

Peter Peacock MSP

Speech in the Scottish Parliament

13 May 2010

Crofting Reform (Scotland) Bill

Peter Peacock : I acknowledge the presence of John Farquhar Munro in the chamber after many months of absence—it is good to see him back.

I know that he has still not fully recovered from his injury and is in considerable pain, so I pay tribute to him for coming to contribute to the debate on crofting.

I rather suspect that he will transfer some of that pain on to the minister in the course of his comments.

All the crofting counties are in the Highlands and Islands region that I and other members represent. Crofting is an important aspect of the life of the region.

It has many social impacts and has helped to retain the population in remote areas for many years and generations.

It also has economic impacts and provides economic benefits to the region.

Further, as Sarah Boyack said, it has environmental benefits, such as benefits for biodiversity and for the scenic quality of the region, which in turn contribute to tourism and the like.

Therefore, the health of crofting is important to the region that I represent.

It is said that one definition of a croft is that it is a small piece of land surrounded by legislation.

That is emphatically the case.

If anyone ever wants to understand the complexity of crofting legislation, they should seek election to the

Parliament and get on any committee that is scrutinising proposed crofting legislation.

It is horrendously complex and, on some issues, it is still not clear what the law is trying to do.

Many provisions in the bill are controversial for many people, although I acknowledge that some measures are uncontroversial and that others have the potential to benefit the future regulation of crofting.

That is why, as Sarah Boyack said, we will support the general principles of the bill.

However, we hope to amend it in a variety of ways at stage 2 if the Government does not seek to do so.

The Rural Affairs and Environment Committee had a difficult task.

As other members have said, on some of the core proposals, agreement could not be found across the committee, and the stage 1 report shows that vividly.

However, there are worthwhile measures in the bill.

One is on the introduction of elections to the new crofting commission, on which Elaine Murray will say a lot more.

The strengthening of the provisions to tackle absenteeism and neglect is also important, but I must point out the committee's view that absenteeism of itself is not necessarily a problem—it is only a problem when it is a problem.

Therefore, the commission must be given a lot of discretion to work out when that is the case.

It should not presume that, just because someone lives further than a certain distance from a croft, that is automatically an issue that must be addressed in a particular way.

I hope that we can make that clear.

The other important feature of the bill that has not been mentioned is the provision for the commission to make a strategic plan that would be signed off by the minister and to which, thereafter, the Scottish Land Court may have regard in its determinations.

I believe that that will contribute to protecting croft land and, potentially, inby land in particular.

The greater powers to refuse decrofting applications, even if planning consent exists, is also a step in the right direction to help dampen speculation, which has caused so much concern.

There are also things in the bill with which I disagree fundamentally.

I disagree with taking away the development function from the commission, particularly at a time when a democratic element is being added to it.

I am not convinced about increasing the landowner's rights to clawback.

That is partly tied up with the method of calculating the clawback, to which John Scott referred in his speech.

I was disappointed that the Government's response to the committee's report did not clarify that.

I hope that it will provide more clarification, because the method of calculation will have a knock-on effect

on the policy benefit of the clawback being increased or not.

I disagree fundamentally with the proposal for a map-based register.

I see the bill as being principally about improving the regulation of crofting.

It is clear to me that a map-based register is not essential to the regulatory process.

That is evidenced by the fact that the register could take in excess of 40 years to complete, so it cannot be argued that it is immediately essential to regulation.

When the commission requires maps to assist its decision making, it asks for them to be provided.

In addition, the commission will update its current register, which has been criticised for not being up to date.

It will have to do that in order to provide the electoral roll for the elections to the commissions in future. We would then have two registers, which I believe is unnecessary and duplicative.

The proposed triggers are hugely problematic.

Croft boundaries are notoriously complex.

There is a great deal of give and take in crofting communities about where boundaries are.

For practical purposes, people just get on with things.

As soon as we create a trigger mechanism that has to define in law what the boundary of the croft is, which means that heritable rights may come to the fore, we will potentially bring to the surface disputes that need not be brought to the surface, because people living locally get on with their work day by day with their neighbours. The provision is therefore unnecessary.

The fee to register the croft will be an unnecessary cost for crofters.

As Liam McArthur said, it will cost more than £1 million to establish the register.

That money could be better spent in other parts of crofting.

The provision for the new register to be kept by the keeper of the registers, who has nothing to do with croft regulation, is more about title and ownership of land than about regulation, which is where the focus ought to be.

I also note that the Scottish Crofting Federation opposes the bill's proposal for the register.

For all those reasons, I, too, oppose the proposal.

However, I agree with the rest of the committee that if we were to have a map-based register, the bill's proposals would not be the starting point for it.

There is widespread support for what is called community mapping, which I see as a voluntary, community-development process, which may in turn assist regulation as a by-product.

I support the call for, at the very least, a delay in the implementation of any triggers and any map-based register as proposed in the bill while, in the meantime, we encourage community mapping.

I note that the minister has made some movement on that, but I do not consider that that goes nearly far enough to give community mapping the chance to be successful in the future.

I also oppose in principle charging crofters for regulation.

The last thing that crofters need is more cost.

We have a regulatory system in crofting because successive Parliaments have imposed it, in the public interest.

It is beyond me why we would charge individual crofters to help protect the public interest in the future. Other parts of agriculture do not have such charges put on them in that way.

I want to make a few more points in closing, Presiding Officer—unless you are about to tell me to sit down because time is moving on.

The Deputy Presiding Officer (Alasdair Morgan): Time is on the member's side.

Peter Peacock: Thank you, although I am not sure that I welcome that.

I want the commission to be a statutory consultee in the planning process.

If that is confined to the applications that go beyond the local plan, I do not think that it will be too big a burden on the commission.

It is an important opportunity for the commission to comment on particular applications with a view to protecting croft land in the interest of crofting locally.

That is another means of acting against speculation.

I urge the minister to consider that further before stage 2.

I support elections to the commission, but nobody should be under any illusion that elections will somehow mean that absolute discretion falls to the commission's elected members.

The commission will still administer complex law and decisions will be taken only after legal advice has been given, as happens with the current commission.

Elections are a step forward and will introduce a democratic dynamic, but I do not want anybody to be misled into thinking that the commission will have absolute free discretion to make any decision that it wants.

The bill can be seen as adding bureaucracy and cost to crofting.

If the bill is amended, some of the benefits that I have talked about can arise. However, economics will ultimately determine crofting's future.

The bill does nothing about the impact of that, so other aspects of Government policy must come into play.

I support the amendment in Sarah Boyack's name to show that we support some of the bill's principles but that we want significant amendment at stage 2.