



Rural and Agricultural Development – Maximising the Potential in the Islands of Orkney, Shetland & Outer Hebrides

Common Grazings



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7 Common Grazings

147. Crofting is a form of agricultural tenure unique to the Highlands and Islands of Scotland. It is prevalent across the Outer Hebrides and Shetland, and present to a lesser extent on Orkney. It differs from other forms of agricultural tenure with respect to normal scale of production and utilisation of common grazing plus various specific regulatory requirements. Challenges with the administration of crofting and maintaining activity on crofts is not new – having been fully explored by the 2008 Committee of Inquiry on Crofting, chaired by Professor Mark Shucksmith⁶⁰.

7.1 Common Grazing Extent

148. Each year crofters, farmers and landowners who claim agricultural support must submit a Single Application Form (SAF) to the Scottish Government providing details of the extent of their land, their land use, a declaration of livestock numbers, as well as the number of support payment entitlements they are activating. This information is held by the Rural Payments and Inspections Division and in the form of the Integrated Administration and Control System (IACS). The land data is held at a parcel (field) level and is held in the land parcel information system (LPIS) geospatial dataset.
149. Individual land parcels extracted from LPIS⁶¹ were mapped and using RPID data markers common grazings were identified and mapped using ESRI ArcGIS Pro⁶². These areas and the relative proportions of land associated with agricultural support in the islands are shown in Figure 21.
150. Orkney only had c.2% (1,947 Ha) of declared land as common grazings in 2022 in contrast to Shetland with c.39% (52,139 Ha) of declared land (it includes ineligible features such as scree, bracken and gorse) was common grazing, and the Outer Hebrides where c.66% (176,541 Ha) of declared land was common grazing. This illustrates differences across the three Island groupings, but also reveals the importance of common grazings to Shetland and the Outer Hebrides. Policy could exclude significant numbers of land managers and land from support if full impacts on the use of common grazings are neglected.
151. The size of common grazings varies considerably, with Ness General Common Grazings one of Scotland's largest at over 5,000 hectares of eligible BPS area (all

⁶⁰ [Committee of Inquiry on Crofting: Final Report \(consult.gov.scot\)](#)

⁶¹ Through Scottish Government data sharing agreement (DSA) No53 between the Scottish Government and SRUC.

⁶² [Introduction to ArcGIS Pro—ArcGIS Pro | Documentation](#)

region 3), with 395 unique croft addresses, 11k Total Sheep Equivalent (TSE)⁶³, 204 BRNs (of which 33% submit a SAF).

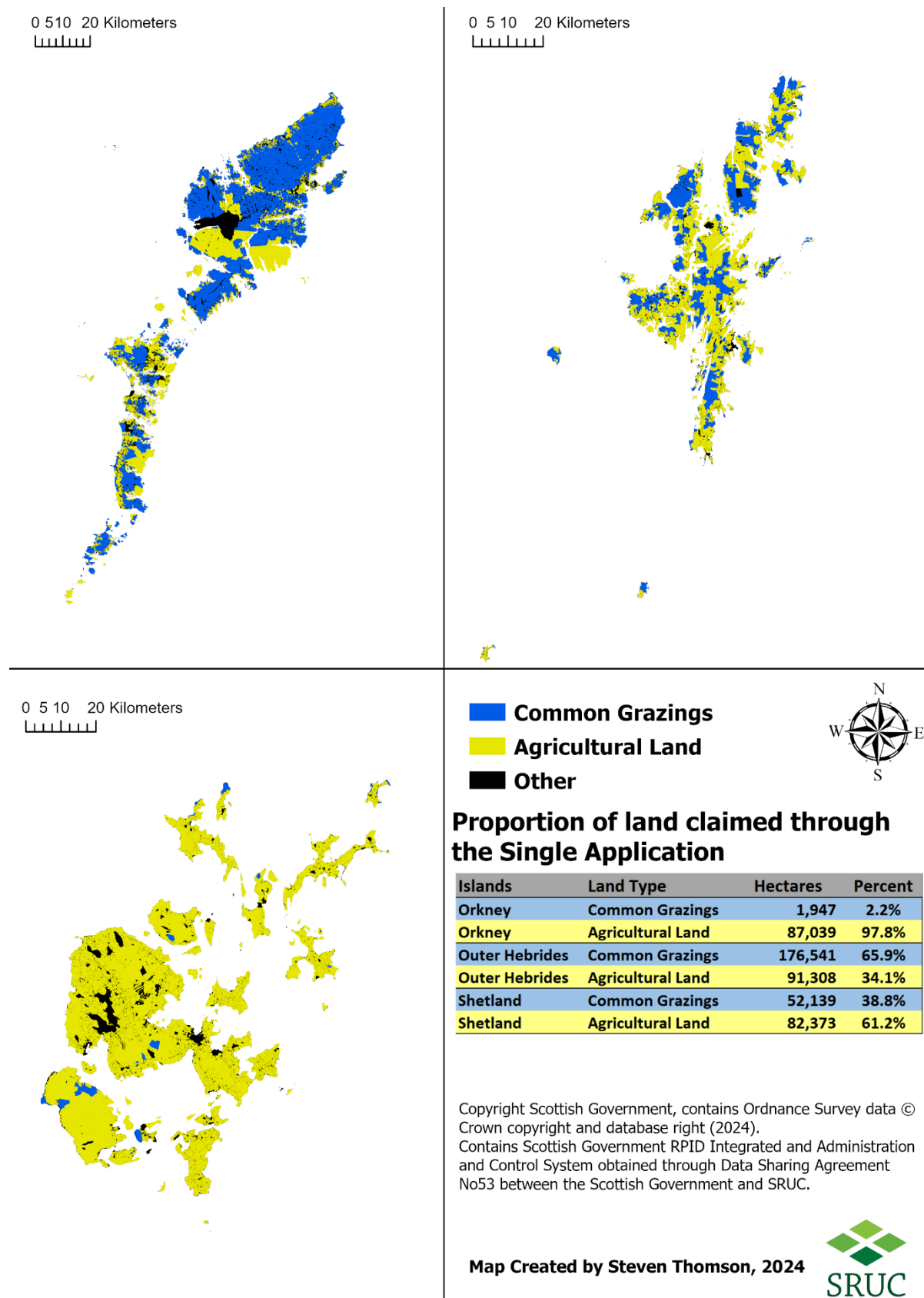
7.2 Common Grazing use to activate support payments

