



NEWS RELEASE

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Open letter to Crofting Commissioners

Dear Commissioners

As you approach the end of your term of office governing crofting's regulatory body, could we ask you to reflect on the work of the Crofting Commission. SCF is a key stakeholder in this unique regulated system of land tenure, and we offer some observations at a critical time for crofting. We would appreciate your comments on our observations, as you are in the position to lend us, and the Scottish Government, the benefit of your experience as commissioners.

In 2008, Professor Mark Shucksmith, chair of the Committee of Inquiry on Crofting (CoIoC) commented: *"Fifty-four years ago the Taylor Committee argued that crofting was worth preserving 'for its own intrinsic quality.' We believe, on the basis of all the evidence that we have heard, that the potential contribution of crofting is even more important, nationally and internationally, than was realised half a century ago. The national interest today demands much more from the countryside than the post-war imperative of expanding food production. Scotland requires a well-populated countryside which sustains a diverse and innovative economy, attracts visitors, cares for natural habitats, biodiversity and carbon stocks, and sustains distinctive cultures. Crofting has had success in relation to these objectives, and – given the right support – has the potential to contribute much more."*

1. Crofting, as a unique form of regulated land management, and all the benefits outlined above, will be lost if left on its current trajectory. Succession of crofts has stagnated and a market in crofts has gone completely out of control. Crofts are unaffordable to local or young people, many crofts are unused and inappropriate decrofting is granted. Despite its efforts, the Crofting Commission is failing to manage the system, or the crisis crofting faces, in any meaningful way. The situation has deteriorated considerably since the CoIoC reported in 2008 yet the recognition of the value of crofting has increased during this same period – in addressing depopulation, the climate emergency and in community resilience. There is an urgent need to intervene. SCF takes the position that this is an emergency.

Do you agree with this? What do you think is preventing the commission from being the effective custodian we all want? What is required to restore crofting to good health?

2. *What we want* is crofting legislation that enables the system to develop and thrive. *But, what we see* is crumbling, ineffective law that restricts the effective regulation of crofting, leaving it to wither. Law reform has been widely called for, for many years, yet crofting was only referred to in passing in the Programme for Government and progressing crofting law reform did not appear at all.

Do you agree that crofting law reform is urgently needed and would facilitate the more effective regulation of crofting?

3. *What we want* is all crofts being used and those no longer needed being passed on to new entrants to use. We want an empowered, resourced and tasked commission investigating and enforcing breaches proactively, rather than only responding to a complaint from a restricted few. *But, what we see* are many hundreds of neglected or completely abandoned crofts. The commission seems to have become solely an administrator rather than an effective regulator of crofting.¹

¹ Recent figures indicate that there is an overall total of 1127 croft holdings that are identified as vacant crofts. This doesn't include the many more that are not used but are not 'vacant'. A recent CC board meeting was told that, of the 48 staff, the RALU team has 3 FTE, one currently off for a year; we understand this may have changed since, but is still indicative of the prioritisation you are forced into.

What is preventing the commission from having some proactive, on-the-ground activity - for example, one-to-one advice or community asset planning?

4. *What we want* is crofts being passed on to new entrants at a minimal price and then being used.

But, what we see is young and local folk excluded by exorbitant prices of both crofts and tenancies; crofts bought by people who have no intention to croft or lack the qualifications and experience to do so; crofts occupied for only short periods of the year and not used as crofts; crofts assigned to those who already have multiple crofts; crofts assigned to landlords or their close relatives to take back 'in hand' as part of the estate; crofts bought by individuals or companies as development land. Crofting is a regulated system; everything in crofting is regulated – except for the market in crofts and croft tenancies.

What is stopping the commission from regulating the transfer of crofts, to ensure that crofts are transferred to those who are needed by crofting – those who will use them, young people, local people, new entrants? How can the commission use its position as regulator to intervene in the market – for example enforcing regulation, or taking the position of 'honest broker' (managing the transfer of crofts), using a targeting system such as that used in the CHGS?

5. *What we want* is the creation of thousands of new crofts, including 50% woodland crofts, and ministers freeing up publicly-owned land to create crofts.

But, what we see is almost no creation of new crofts and none by Scottish Government.

What would it take for the commission to be proactive in the creation of new crofts?

In 2008 the CoIoC said, after gathering evidence from all over the crofting counties:

"Our consideration of evidence about these issues, together with the underlying public interest in crofting, has led us to recognise the importance of distinguishing between the interests of crofting, of individual crofters and of communities. Many people told us of their concern that a satisfactory balance is not being struck between individual interests and those of crofting. Regulation has sustained crofting by balancing the interests of the individual against those of the wider community, now and in the future.

"To secure the public interest in crofting and therefore its wider benefits, there must be effective governance arrangements linked to stronger, but simpler, regulation – understandable, enforceable and clearly directed to agreed policy goals. Unless there is a better balance struck than at present, giving wider interests, especially those of future generations, precedence over individual gains, crofting will ultimately disappear, and its potential contribution to sustainable rural development will be lost."

Thank you for your time in considering these important questions, which we have put forward out of concern for the future of crofting. We look forward to your responses.

Yours Sincerely,

Donald MacKinnon
On behalf of the board of SCF
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