



Scottish Crofting Foundation Evidence to the Committee of Inquiry on Crofting 31 July 2007

This submission tries to answer each question separately. However, crofting itself crosses conventional boundaries between social/cultural/environmental/economic/ categories and so each response should be seen as also belonging to a greater interconnected whole.

QUESTION 1:

How can crofting contribute to population retention or growth in remote areas? What do you think would help attract new entrants and/or retain people. Would it matter if new people came from outside crofting communities? Please tell us how what you say applies to your area.

RESPONSE 1:

Population retention

Crofting analysts from Frank Fraser Darling to Dr James Hunter have been at pains to point out that "a croft is not a farm".

The vast majority of crofters do not make a living from their land and their subsistence agriculture forms only part of a wider crofting system that is designed to retain population in remote parts of the Highlands and Islands as well as to produce food.

That remote rural areas in the Highlands have retained population has been largely the result of the crofting system. Small-scale land based systems retain population. Intensive large-scale intensive agri-industry requires population clearance.

Despite its claims to the contrary the government does not support crofting – analysis of the agricultural support system shows that it has repeatedly supported agri-industry to the detriment of meaningful support for the crofting system. This lack of support drives young people away from crofting areas.

The new support system for agriculture places much greater importance on social and environmental factors. Crofting provides more of these public goods than conventional farming – the support structure has to change to reflect that reality.

To protect the integrity of the crofting system, the retention of our young people is vitally important. At the moment many young people are being priced out of the housing market because of the free market in crofts and croft tenancies. Properly regulated, one purpose of crofting legislation should be as a tool to allow young people to stay and make a home in their own community if they are committed to doing so. Your committee must address

this issue if crofting is to have any meaningful future at all.

It is also essential to address the wider affordable housing shortage. Common grazing land, **not** in-by-land, should be considered for this purpose and the local population should have a key role in developing housing and in deciding who the houses go to.

People coming in

Since at least the time of Frank Fraser Darling the fresh energy that is needed to sustain crofting communities has often come from people moving into crofting areas with understanding of and sympathy to the values of those communities.

It is important that the growing numbers of people now choosing to move to the Crofting Counties (many of them taking refuge from other parts of the United Kingdom where social and environmental problems are proliferating) are given the opportunity to learn about the multi-faceted nature of the crofting system and – better yet – have the opportunity to integrate into it.

To this end, it may be appropriate for a formal educational programme on the wider values of crofting communities to be part of the croft entrant scheme or of the croft assignment process. A very popular crofting induction course run by the SCF already exists and could form the basis of this.

However, the SCF feels that understanding the history of crofting and the circumstances that led to its creation should become a central and integral element of the formal educational process throughout the crofting counties, from primary school level onwards. Already in Skye and other areas there are fine projects being carried out with a strong local flavour through the government's 'curriculum of excellence'. The history of the land movement has to play an important role in this localising of the curriculum.

QUESTION 2:

What impact do crofting activities have on the landscape and on nature? Please tell us about these activities and the effect they have in your area.

RESPONSE 2:

Many studies have shown that the rural areas of the Highlands and Islands are a haven for wildlife that has been driven from the rest of the UK by industrial processes (including industrial agriculture). Just this month (July) the BBC reported that the entire western seaboard of the mainland Highlands - from just south of Cape Wrath in the north, to just north of Campbelltown in the south - has been named an Important Plant Area by the environmental campaign group Plantlife on account of its old sessile oak woodland and montane oceanic heath, internationally rare habitats.

It is by far the biggest area so designated in the United Kingdom and it is no coincidence that it is entirely located within the crofting counties. Low intensity, less mechanised crofting agriculture has played a vital part in the preservation of this biodiversity.

Crofters are very aware of changes they see happening in the natural world and SCF members have noticed that increasing neglect of croft land is harming the environment and habitats of wild birds such as the corncrake, partridge, lapwing, plover and sky-lark.

It is proven that smallscale agriculture increases biodiversity while intensive agriculture reduces it.

Despite its claims to the contrary the government does not support crofting – analysis of the agricultural support system shows that it has repeatedly supported agri-industry to the detriment of meaningful support for the crofting system. This lack of support discourages active crofting and damages the biodiversity of ecosystems that crofting supports.

The new support system for agriculture places much greater importance on social and environmental factors. Crofting provides more of these public goods than conventional farming – the support structure has to change to reflect that reality.