152. There are considerable challenges to collective management of such large areas with so many businesses (Stornoway General Common Grazing has 264 BRN shareholders with only 23% submitting a SAF in 2022) and that complexity needs to be acknowledged in future agricultural support mechanisms in Scotland – particularly with new entry level requirements and conditional forms of support.
153. In the Single Application Form applicants must declare all land under their control, although not all of that land needs to be eligible for BPS support. However, BPS and greening payments require BPS entitlements to activate payments, and since these are tradeable it means some claimants may have previously disposed of entitlements and are claiming on a smaller area than their common grazing share.



⁶³ TSE is an administrative calculation to apply consistency across all commons and all grazing livestock types. It draws on detailed shareholding information within individual common grazings.

Figure 21 Areas of declared agricultural land and common grazings, extracted from RPID data, 2022.



154. It is worth noting that within these headline areas for agricultural land and common land there are features such as scree, bracken, gorse within a land parcel that are ineligible for BPS support, and therefore the claimed area differs from the area that agricultural support is ultimately paid. Some of these ineligible features have biodiversity benefits, and therefore should be recognised in future agricultural support schemes, even if they are not afforded payments.
155. Further, within the RPID payment system a reduction co-efficient of 10% for rough grazing (R2 and R3) was introduced at the first allocation of BPS entitlements in 2015. This co-efficient means that the allocated entitlements for R2 and R3 are reduced by 10% meaning recipients get paid a higher payment rate per hectare on 90% of their eligible claimed area.

In 2014 the Scottish Government notified the European Commission that a R2 and R3 reduction coefficient would apply in Scotland (in accordance with Article 24(6) of Regulation 1307/2013⁶⁴), noting that there was an estimated 800,000 hectares of extra potentially claimable land. If this was to be included in the 2014 CAP it may have increased the area under payment by 20%, thus causing significant dilution to payments on the estimated 4.9m ha of land.

This extra land was semi-natural permanent grassland, classified as rough grazing that is typified by its poor soil quality with a relatively low stocking density. Rough grazing is predominantly found in Scotland's Less Favoured Areas (LFA) and is often on Scottish hills where soil quality and drainage and weather conditions are poor but where the soils are often peat-based providing rich stores of sequestered carbon. Much of this land had become destocked in the preceding 10 – 15 years and in using the reduction coefficient it was argued that the future number of entitlements that could be allocated on this kind of land would therefore be limited.

Whilst some of this land was activated through environmental audit 'alternative practice' measure of activity established in 2014, the same scenario of potential dilution from large areas of rough grazing being used for sporting, rewilding, natural capital markets, etc., still exists today from those with no, or limited agricultural activity.

This, reiterates the need for adequate definitions of 'agricultural land' and 'active farmer/crofter' alongside 'agricultural activity' that is defined in the Agriculture and Rural Communities (Scotland) Bill and relevant secondary legislation.

156. The declared area of Common Grazings presented in Figure 22 shows the area, a significant proportion of which is not claimed by the shareholders of common grazings. Table 34 highlights that in Shetland and Orkney 63% of the unique crofts (physical croft locations with common grazing shares in 2022⁶⁵) with shares in

⁶⁴ [Regulation – 1307/2013 – EN – EUR-Lex \(europa.eu\)](#)

⁶⁵ Crofts and BRNs with no allocation of BPS or TSE shares on the common grazings were excluded from the analysis

common grazings submitted a SAF in 2022 claiming BPS on the common (noting a croft business may control multiple crofts), but only 26% of crofts with shares in commons in the Lewis and Harris had SAF forms with common grazing shares utilised (45% in Uist and Barra and 61% in Shetland).

157. The number of BRNs with shares in common grazings in 2022 were 70 in Orkney, 3,385 in the Outer Hebrides (2,260 in Uist and Barra, and 2,260 in Lewis and Harris), and 1,552 in Shetland. In 2022 SAF forms were submitted by 69% of Orkney BRN common grazing shareholders, with corresponding figures of 56% in Shetland and 38% in the Outer Hebrides (54% in Uist and Barra, and only 30% in Lewis and Harris).
158. Within the common grazings shareholders were historically allocated a 'souming' which is essentially a maximum number of livestock that they are permitted to graze (common grazing committees 'in office' can alter these shareholder allocations). As part of the payment process RPID convert these soumings for individual crofts into 'Total Sheep Equivalent' (TSE). Across Scotland c.630k TSE are allocated to common grazings. In the Outer Hebrides c.285k TSE livestock are allocated as soumings on the common grazings, but only 42% of these rights to graze livestock on commons are activated in the Scottish Government payment system through SAF claims on commons. In Shetland land with 63% of the TSE allocation was claimed through SAF applications in 2022, whereas in Lewis and Harris the equivalent was 28%. It should be noted that those shareholders not claiming agricultural support payments may still use the common grazing to graze cattle and sheep (or cut peats), as is their right.
159. In the Outer Hebrides in 2022 common grazing shareholders submitted SAFs for only 36% of the total BPS eligible area on common grazings (32% in Lewis and Harris and 53% in Uist and Barra), with shareholders in Shetland and Orkney that accounted for 63% of the common grazing BPS area submitting SAFs. In each island grouping there was a higher proportion of SAFs submitted for BPS Region 1 land (£23.08 per hectare for BPS and Greening in 2022), compared to Region 2 (£45.21 per hectare) and Region 3 (£13.73 per ha).

