



**RTPI**

mediation of space · making of place

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Scottish Charity Registration Number  
SC 037841

Lyndsey Cairns  
Future of Crofting Team  
Scottish Government  
Area 1-D  
Pentland House  
47 Robb's Loan  
Edinburgh  
EH14 1TY

Email to: [futureofcrofting@scotland.gsi.gov.uk](mailto:futureofcrofting@scotland.gsi.gov.uk)

12 August 2009

Dear Lyndsey Cairns

### **Consultation paper on Draft Crofting Reform (Scotland) Bill**

The Royal Town Planning Institute (RTPI) welcomes the opportunity to respond to this consultation paper on the future of crofting.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and politically-neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 2100 members in Scotland, working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia.

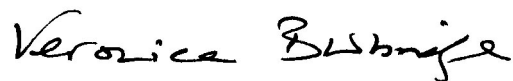
Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

Our responses to the questions in the consultation paper are set out below in the Annex to this letter. In summary, the Institute supports many of the proposals, while expressing concern about the capacity of the planning mechanism suggested to tackle occupancy requirements effectively.

We would like to encourage greater emphasis on the role of spatial planning in achieving and maintaining attractive, productive and useful crofting communities now and in the future and the need for close working in partnership with community planning and development planning interests.

The Institute trusts that these comments are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification or further assistance, please do not hesitate to contact me at our Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL phone: 0131 226 1959, or email: [scotland@rtpi.org.uk](mailto:scotland@rtpi.org.uk)

Yours sincerely

A handwritten signature in black ink that reads "Veronica Bushnige". The signature is written in a cursive style with a large initial 'V' and 'B'.

National Director

## CONSULTATION RESPONSE FORM

### Consultation paper on Draft Crofting Reform (Scotland) Bill

Please complete the details below. This will help ensure we handle your response appropriately:

Name: Veronica Burbridge  
Organisation: Royal Town Planning Institute in Scotland  
Postal Address: 57 Melville Street, Edinburgh, EH3 7HL

.....

1. Are you responding as: (please tick one box)

- (a) an individual? (go to 2a&b)   
(b) on behalf of a group or organisation? (go to 2c)

*Individuals:*

2a. Do you agree to your response being made available to the public (in SG library and/or on SG website)?

- Yes (go to 2b)   
No

2b. Where confidentiality is not requested, we will make your response available to the public on the following basis (please tick one of the following boxes):

- Make my response, name and address all available   
Make my response available, but not my name and address   
Make my response and name available, but not my address

*On behalf of groups or organisations:*

2c. Your name and address as respondees will be made available to the public (in the SG library and/or on SG website). Are you content for your response to be made available also?

- Yes   
No

3. We will share your response internally with other SG policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in the future in relation to this consultation response?

- Yes   
No

Please fill in the form below to record your views. Other views (in addition to the questions) would also be welcome. Please continue on a separate sheet if necessary. The completed form should be sent, **by 12 August 2009**, to:

Future of Crofting Team  
Scottish Government  
Area 1-D  
Pentland House  
47 Robb's Loan  
Edinburgh  
EH14 1TY

**Question 1:** Do you have any comments on:

(a) the proposal to make the Crofting Commission more democratic and accountable through the establishment of Area Committees?

**No comment.**

**Question 2:** Do you have any comments on the proposed changes to the constitution of the Crofting Commission?

Comments: **In the interests of perceived objectivity, in the event of the Commission reviewing the decision of an Area Committee, the Area Committee Convenor should take no part in the Commission's deliberations**

**Question 3:** Do you have any comments on:

(a) the proposed expansion of the powers and duties of the Crofting Commission?

We support the increased regulatory and enforcement functions of the Crofting Commission and note the important role that the Crofting Commission will play as a Key Agency in the development planning process. In this respect, the **loss of a crofting development role suggests the need for close partnership working with community planning partners, integration with Single Outcome Agreements and with the development planning system.**

(b) what the balance of costs to the individual applicant and the taxpayer for processing regulatory applications should be?

**No comment.**

**Question 4:** Do you have any comments on the draft Regulatory and Equality Impact Assessment on the Governance proposals?

Comments: **no comment.**

**Question 5:** Do you have any comments on the identified regulatory trigger points that would require a first registration to be made in the Crofting Register?

Comments:

**3.2.2.1 'Vacant crofts' and 'reorganisation schemes' are not of themselves regulatory actions. Otherwise the list seems valid.**

**The Register should be capable of being interrogated over the Internet.**

**Question 6:** Do you have any views on the process for making an entry onto the Crofting Register?

Comments: **no comment.**

**Question 7:** Do you:

(a) agree with the type of information to be held on crofts in the Crofting Register?