The impoverishment of the Highlands' eco-systems and the social tragedy of the Clearances can be seen as having the same root cause – the pursuit of a lifestyle in which short-term individual accumulation is given precedence over the wider long-term needs of community and nature. (See Appendix I)

In the form of a free market in crofts and croft tenancies, that root cause of individual accumulation is once again threatening the crofting community and it is to that issue that your committee must devote its efforts.

Increased financial support for crofters' efforts should be prioritised, in light of the central role that they play in maintaining the attractive landscape mosaic of fields which attract hundreds of thousands of tourists to the Highlands and Islands each year– tourists who spend almost £800 million in the area each year, making possible the employment of some 24,000 people).

The SCF believes that if crofters are celebrated as the stewards of what remains of this valuable ecological diversity, then not only will this help to protect what is left of these degraded ecosystems, but it will help restore the confidence and pride of the Highland people in their culture and their environment – in turn, providing impetus for their work as stewards.

Tied to this, it is important that crofting regulators and the government should encourage the conservation movement to see environmental bureaucrats not as 'enforcers' of legislation to protect wildlife from the depredations of human activity (including the activities of crofters) but as 'enablers' who can help crofters and others to continue the ecological stewardship of their lands.

Sometimes conservationists seem to overlook the fact that crofters are and have been an intrinsic and vital part of the valuable ecosystems that the environmental movement wants to conserve. As crofters put it: "Crofters are the original environmentalists" – the conservation movement are playing catch up!

QUESTION 3:

Does crofting support diverse cultures, including the Gaelic language? Please tell us how it does this and whether what you say applies particularly to your local area.

RESPONSE 3:

Crofting tenure has allowed generations to grow up in strong traditional communities rooted in the land. In this way it has helped to retain a diversity of customs and habits, of languages (Gaelic *and* Norse dialects) and of attitudes to the land and environment that differ from the increasingly homogenous cultural life of the country as a whole.

Examples of this are the fact that the common grazing land, which is shared by all the township's crofters, is central to crofting tenure, and the fact that the definition of a crofting community requires evidence of communal working. These reflect a mode of relationship to the land and to each other that stands in contrast to modern Britain's "individualistic", "competitive" ethos.

It might be helpful to think of this as a 'cultural landscape' which crofters have helped maintain in parallel with the physical landscape of the Highlands.

The many pieces of music, literature and other artwork which have a Highland or 'Celtic' feel show that this 'cultural landscape' has fed the wider world with its spirit and is now increasingly being recognised as vital to the Scottish sense of identity. Through events like the 'Celtic Connections' festival and the growing heritage tourism industry, it is also becoming a factor in the Scottish economy.

Many of these distinctive cultural practices have become more fragile because young people have left crofting areas while other people, with different cultural practices, have arrived.

Despite its claims to the contrary the government does not support crofting – analysis of the agricultural support system shows that it has repeatedly supported agri-industry to the detriment of meaningful support for the crofting system. This lack of support means that young people are encouraged to leave their homelands and lose contact with the rich cultural traditions that have sustained their ancestors for centuries.

The new support system for agriculture places much greater importance on social and environmental factors. Crofting provides more of these public goods than conventional farming – the support structure has to change to reflect that reality.

Crofting is a multi-layered system which defies simple categorisation. The education system is going to play a central role in helping people to understand what crofting is; how it came about; and the rich cultures it supports.

This education process is not just for young people – perhaps the people who most need to understand how crofting works are the bureaucrats, generations of whom have shown such lack of understanding as they drew up crofting legislation.

QUESTION 4:

How important is crofting agriculture to you economically? How important do you think it will be in the future as agricultural subsidies (including Single Farm Payments, Less Favoured Area Support Scheme, agri-environment payments, Land Management Contracts, and CCAGS payments) change? Are there other changes ahead which you think will affect crofting agriculture?

RESPONSE 4:

Again, it is vital to keep in mind the distinction that "a croft is not a farm". The crofting system was not created with the intention that a croft would be primarily a commercial agricultural unit. The croft allowed the crofter to keep a foothold on land from which so many of their friends, relations and ancestors had been cleared in the years before the Crofting Act of 1886.

There are a small group of crofters for whom agriculture is their primary income source. Since the croft amalgamation scheme of the late 1950s a small but increasing number of crofters have acquired enough land to effectively become farmers on croft land.