Table 34 Use of common grazing shares by 2022 shareholders (according to RPID records) to claim agricultural support

Common Grazing Metric	Orkney	Shetland	Outer Hebrides	
			Uist & Barra	Lewis & Harris
BRNs submitting SAF	48	539	605	679
Unique crofts with SAF application	80	1,504	1,104	1,462
TSE allocation with SAF	1,951	39,160	72,770	45,752
BPS Eligible Ha with SAF	1,200	31,152	18,297	40,007
BPS eligible R1 with SAF	15	3	1,744	120
BPS eligible R2 with SAF	409	20,967	5,322	3,905
BPS eligible R3 with SAF	775	10,187	11,232	35,982
BRNs not submitting SAF	22	416	520	1,581
Unique crofts with no SAF application	48	970	1,325	4,107
TSE allocation with no SAF	1,510	22,793	51,034	115,530
BPS Eligible Ha with no SAF	712	18,624	16,447	85,275
BPS eligible R1 with no SAF	6	1	1,011	299
BPS eligible R2 with no SAF	515	13,104	6,261	9,732
BPS eligible R3 with no SAF	192	5,520	9,175	75,245
% BRNs submitting SAF	69%	56%	54%	30%
% crofts with SAF application	63%	61%	45%	26%
% TSE allocation with SAF	56%	63%	59%	28%
% BPS Eligible Ha SAF	63%	63%	53%	32%
% BPS eligible R1 with SAF	74%	78%	63%	29%
% BPS eligible R2 with SAF	44%	62%	46%	29%
% BPS eligible R3 with SAF	80%	65%	55%	32%

160. With large amounts of potential eligible BPS being unclaimed by official shareholders on Common Grazings, this means that monies are potentially not being drawn into many peripheral areas within the islands, unless the land is sublet through the Scottish Governments PF27 form⁶⁶. Based on 2022 BPS and Greening payment rates BPS shares to which there was no SAF submitted by the common grazing shareholder BRN, ignoring any subletting or non-activation of entitlements, it meant these BRNs were not drawing down BPS and Greening on common grazings worth c.£27k in Orkney, c.£668k in Shetland, and c.£2.2m in the Outer Hebrides (£1.5 m in Lewis and Harris)⁶⁷. It is, however, worth noting that these estimates of under draw-down of support are also affected by SAF declarations versus claims, and subletting.
161. Crofters and farmers must declare all the land at their disposal within the SAF whether used to activate support or not. This means some of the shares in common grazings are declared within a SAF as being within the crofter's control

⁶⁶ <https://www.ruralpayments.org/media/resources/Seasonal-Common-Grazings-form-2024---PF27.pdf>

⁶⁷ before payment rate adjustments and not accounting for 10% rough grazing coefficient

but are not claimed (i.e. if they did not have sufficient entitlements or they were not actively using the common grazing). For example, in the Outer Hebrides, 91% of total BRNs declared land on common grazings but only 81% claimed support on the common grazings. In Shetland 74% of all BRNs declared common grazing land, but only 54% claimed support on them (i.e. 165 BRNs did not claim support that they could have). Total claims on BPS eligible common grazings (including seasonal claims) amounted to 70% in Shetland, 51% in the Outer Hebrides (58% in Uist & Barra, and 50% in Lewis & Harris), and 46% in Orkney.

Table 35 BRNs declaring and claiming support on common grazings, 2022

Metric		Orkney	Shetland	Outer Hebrides	Uist & Barra	Lewis & Harris
Total BRNs	BRNs	689	820	1,515	666	849
BRNs with declared common grazings	BRNs %	52 8%	610 74%	1,381 91%	611 92%	770 91%
BRNs with claimed common grazings	BRNs %	34 5%	445 54%	1,223 81%	506 76%	717 84%
Total BPS Eligible Common Grazing	Ha	1,912	49,776	160,027	34,744	125,282
Common Grazing claimed hectares	Ha %	881 46%	34,972 70%	82,368 51%	20,104 58%	62,264 50%

162. Whilst Table 34 only contains details of the official allocation of shares in common grazings, there is also subletting that is permitted by RPID⁶⁸ for claiming BPS, Greening and LFASS support (this differs from the Crofting Commission's subletting rules⁶⁹). It is complex to disentangle the data as a BRN may have official shares in more than one common grazing, may not use all of those share, may also sublet-out some shares to other crofters/farmers, and may also sublet-in shares on other common grazings. However, it is clear from the official RPID data that there are many crofters that remain active and have taken the opportunity to access to additional common grazing lands to develop, support and maintain their agricultural enterprise, with associated community, economic and environmental benefits in fragile rural and island regions.
163. The total area of BPS claimed on common grazings at an island group level (as reported in Table 10) alongside data on seasonal shares in common grazings (supplied by RPID) reveals that there were 957 BRNs with seasonal common grazing interests (PF27) across Scotland. Table 36 shows that the Outer Hebrides had 456 BRNs (30% of all BRNs) with seasonal common grazing claims in 2022 compared to 114 (14%) in Shetland and only 4 in Orkney. In Lewis & Harris a higher

⁶⁸ https://www.ruralpayments.org/media/resources/Seasonal-Common-Grazings-form-2022---PF27_1.pdf

⁶⁹ <https://www.crofting.scotland.gov.uk/subletting>

proportion of BRNs claimed seasonal shares in common grazings (39% of total BRNs) compared to Uist and Barra (19%).

