

Cross-Party Group on Crofting

17 March 2023

Minutes

Present

MSPs

Edward Mountain MSP (Chair)
Alasdair Allan MSP
Beatrice Wishart MSP
Donald Cameron MSP

Invited guests

Siobhan MacDonald SAC
Janette Sutherland SAC
Arthur MacDonald Crofting Commission
Leanne Townsend James Hutton Institute
Claire Hardy James Hutton Institute

Non-MSP Group Members

Patrick Krause (Secretary)
Sandra Lindsay SCF
Miranda Geelhoed SCF
Bill Barron Crofting Commission
Maria de le Torre NatureScot
Brendan O'Hanrahan
Helen O'Keefe SCF
David Cameron Community Land
Scotland
Sandra Holmes HIE
Phil Knott Nature Friendly Farming
Network
Aaron Ramsay CC
Kirsteen Currie CC
Lynne Hendry Crofting Commission
Mairi Mackenzie Commissioner, CC
Ian Wilson NFUS
Sandy Murray NFUS
Andrew Holt Crofter
Iona Hyde Woodland Trust Scotland
Eleanor Garty Eleanor Garty
Associates

Fiona Mandeville SCF
Gwyn Jones EFNCP
Alexa Green The Rural Policy Centre
Lynne MacMillan Crofting Commission
Sandra Lindsay SCF
Karen Macrae Crofting Commission
Aart Wessels Crofting Commission
Rhona Elrick Registers of Scotland
David Muir SCF
John N Macleod Lower Barvas
Grazings Clerk/Crofter
James McPherson Scottish Crofting
Federation
Ann Bruce Crofter/University of
Edinburgh
Doneil MacLeod BBC
John Maughan Mull and Iona
Community Trust
Donald MacKinnon SCF
Zoe Russell UHI Perth
Rod Mackenzie Crofting Commission
Siobhan Macdonald FAS

Rod Mackenzie Crofting Commission
Philip Coghill SCF
John Toal SCF
Maryanne Freer Crofter, SCF member
Aileen Rore Scottish Government
Michael Nugent SG
Finlay Beaton Crofting Commission
David Skene UHI

Gift Mlambo Scottish Government
Leanne Townsend James Hutton
Institute
Bill Dundas Scottish Government
Michelle Flynn SRUC
Donald Bruce View Hill Croft
Fiona Mackenzie UHI

Apologies

Jenni Minto MSP
Ariane Burgess MSP
Andrew Thin CC
Beatrice Morris NFUS

Malcolm Burr CNeS
Jamie McIntyre WCP
Jamie McGrigor

Agenda item 1

Welcome and apologies

The convener welcomed everyone to the meeting and apologies were noted. Thanks were given to NatureScot for providing the venue and refreshments.

Agenda item 2

Agreement of the minutes of the last meeting and matters arising

The minutes of 13 December were agreed

Agenda item 3

Crofting Development

i. Siobhan Macdonald (SAC) talked about the work of the Farm Advisory Service in engaging crofters and common grazing committees.

Main points included:

- Aim is to help crofters increase profitability and sustainability.
- Advice is free and accessible.
- Started in 2016.
- SAC deliver one-to-many and Ricardo one-to-one, but for a crofter there is one point of entry.
- To illustrate this Siobhan went through a crofter's journey in seeking advice about succession planning (which can be found on the FAS website).

Discussion

Question: how many people do you get coming forward to ask about succession?

Answer: In crofting, about 30 per year in one-to-one succession planning, but there will also be a number who get advice on succession in their general subscription.

Comment: As a newby crofter I just wanted to say how fantastically valuable I have found FAS. I cannot imagine starting on this journey without FAS.

Question: What steps are being taken to ensure there are advisors qualified and with capacity to provide support for specialist plans for e.g. animal health, succession etc. I am based in Lewis and this is a barrier and have also had issues with incorrect advice from SAC in Stornoway on succession and nobody in WI able to do the animal health specialist advice.

Answer: Ricardo do the one-to-one advice and their advisors have to be accredited or qualified as specialists in their field, e.g. a vet.

Comment: Capacity is the main part of my question, nobody in WI can do the health/welfare plan.

Answer: yes in some areas there is a shortage of vets and advisors.

Comment: vets seem to be in shortage in most areas.

Question: I can think of a few elderly crofters who are not computer savvy. How can these people can be reached

Answer: we are trying to make this as accessible as possible; e.g. we have as many in-person events as possible in rural areas, smaller meetings, more widespread, evening meetings, information in publications. And under the subscription crofters can get help with filling the SAF, for example.

Question: My question is how will that be addressed? It is clear there is lack of capacity at SAC and vet in Stornoway. I should also say FAS have been helpful and helped us access mentoring, carbon audit, and ILMP.