As pointed out in the response to question 2 crofters have, through their labours, created a substantial portion of the attractive landscape of the area. The move from a production based agricultural subsidy system to one which reflects crofters' role as the custodians of these valuable landscapes ought to be accompanied by financial rewards which take this into account.

The newly renamed Rural Development Contracts are not a subsidy and it is really important to lose that word: crofters are managing the land for the benefit of the country so it is a payment for public goods.

The Land Management Contract Menu Scheme 2006-07 was one example where crofting land use was made to 'fit' into a model of support which was not appropriate in scale or approach – typically, they were aimed at benefiting larger farming units. What we require is RDCs for crofting which reflect the fact that crofters have maintained this valuable landscape.

The Scottish Executive could learn a lot from the example of the National Trust for Scotland in Lochalsh. On their crofting estates there the NTS are paying crofters to use traditional, high nature methods because they recognise the environmental benefits of this. We say again, the government should be supporting small-scale agriculture because of its proven nature and social benefits.

Properly managed the Rural Stewardship Scheme would have been a good way to achieve this support. Sadly, it was hopelessly under-funded which meant that last year very few crofters or farmers got a chance to benefit from it. In areas where ESAs came to an end and only competitive RSS was available, the experience of being unable to access the competitive scheme has left many people very disillusioned with agri-environment support.

It is also important to mention the NATURA 2000 scheme signed up to by the UK government and the European Union. We now have a series of designated high nature value sites in the Highlands and Islands, but there is no money there to support them.

The Less Favoured Areas Support Scheme is another travesty. It beggars belief that the fertile arable lands of East Lothian should be supported to a higher real rate per hectare than the rocky slopes of Harris, for example. An urgent and radical redistribution of support to reflect the true nature of agricultural difficulties is required.

The Single Farm Payment is the best thing the government could have dreamt up if they want to end food production in this country.

Paying people to retain agricultural land without producing anything is preventing young people from entering farming. Indeed, the SFP is now being used as a commodity on financial markets.

In addition, because crofting areas are far from the main agricultural markets and because croft land is rarely of as high a quality as land closer to those markets, when crofters try to 'compete' in the world of industrial agriculture, they find themselves on the bottom rung of the food production ladder and the first to be forced off when cheaper competitors arrive on the scene from other markets.

Crofters were encouraged into "the industry" through subsidy but the market has failed them (and farmers). CAP reform and globalisation have meant there is nothing in the market now – prices for lambs have only just got back to what they were 15 or so years ago. Therefore many crofters feel betrayed and desperate, and some now therefore feel that they have the right to sell off house plots to compensate. The government, through local authority planning, seems to encourage this and the Crofters Commission do nothing to stop it – granting multiple decroftings.

It is important to note that the economics of agriculture are in for a big shift and that production on marginal land will soon become viable, and necessary, again. Farmers are coming out of set aside to grow energy crops and are even using prime arable for this purpose. Staple food prices, which have risen sharply in the last year, will continue to rise and livestock production will move back to the hills.

Another factor to consider is that the crofting economy is wider than conventional market economics. Although the price you get at the mart is important, crofting is also about decreasing expenditure.

As one crofter told a meeting recently. "I know I have something that most people in the country would give their eye-teeth for – my freezer is full of the best meat you can possibly get, and I have a polytunnel full of the best vegetables money can't buy!"

The 'gift' economy is also significant. In crofting areas people give each other things all the time – giving of your time and produce bonds the community and is essential to the difference between a group of isolated nuclear families living within an enclosed geographical area – and a community. This social cohesion means that other public services, such as policing, are reduced with the consequence that crofting areas will also

be at lower risk in insurance terms.

The elephant in the living room...

In terms of 'other factors', the single biggest factor that will affect crofting agriculture (along with all agri-culture, and all human culture) in the coming period is the climate crisis.

The Stern Report (carried out by the former chief economist of the World Bank and commissioned by the UK Treasury) on the economic impact of global warming asserts: "Climate change presents a unique challenge for economics: it is the greatest and widest-ranging market failure ever seen."

This report, and other work on climate change, recommends massive reductions in energy and resource use which will require dramatic changes in every aspect of our social behaviour and our patterns of consumption, including food consumption. (*See Appendix II*)

With the right support from sensitive regulation and development, crofting can act as a model of local, small-scale communal agriculture to meet the social and environmental demands of the 'post-carbon' economy. It can provide a diversity of locally grown food with a small carbon footprint.

