



SCF response to the Land Reform Review Group Call for Evidence

Thank you for inviting the Scottish Crofting Foundation (SCF) to contribute to your deliberations on land reform in Scotland. SCF is the only member-led organisation dedicated to promoting crofting and is the largest association of small-scale food producers in the UK. Our mission is to safeguard and promote the rights, livelihoods and culture of crofters and their communities.

We appreciate the fact that land reform in Scotland is radical and inspiring though given the antiquated and inequitable pattern of land tenure that still exists in Scotland it is clearly lacking in pace and breadth. Crofting has an integral stake in land reform legislation (crofters as land managers having an interest in the Land Reform (Scotland) Act Part 1, and Parts 2 & 3 having been used for crofting estate buy-outs), and crofting legislation reform has been a part of the current land reform process since its infancy and has resulted in the passing of two Acts, one in 2007 and one in 2010, both amending the Crofting (Scotland) Act 1993.

There has been legitimate concern publicised that the land reform agenda has been neglected in the past few years, particularly so when viewed in comparison to the end of the twentieth century (the creation of the Community Land Unit – and the Scottish Land Fund) and the early twenty-first century (the passing of the Land Reform (Scotland) Act 2003). But for crofting the last few years have seen considerable debate and change resulting in legislation and consequent regulation that could help to enhance the fortunes of crofting. Indeed, we see crofting as a model of land use that should be made available across Scotland as part of Scottish land reform.

Being members of the Woodland Crofts Partnership and Nourish Scotland we have seen their submissions to this consultation and agree with them. We therefore will try to not repeat what they have already said, though some confirmation is inevitable. We have drawn our comments from discussions with representatives of membership and from existing SCF policy papers, notably:

SCF response to the Crofting Reform (Scotland) Bill consultation May 2009
SCF Vision for Crofting (2009)
SCF Crofting Strategy Proposal (2011)

These papers are available on the SCF website www.crofting.org .

As you will be very well aware, land reform is a vast topic that crosses many policy sectors. This is not the place to go into a lot of detail so we will just present some ideas and invite the LRRG to meet with SCF representatives for further discussions.

Creation of crofts. SCF have pressed the Scottish Government to set out the policies that will be put in place to meet the rapid extension of the crofting system. This is based on a fundamental belief, not only within SCF, that in the Scottish context crofting is the model best placed to deliver the emerging policy goals for agriculture and rural development that international governance bodies such as the United Nations are now forming to meet the new and rigorous challenges that are facing agriculture in the 21st century¹. The public benefits provided by crofting are many, significant and clearly in line with the now widely acknowledged need for governments to adjust their support for farming towards crofting-type approaches. These emerging policy goals are already starting to filter down to European, UK and Scottish levels of governance.

The current financial climate creates an opportunity like never before for public bodies to create new crofts for the many people who aspire to live and work in rural Scotland, and to take care of their own part of it. We must seize this opportunity. The Scottish Government should embrace a target of creating 10,000 new crofts by 2020. Half of these crofts should be woodland crofts. The vast majority of these crofts will provide a new, cost-effective means of caring for large areas of public land, but we see no reason why the private sector cannot play its part in realising this vision, and the Scottish Government should consider land reform legislation to help enable this.

The SCF urge the LRRG to support its call for policy to be put in place to create more crofts.

Agricultural Policy. Crofting is the only sector in Scottish land tenure that has specific regulations that define and control it. There is an historical reason attached to security of tenure, but there is at crofting's cultural root a philosophy of custodianship of land, the view that the land is used by us only temporarily and needs to be cared for, for the next generation. There are also collaborative practices enshrined in crofting such as the use of common grazings. Therefore regulation of land use is embraced by crofters as a natural protection for land. It is a way of looking at land occupation that is familiar to many older cultures and a way that we would advocate should be at the heart of land reform and land use in Scotland.

Soils have to be protected - land is classified in capability for agriculture but should also be measured in the context of organic matter – the higher the organic matter the higher the potential for carbon sequestration, and incentivised / taxed accordingly. There should also be a reflection of the ratio of land to people in agricultural support measures – crofting supports far more people per hectare than the cleared expanses of large scale farms.

