

Cross-Party Group on Crofting

Tuesday 10 December 2024, 7pm via Zoom

Present

MSPs

Rhoda Grant (co-convener and chair)

Beatrice Wishart (co-convener)

Invited Guests

Jim Fairlie MSP Minister for Agriculture and Connectivity

Michael Nugent

Bill Barron

Alastair Graham

Non-MSP Group Members

Donna Smith (Secretariat)

Jonathan Hedges

Andy Holt

Malcolm Matheson

Jim Mcpherson

Donald Murdie

Siobhan Macdonald

Donald Bruce

Gary Campbell

Andrew Thin

Donald Mackinnon

Eilidh Ross

Alan Balfour

Jackie McCreery

John Toal

Donald MacSween

Apologies

Edward Mountain MSP (co-convener)

Ariane Burgess MSP

Rachel Hamilton-Smith MSP

Janette Sutherland

Agenda item 1: Welcome and apologies

The convener opened the meeting and welcomed attendees, including MSPs, invited guests, and non-MSP members.

Apologies were noted.

Agenda item 2 : Minutes of the last meeting

Minutes of the meeting of May 17th 2024 were approved.

Agenda item 3: AGM

Alasdair Allan previously held the position of co-convener, but as he's now a minister, he cannot continue. Since no SNP member has expressed interest, it was decided to leave this vacant for now.

Rhoda Grant, Edward Mountain and Beatrice Wishart all happy to continue as Co-Conveners.

Current secretariat arrangement was also confirmed as satisfactory with no objections received, so Donna Smith representing the Scottish Crofting Federation was reconfirmed.

Agenda item 4:

Crofting Bill Introduction by Jim Fairlie MSP, Minister for Agriculture and Connectivity

Minister Jim Fairlie presented a detailed update on the Crofting bill, noting that it aims to address key challenges in crofting regulation while simplifying the processes involved.

The Crofting bill is focused on introducing improvements to make the system work better, though not wholesale changes, as this is not feasible within a single parliamentary term.

Since 2022, efforts have been focused on developing proposals to improve the Crofting system, acknowledging the impossibility of wholesale changes within one parliamentary term.

Objectives include reducing regulatory burdens for crofters and the Crofting Commission, simplifying existing legislation, and enabling better enforcement of crofting duties.

Officials have worked extensively with stakeholders through the Crofting bill Group and other channels to ensure consensus.

The primary objectives of the proposed legislation:

- This bill aims to remove unnecessary barriers but still ensure active crofting communities. Abandoned and vacant crofts are a barrier to new entrants and a blight on communities. We want the Commission to use its resources effectively to ensure crofts are used actively.
- Simplifying and streamlining crofting regulation to reduce red tape for both crofters and the Crofting Commission.
- Strengthening enforcement of residency and land use duties, addressing absenteeism and neglect.
- Improving processes for de-crofting applications while maintaining scrutiny to prevent misuse.
- Ensuring crofters can engage with environmental and biodiversity challenges effectively.

Engagement and Consultation

A consultation held from June to September received significant responses, including:

- Officials hosted 15 public events across the crofting counties, and many of you have responded to the consultation. These insights are invaluable and will shape the development of the bill.
- Meetings with the Crofting Commission and other stakeholders.
- 163 written responses (136 from individuals and 27 from organisations).

A strong alignment between public events and written responses was noted.

Addressing Key Challenges - Environmental Challenges and Opportunities

Emphasising crofting's role in tackling climate and biodiversity crises.

Proposals include enabling crofters to benefit from environmental funding streams.

Vacant and Abandoned Crofts

Highlighted as barriers to new entrants and community vitality.

Legislation aims to provide the Commission with tools to ensure effective resource use.

Questions and Discussion:

Croft Prices and Accessibility

Comment: Concerns about rising croft prices and their impact on new entrants, with many noting the difficulty for aspiring crofters to afford croft tenancies.

Question: How does the Bill address speculative pricing, and are there mechanisms to make crofts more accessible to new entrants?

Response: There's no magic wand to reduce prices, but by enforcing residency and land use duties, we can discourage speculative ownership and ensure crofts are actively used.

Safeguards in Assignment Processes

Comment: Participants raised concerns that removing safeguards in assignment processes could weaken community sustainability and allow crofts to be misused as speculative assets.

Question: How does the proposed simplification of assignment processes ensure that community integrity is maintained?

Response: We are simplifying processes to make them less burdensome but not reducing scrutiny. Assignations will still be carefully monitored to prevent misuse.

Environmental and Biodiversity Support

Comment: A participant highlighted the importance of crofters engaging with biodiversity and climate goals, emphasising that crofting has a unique role in these areas.

Question: What support will the bill provide for crofters to access funding and resources for biodiversity and climate-related initiatives?

