

Woodland Crofts Partnership response to Crofting Commission Policy Plan 2017 Consultation

The Woodland Crofts Partnership

The Woodland Crofts Partnership (WCP) is a partnership of 4 third-sector organisations, seeking to promote and develop woodland crofts. It comprises the Scottish Crofting Federation, the Community Woodlands Association, the Highlands Small Communities Housing Trust and Woodland Trust Scotland. We welcome this opportunity to comment on the Crofting Commission Policy Plan 2017 Consultation.

The Scottish Crofting Federation is the only member-led organisation dedicated to promoting crofting and it is the largest association of small scale food producers in the UK. Its mission is to safeguard and promote the rights, livelihoods and culture of crofters and their communities. Tel: 01599 530 005, www.crofting.org

The Community Woodlands Association is the direct representative body of Scotland's community woodland groups. It helps community woodland groups across the country achieve their aspirations and potential, providing advice, assistance and information, facilitating networking and training, and representing and promoting community woodlands to the wider world. Tel: 01309 674 004, www.communitywoods.org

The Highlands Small Communities Housing Trust is a registered charity helping rural communities secure long term solutions to their local housing needs. It represents a wide range of interests including communities, local government, landowners, crofters and housing associations. By helping rural communities meet their needs for additional affordable housing it plays an important role in actively supporting their long term viability. Tel: 01463 233 549, www.hscht.co.uk

Woodland Trust Scotland is part of the Woodland Trust, the UK's leading woodland conservation charity. Its vision is a UK rich in native woods and trees, enjoyed and valued by everyone. In Scotland it is currently leading the Croft Woodlands Project. Tel: 01738 635544, www.woodlandtrust.org.uk

Our response represents the collective view of the Woodland Crofts Partnership, however individual partners of the WCP may be submitting their own responses on behalf of their members.

Introduction

We provide answers to only those questions in the consultation document of most relevance to woodland crofts, with some further comments in addition. The relevant questions, answers and additional comments are reproduced below.

2. Should the Commission continue with a policy that states it is unlikely to approve applications made solely with the intent of removing land from crofting tenure?

2a. Should perhaps the Commission consider that crofting tenure is of less significance in some areas and, as such, retaining land within crofting is of less importance in such areas? The question then is how

would such a policy be consistent with legislation applying to all crofting counties, in respect of which there are rights of appeals to the Scottish Land Court? Might it be considered that existing crofting legislation requires the Commission to consider the general interest of the crofting community and thus affords the Commission sufficient flexibility to determine how different crofting communities' interests may be affected by any application?

WCP response

The Commission should continue with a policy that states it is unlikely to approve applications made solely with the intent of removing land from crofting tenure, and further a presumption against whole croft decrofting should be considered. In recent years the number of whole croft decroftings has exceeded the number of new crofts created, representing a net loss of crofts.

The Commission should not consider that crofting tenure is of less significance in some areas, such that retaining land within crofting is of less importance in these areas.

The reason for both these answers is twofold: firstly, there is huge demand for crofts from across the country, and many of these people would move to take up a croft if it was made available to them; and secondly, there is a growing movement to re-establish communities (including crofting ones) in sparsely populated areas such that the current vitality of a crofting community should not be the only consideration, rather future potential should be a factor.

The WCP holds a register of interest for woodland crofts currently comprising around 170 names. Many of these people have indicated that they would be prepared to establish trees on a croft to create a woodland croft. Thus vacant crofts can appeal not only to 'traditional' crofters, but to those wishing to convert them to other forms of permitted cultivation.

4. Should the Commission address situations where croft owners who are not owner-occupier crofters and are not resident or do not cultivate and maintain their crofts by requiring letting proposals for their crofts?

WCP response

Yes. It is important that all croft holders (ie not just tenants & owner occupiers) should cultivate and not neglect their crofts. If this cannot be enforced against some categories of croft holders, they should be required to put forward letting proposals instead.

Furthermore, the current anomaly whereby a landowner who creates a croft does not become an owner-occupier crofter but a constituting landlord needs to be addressed (for those of them that actively wish to become crofters) - though it is recognised this may require legislation.

6. Do you have any suggestions as to how the Commission might deliver these other functions?

WCP response (and additional general comments)

Housing/residency: we believe that in addition to upholding the legal requirement to reside within 32km of the croft, the Crofting Commission should actively encourage residency on, or as close as possible to the croft, as being desirable. This reflects the tradition of crofting, is a right that is recognised in the

Crofting Reform (Scotland) Act 2010 (Schedule 2, Statutory Conditions, section 8) and its predecessors, and is likely to deliver better outcomes from crofting than residing at a distance.

There are some who interpret the Commission's policy on residency, reflecting as it does a *minimum* requirement in law, to mean that residing on the croft is not necessary. It is important that the Commission does not allow such an impression, erroneous in our view, to take root.

New crofts: the creation of new crofts should be actively encouraged and promoted by the Commission (rather than simply 'considered' as per current policy), on account of the unmet demand from potential new entrants. As alluded to earlier, the WCP Register of Interest includes 170 names of those looking for woodland crofts, whereas new woodland crofts created since 2008 are believed to be fewer than 20 – a huge mismatch between demand and supply. We believe the situation as regards 'traditional' crofts is very similar.

Woodland crofts especially have scope to be far more widely established bringing benefits for remoter woodlands in particular, which tend to be largely unmanaged at present, and often present a challenge for the mainstream forest industry to manage effectively. The establishment of woodland crofts can help foster a 'forest culture' common in other parts of the world but as yet uncommon in the Highlands & Islands.

Croft census: we believe the annual croft census could usefully be used to gather additional quantitative & qualitative information on crofting. This could greatly assist the Commission, and others, in supporting and developing crofting, and from a WCP perspective, help identify existing woodland crofts. Similarly, minor amendment to the croft creation application form could also make it easier to identify new woodland crofts as they are created.

Woodland Crofts Partnership
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