Answer: perhaps not something we can answer here, but will take away.

ii. Janette Sutherland (SAC) presented the paper entitled “Common Grazings in an Age of Conditionality” and the need to consider common grazings at an early stage of subsidy reform. The link to the paper was sent to participants.

Main points included:

- The paper has been written to encourage SG and crofters to talk about this important topic and to truly “co-design” in tackling the climate and biodiversity crisis.
- What is conditionality? Support for crofters will change in 2025 and some measures being piloted like carbon audits and animal health and welfare actions. ‘Payments linked to a stronger set of mandatory requirements.’ The principle is good – this is public money, and budgets are no longer ring-fenced.

- Two challenges: 1. can we design options that are as easy to deliver on a common grazings as on a hill farm? 2. Crofters get pulled this way and that by policy demands – can government departments give aligned messages?
- Common grazings deliver many benefits for crofting communities and this needs to be born in mind in designing measures.
- Common grazings are also good for nature – many are High Nature Value Farming systems; machair crops; grassland meadows; riparian scrub; grazing reduces wildfire fuel; and there is huge potential for carbon sequestration. It is a model that delivers for so many of our national aspirations – yet often gets overlooked.
- Issues include 1. The claim for land on paper vs reality; 2. Human and community aspect and 3. Extra transaction costs.
- Three questions: 1. Who will be the applicant for conditional measures? We suggest individual crofters. 2. Can conditionality measures support existing common grazings structures? 3. Can we have support that helps to mitigate some of the transaction costs?
- As well as this paper, Janette and Siobhan have done a podcast on common grazings (see FAS website).

Discussion

Comment: conditionality should not mean that crofters have to employ consultants to gain access to support measures.

Question: if one shareholder breaches the conditions, all shareholders lose out. how do you deal with this?

Answer: the conditionality that has been piloted so far has not been piloted on common grazings, so we don't know how it will work – all the more reason to start talking about this now and testing it on common grazings.

Comment (convener): an outcome of this meeting could be to write to the Cabinet Secretary asking for her views on the issues raised by this paper. **Agreed**

Comment: Very good points raised. It looks like a lot depends on there being a common grazings committee in place as options being suggested would work better for larger numbers. Clerks and committees will have an great deal more responsibility here. This is something the Crofting Commission will need to take note of. We raise these points on ARIOB.

Answer: as a clerk I entirely agree. If shareholders realise that their payments depend on the collective, and clerks get more support, it would make the job less soul-destroying.

Question: how do you deal with crofters who are still active on their croft but don't use the grazings?

Answer: I think this is a symptom of common grazings not being foremost in policy – crofters weren't getting rewarded for using this common land, which can be difficult. If we value the community aspect of this, it needs to be recognised and supported. And more needs to be done to enable use of redundant shares – individuals and communities are missing out because of unused shares; this is something that needs to be addressed in the new system.

Comment: the trouble is that shareholders not using the grazings are still claiming BPS on the shares, so they don't want to give them up.

Answer: this would not be advised.

Comment: and if a significant income were generated from the new schemes on common grazings, these 'slipper crofters' would claim a portion. This has to be sorted out.

Comment: great paper, highlighting benefits crofting brings and the need to recognise in policy formation – and highlights connection of agriculture policy and crofting regulation. We find that the situation for grazings varies a lot and makes it difficult to put forward a common set of proposals, government needs to realise this as a specialist topic.

Comment: 'co-design' presents problems, marrying the reality on the ground with SG trying to get it to work in the existing IT system. Shareholders want to be treated as individuals but SG inform us that the computer needs the land averaged, so crofters are the only recipients of support who rely on what their neighbours did in the past.

Comment: In England and Wales those non-farming rights-holders' 'area' is at least divided between the claimants - there is seemingly no concern for natural justice for active graziers in Scotland

Comment: Might one not think that the hiving off of conditionality from the management of and outcomes on the land is already a symptom that the realities and needs of common grazings (500,000+ ha of very important land, affecting 20% of all SAF submitters) are once again afterthoughts in policy making? Mental models based on sole use farms monopolising the thinking once more, making it difficult to reward the active crofters. Janette's efforts show how difficult it is to overcome the challenges of a fundamentally-unrealistic underlying model.

Comment: And the official body for the promotion of crofting must take some responsibility for that. Almost 3 years ago it was asked to put a small % of its resources into assisting the specific needs of crofting. It declined to do so.

Comment: More a comment rather than a question, and somewhat tongue in cheek being in Uist. What chance is there for say restoration of natural habitats when the landowner uses the hill as a deer park.

Comment: legally shareholders are not subject to crofting duties, as are crofters. The law should perhaps make it clear that crofting duties apply to all – crofters and shareholders. This is being discussed in the Crofting Bill group.

Comment: For a non-lawyer, why does it have to be underpinned by duties? Payment conditionality for freeholders seems to work fine in the absence of such obligations in property law.

