Comment: It will be interesting to see how SG will deal with this; will it be paid to Scottish farmers who should have received it – not to slipper farmers and crofters but to active producers? SH has stated a position.

Comment: We need to lobby SG quickly – this is time sensitive. The discrepancies and unfairness of the original allocation needs to be address first. Lochhead made promises which were not fulfilled e.g. SUSSS for those on marginal land much lower than promised. Address this first.

Question: It must go to where it was originally intended, areas that caused the 'underspend'. Has the Chancellor not released it yet?

Answer: There is an undertaking that the money can be drawn down.

Comment: A small proportion could be used for innovative projects such as the Irish Burren project. Other EU countries seem to have much more progressive, innovative schemes.

Comment: There is an understanding that the money will not be available until April 2020 – SG has said this. Yes, it must go to active producers – active now, not then. State Aid Rules may still apply. And if the funding had come in as originally intended, then 9.5% would have been moved from Pillar 1 to Pilar 2 – so SG could adopt the same approach when dealing with the £160 million convergence funding, but that is yet to be confirmed. Some could be used for new entrants and climate change.

Comment: This money was originally owed to crofters and hill farmers on low Basic Payments. It should not be looked at as new money to do other things, e.g. for getting SG or SNH off the hook on obligations they have committed to.

Comment: I agree, this is money to make up a shortfall, not for other things.

Comment: We need to look at the basis of convergence to arrive at how the uplift should be used. Looking ahead, the basis of payments may need to change.

Comment: Yes, climate change and new entrants are not part of this.

Chair: There seems to be consensus; the CPGoC could submit a note to Cabinet Secretary stating that it is our view that the money should be used for the intended purpose, to make up for the shortfall in basic payments. **Agreed.**

Action: letter from group to Cab Sec.

6. Crofting legislation

Michael O'Neill, SG, gave an update on the crofting bill.

The Cabinet Secretary set out next steps regarding a Crofting Bill in his statement to Parliament on 10 September.

In the light of that, the Bill Team is continuing to work on developing legislation. As the Cabinet Secretary said, this work should identify 5 to 10 issues that would be taken from the Phase 1 list that the Bill Group has been considering for a more limited, shorter Bill.

Legislation is being worked on so that should the opportunity arise to introduce it this parliamentary session it would be possible to do so.

SG will be working with the Bill Group to identify those issues. The group meets next on 22 October when it will begin discussions on this.

In terms of updating on work with the Bill Group, the group has been considering Standard Securities, Deemed crofts and Joint tenancies in its previous meeting.

Roundtable discussion:

Comment: It is disappointing that there is currently no Bill being timetabled and that, even if there were to be a shortened bill developed, there seems little opportunity in terms of parliamentary time for such a Bill to be introduced and passed in the remainder of this Parliamentary Session.

Answer: The PfG decision was a Cabinet one, and the decision was made in the light of Brexit and other pressures that have had to be faced. Cabinet Secretary has asked officials to continue working on a shorter bill so that legislation would be ready if the opportunity for a Bill arises.

Question: Would it be better not to rush into making legislation given the last minute nature of some of the changes made in the 2010 Crofting Bill, better to get legislation right rather than necessarily have legislation put forward this Parliamentary period?

Answer: Yes, any future legislation should be fully thought through on not rushed in order to avoid unintended consequences.

Question: It is disappointing about the bill not appearing in PfG but it is understandable that Brexit pressures have an effect. Which aspects of the Phase 1 list would make up the 5-10 items for inclusion in a shortened Bill?

Answer: Crofting Bill Team will prepare that list with input from the Bill Group so not possible to say at this point what might be included.

Question: Can it be set out in writing to the CPGoC what might be included?

Answer: Discussion of the content of a more limited Bill was timetabled on 22 October at the next Stakeholder Forum. A report of the initial discussions at that meeting can be given to next meeting of the CPGoC.

7. Crofting Development

Michael Nugent, SG, said an update on the National Development Plan for Crofting would be presented at the SG Crofting Stakeholder Forum in October. The NDPC is in this year's Programme for Government.