QUESTION 5:

Do you think that it is a good thing that crofters generate income from sources other than agriculture? Is this adequately supported? Please tell us about your own experience.

RESPONSE 5:

Any steps the committee takes in this direction must be based on the fact that there are very few crofters who are generating income solely from agriculture. Crofting is a form of subsistence agriculture which supplements other employment.

However, if this question is an invitation to ask about non-agricultural use of croft land then the SCF would argue that diversification is and always has been part of crofting.

Diversification should not undermine crofting as a primarily land based system. If crofters are given permission to develop part of their land for non-agricultural developments, they should be required to cultivate the remaining land. Traditional land based crofting practices benefit the wider crofting economy, providing work for ancillary industries such as fencers and feed merchants.

Economic diversification should **not** include the use of in-by croft land for housing plots.

QUESTION 6:

Should there be stronger regulation of land use to prevent neglect of crofts or absenteeism? How do you think appropriate use of croft land should be secured?

RESPONSE 6:

Yes, there needs to be much stronger regulation of crofting. There is a feeling among some crofters that existing legislation can deal with many of the regulation problems crofting currently faces – but there simply has not been the political will to regulate.

It is essential that your committee examines this view to find out to what level the current problems of crofting are problems of political will rather than of legislation.

Nonetheless, here are some suggestions to bolster crofting regulation.

Neglect

Neglect must be dealt with sensitively. Land and people are intensely important for crofters and many older crofters live in hope that family members will return to the community from employment or study in other places.

However, a neglected or abandoned croft is home to rushes and other weeds whose spores will travel on the wind and make life very difficult for active crofters nearby.

Development plans in the interests of the flora and fauna of the croft should be used to make sure the croft land is worked and must be put together on the basis of an agreement plan. Something less formal than an agri-environment agreement would suffice, such as an agreement with a conservation organisation (whether or not money was changing hands) or at the very least on the basis of conservation advice drawn up by someone like FWAG or the SAC.

Leaving a croft to rushes, 'in the interests of nature conservation', without any form of plan or agreement about which species or habitats are supposed to benefit must be put a stop to.

Neglect and Sub-letting

There are two extremes for dealing with neglect. The first is that if a crofter is not making use of the croft, they lose it. The second is that if the crofter is not making use of the croft they can sublet to another person willing to take the croft on.

Neither of these extremes sit easily with the principle of security of tenure which is at the heart of crofting – the first extreme threatens the security of the tenant; the second the security of the sub-tenant.

The danger with the sub-letting approach is that we will end up with an 'underclass' of crofters who have less rights than existing crofters. Sublets will require greater protection.

This is a discussion that the SCF have been holding for many years, without reaching firm conclusions. The current three year sub-letting arrangement is unsatisfactory – it prevents sub-tenants from going into agri-environment grant schemes as these last for at least five years.

One compromise position could be that sub-lets are limited to a period of ten years after which assignation is compulsory.

The assignation would be offered first to family member, then to the existing sub-tenant, then finally for wider assignation (in a process which should be dealt with by the Crofters Commission – see question 12).

A similar process should apply to owner-occupiers – they should face re-letting procedures after the 10 year sub-letting period is over.

It is important that regulators are flexible and offer encouragement and incentives to get the land worked. However, ultimately there must be a penalty for neglect as it adversely affects the wider community.

Neglect of multiple crofts should be dealt with vigorously.

Absenteeism

Cases of absenteeism must be vigorously pursued.

Following the recent case on Mohammad Al-Fayed's Sutherland estate, consideration should be given to a ban on assignations to family members if the family member will be an absentee. In the Al-Fayed case the person given the assignation was living in England.

The assignation should only be allowed if the assignee is living within a distance of the croft where he is realistically capable of working the croft.

In this regard the 16km legislative limit outwith which a crofter is an absentee, may need to be revisited. Transport links in crofting areas have improved greatly in recent years making this distance an anachronism. It is now possible for a crofter to live and work in a small town and yet still be able to make regular visits to a family croft within, say, 40km of his home.

Such cases need to be kept under scrutiny. A computerised croft register with an appropriate category will assist the Commission with this, as will the transfer of power and responsibility to local area committees.

Absentee Owner-occupiers

The Taynuilt case of 2005 highlighted the fact that those crofters who chose to buy their crofts had been allowed to fall out of the system. Owners are not exempt from legislation – all they have bought is the landlord's rights over the croft.