The Scottish Government spends £700m per year through the *Common Agriculture Policy (CAP)*. Much of this money is not being well used. It is subsidising the income of large farmers and agribusinesses, many of whom do little, or in some cases nothing at all, to provide the wider environmental and public benefits associated with crofting. The days of the use (abuse) of land and public money by a few big businesses for short-term financial profit have to end.

There is currently a reform to the CAP being carried out which is in the last months of influence being able to be exerted. It is crucial that the LRRG take an active interest in and contribute to this discussion.

¹ International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD), 2009 'Agriculture at a crossroads' which is a massive study on the future of agriculture initiated by the World Bank in partnership with the United Nations, the World Health Organisation and representatives of governments, civil society, private sector and scientific institutions from around the world.

Economic growth. There is no point in community ownership without structure in place to help with economic growth – including work. With no work people leave areas no matter the land tenure. Community owned estates will be significant for hundreds of years; we need to look at the long term with a focus on sustainable development. It is not just worthy a community owning the land, a result in itself, there has to be initiative for economic development. For example:

- small business are the backbone of rural communities yet the Scottish Ministers have cut back on funding for Highlands and Islands Enterprise and have taken away it's remit to help small businesses through the Local Enterprise Company network;
- many small businesses benefited from small, low interest loans from the Highland Fund yet the Fund was allowed to close and dissolve its remaining capital;
- the very successful Crofting Township Development Scheme helped many remote communities to instigate collaborative development projects. Where has that initiative gone?

We urge the LRRG to look at the wider context of community ownership and to support the instigation of initiatives that will help small businesses and community collaborative projects.

Support for Community Mapping. Under the Crofting Reform (Scotland) Act 2010 there is direction to map crofts, the onus being on the individual crofter to meet the cost of this. Community mapping would be a much more effective way of getting achieving this. We believe that there are multiple benefits to be had from assisting crofters to work together to map their land and avoid time-consuming and expensive disputes over boundaries. With courage and imagination, the mapping exercise can be the starting point for community asset mapping and development planning rather than being a potential bed of disagreement and divisiveness. This needs to be supported by Government and its agencies, and given time to work before the "trigger points" in the 2010 Act are brought into force.

We request that the LRRG supports the SCF community mapping initiative and urges the Scottish Government to do so.

Community landlords. Community buy-outs are rarely instigated due to 'bad' landlords – they are about creating opportunities. However, community landlords aren't always 'good' landlords; there can be a perceived conflict between crofters' rights and community benefit. No matter the landlord, crofters have certain rights and community ownership does not over-ride these. Community landlords, regardless of their model of incorporation, should have a constitution and regular turnover of directors to avoid personal benefit (or the perception of) by directors, as with trusts and charities. It is remarkable that this is not the case as it is a norm in the third sector when benefiting from public funds.

We request that the LRRG looks into the structure of community bodies that have control of community-owned assets with a view to recommend constitutional changes where necessary to ensure community sovereignty.

Part 3. Part 3 of the Land Reform (Scotland) Act 2003, 'Crofting Community Right to Buy', is being tested by the Pairc estate buy-out in Lewis. Whilst all consequences of legislation cannot be predicted, it is felt by many that the devices being used by the reluctant landlord could have been, such as the use of interposed leases.

We urge the LRRG to participate in any way possible to enduring that Part 3 of the Act is possible to use as was intended.

Land tax. There is scope and potentially huge public benefit to be accrued from a tax on land value

We support the emerging ideas of land tax based on land value ask the LRRG to look further into this and make recommendations.

Concluding comment. Crofting communities are widely held to be among the most socially resilient and enterprising rural parts of the UK and Ireland. Recent work carried out by the Carnegie Trust and DTZ Peda have found that the crofting areas contain both a strong sense of community and are engaged in some of the most inspiring rural development projects in the whole of the UK and Ireland².

It is important to note that they have achieved this despite generations of being perceived as a national 'problem' which various government agencies have been tasked to 'fix'. Being supported by Government – rather than being 'fixed' by them – such communities are thus already well placed to lead the emerging multifunctional land use paradigm in Scotland. This is core to Scottish land reform.

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² Carnegie Trust. 2007 'A Charter for Rural Communities – The final report of the Carnegie Commission for Rural Community Development'.