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**ARGYLL AND BUTE COUNCIL  
DEVELOPMENT SERVICES**

Thursday 20<sup>th</sup> March 2008

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

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**1. SUMMARY**

1.1 The Scottish Government has launched a consultation document which sets out proposals to designate new areas of Scotland, currently outwith the Crofting Counties, where crofts can be created. Section 3A of the Crofters (Scotland) Act 1993, inserted by section 6 of the Crofting Reform etc. Act 2007, gives Scottish Ministers the powers to designate new areas by Order. The consultation proposes that crofting tenure should be extended to those areas covered by the Highlands and Islands Enterprise which are not currently within the Crofting Counties. This would entail the designation of the isles of Arran, Bute, Greater and Little Cumbries; the local government area of Highland not currently within the Crofting Counties; and the local government area of Moray as new croft areas. The results of the consultation will be considered along with the results of the report by the Committee of Inquiry on Crofting due in April 2008.

**2. RECOMMENDATIONS**

2.1 That Members agree to this report forming the basis of the Councils response to this consultation

**3. BACKGROUND**

3.1 Crofting plays a strong part in helping to maintain viable communities in some of Scotland's rural and less accessible areas, and potentially in enabling our more remote and fragile communities to grow.

The new crofting legislation enacted earlier this year provides the means to create new crofts within the Crofting Counties. The new legislation also provides powers for the Scottish Ministers to extend their capacity to create new crofts to the newly designated areas. Options to exempt new Crofts from the statutory rights of assignation and the right to buy should provide greater confidence and encouragement to landowners to offer croft tenancies with less risk.

Section 3A of the Crofters (Scotland) Act 1993 gives Scottish Ministers the power to designate new areas outwith the crofting counties where crofting tenure can apply. In recognition of the development aims of much of the crofting policy, Scottish Ministers now plan to invite Parliament to approve the use of these powers to designate the whole of the area outside the Crofting Counties which lie within the Highlands and Islands Enterprise (HIE) area of operation as land that may be constituted as crofts. The 1993 Act defines the Crofting Counties as: the former counties of Argyll, Caithness, Inverness, Orkney, Ross & Cromarty, Sutherland and Zetland. A map showing this, with comparison to the Highlands and Islands Enterprise area coverage is available. This would align areas where crofting tenure applies within the area covered by Highlands and Islands Enterprise. For Argyll and Bute this will require the designation of Bute.

The Scottish Government consider that there is a particular historical link with crofting and have more examples of crofting-type land management than most other areas in Scotland.

The consultation document poses a number of key questions for consideration. These are as follows:

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

The council would have no objection to the principle of extending the existing crofting counties of Argyll to include the Island of Bute. The Council is aware that crofting is a significant and beneficial land tenure in Argyll and Bute but it is also fragile because of its marginal activities and its concentration in many of our more remote and fragile mainland and island areas. Crofting, in various ways affects all residents and visitors to Argyll and Bute. Food production, countryside management, the provision of amenity and the maintenance of the environment touch on

and strategies such as the Agricultural Strategy for the Argyll Area. There also needs to be a clear link between the creation of new crofts and the local policies which are to be drawn up by the Crofters Commission. It is important to consider the need for the development of a policy for assigning these new crofts i.e. will the Commission or the local area panel have any input into the decision making process.

For there to be any meaningful take up of crofts in these new areas it would seem important that the necessary fiscal incentives are put in place to provide significant support to those who need assistance when taking on a new croft. The fact that those new crofts outwith the Crofting Counties will not be able to access the grants available to those within the Crofting Counties will potentially mean that there will be a limited take up given the high cost of building in rural areas. In addition the lack of scope for the creation of common grazings, and the ineligibility for crofting support measures (most particularly the Croft House Grant Scheme) and the Crofting Community Right to Buy diminish the potential benefits of crofting tenure to new areas. This consultation would appear premature pending the outcome of the Committee of Inquiry on Crofting.

#### **4. CONCLUSION**

- 4.1 The council would have no objection to the principle of extending the existing Crofting Counties of Argyll to include the Island of Bute. The Council consider that a continued crofting presence is fundamental to the maintenance of a working countryside, a managed landscape and to the wider economic and social viability of Argyll and Bute's rural communities. The Council can see that there may be opportunities for these new areas to benefit from the opportunities that crofting can bring however this would be reliant upon the necessary fiscal support mechanisms being in place to help achieve this.

#### **5. IMPLICATIONS**

<b>Policy:</b>	Consistent with the Corporate policy
<b>Financial:</b>	None
<b>Personnel:</b>	None

**Equal Opportunity:** None