164. Assessing the amount of land seasonally rented, the net seasonal claims in Table 36 shows the total are of common grazings claimed by BRNs with seasonal claims on common grazing less any eligible BPS area share a BRN has in a common grazing (negative figures show BRNs leasing claiming less common grazing land than their allocated share after accounting for their seasonal claim). In the Outer Hebrides c.29k hectares of common grazings were claimed through seasonal arrangements (35% of total claimed common grazing area). In Lewis and Harris 38% of the claimed common grazing area was through seasonal arrangements, compared to 26% in Uist and Barra, and 24% in Shetland.

Table 36 BRNs claiming support on common grazings using seasonal sublets, 2022, and 'net' sublet area

Metric		Orkney	Shetland	Outer Hebrides	Uist & Barra	Lewis & Harris
Total BRNs	BRNs	689	820	1,515	666	849
BRNs with seasonal common grazing claims	BRNs	4	114	456	124	332
	%	0.6%	13.9%	30.1%	18.6%	39.1%
Total common grazing claimed area	Ha	881	34,972	82,368	20,104	62,264
Net seasonal claims on common grazings*	Ha	-11	8,350	28,747	5,266	23,481
	%	-1%	24%	35%	26%	38%

* %of claimed common grazing area

165. There are many reasons for growing apparent crofting / common grazing inactivity by some crofts (although the seasonal claims data shows a core of activity remains). In many areas, due to changing lifestyles, demographic trends and diminishing returns, common grazings are struggling to form committees and run them effectively, or for the greatest community benefit. Low stock numbers are often not sufficient to incentivise activity on common grazings, particularly in challenging terrain, with an ageing crofter population, inclement / unpredictable weather, and a large proportion of crofters having full time off-croft jobs.
166. Figure 22 maps individual common grazings by the proportion of BPS eligible land has a SAF claim submitted by shareholders in 2022 and Figure 23 maps the proportion of common grazing shareholder BRNs that submitted a SAF in 2022. These maps show wide variation in the level of support claim activity within and between island groupings.

Figure 22 Proportion of individual common grazing eligible BPS area associated with shareholders submitting SAF forms 2022

