

RESPONSE 0042

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Report Appendix

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Department	Legal and Protective Services
Appendix Title	Consultation Response on Designation of New Areas for Crofting

Appendix 1

Consultation Response on Designation of New Areas for Crofting

QUESTIONS POSED

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

The proposal to extend crofting area designation to Arran and the Cumbraes is compatible with the Council's corporate objectives for the islands.

- From an economic development perspective, the natural landscape on North Ayrshire islands already forms part of distinct marketing strategies for local produce and services, defining a strong local identity.
- Creating new crofts may provide an opportunity for new rural enterprises and for small scale starter farms/forestry crofts.
- The advent of Forestry Crofts is a model which could bring advantage, particularly to Arran (approximately a third of the island's land area is devoted to forestry).
- Small scale, low intensity agricultural activity benefits the environment and landscape, and there is associated potential for benefit to the wider economy, e.g in the tourism sector.
- Tenants under the Small Landholders Act receive under-representation at present and this could be addressed if they wished to convert to crofts.
- The proposals for Animal Health Schemes in the Crofting Counties could be beneficial to producers, and consumers, in our islands.

As part of the consultation process it is understood that the Scottish Government has scheduled two public meetings, including one at Arran High School in Lamlash on 10 March. Unfortunately the timing of this meeting makes it difficult to incorporate and analyse local islanders' submissions within this report.

At this stage there is little detail contained in the consultation concerning the implications of the extension of crofting tenure for the planning process. The Council adopted Alteration No 1 to the adopted Local Plans in April 07. This provides more opportunities for development in rural areas not identified as sensitive countryside, such as economic development or diversification in rural areas and housing in rural areas in support of economic development or diversification. It is not clear at this time whether a development plan policy change would be required if crofting tenure is extended to Arran and the Cumbraes. Any need for a change in development plan policy would be guided by Scottish Planning Policy or a Planning Advice Note published by the Government.

Crofting plays a strong role in helping to preserve viable communities in some of the country's most rural and least accessible areas. In addition, allowing certain areas to be designated for crofting could potentially enable their populations to grow by attracting more people to remote areas with dwindling populations. On this basis, it may be favourable to designate new areas for crofting, however, this should only occur where there are likely to be benefits for the community in doing so.

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

This region has particular historical links to crofting and also currently features a more crofting-style of land management than the rest of Scotland.

Arran and the Cumbraes are recognised as an integral part of the Highlands & Islands region in UK and EU regulatory and policy programmes. In terms of the EU's territorial nomenclature, Arran and the Cumbraes are part of the Highlands & Islands NUTS 2 area.

The areas within Highlands and Islands Enterprise have particular historical links to crofting and also currently use a more crofting-style of land management than the rest of Scotland, which will make for an easier transition. Furthermore it may be beneficial to codify this area of the law in relation to crofting for these areas in order that the Highlands and Islands Enterprise are treated the same for land tenure purposes.

However, since the Highlands and Islands Enterprise is based in Inverness, there are concerns that Arran may be regarded as peripheral and therefore may not receive as much assistance as other areas. Nonetheless, although the Isle of Arran does not have a particularly dwindling population, it does have an aging population and it is hoped that in designating Arran as a crofting area, this may encourage younger inhabitants to stay on the island.

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

It may be appropriate to note that there is a long and historical record of crofting styles of land management in the proposed new designated areas.

In a local context, economic development strategies in North Ayrshire have long identified the need for a broadening of opportunities for the islands' economic base. Given that we operate within the framework of islands with a locally and nationally recognised sensitive landscape and environment and a pressured local housing market, the crofting area designation proposal may, if appropriately controlled and supported, provide an appropriate additional opportunity for island development.*

* In an independent research study published in June 2007 (Isle of Arran Affordable Housing Opportunities and Constraints, Craigforth Consultancy & Research), the building of woodland crofts in forested areas was noted as an option which generated interest amongst sections of the Arran community, but also one which would require appropriate reform of the regulatory environment.

We are not aware of any other areas within North Ayrshire which have a stronger claim.

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

At the present time, there is no indication of the extent to which crofting communities will become established in the newly designated areas. Thus, it is not yet known whether any crofting communities will exist in these areas. Accordingly, it can be assumed that the Crofting Community Right to Buy should not be extended immediately to these areas, since it is not yet required. It may be acceptable for Ministers to reconsider whether to extend the Crofting Community Right to Buy in newly designated areas once it is apparent that recognisable crofting communities exist in these areas.

Furthermore, the provisions of the Housing (Scotland) Act 1987 will continue to apply until such times as Ministers feel it necessary to extend the Crofting Community Right to buy.

5. Any other comments?

It is noted that this consultation is being run at the same time that the Committee of Inquiry on Crofting is analysing the extent to which crofting, as currently regulated and incentivised, contributes to achieving the following key outcomes across rural Scotland:

- sustaining and enhancing the population
- improving economic vitality

- safeguarding landscape and biodiversity
- sustaining cultural diversity

It is anticipated that the results of this Inquiry, and any consequent changes to crofting regulatory and support structures, will impact significantly on the future development of crofting in Scotland.

Meanwhile it is understood that, whilst not at this stage proposed as eligible for crofting grant assistance, new crofts in the designated areas would be eligible for support and assistance under the Scotland Rural Development Programme on the same basis as other landholdings elsewhere in Scotland.

There appears to be some confusion amongst the inhabitants on the Isle of Arran regarding the benefits of this area being designated as a crofting area. Many residents are under the impression that this will allow crofters to buy their croft immediately. However, this is not the case, and due to this confusion, it may be useful to produce a leaflet to inform crofters of their rights under the proposed scheme.