Comment: SG: Just to say I passed Janette's paper to my colleagues in RPID in mid-February who are looking at conditionality and enhanced conditionality.

Comment: The April issue of SCF's publication The Crofter has a strong focus on the development of agricultural support for crofters and looks at related common grazings issues.

iii. Arthur MacDonald (CC) talked about the work being carried out by the Commission's crofting development team.

Main points included:

- There is croft development (access to support, improvements etc) and crofting development, looking at the system, supporting crofting communities.
- 3 crofting development officers, 2 in WI and one in Ross-shire, and one head of development. The development team works closely with the grazings team as the common grazings are a very significant part of the crofting whole.
- Crofting development is guided by the SG National Development Plan for Crofting, the Crofting Commission board, and the aspirations of the ministers.
- 3 main areas of activity: 1. Trying to improve the situation concerning unused crofts and common grazings; 2. Succession and succession planning and 3. Appointment of and working with Crofting Commission Area Representatives (CCARs) (formerly known as Assessors).
- 1. Unused crofts; its very difficult to get reliable statistics on unused crofts and grazings shares. Related organisations (CC, RPID) cannot exchange information easily due to GDPR (but are working on that). We rely on the annual return ('the census'). We hold regular workshops, at which it is reported that 30-40% of crofts are inactive – an alarming figure. The workshops are a vital element in interaction with crofters, essential to developing the crofting system. The demand for the workshops is impressive – 9 this year, all full.
- An issue increasingly raised is about liability - public and employer liability cover and professional indemnity cover which is more problematic. Talking to NFU Mutual about this.
- 2. Succession. A sample shows 40% of crofters have no succession plan. Have initiated a pilot project on this, surveys (need the stats), workshops, one-to-one consultations, informative videos. Many people say they can't identify a successor, so we are working with the Scottish Land Matching Service to adapt it to crofting.
- 3. CCARs. Aiming to appoint 30, allocated in proportion to number of crofters in each CC area. Assessors used to be involved in assessing casework. CCARs will not; they will be involved in helping grazings committees, crofters and new entrants, and disseminating information from the CC and other organisations we work with, and alert the CC to matters of interest.
- CCARs, grazings clerks, crofters will form an active crofting network.
- We will need a higher level of interaction between landlords, crofters and CC. We have held some successful events already and more are planned. Landlords can help with the unused crofts situation.
- On agriculture support, crofting needs a handicap system – we think that the CC crofting development team can help with this.

Discussion

Question: do CCARs get paid?

Answer: it is a voluntary role but they can claim expenses and in certain circumstances a loss of earnings payment.

Question: crofts, and 'deemed crofts', are sometimes left with no succession. How long until the landlord or the CC do something with them? We have crofts laying vacant for 15 years in our township.

Answer: this is more a question for the regulation team, but there is a 2 year limit by which something needs to be done by family, then landlord or CC can do something..

Question: we also have a croft that is laying vacant following a death and nothing has happened to it. How do we get action?

Answer: CC have people who deal with intestate crofts – we will get back to you on this.

Comment: CC don't usually get informed that there is a death; it would help if the grazings clerk (or another crofter) would inform CC of deaths and unused crofts, then the CC can do something.

Comment: everyone should have a will.

iv. Leanne Townsend (JHI) talked about a project looking at the role of digital tools for crofting communities.

Main points included:

- The project is called DESIRA – Digitalisation Economic and Social Impacts in Rural Areas. Funded by Horizon 2020 (EU).
- Looking at digitalisation in agriculture, forestry and broader rural development. Case studies in 21 European countries and in Scotland working with crofters. Workshops, scenario planning and digital story-telling. We have been working with the Coigach crofting community.
- Broadband arrived just before lockdown so we saw a rapid adoption.
- Positive outcomes included development of online markets, personal development and training opportunities.
- A good example is The Green Bowl, using an open source platform called Open Food Network, enabling local producers and local customers to connect.
- Negative outcomes include digital exclusion due to poor connections, slow speeds, lack of skills, and a lack of information and support on digital possibilities in a crofting context.
- Internet brings in more tourists – both a positive and negative.
- Looking at gross domestic happiness.
- Agreed action points were: 1. All, no matter where, should have equal access to digitalisation as a right; 2. Upskilling of all rural businesses, including crofts; and 3. Harnessing digitalisation to help crofts.

- Have developed an online 'digi-croft' as a training tool containing links to resources.
- More information, case studies, resources available from JHI.

Agenda item 4

AOB

Need to notify CC on transfer of croft land and CC to notify grazings committee not working. CC will come back to group on this.

Actions:

Very keen for carbon credits / trading to be discussed in a future meeting. **Agreed.**
Letter to Cab Sec on issues around conditionality. **Agreed.** Convener to write.

Agenda item 5

Date Of Next Meeting

TBC