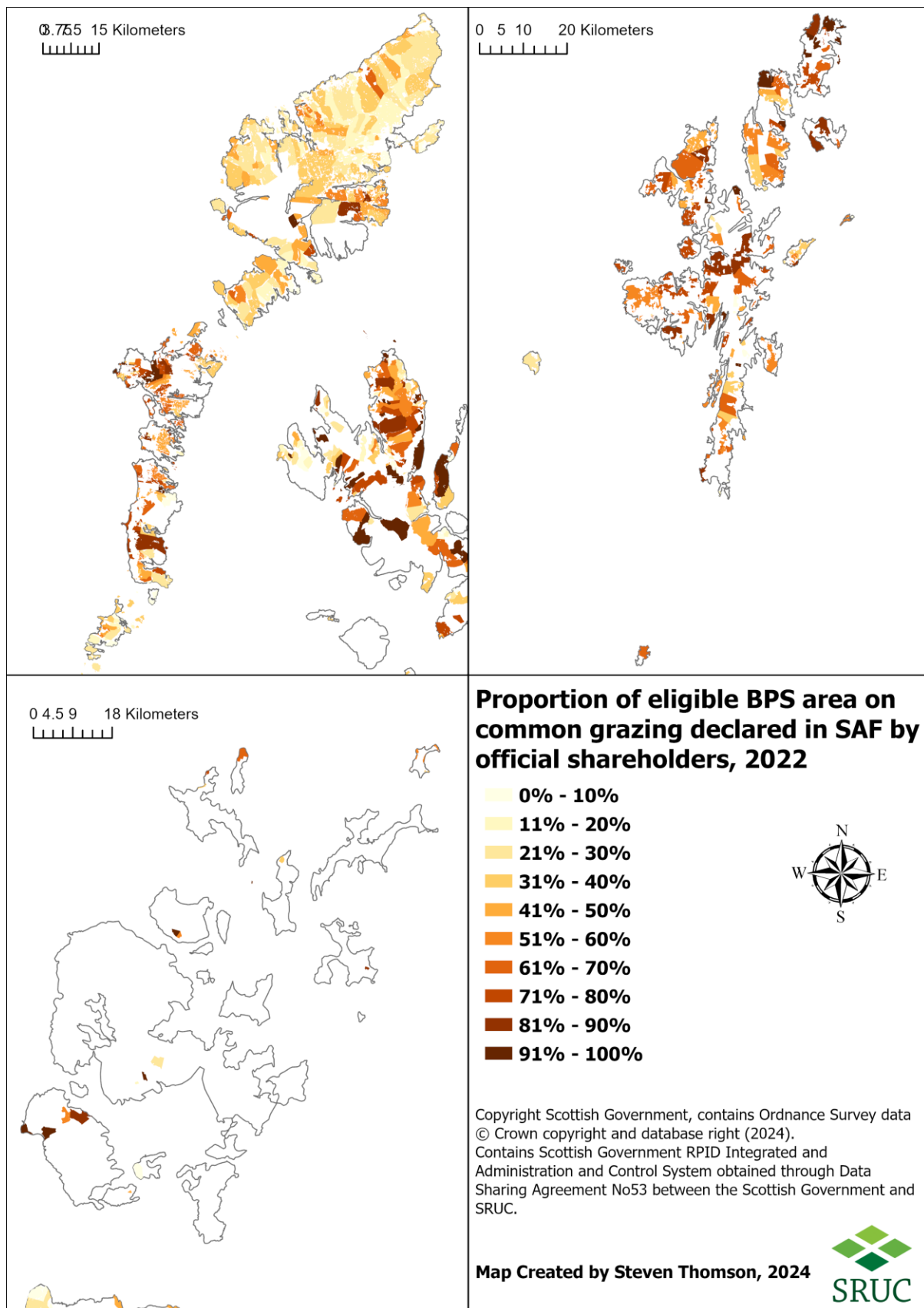
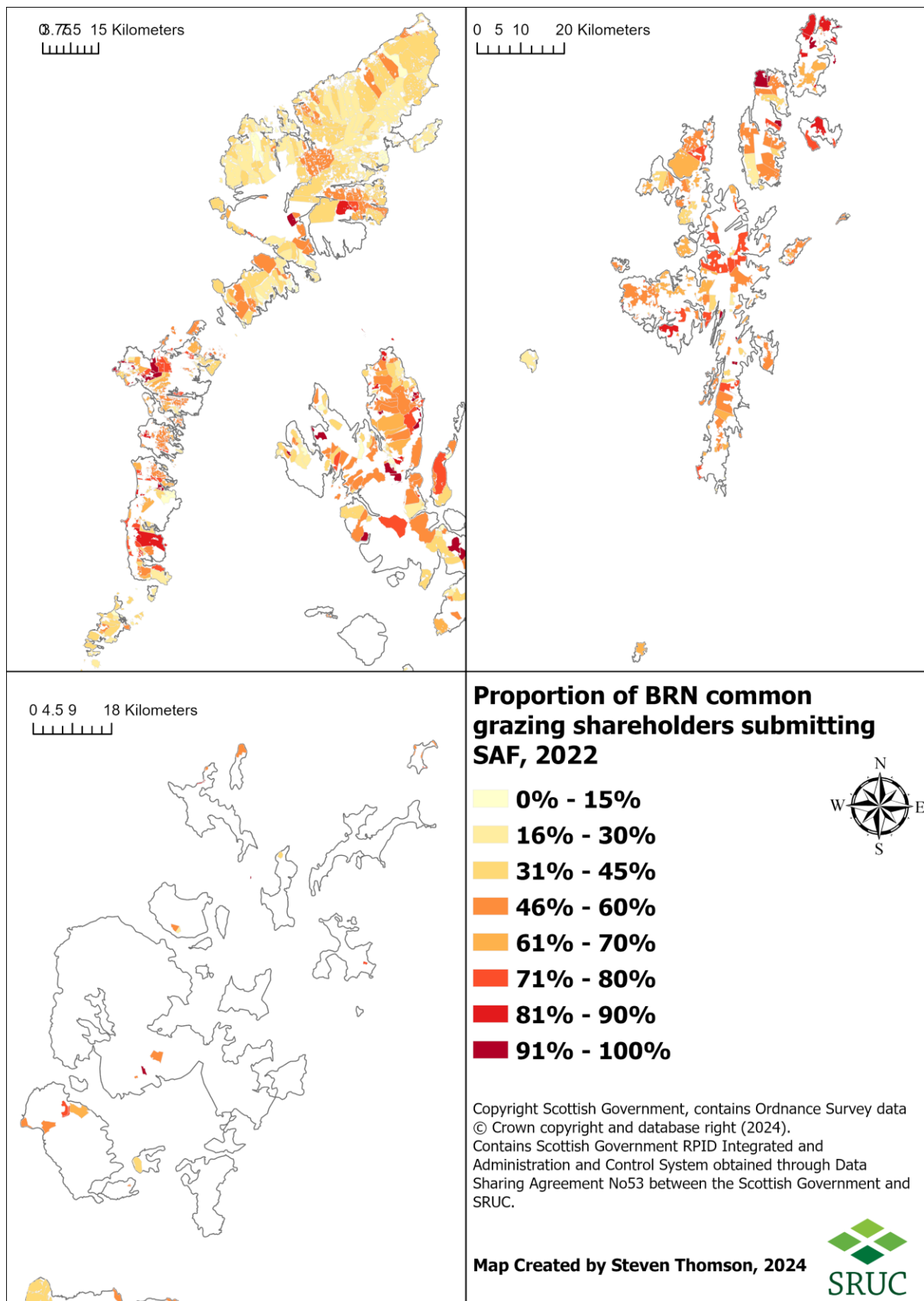


Figure 23 Proportion of BRNs shareholder on individual common grazing submitting SAF forms 2022



7.3 Crofting Regulation & Activity

167. The interaction between crofting's unique characteristics and generic agricultural policy can generate some crofting-specific impacts. These issues have now been acknowledged by ARIOB in December 2023 where the minutes note that: *"common grazing was mentioned with a plea for clarity on how this will work on a practical level, particularly as 500,000 hectares and a fifth of BPS claims include a common grazing share"*⁷⁰. Indeed, as noted previously, many crofts are already under-claiming available agricultural support, leading to a significant collective loss of funding. Three main problem areas may be identified:

7.3.1 Disproportionate lump-sum compliance costs

168. As noted previously in Section 4.4 Compliance Costs, small scale producers are likely to be disadvantaged by policy proposals incurring lump-sum type compliance costs. For example, de facto obligations to seek professional advice in drafting elements of Tier 1 Whole Farm Plans will incur fee charges that may outweigh the resulting support payments. Similar problems arise in relation to competitive Tier 3 (AECS-type) measures which incur upfront application costs, amplified by further transaction costs of trying to coordinate with neighbouring crofts to meet any scale-related quality thresholds.
169. Such problems could potentially be mitigated through higher payment rates for smaller producers (e.g. redistributive or front loaded payment where higher rates are paid on the first few hectares of any business; additional payments for collaborative efforts) or a 'light-touch' scheme imposing fewer conditionalities. In either case, consideration would need to be given to appropriate size thresholds given variation in land quality. Moreover, care would need to be taken to ensure that any 'light-touch' scheme retained equal standing with mainstream schemes during subsequent budget negotiations.

7.3.2 Collective management of common grazings

170. Additional transaction costs are also incurred in the collective management of common grazings. For example, in relation to the calculation and management of common grazing shares and collective applications to schemes such as AECS. Whilst regulatory provision is made for the formation of a Common Grazing Committee with an appointed grazings clerk (or in some case simply a Constable), such local governance is absent from many common grazings. This reflects the time and effort required to organise and manage such arrangements, which falls upon the shoulders of under-resourced and increasingly scarce volunteers.

⁷⁰ [Agriculture Reform Implementation Oversight Board minutes: 8 December 2023 – gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/agriculture-reform-implementation-oversight-board-minutes-8-december-2023/pages/10.aspx)

Consequently, some commons receive no or only limited agricultural support, meaning that either they are not being utilised or those doing so receive none of the funding to which they are entitled.

171. Given their importance, this lack of governance is troubling and inevitably hinders realisation of policy objectives: c.1,000 common grazings⁷¹, account for almost 6% of Scotland's land mass, 9% of land in active agriculture, 13% of the Special Protection Areas, 15% of High Nature Value farmland and 30% of Scotland's peatlands over 2 metres in depth. A potential policy response could be to offer additional funding (or indeed direct staffing) support to grazings committees, to encourage their formation and ongoing professional operation.

7.3.3 Inconsistencies in rules and enforcement

172. Crofting is governed by 'the Crofting Acts' and regulated by the Crofting Commission⁷² (the Commission), which also has responsibility for promoting the interests of crofting and to secure its future of crofting. Statutory duties imposed on crofters include:

- To reside (normally) on their croft, or within 20 miles of their croft.
- To cultivate and maintain their croft.
- Not to misuse or neglect

Misuse – This refers to a croft being used for something which is not considered as cultivation. Tenants require the consent of their landlord or, failing that, the Crofting Commission if they wish to put their croft to another purposeful use.

Neglect – This refers to the management of the croft which should meet the standards of Good Agricultural and Environmental Condition (GAEC).

Cultivate – This refers to the croft being used for cultivation or put to another purposeful use. This includes horticulture, keeping livestock including poultry and bees, growing of crops and the planting of trees.

Maintain – This refers to the maintenance of the croft; to enable the croft to be cultivated it must be maintained in a fit state except where another purposeful use is incompatible with the croft being kept in such state.

Source: [Crofters Duties | Crofting Commission \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/crofting/crofters-duties)

173. The extent to which these requirements are being enforced by the Commission was raised as an issue by stakeholders, as was the efficiency with which administrative changes were implemented and local information circulated (e.g.

⁷¹ [Common Grazings | Crofting Commission \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/crofting/common-grazings)

⁷² [Welcome | Crofting Commission \(scotland.gov.uk\)](https://www.scotland.gov.uk/topics/crofting/welcome)

approval of seasonal and sub-lets, notifications of assignments). Indeed, the Commission itself⁷³ *"recognises that much croft land and/or common grazing land is currently neglected because some crofters are failing to comply with their crofting duties"* and that *"non-residency and neglect has the potential to undermine the credibility of the crofting system."*

174. There are crofting areas where there are large resident 'crofter' populations where inactivity has become commonplace, whereas in other areas absentee crofters are a bigger issue. Both issues needed focused attention if the crofting model is to survive and thrive.
175. However, just as importantly, it was also noted that agricultural policy requirements (e.g. GAEC, livestock retention periods) do not align perfectly with crofting-specific obligations. For example, notions of 'activity / maintenance / neglect' differ since funding support explicitly allows for non-agricultural production. A business that does not submit a SAF form cannot be in breach of GAEC rules as they are specifically related to support payments, unlike SMRs that are legally binding, meaning there may be weak 'Neglect' conditions for regulatory purposes of crofters not claiming support.
176. Further, requirements can differ between R1 land and R2 or R3 land. Regulatory and policy calculations of stocking densities draw upon different baselines and use different (averaging) methods of calculation (e.g. soumings, RPID's total sheep equivalents, common grazing shares). In many cases, active crofters have been disadvantaged by these different approaches, particularly in relation to common grazings.
177. Addressing such issues implies a need for greater clarity on the purpose of different regulatory and policy rules, including explicitly in relation to the objectives for crofting areas (such as community, culture). It also implies a need for the Crofting Commission to be more actively engaged in policy discussions.
178. Given the policy drivers to encourage nature recovery and climate mitigation and to continue to support remote communities and economies there are strong arguments that a more active crofting sector could draw in more agricultural support monies that would then, through multiplier effects, help maintain local jobs, services and culture. It is therefore important for the Commission, and all involved in crofting law reforms, to consider the types of activity they want to see under 'cultivation' (e.g. peatland restoration, nature recovery) and what activities they want to penalise under neglect. Regulatory definitions need to link better