Our understanding is that until the Taynuilt case was raised the Commission had never

followed up a single case of absenteeism with an owner-occupier. This needs urgent rectification. Our understanding is that the Commission have still never asked for a re-letting proposal for an absentee owner. It is ridiculous that an owner-occupier only exists on the informal whim of the Crofters Commission (in that the definition of a crofter is someone who is the tenant of a croft), that they seem to evade regulation on the nod of the Commission and that consequently people now believe that owner-occupied land is not under crofting regulation. **The owner-occupier regulatory mess needs to be cleared up.**

Crofting Law

Crofting law has been distorted because loopholes in previous legislation have been answered by case law. It is imperative that this case law is superseded by firm new legislation.

For example, the definition of a crofting community – the definition in law should reflect the fact that formal townships do not exist in some areas, and be amended such that two or more crofters in close geographical proximity should be able to be included as a crofting community, even if they are not engaged in a formal scheme together.

Register of Crofts

A publicly accessible computerised register of crofts, including a digitised map, is of paramount importance. Given that drawing up such a register was one of the founding requirements of the Commission more than fifty years ago, no cost should accrue to crofters because of the Commission's tardiness in this matter.

QUESTION 7:

Should amalgamation, multiple croft-holdings and/or the sub-division of crofts be encouraged? Should there be any limits on these? Do you think this should happen to crofts in your area and why?

RESPONSE 7:

As referred to in the previous question, because of the diversity within the Crofting Counties, ***elected*** area committees should be set up to deal with these issues. Provision for local decision making was one of the good points of the Crofting Reform Bill.

Different areas have different needs and different landholding patterns. In areas like Caithness where crofts can be more than 50 acres, subdivision could be a useful tool to help satisfy the great demand that exists for crofts.

However, in, for example, south Skye townships where the average croft size is around three acres, sub-division there is pointless other than to create house sites. The situation is further complicated by the fact that many crofts were created at the landlord's whim and with the specific intent of forcing crofters into an industry dictated to them by the landlord.

This can mean that even within a single area there are substantial differences in croft sizes between townships. Some crofts in Skye are barely three acres, yet in the north end of the island a **half croft** is on the market which is more than 16 acres.

Two suggestions for your committee to look at are:

- (1) that any croft of less than five acres should not be subdivided
- (2) The maximum acreage that any one crofter is entitled to should not exceed a given amount (for example 30 acres of in-by land). This should be done when crofts become available for assignation (*see next question*), so that when a 50 acre croft comes up for assignation it should automatically be divided.

Apportionments

Although not specifically referred to in the question, apportionments must also be considered. There is a feeling among many crofters that apportionments are being granted too freely.

Several instances have come to light where the apportionment system has been abused by crofters who have taken an apportionment, apparently for a family dwelling, and then shortly afterwards sold the house for large sums of money with nothing coming back to the crofting community. As pointed out in question 3, the common grazing is central to the crofting ethos. It must not be abused.

QUESTION 8:

How serious are problems of access to affordable housing in the crofting counties? What are the impacts on the demand for crofts and croft land (whether inbye or common grazings)? How helpful are croft house grants, rural home ownership grants, housing association lettings, etc.? What do you think should be done? Please also tell us how what you say applies to your local area.

(See next question)

QUESTION 9:

Should crofters be allowed to sell their crofts, or croft land, to the highest bidder? Do you think croft assignations and sales should be regulated and, if so, how? Please tell us how what you say applies to your local area.

RESPONSES 8 AND 9

These two questions are linked and should be considered together.

NO! Crofters should not be allowed to sell croft land or their tenancies on the open market and a central role of your committee must be to find ways to prevent this from happening – it threatens the integrity of the entire crofting system.

The free market in crofts and croft tenancies plays a major role in the affordable housing problem facing the Highlands and Islands.

Advertising croft land sales

As a first step all property and estate agents should be disallowed from advertising or acting as selling agents for crofts or croft tenancies. Tens, if not hundreds, of pieces of croft land are currently being advertised for sale in this way.

This should be on the basis that under crofting law no piece of ground is solely owned by a crofter (even an owner-occupier who has acquired the landlord's rights over the croft is still subject to the condition of having the croft tenanted and "properly occupied").

Assignations

At the parliamentary hearings on the Crofting Reform Bill a lawyer argued that crofting was an "unusual" system of tenure at odds with the general principle that: "People are entitled to maximise the value of their assets."

