

CROSS-PARTY GROUP on CROFTING
Meeting 23 of Parliamentary Session 5
Scottish Parliament room Q1.04
Tuesday 14th January 2020 5.30pm

MINUTES

Present:

Edward Mountain MSP ⁱ (Convener)	Rhona Elrick RoS
Patrick Krause SCF (Secretary)	Roz Corbet LWA
David Barnes SG	Alasdair Allan MSP
Zoe Russell Uni Sterling	Mairi Mackenzie CC
James Scott CC	Bill Barron CC
David Finlay CC	Anne Campbell CALLP
Marcelina Hamilton SLE	Neil Ross HIE ^{TC}
Darren Laing BBC	Siobhan MacDonald SAC ^{TC}
Zoe Meldrum NFUS	Yvonne White SCF ^{TC}
Clare Slipper NFUS	Russell Smith SCF ^{TC}
Leanne Townsend JHI	James McPherson SCF ^{TC}
Christina Noble JHI	Andy Holt CC ^{TC}
Richard Frew RoS	

1. Welcome and Apologies

The convener welcomed everyone. Apologies were received from:

Rhoda Grant MSP; Fiona Mandeville SCF; Donald MacKinnon SCF; Robin Haig SCF; Emma Harper MSP; John Scott MSP; Donald Cameron MSP; Gail Ross MSP; Janette Sutherland SAC; Donald Crichton CnES; Murdo MacKay CnES; John Finnie MSP; Angus MacDonald MSP; Graeme Dey MSP; Donald Cameron MSP; Gordon Jackson SG; Michael Nugent; SG Rosemary Champion SHS; Stephen Leask SIC; Donald Meek, Malcolm Mathieson CC; Jamie McIntyre WCP; Maria de la Torre SNH; Megan Rowland SLE; Lucy Sumsion NFUS; Andrew McCornick NFUS; Sandy Murray NFUS; David Campbell CC; Murray McCheyne SLE; Eleanor Garty WTS; Rod Mackenzie CC; Billy Neilson CC; Brian Inkster CLG; Ross McLaren SCRG; Liz Barron-Majerik LS.

2. Minutes of previous meeting

The minutes of the previous meeting held on 13 November 2019 were approved.

3. Matters Arising

Waste plastics; no support from local authority or SG, causing unnecessary environmental damage. LAs are telling crofters to take waste plastic to recycling centres for land-fill. LA recycling centres are limiting the size of vehicles.

Action: ask SEPA to a future meeting.

4. Outlook for the year

David Barnes, SG Deputy Director EU Exit Strategy and Negotiations, gave an outline of the current situation in regards to leaving the European Union.

Main points included:

The recent election gives the UK government a mandate to leave the European Union, which will take place at the end of January. UK government is not seeking to stay in a single market or a customs union and wants minimum influence from the European Court. Scottish ministers think that staying in the European Union would be ideal but as we are leaving that a single market and a customs union would be essential.

The UK will leave the European Union on 31 January on the terms within the withdrawal agreement. We will then enter a 'grace period' ('transition period' is a misnomer) and most EU regulations and legislation will continue. UK will in effect be a non-voting member of the EU, all the rights and responsibilities but no say. A joint committee will work out the details of how it works.

The European Commission negotiates on behalf of the European Union. In February an EU mandate will be published. It is unknown when the UK government will publish a mandate. The devolved nations of the UK want a say, of course. The timeframe will be very tight, the negotiations and then ratifications from all 27 member states take time. If there is mixed agreement all member states have to ratify so, in this case, all negotiations need to be finished by July. Negotiations could potentially go on to October if the ratification is just with the European Commission, European Parliament and the Council of Ministers as this would be quicker. In absence of any special deal between the European Union and the UK, the UK will part from the EU and will have to trade under WTO rules.

The situation in UK currently is that an EU withdrawal act has been passed which takes all EU law and transfers it to domestic law that mirrors the EU law. This is the only practical way of keeping everything functioning without having to unravel hugely complex legal frameworks. This law can be amended. In Scotland a retained law act is going through Parliament currently.

Scottish government has two main concerns: 1. The impact of timing, which will limit scope, so not likely to see a comprehensive close agreement with the EU being reached. It is felt that a law to not allow an extension after 31 January 2021 is a mistake; 2. The trade negotiation - negotiations are usually to improve trade but this one is the opposite, increasing barriers to trade. The EU wants a level playing field across more or less everything for trade to be able to happen, the UK government view is that a level playing field will only be on certain things. It is therefore not likely that agreement will be reached on these terms. Scottish government feels that the devolved nations are not being involved enough.