73

https://www.crofting.scotland.gov.uk/userfiles/file/regulatory_forms_and_guidance/crofters_duties/law_policy_and_procedures/law-policy-and-procedure-tenant-misuse-and-neglect-2022.pdf

with agricultural policy to ensure crofting's contribution to the Scottish Government's objectives is strengthened.

7.3.4 Policy Challenges and Opportunities in Crofting

179. It is vital that the fragile nature of crofting activity and its community and cultural significance in some island locations areas are fully considered in policy development. It is important that future support schemes foster and encourage, rather than undermine (through unintended consequences) this unique form of collaborative community land management.
180. Increasing co-operation and collaboration is one of the aims of the Scottish Government, as is encouraging community management of land. Crofting, by its very nature, has collaborative community land management embedded at its core – through 'townships' and 'common grazings'. If common grazings are to be effectively managed for environmental outcomes (including managing wildfire risks), there must be a critical mass of crofters actively managing these resource. Activity not only delivers positive outcomes for nature, but also fosters positive community benefits, preserves embedded knowledge and experiences unique to these landscapes and habitats, as well as supporting important crofting biodiversity, gene banks through native breeds, as well as cultural heritage in the form of traditional shepherding and land management practices tied to common grazings.
181. To boost BPS and LFASS payments, some active crofters choose to rent-in additional common grazing shares (sub-lets). The Crofting Commission regulations state that it is the decision of the Committee or Grazings constable to reallocate any unused shares (illustrated in Figure 23). For BPS and LFASS claims, a Scottish Government administrative form (the PF27) is completed with details of both lessee and lessor crofting parties and signed by the clerk prior to submission. However, the current SAF processes do not match the Crofting Commission regulations as RPID accept either the signature of the clerk or of the crofter who is letting out the shares. Moreover, there can be significant delays in regulatory matters as acknowledged by the Crofting Commission⁷⁴. Improvements in regulation of sublets to better enable Tier 2 conditionality to be effectively delivered across common grazings is likely required.
182. On R2 and R3 rough grazing ('land kept naturally') there is a requirement for BPS and LFASS claimants to graze the land (although they may opt to be deemed 'active' through alternative practice where they carry out an environmental

⁷⁴ [business-plan-2023-24.pdf \(scotland.gov.uk\)](https://www.scotland.gov.uk/files/2023-24/business-plan-2023-24.pdf)

assessment across the R2 and R3 land⁷⁵). However, for BPS Region 1 grassland, a claimant simply needs to ensure the land is “*maintained actively in a state suitable for grazing or cultivation*” meaning inactivity can get engrained into the support system. As agricultural budgets are reducing in real terms, it is important that ‘active farmer/crofter’ and minimum agricultural activity (see Thomson and Moxey 2023 on definitions⁷⁶) are reviewed with some urgency, with consideration of removal of ‘alternative practice’ (a legacy of EU Commission rulings) and better defining activity on grassland and on common grazings:

- Definitions of agricultural activity and minimum activity levels need to be reviewed to ensure there is consistency across schemes. There may be an opportunity to include other livestock categories to support ongoing local food production (pigs, poultry) and maintenance of heritage breeds (e.g. Shetland ponies, Shetland sheep, Hebridean Sheep, Eriskay Ponies) that currently would be excluded from grazing density calculations. Activity definitions should also be adapted to account for non-grazing activities such as peatland restoration and biodiversity provisioning that require some temporary reductions or removal of livestock, or farm/croft diversifications

183. There are numerous additional challenges in supporting and encouraging active crofting under the proposed 4-tier model for future support. Following engagement with stakeholders and internal research team discussions, several key considerations for development and implementation of policy support for crofting were developed (including some points on the regulation of crofting):

- Completion of the croft register should be prioritised per the Shucksmith recommendations of 2008⁷⁷. This should provide research and other Scottish Government departments (such as RPID) with definitive evidence of the croft status of land parcels and would facilitate improved policy decision making to deliver against defined Scottish Government policy objectives.
- There should be consideration of adopting more appropriate crofting regulation measures to assess cultivation and neglect under the ‘Crofting Duties’.
- If there is to be redistributive support or a small producer scheme, then appropriate activity conditions and public outcome measures need

⁷⁵ <https://www.ruralpayments.org/topics/all-schemes/basic-payment-scheme/basic-payment-scheme-full-guidance/eligible-hectares-and-minimum-activity---bps/>

⁷⁶ Thomson, S & Moxey, A (2024). An assessment of future Scottish agricultural policy design alignment with the EU’s Common Agricultural Policy – An output from SRUC’s Underpinning National Capacity – Support for Policy as part of the Scottish Government Environment, Natural Resources and Agriculture 2022–2027 Strategic Research Programme. Scotland’s Rural College (SRUC). Report. <https://doi.org/10.58073/SRUC.25343005.v1>

⁷⁷ [Committee of Inquiry on Crofting: Final Report \(consult.gov.scot\)](#)

consideration to ensure there are not unintended consequences such as facilitating further inactivity.