This is the nub of the question. The crofting system exists to stymie the principle that the lawyer outlined. It was set up 120 years ago to prevent market values from displacing the people of crofting areas. This fundamental principle is as relevant today as it was in the days of clearance, so it is imperative your committee looks at ways to keep the market out of crofting.

The right to buy and the right to assign must be at the centre of the committee's deliberations.

Here is a suggestion of how the market could be kept out of assignations.

Currently the Crofters Commission advise the following with regards house site valuations:

"The Land Court will decide the price of a house site based on the agricultural value of the land alone, i.e. as if there were no house on it. The Court considers what the house site would be worth if:

- it was agricultural land on the open market;
- it was being sold by a willing seller, with vacant possession; and
- no development would be allowed on the land.

As a result, the cost of the site is usually modest, but if the landlord provided the house or any fixed equipment, you will also have to pay an extra sum based on half of the value of the landlord's contribution."

Your committee should look at whether this same process can be applied to non-family tenancy assignations (Family assignations are different in this respect as crofting is defined as a 'hereditary' system of tenure).

This would regulate the market because, to be legal, any non-family croft assignation would have to be handled by the Commission and any remuneration for the assignation

would be decided by the Land Court at a non-market value. As an administration fee the Commission will also take a percentage of this non-market value – the 'cut' that is currently being taken by the property and estate agencies. This will be a smaller figure than at present as the idea is to curtail the value attached to these transfers.

As the Commission also holds the list of prospective croft entrants (and we understand there are currently nearly 1,000 of them) they would be able to link people giving up their "modestly valuable" tenancy with those keen to take up the crofting way of life.

The rights of individual crofters must be curtailed in the wider community interest.

Legislation also needs to be put in place to protect croft land which is being passed on through families. The Commission must be informed of all family assignments in advance of their occurrence.

In addition, five year development plans should also be applied to all croft assignments (family and non-family). This five year plan must be an integral part of the assignment process and seen as a probationary period for the new crofter.

Forfeiture of the croft will result if the development plan is not adhered to although the assignee can go back to the Commission to redraft their plan if they are unable to carry it through as first intended.

The Commission's greater powers over the affairs of crofters must go hand in hand with greater accountability to crofters (and for this reason we propose a democratically elected commission in question 12)

Right to buy

As we point out in question 6, the Right to buy has produced a legislative mess which this committee will have to try to clear up. One reason given for the right to buy was that it was supposed to allow crofters to access bank loans for their business with their croft used as collateral.

However, it is our understanding that even as owner occupiers, crofters are not able to access loans because banks are aware that even as owner occupiers, the crofter does not have freehold over their land (something that even owner-occupiers themselves often do not seem to rely on and which is not made clear by the lack of regulation by the Crofters Commission).

There has to be a proper study of the issue of the right to buy and the right to assign, looking at overseas models where land is specifically regulated and protected for food production.

Planning

Further restrictions on the market should be attempted through the planning process.

The recent case at Kilvaxter in north Skye highlights the urgent need to make the Crofters Commission statutory consultees to the planning process. The tenant there was

granted an amendment to his croft entrant plan a month **after** he had received planning permission for two houses on the croft – a development not noted in his development plan for the croft.

In addition, despite Highland Council issuing an order to planners that housing should only be considered on the poorest quality in-by land croft land, planners are still zoning the best agricultural land for housing. This pressure from planners to develop on good quality croft land has to be stopped.

There are already examples in places like Tong in Lewis and Plockton where houses are being built on common grazing land with crofters' consent. With crofting communities themselves taking the lead role in developing and assigning houses, this could provide an answer to the lack of affordable housing for local people.

Crofter housing

The crofter housing support schemes are a very cost effective way of providing housing for local people – far more effective than providing them with public sector housing. Recent moves have been to downgrade this scheme – that should be opposed.

To prevent the decrofting of house sites there needs to be a realistic government crofter loan scheme, as there was during the early days of the CBGLS, or there needs to be other sources of loans investigated – for example credit unions (a crofters' credit union) or community friendly banks.

Holiday homes

Council tax on holiday homes should be greater than 100 per cent, not less than 100 per cent. In other nations people believe we are crazy for letting our housing stock be used for holiday homes while young people are forced away. In Norway, for example, the local authorities are building houses (wooden cabins in scenic, isolated areas) specifically for the holiday home market so that the local village housing stock is left available for locals. This is on the basis that the majority of people that want a holiday home use it to 'get away from it all'.