**Yes**

(b) have any other comments about the information to be held?

**Question 8:** Do you:

(a) agree with the type of information to be held on common grazings in the Crofting Register?

**Yes.**

(b) have any other comments about the information to be held?

**There should be a maximum time taken for the Commission to check and forward details to the Registers of Scotland.**

**Additional dated, descriptive material, including photographs, could be encouraged as part of the submission, especially material relating to boundary or other structures.**

**Question 9:** Do you consider the balance of costs between the applicant and the taxpayer in respect of registration to be correct and/or what level of registration fee do you think would be appropriate?

Comments: **no comment.**

**Question 10:** Do you have any comments on the proposal to allow persons with an interest to challenge the details of a croft or common grazing being registered on the Crofting Register?

Comments: **To avoid allegations of inadequate publicity, consideration might be given to the posting of site notices. Links might be made to systems established for 'neighbour' notifications relating to planning applications and Local Plan proposals. Further clarification of 'adjacent' would be useful.**

**In the event of a challenge the Land Court should advise both the Commission and the Area Committee.**

**Question 11:** Do you have any comments on the draft Regulatory and Equality Impact Assessment of the proposals for the development of a new and definitive Crofting Register?

Comments: **Inspection of the Crofting Register should be possible on-line.**

**Question 12:** Do you have any comments on the proposal that tenant crofters should be able to use their croft tenancy as security for a loan?

Comments: **No comment.**

**Question 13:** Do you have any comments about the process for granting and discharging a standard security over a crofting tenancy?

Comments: **No comment.**

**Question 14:** Do you have any comments on the proposed modifications to rights and responsibilities when a standard security is granted over a croft?

Comments: **No comment.**

**Question 15:** Do you have any comments on the proposed modifications to rights and responsibilities when a creditor enforces the security?

Comments: **No comment.**

**Question 16:** Do you have any comments on the draft Regulatory and Equality Impact Assessment for support for croft housing?

Comments: **No comment.**

**Question 17:** What are your views on the principle of an occupancy requirement applying to houses built on land taken out of crofting tenure?

Comments: **Whilst in principle such a requirement may appear useful, the practicality of the suggested method presents major difficulties. We have serious concerns about costs, resource needs for implementation, and the effectiveness of enforcement procedures. We note the recent research for Scottish Government on ‘An investigation of occupancy conditions in rural housing’ which concluded that the qualitative success of policies to restrain demand through occupancy control seemed small compared to some of their costs.**

**Question 18:** Do you have any comments on:

(a) the length of time required to be resident in a house in order to meet the occupancy requirement?

**No comment**

(b) other aspects of the attachment and administration of the occupancy requirement?

**No comment.**

**Question 19:** Do you have any comments on the proposed exceptions to time considered as being absent for the purpose of the occupancy requirement?

Comments: **no comment.**

**Question 20:** Do you have any comments on:

(a) the proposals for extinguishing, suspending and reinstating the occupancy requirement?

**No comment**

(b) whether or not Local Authorities should be able to zone areas where it would extinguish the occupancy requirement as a matter of policy?

**Question 21:** Do you have any comments on the proposals relating to the enforcement of the occupancy requirement and the right of appeal?

Comments: **See Q 17 above.**

**Question 22:** Do you have any comments on the draft Regulatory and Equality Impact Assessment of the occupancy condition?

Comments: **no comment..**

**Question 23:** Do you have any comments on the proposed definition of an owner-occupier?

Comments: **No comment.**

**Question 24:** Do have any comments on the proposals that are designed to help achieve greater equality in the treatment of tenant and owner-occupier crofter and help to free up crofts for new entrants to crofting?

Comments: **no comment.**

**Question 25:** Do you have any comments on the proposals in the draft Bill that are designed to enable the Commission to take more effective action against absenteeism?

Comments: **no comment.**

**Question 26:** Do you have any comments on the proposals in the draft Bill to enable the Commission to take more effective action where a croft is not being put to productive use?

Comments: **We agree that productive use(s) should be made of the croft. It is difficult to imagine where total inaction can ever be justified on heritage grounds: all heritage requires effective management, and this must be made clear.**

**Question 27:** Do you have any comments on the draft Regulatory and Equality Impact Assessment for the proposed changes to crofting regulation?

Comments: **No comment.**

**Questions 28:** Do you have any additional comments on the Consultation Paper and Draft Bill?

Comments: **No comment.**

**Note**

This form is provided for the convenience of consultees. However, responses to the consultation will be accepted in any format and consultees are not required to use this form when commenting on the proposals set out in this consultation document.