- There is a real challenge in collective land managers undertaking elements of the Whole Farm Plan on common grazings. Beyond the higher unit costs individual crofters will face in conducting elements of a whole farm plan on their sole access land, it is very challenging to consider who will bear responsibility for undertaking soil tests, carbon audits and biodiversity audits on common grazings. Whilst it may be easy to assume that the responsibility of these Whole Farm Plan components should fall to the Common Grazing Committee and clerk that puts a lot of burden and undue expectation on the shoulders of volunteer office bearers.
- Moreover, the Crofting Commission's own data shows only 500 common grazings are 'regulated' with a current grazing committee in place.⁷⁸ Due to current levels of inactivity and the lack of adequate support to assist crofting townships who need to set up a grazings committee, many communities are not currently pulling in the funding they might otherwise be able to. Without a fundamental policy rethink this situation could further deteriorate.
- There is a real risk that compliance with some Tier 1 entry level standards will fall to those most active on the common, and that should not be the case. It is essential that should these entry level requirements be required on common grazings (there are public benefits from doing so) then there should be Scottish Government or Local Authority funded mechanisms to support common grazings in undertaking, for example biodiversity audits, peatland assessments and mapping that are challenging for collective bodies made up of volunteers to manage. This could be done through either (i) Tier 3 grants that common grazings can access (noting the burden of application costs may deter some), or (ii) a network of specialist facilitators that can undertake audits and support the establishment and running of common grazing committees. The latter likely requires greater and more effective collaboration between Scottish Government, Crofting Commission and Local Authorities, but the prize is to improve the active management of these common grazing resource and to enable greater draw down of agricultural support payments to local communities and economies.
- Delivery of Tier 2 conditionality measures on the common grazings requires serious consideration. How do the measures stack up to collective management principles? There likely needs to be a series of broad Tier 2 measures that can apply to the different types of common grazings (e.g. moorland, mountain, machair). There is a real risk that Tier 2 conditionality will be undeliverable across the whole common given the low level of common

⁷⁸ [A Simple Guide to Common Grazings Terms | Helping farmers in Scotland | Farm Advisory Service \(fas.scot\)](#)

grazing BPS shares being currently claimed in some areas. If there is to be true delivery of conditionality on the common grazings then ways of unlocking the latent value of unused BPS / grazing shares to those active on the commons may need consideration – else some commons may be delivering conditionality at a fraction of the public cost compared of sole occupancy land. Some **T2 measures** that were offered through project engagement activities include:

- **A grazing plan** (livestock numbers, areas grazed by month) to support more strategic thinking about managing common grazings for multiple benefits.
 - **Muirburn and wildfire management plan** for common grazings / townships. This recognises the additional costs and challenges in agreeing plans collectively and recognises the potential environmental benefits such active planning could deliver.
 - **Collective animal health and welfare plan** for common grazings / townships. The additional costs and benefits of collected actions for public good delivery would be recognised.
 - Whilst peatland restoration monies can support one off capital costs of restoration, a **peatland survey/management plan** for the common grazing / township can improve awareness of climate change mitigation opportunities and develop collective understanding of how to best manage fragile peatland areas collectively.
 - To date less than half Common Grazing have been registered with Registers of Scotland for the **Crofting Register**. To provide more accurate (definitive) public record of common grazing areas common grazings / townships could be incentivised through T2 to undertake collective mapping action to complete the register.
 - A **collective soils/nutrient plan** for Common Grazings with permanent grassland could again incentive collected management actions for the benefit of the township and wider society.
- Rethinking how policy can support generation renewal is needed to make the sector more vibrant again. Financial support to help crofters engage with crofting experts during transfer of right would be beneficial and recognise the additional costs of complying with crofting registers, etc. In a system where paper trails of and individual croft's rights are often missing it can be a real challenge (and a costly one) to jigsaw croft tenancies, ownership and common grazing shares together – a task that many conveyancing lawyers ignore during transfer of croft titles. This could be supported through Tier 3 as it could be 'transformative'.
 - Whilst there is attraction in a small recipient scheme and a redistributive payment, these would require careful design considerations to ensure already

high inactivity rates are not exacerbated. Indeed, the maintenance of 'active crofting' requirements must be a priority in any such schemes – and improved governance of inactivity / neglect / absenteeism could go a long way to mitigating monies flowing out of the targeted areas. That said, there also needs to be an acceptance that many common grazings play wider socio-cultural roles within fragile communities and that the expectations should, therefore, possibly not be as high as for sole occupancy land.

184. Lessons need to be learned from the 2014 CAP reforms where many of the most active crofters were disadvantaged as the BPS and Greening schemes were introduced. Crofters claiming BPS on common grazings were not permitted to be paid on an individual level commensurate with grazing activity. Therefore, not only did some active crofters face reduced payments due to low / no activity by their neighbours, but the activity level was taken from historic figures. Crofters with cattle were also likely to be the most disadvantaged under the 2014 BPS transition if their neighbouring graziers had sheep.
185. It is important that during the transition to future support mechanisms time is taken to ensure that a model fit for common grazings is co-developed with industry and regulators. This may require a 'lite' touch approach to common grazings for a few years – during which time public sector supported biodiversity and peatland audits be completed. Rethinking how policy can support generation renewal is needed to make the sector more vibrant again, and financial support to help engage with crofting experts during transfer of title would likely be beneficial and recognise the additional costs of complying with crofting registers etc. that many conveyancing lawyers ignore during transfer of croft titles. This could be supported through Tier 3 as it could be 'transformative'.