QUESTION 10:

How do you think land reform, and the community ownership of crofting estates in particular, will affect crofting in the future? Does community ownership alter the need for regulation of crofting in any ways?

Do crofters need protection from community landlords, as they did from private landlords? Should crofting tenants of community landlords retain the right to buy? Please also tell us how what you say applies to your local area.

RESPONSE 10:

The SCF welcomes growing community landownership movement. It is important to find a balance between what is good for the individual crofter and what is good for the wider crofting community.

The right to buy should be retained on **existing** crofts on community owned estates but with a longer clawback period and a higher percentage of the return going to the community. There should be no right to buy (or a severely constrained right to buy) on **new** crofts on community owned estates. For example, there could be a ten year block on right to buy and after that period granting of right to buy would be conditional on proof of exceptional need.

Land reform should be regarded as a work in progress with new areas of contention emerging. For example, as it stands new crofts may only be created by landlords and tenant smallholders may only become crofters if the landlord agrees. These situations need to be addressed.

In formerly crofted areas, such as the Sutherland straths, legislation should allow crofts to be created by community demand.

QUESTION 11:

In the light of these issues, how do you imagine crofting in the future – say in 10 or 20 years time? Do you think crofting will be different from now, for example in the balance between agricultural and non-agricultural activities/income? What would you hope crofting to be? Please also tell us how what you say applies to your local area.

RESPONSE 11:

Without urgent action the crofting system will have collapsed beyond all repair within 20 years. We look to your committee to provide the foundation that will prevent that from happening.

QUESTION 12:

What changes do you think would help to bring this about? For example, should there be changes in the way crofting is regulated? Should there be changes to the Crofters Commission? Should there be changes to existing grant regimes? Please explain why you hold your particular views.

RESPONSE 12:

James Hunter's book 'The Claim of Crofting' highlights a remarkable analogy between the 1950s amalgamation debate; the 1970s right-to-buy debate; and the present debate on the free market.

In each case an untrusted government-mandated body makes radical plans for changes to the crofting system which it believes will bring it into line with wider policy aims while at the same time supporting crofters.

In each case crofters and their supporters believe that the plans will undermine the crofting system and strongly oppose them.

In each case a large government linked institution (the Crofters Commission has seven paid commissioners who have 60 civil servants working for them) supported by the government's agricultural department is pitted against a tiny crofting representative body and a dedicated group of unpaid volunteers.

In each case, through intensive lobbying effort by the representative body and its supporters, the government's plans are contested and altered. The plans do not seem to have an invigorating effect on the crofting system, whose demise is soon predicted.

In each case the civil servants responsible for the contested legislation go back to the drawing board and begin to hatch new plans to bring crofting into line with other agricultural policy aims, while their stated policy aims to support crofters.

In the view of the SCF, there is a productive way to stop this frustrating and energy-consuming cycle: it is to give decision making powers to the crofters themselves. The lack of trust in the Crofters Commission can best be resolved by making it a democratic body elected and controlled by crofters themselves.

Over the last 50 years successive governments have sought the assistance of all sorts of folk to solve the problem of crofting, from business leaders to academics. It is perhaps time for crofters themselves to take the lead on the decisions that affect them.

In addition to its regulatory function, the Commission is also a development body. As it stands, these roles are incompatible. For example, despite the legislative remit to "protect" and "develop" crofting the silence of the Commission on such vital issues as the Less Favoured Area Support Scheme, the Bull Hire Scheme and the Crofters Building Grant and Loan Scheme has been deafening.

With "protectors" of this sort is it any wonder that crofters fear the demise of the system within a generation? Only by taking a lead on issues of this sort will the Commission be able to establish any credibility with crofters.

As it stands it is prevented from doing so because it is mandated and commissioned by the Scottish Executive – the body that is making the policy decisions that the Commission should be protecting crofters from. There is no sense at all to this situation and the SCF would argue that the best way to end this anomaly is to cut the Commission free from the bonds of government.

The most vital task facing Highland institutions is to give the people back 'self-confidence' in their way of life and their culture. What better way to do this than to hand over to them responsibility for the body that regulates, protect and develops a way of life that is uniquely theirs?

We recommend that the Crofters Commission becomes a fully democratically elected body.