8. Crofting Administration

Bill Barron, CC: update on commission business.

Grazings – an active team is looking at grazings regulations. There has been an increase in Grazings Committees in office.

Regulation applications – the volume of applications processed is 40% higher than previous few years. This is because of improvements in how applications are processed, but also because there are more applications. The April – June turnaround times have been mostly

improving. A backlog of general enquiries has been resolved. They were taking too long to be processed – up to 10 weeks – and are now down to a week.

CC staff are working with SG colleagues on an 'Improvement Project' – looking at how things are done within CC.

Register of Crofts – more information is going on to the website and decrofting directions will soon be available online.

Roundtable discussion:

Question: The list of common grazings shareholders on the register is not accurate, in some cases, why? We submitted a list of shareholders 7 years ago and it is still not accurate.

Answer: It is a huge, on-going task to check and update the list of shareholders as shareholders may change and there are two lists – the RoC and the CR. CC cannot simply enter the names given as they have to be checked against other lists and information held by grazings clerks.

Question and comment: 1. Is there progress on the registration of common grazings?
2. It can still take a long time to get applications processed – for example 4 weeks to get an acknowledgement after 23 phone calls – no one to speak to, just an answering machine.

Comment and question: 1. The CC is very open and this is to be commended.
2. We are not going to get a crofting bill in this Parliament, but maybe some regulatory issues are fixable by the CC functioning better; how can this group help? Is it simply a lack of resource?

Question: If the number of CAGS applications is rising and the number of regulatory enquiries is rising, is this an indication that crofting is thriving?

Answers: How the CC is resourced is up to SG. How the resources are used are the decisions the CC board has to make and has to prioritise. Some things are very resource-hungry; compiling and updating information on common grazings for example, it is never ending, checking, re-checking, and taking GDPR into account.

Phone calls – we usually have only one person taking calls so when the phone is engaged it goes to answerphone. We don't know how many calls are being missed if messages are not left.

Why do applications take so long? Partly the system but also due to what the law obliges us to do. There are many checks that have to be carried out and acknowledgement is not made until the checks have been done. Yes, a simple acknowledgement could go out earlier. Sometimes applications get 'stuck' but more usually it is just the time taken to follow the legal process – which could only be changed by a bill.

Question: When is CC going to be issuing GDPR guidance to Common Grazings Committees? CC has had draft guidance for some time I think?

Answer: Yes, I will take this away.

Question: 333 common grazings have been registered but now it is too difficult?

Answer: the more straight-forward ones were registered first of course, and as it progresses it gets more difficult. We now do not have the resource to continue.

Comment: It is impossible to keep common grazings accurately registered; perhaps that's the point that there is too much information required by too many registers. Legislation needs to change to help the RoC, the CR and GCs to work better together.

Comment: Crofting administration needs to be higher on agenda for next meeting.

Action: Crofting administration to be a lead item on agenda for next meeting.

9. AOB

Comment: SG officials should come to the CPGoC even if in Inverness – they have other things they can do here and people have travelled far to be here.

10. DONM.

13 November, Scottish Parliament.

i **Acronyms:** AECS Agri-Environment Climate Scheme; AF Assynt Foundation; CAB Citizens Advice Bureau; CALLP Coigach & Assynt Living Landscape Partnership; 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; FLS Forest and Land Scotland; FFRWG Freight Fares Review Working Group; GFN Good Food Nation; HIE Highlands & Islands Enterprise; HSCHT Highland Small Communities Housing Trust; JHI James Hutton Institute; LS Lantra Scotland; MSP Member of the Scottish Parliament; NDPC National Development Plan for Crofting; NFUS National Farmers Union Scotland; NGMRG National Goose Management Review Group; NISR Newcastle Institute for Social Renewal; NRMHF National Rural Mental Health Forum; 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; SAA Scottish Assessors Association; 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; SFT Sustainable Food Trust; 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; SHS Small-Holder Scotland; 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; THC The Highland Council; UHI University of Highlands and Islands; WCP Woodland Crofts Partnership; WTS Woodland Trust Scotland; ZWS Zero Waste Scotland.