

**CROFTERS (SCOTLAND ACT 1993 AND CROFTING REFORM ETC. ACT 2007:  
CONSULTATION ON DESIGNATION OF NEW AREAS FOR CROFTING**

**Highland Council Response**

*1. Do you agree that new areas should be designated for crofting?*

Yes. Opportunities that crofting offers should be made more widely available. Crofting legislation has been successful in preventing the amalgamation of land holdings in the existing Crofting Counties, and contributed to the retention of people in remote areas. Enabling the creation of new crofts in new areas will make it possible to create a number of smaller units from large land holdings. As income from agriculture continues to be insecure, the opportunity to create new crofts could provide alternative opportunities for landowners, whilst providing starter units for new entrants. New crofts could also provide useful sized units for horticultural production, which could contribute to the supply of local food and sustain local food networks.

It is also well documented that the diversity of land use within a small area, particularly small scale low intensity agriculture can benefit the environment and landscape.

The Council also believes that with careful planning new crofts could contribute to the social and economic development of an area, and provide access to affordable housing and sustainably designed housing. It is envisaged that planners will work closely with the Crofters Commission to achieve common aims.

The Council also fully supports the creation of woodland crofts in the proposed new areas for crofting and within the existing Crofting Counties. Development is currently prohibited on Forestry Commission land, as the Forestry Commission needs to secure the market value of land. The Council is of the opinion that there needs to be mechanisms for communities to secure funding to acquire land at the market value, or the Forestry Commission should re-consider the need to attain the market value.

*2. Do you agree the new areas should align with those of the Highlands and Islands Enterprise? If not, Why?*

The proposed areas that fall within the Highland Council's administrative area include the areas around Nairn and Grantown on Spey. The whole of Ward 19 (Nairn) is included and parts of wards 18 (Culloden and Ardersier) and 21 (Badenoch and Strathspey). The population density of Nairn, Culloden and Ardersier is amongst the highest in the Highland area. The population is also growing in Badenoch and Strathspey. The possibility of creating new crofts in these areas will provide an additional opportunity to develop the countryside around towns appropriately. Crofters generally need to be able to generate income from sources other than agriculture and this is entirely feasible within the areas proposed that fall within the Highland Council's administrative boundaries.

Ideally areas should be chosen on the basis of what the crofting system can bring to the area in terms of rural development and appropriate economic development. It is the Council's view that crofting can provide opportunities to the proposed area and is therefore appropriate; however it could be viewed as being appropriate throughout the whole of Scotland. It is not important to the Council that the new areas align with the HIE area although the advantage is that the area is readily recognisable.

The existing Crofting Counties are not designated on any present-day evidence based criteria and it would therefore perhaps be difficult to apply objective criteria to new areas, particularly as the new areas are not to have the same rights as the existing crofting counties.

*3. Is there another area which has a stronger claim? If so, Why?*

As mentioned above, crofting could provide opportunities to other parts of rural Scotland, however without an evidence based approach with strategic targets attached to applying the right to crofting status then it is not possible to say whether other areas have a stronger claim. Areas for example could be chosen on their population profile, indices of multiple deprivation or census data but this would need to be coupled with strategic targets that the new crofting status would be set to achieve.

The Council would welcome the opportunity to work with other public bodies on bringing together a more locally based approach to strategic development where the impact of crofting legislation is analysed alongside other public legislation and policy.

The addition of the proposed area would enable the whole of Highland Council's administrative area to be able to create new crofts which the Council sees as a benefit. It would also assist in developing appropriate Structure Plans for the region.

*4. Do you agree that Crofting Community Right to Buy should not be extended to the new areas?*

The Council is of the opinion that the Crofting Community Right to Buy should be applicable throughout all crofting areas and this is best remedied by enabling common grazings to be created within the new areas. However if the Community Right to Buy is extended to new areas it may deter landowners from considering new crofts.

*5. Any other comments?*

The Council is of the opinion that it should also be possible to create new common grazings in the new crofting areas. Crofting communities are traditionally based around the management of their shared assets, i.e. the common grazings. The crofts in the new areas are therefore likely to be single separate units without this common social and potentially economic "glue". It adds to the discrepancies between the existing crofting areas and the new areas and could lead to differences in how these crofts are regulated. It also weakens the potential benefits that could be created in the new areas. Enabling the creation of common grazings would also enable the Crofting Community Right to Buy to operate on a level playing field.

The Council does not understand why support measures such as the Croft House Grant Scheme (CHGS) and Crofting Counties Agricultural Grants Scheme (CCAGS) are not to be made available in the new areas.

*6. What is your background?*

This response was compiled in discussion with Members of Highland Council's Natural Resources Working Group. These Councillors have considerable experience in rural issues, and represent the interests of crofting areas as well as farming areas.

Highland Council  
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