Response: This is a priority. We want crofters to access funding streams and support mechanisms to tackle environmental challenges effectively. The bill is designed to align crofting practices with these goals.

Efficiency in Notification Methods

Discussions about alternative methods to newspapers for notifying community members of crofting-related activities, emphasising the use of email or a centralised platform.

Comment: It's very easy to hide that fact. You can go in a different newspaper. I don't read newspapers. So is there a better, more efficient way of informing people in the townships? We've had mention of email tonight that wouldn't cost anything.

Proposals for Online Notifications:

Suggestions for using the Crofting Commission's website as a one-stop-shop for notifications, allowing residents to search for activities in their area.

Comment: Would people feel then, if, for example, that we could use the Crofting Commission's website as a kind of one-stop-shop for that?

Crofting Bill Consultation Presentation by Alastair Graham

Alastair presented an overview of the key findings of the Crofting Bill Consultation as follows:

Joint Tenancies and Standard Securities

- 62% supported joint tenancies, though concerns were raised about legal complexities and potential conflicts between tenants.
- Mixed views on using Croft tenancies as loan securities, with concerns about increasing croft purchase prices.

Community Involvement in Decisions

- Strong support for extending rights to report breaches of duties and enabling online public meetings.
- Mixed views on whether objection rights should be extended beyond crofters to the broader community.

Use of Common Grazings

- Proposals for environmental projects on common grazings received strong support (e.g., peatland preservation, native tree planting).
- Concerns about the need for clear agreements on carbon credits and long-term impacts.

Decrofting

- High agreement (89%) on considering compliance with statutory duties in decrofting applications.

- Calls for stricter regulation to prevent speculative decrofting and ensure sustainable crofting practices.

Operational Improvements for the Crofting Commission

Proposals include:

- Simplifying investigation processes for breaches of duty.
- Ensuring decisions are more transparent and timely.
- Balancing the Crofting Commission Board between elected and appointed members, with suggestions for equitable representation.

Participants emphasised improving communication and accessibility, such as:

- Using the Commission's website as a centralised hub for notifications.
- Increasing transparency on applications and decisions.

Data Transparency via Online Tools

- Emphasis on evolving technologies and the need for localised notification systems.
- The Commission's website is a good start, but you something needed much more local to make people aware that something is happening.

Questions and Discussion:

Question: Lots of people flagging concerns about Assignations and people not being aware that they are happening, so therefore unable to comment. Is there a better way to advertise that applications have been received?

Response: One option would be to use the Crofting Commission website as a one stop shop to find out everything tat was happening in their area.

Comment: That would be a good start and perhaps other ways could also be considered.

Comment: Whatever system is used, there must be a local element.

Comment: Picking up on this, perhaps some sort of notification similar to local authority planning would make this easier.

Response: The Crofting Commission are very supportive of the idea of moving to different ways of advertising applications which will both make it easier and save costs for applicants.

Comment: On the SCF roadshows through the year, a common problem flagged when this issue was discussed was the grazing committees used to be notified when applications were made and lots of these now happen with nobody being aware. Perhaps rather than taking forward the proposal to remove scrutiny, we should be improving the visibility again of applications and then seeing whether the number of comments/objections remains very low.

Response: Work also underway at the Commission to review which publications can be used to advertise in and this will be published once finalised. In terms of online publishing, work is being done to enable a notification system when applications are received by the Commission.

Comment: Some of the questions in the presentation appear very truncated to those in the consultation itself and answering a simple Yes or No might not reflect the whole picture.

Response: The wording reflected the questions provided. The consultation had to use closed questions as much as possible in order to allow for analysis.

Comment: There will be a further evidence gathering consultation when the Bill comes to Committee.

Michael Nugent then gave an overview of the legislative path next steps

The Crofting Bill will be introduced to Parliament after finalising policy instructions and legislative drafting.

The parliamentary process includes three stages:

Stage One: Evidence gathering and committee review.

Stage Two and Three: Amendment stages involving government and MSPs.

Final Stage: Turning the bill into an Act of the Scottish Parliament.

There will be continued collaboration with stakeholders, the Crofting Commission, and the Crofting Bill Group with draft policy instructions and discussion papers shared for feedback

Participants expressed optimism about progress but urged continued engagement with stakeholders.

Agenda item 5: Update from Crofting Commission

Malcolm Matheson provided an update on the current work of the Commission including more work on breach of duties.

The Crofting Commission's ongoing efforts to improve enforcement and streamline processes were acknowledged as key to supporting sustainable crofting practices.

Thanks were expressed by the Convenor to Malcolm Matheson for his time as Convener of the Crofting Commission.

Agenda item 6: Any Other Business

Potential topic for future meeting – concerns over approaches to crofters for battery storage facilities on good quality in-bye croft land.

Agenda item 7: Date of Next Meeting

tbc by Conveners