Roundtable discussion

Question: it seems preferable to at least be in a customs union, but if this is not going to happen what would be the equivalent?

Answer: yes that is the principle that Scottish government wants, i.e. that we need an equivalent trading route to a customs union.

Question: what will trade with northern Ireland be like?

Answer: the broad architecture of trade with Northern Ireland is fairly well worked out but there is no detail yet. Scottish government support a solution for Northern Ireland. There is now a devolved administration in place. At the moment it looks like Northern Ireland may have the best of both worlds, a single market with the EU and unfettered access to the UK market. Scottish government is sceptical about the reality of this. Scotland and Northern Ireland should be able to trade. Scottish government proposed a compromise back in 2016, Scotland staying in the single market and customs union. UK government said impossible but Scottish Government say it must be possible as this is what Northern Ireland seems to be getting. But

it is looking like UK government will make a deal without special concessions for other devolved nations.

Comment: so it makes it tempting for Scottish producers to go through Northern Ireland for access to the EU.

Answer: yes that's why "unfettered trade with UK" is questioned by Scottish government.

Question: will Scottish government be involved in negotiations or just present?

Answer: international negotiations are reserved so the negotiations will be UK government, but the UK negotiation position should be set collectively, all four nations should be involved in setting the negotiation mandate. UK government can ask a devolved nation to lead on a negotiation if that nation has a particular interest, for example marine.

Comment: the Scottish Parliament RECC is currently looking at the Agriculture Retained Law bill, the last session is tomorrow, there will be a vote on Thursday.

5. Crofting Administration

Bill Barron, CEO CC, gave an update on the work of the Crofting Commission

Main points included:

1. Commissioners - elections and appointments.

Commission beginning to look ahead to 2022 when next elections will be held and in addition David Campbell will stand down having reached the maximum 8 years. Reappointment dates are staggered. All asked to encourage people to stand for this election or appointment, especially women to improve gender balance.

2. Improving regulation without a bill. An extensive programme is underway:

1. Greater use of automation and the website; a lot can be done in providing information both online and on paper, which can speed up process.
2. Reorganising the regulatory teams; in future the administrative support will be shared across the geographical teams rather than segregated by geography. This should improve flexibility.
3. Continue the delegated decision making; only 6% of contested or difficult regulatory issues go to Commissioners.
4. The Commission's fact sheets are seen as very helpful, but there may be scope to add to them.
5. Triaging. Difficult cases can take a long time; therefore the Commission is now going back to the applicant early on to on that the outlook doesn't look good and to offer opportunity to amend the application early, can speed the process up considerably.
6. Staff are looking at the detail of all processes to improve them. For example the crofting register, there is movement to change secondary legislation in order to improve the registration forms, make more flexible so that they can be amended easily - they are too prescriptive at present.

3. Thought is going into the phase 2 issues, the "future of crofting", with a series of discussions involving commissioners, some assessors and staff. What do we want crofting to achieve and how should the Commission's role evolve to support this? How heavy should regulation be? For example the enforcement of duties. How do we control land speculation? What is the role of crofting in carbon sequestration, environmental protection, climate change mitigation? Who has the role of helping crofting to develop?

Roundtable discussion

Question: are all priorities in The Sump primary legislation?

Answer: not all but most would involve changes in law.

Question: are there any that require just changes to secondary legislation?

Answer: a few.

Question: when will your deliberations on the future of crofting be distributed?

Answer: we are aiming for September.

Question: is there any way we can help?

Answer: absolutely, we want to hear from all.

6. Crofting Support

Deferred to next meeting.

7. AOB

1. Register of Crofts – common grazings mapping. In abeyance – other priorities need the resource; will pick up when resources freed up.

2. Topics for 2020:

Crofting development – NDPC. The point was made that SGCSF was born out of CPGoC so SG should report back to CPGoC on crofting development.

Action: ask SG to report back on NDPC at next meeting

SAC can give a presentation on FAS working with crofters

Sec asked everyone to consider topics and to submit them.

8. DONM

04 or 06 March tbc

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; LWA Land Workers Alliance; 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.