In this way the Commission would finally be able to realise the aspiration it held in the late 1970s to be "a crofting parliament". In aspiring to this end it is imperative that Crofters Commissioners are the kind of people that crofters themselves would choose to represent them. At present that sometimes does not seem to be the case. (It is hard to

conceive of an elected Crofters Commission which would have included some recent commissioners.)

(Appendix III outlines a route to democratise the Commission)

QUESTION 13:

What is it about crofting which is important to you? Please tell us what features of crofting matter most to you and why. (It may help you to think which aspects of crofting you most want to continue.)

RESPONSE 13:

We feel we have outlined why crofting matters throughout our response to these questions.

QUESTION 14:

14. Are there any other points you wish to make which would be relevant to the Committee's terms of reference?

RESPONSE 14:

14. We think it would be helpful if the committee were to read the SCF's response to the Crofting Reform Bill and our Charter for Crofting, the Taylor Report of 1954, and 'The Claim of Crofting' by James Hunter.

APPENDIX I

On the other hand, Frank Fraser Darling has described the Highlands and Islands as "devastated terrain" and a wet desert". Later research has taken issue with the strength of these statements but it is clear from the work of historians, ethnologists and environmental scientists that the acclaimed and important habitats highlighted by crofters and groups like Plantlife are the remnants of a much richer Highland ecosystem.

Edinburgh University professor Angus MacDonald and his wife Patricia, a photographer and environmental interpreter, argue that the ecological impoverishment of the Highlands can be tied to the feudal system and capitalism coming into the culture of the Highland elite. An important step in the arrival of this system was the Statutes of Iona in 1609 and subsequent legislation which forced clan leaders to send their sons south for an English education.

These future leaders returned with a value system and needs different to those of their predecessors and to those of their clansman and women.

Many of them adopted aspects of the lavish lifestyle they had encountered in the south which required more money than their Highland estates could traditionally provide them with. Professor Allan Macinnes of Aberdeen University has shown that large scale deforestation took place in the Highlands in the years after the Statutes of Iona were enforced.

Timber moved south for use in the wooden lowland cities and to create the British Navy, while revenues moved north into the pockets of Highland chiefs, before sometimes, as the Gaelic bard An Clarsair Dall, warned, disappearing south again and being lost to frivolities.

Other, more recent, factors can also account for the ecological impoverishment of the Highlands. Jan Willem Hoostoeck of the University of Stirling has shown that the extraction of timber for military use during the First World War had a devastating effect on the area's tree cover.

The point of this is to argue that the ecological impoverishment of the Highlands has been driven by the demands of external imperialist ambitions and not by the needs of the indigenous people.

APPENDIX II

The Stern Report concludes: "Ultimately, stabilisation – at whatever level – requires that annual emissions [of greenhouse gases] be brought down to more than 80% below current levels." Friends of the Earth has estimated that to reach levels of environmental sustainability the UK (the world's fifth largest consumer of paper) needs to reduce virgin wood consumption by 73% by the year 2050 and reduce virgin aluminium consumption by 88% and virgin steel use by 83% by 2050.

APPENDIX III

Commissioners would be elected from area committees from each of the seven Crofting Counties (on a basis that, without giving a majority to any one area, would reflect the relative crofting interests within each of the Counties).

The seven Crofting County committees would in turn be made of representatives from township committees. This would create a bottom-up structure of power where power will reside within crofting communities rather than the present, strange, situation where all power emanates from the crofting backwater of Edinburgh.

In this way crofters themselves could drive the regulatory policy that would protect the crofting system and look at ways to promote the wider culture of crofting communities.

The development function of the commission could be transferred to Highlands and Islands Enterprise with policy directives coming to it from the Crofters Commission.

Alternatively the SCF should be given more public finance to deliver the development projects it is currently managing to deliver on a shoestring. This arrangement is the norm in other countries.

Given the 50 years of mistrust that the Crofters Commission have presided over, we believe it wise to rename this new, crofter run body, The Crofting Parliament.

It could also be decentralised from the Inverness hub, which would be in line with decentralised nature of crofting populations.

A pragmatic solution could be Dingwall, home of the ancient Norse parliament. This would allow an easy commute for existing Commission staff who live in Inverness.

An added benefit of this would be that the Commission's current home is on possibly the prime piece of real estate in Inverness. The proceeds of its sale could help to fund the new Parliament.